



Rachel Talbot Ross
Senator, District 28

THE MAINE SENATE
132nd Legislature

3 State House Station
Augusta, Maine 04333

Rachel Talbot Ross Testimony

In Support of LD 2058, “An Act to Require Municipal and County Jails to Be Available at All Times for Detention of Persons Arrested on Criminal Charges by Maine Law Enforcement Officers”

Senator Beebe-Center, Representative Hasenfus and esteemed members of the Joint Standing Committee on Criminal Justice and Public Safety, good morning. I am Senator Rachel Talbot Ross. I represent Senate District 28, which includes part of Portland, part of the Casco Bay Islands and includes the University of Southern Maine campus. I am proud to be the sponsor of LD 2058, “An Act to Require Municipal and County Jails to Be Available at All Times for Detention of Persons Arrested on Criminal Charges by Maine Law Enforcement Officers.” LD 2058 was filed as emergency legislation in the Second Session of the 132nd Legislature to remove ambiguity in a longstanding Maine statute.

Over the past week, I have had several productive meetings with Sheriffs Troy Morton and my own Sheriff Kevin Joyce. We have been discussing a way to arrive at language that is mutually agreeable, and I am proud to say, we have reached a conceptual landing place that still achieves the core purpose of this bill without drawing any of the sheriffs’ ire. The new bill language would require Maine jails to be available to people arrested by local, county, and state law enforcement, and by the federal government, as long as the arrestee is charged with a crime and the arrest was supported by documented probable cause. I wish to express my deepest gratitude for their partnership in this work.

My original purpose in sponsoring this bill was to clarify the core responsibility of Maine jails: to be available at all times to receive individuals arrested on criminal charges by Maine state, county and local law enforcement officers. This change was designed to align Maine statute with the legislative intent that underlies Section 1502 of Title 25.

The legislative history of Section 1502 leaves no ambiguity about the Legislature’s intent. As amended in 1964, this statute was enacted to address a narrow and urgent problem: the absence of statutory authority governing cooperation between state and local law enforcement in the detention of persons charged with crimes under Maine law. The emergency preamble to the 1964 amendment makes this clear, explaining that “arrest and detention of persons alleged to have



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committed crimes is a statutory responsibility of state law enforcement officers.” Yet there was no statutory provision to ensure this detention until the proposed 1964 amendment.

This emergency legislative action immediately followed a dispute involving the city of Rockland, which had discontinued accepting persons arrested by the state police and neighboring municipalities. The Attorney General issued an opinion, stating that the city, as a subdivision of the state, could not refuse to accept individuals arrested for violations of state criminal law. The Legislature then took emergency action to codify that opinion in 1964.

Nothing in the legislative history of Section 1502 suggests an intent to mandate cooperation with federal authorities, especially those accused of civil infractions rather than criminal violations of law. To jump from a narrow fix about state and local cooperation in 1964, to a mandate that local jails “must accept all federal detainees” is a strained reading, at best. Worse still, this interpretation could lead to legal and financial liability. If a local jail assumes custody of a person the federal government illegally detained, that jail could face significant liability. This bill rightly spares our communities from avoidable and potentially costly litigation.

Further, this change also provides clear statutory direction to ensure Maine’s law enforcement professionals can do their jobs without unnecessary procedural limits, while preserving local control.

To those who have served their communities as law enforcement officers, you understand better than anyone the responsibility that comes with placing a person under arrest for criminal charges. In that moment, the law must be clear and the next step must be certain. This legislation respects your professional judgment and ensures that when you detain someone under Maine law, there is no confusion about whether a jail must receive that individual. That statewide consistency is critical to maintaining both operations and public confidence in our system.

LD 2058 is about ensuring this statute reflects both practical realities and Maine values. This bill reaffirms an essential expectation in our criminal justice system: jails must reliably serve Maine law enforcement. By providing clarity while respecting local autonomy, this bill strikes a careful and appropriate balance.

Thank you for your time and consideration of LD 2058. I hope you join me in passing this important legislation.