



Maine County Commissioners Association

4 Gabriel Drive, Suite 2 Augusta, ME 04330, 207-623-4697
www.maine counties.org

LD 1626, An Act to Standardize Requirements Between Boards of Visitors for County Jails and Department of Corrections Correctional Facilities

April 25, 2023

Chair Beebe-Center, Chair Salisbury, and Members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Stephen Gorden and in addition to serving as a member of the board of commissioners for Cumberland County, I am writing today in my role as chair of the legislative policy committee of the Maine County Commissioners Association. We appreciate the opportunity to provide testimony to the Committee in **opposition** to LD 1626.

About MCCA. Briefly, the Maine County Commissioners Association was established in 1890 to assist Maine's county government in providing vital services to Maine citizens in a responsive, efficient, and credible manner. The Association is based in Augusta, represents all 16 of Maine's counties, and is governed by a board with representation from each participating county.

What would LD 1626 do? Very briefly, LD 1626 proposes to take the far more prescriptive standards governing the boards of visitors of state correctional facilities and apply those same standards to the boards of visitors for county jail facilities.

Background. The Boards of Visitors of county jails and of the State correctional facilities currently have separate requirements and duties. A likely reason for this difference is that county jails are smaller and more local than the state's prison system. Additionally, the average time that inmates spend in a county jail is between two and five days, which inhibits an inmate's participation in impactful treatment programs prior to release. Alternatively, state correctional facilities generally have years of opportunity to impact an inmate's character, lifestyle, and development of work skills.

Further, the governance of county jails and the State's correctional facilities is different. Each county jail is directly governed and operated by an elected sheriff and elected county commissioners. Conversely, the State's correctional system is governed by a Commissioner of the Maine Department of Corrections appointed by the Governor, and by appointed wardens.

Discussion of LD 1626. Our Association appreciates the intent of the bill: transparency in the oversight of Maine's correctional facilities. However, we disagree that there is a problem with the current operation of county jail boards of visitors, and we are concerned that LD 1626 would create such a burdensome process that county jails would have a difficult time finding volunteers to serve on their boards of visitors. Our specific concerns are noted below.

The Board of Visitors for county jails generally is governed by 30-A M.R.S.A. § 1651. This bill would change those standards and replace them with the requirements followed by the board of visitors for state correction facilities under the authority of the Maine Department of Corrections. Specifically, this bill would require each county jail Board of Visitors to meet and tour the correctional facilities to which it is assigned at least four times per year, make recommendations to the sheriff regarding services or treatment for residents who have mental health challenges, receive annual training on a wide array of topics, and review the management of the

April 25, 2023

Page 2

correctional facility to which it is assigned to determine whether the management is consistent with the philosophy, mission, and policy goals of the facility, among other things. These requirements are extensive, and burdensome.

Importantly, the Boards of Visitors of county jails are volunteer positions, and the responsibilities of these volunteer members are already significant. These members serve and volunteer their time with no compensation. Under LD 1626, the responsibilities of the Board members would be substantially increased, and the responsibilities would be immense. Our Association is concerned that this increased responsibility would add relatively little value given the oversight role currently performed by elected sheriffs and county commissioners, yet at the same time the added burdens would discourage volunteers from joining county jail boards of visitors. Such an outcome would work a disservice to county jail oversight.

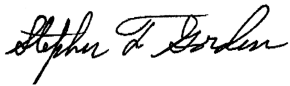
We are further concerned that this bill seeks to change the governance structure of county jails only two years after the Legislature adopted new standards, policies, and procedures relating to the administration and operation of county jails. County jails are continuing to adjust to these newly adopted standards. Our Association is concerned about the effect that further changing the county jail governing system at this time could have on the operation of county jails across the State. While we acknowledge that the current corrections system is not perfect, it does work very well, and county jails are continuing to adjust to newly implemented standards.

Finally, we are concerned that Section 1 of bill strikes reference to jails governed by 2 or more sheriffs, which would uniquely impact the Lincoln and Sagadahoc Multicounty Jail Authority, which governs the Two Bridge Jail shared by Lincoln and Sagadahoc Counties. We see no reason to treat this jail any differently than the other county jails in Maine operated by a single county.

Conclusion. While our Association does not oppose the overarching intent of this bill, we are concerned that this bill may discourage people from volunteering to serve on county jail boards of visitors, and we are concerned that the standards imposed fail to recognize the important role already served by elected sheriffs and county commissioners with respect to our county jails.

We appreciate the opportunity to provide testimony on this bill, and if you have questions or need additional information, please do not hesitate to let us know.

Respectfully submitted,



Stephen Gorden
Chair, Legislative Policy Committee

cc: Commissioner Richard Dutremble, President, MCCA
James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel