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Testimony of the Maine Municipal Association

Neither for Nor Against

LD 931- *An Act to Expand the State's Workforce by Supporting the Transition from Incarceration to Employment*

December 28, 2023

Sen. Beebe-Center, Rep. Salisbury and distinguished members of the Criminal Justice and Public Safety Committee, my name is Rebecca Graham, and I providing testimony neither for nor against LD 931, *An Act to Expand the State's Workforce by Supporting the Transition from Incarceration to Employment*, on behalf of the Maine Municipal Association, which represents the interests of municipal government before the Legislature. The positions of the Association are established by our 70-member Legislative Policy Committee (LPC), who are elected by the councils and selectboards of municipalities in each of Maine's 35 Senate districts.

Our LPC has not taken an official position on this bill because the language has remained in "Concept Draft" form. However, if there is language that is presented during this work session the LPC will review and take an official position on the bill January 18 if it has not yet been voted out of the committee.

With this in mind, I am writing today to flag several mandate requirements in the concept draft language that indicate the need for the mandate preamble to applied to any final language, or a firm commitment to fund 90% of the additional local expenditures necessary to facilitate this program if created in statute.

While the intent of the bill is laudable, should standards for this program such as requiring the supply of cell phones, testing strips and Narcan to an individual released from a county jail be placed in statute instead of created through a department administered program, they become a requirement for those facilities with or without legislative funding.

Should the committee advance final language, members may want to consider adding language makes the standards for providing cell phones, and medical items on discharge required only while funded through state allocations. Municipal officials welcome additional members of the state's intensive case management workers who currently work with facilities. However, since staffing for these individuals has been challenging, there are concerns regarding how case management will be handled if requirements are placed in statute with no individuals available in rural parts of the state and what types community services will be in place for those individuals as well. If standards for items that are required to be provided to an individual upon release are in statute, they become required standards for that facility regardless of legislative will to fund or staff a program.

Additionally, the requirement to have a uniform jail management system is a laudable goal that has been much discussed, but because facilities either just purchased or amended their current

management software or have aging hardware and finite staff time to manage all of the current reporting requirements, this is a significant expense on the property taxpayer, again requiring the mandate preamble.

The elements sought to be captured in this bill such as ongoing monitoring post-release for recidivism would not be possible in county jail facilities or under current jail management systems without significant additional staff and database amendments. They are also best tracked by the courts who have a unified criminal records system that can track individuals who reenter the justice system in different facilities.

Article IX, Section 21 of Maine's Constitution requires the legislature to liberally construe any requirement for a local unit of government to modify or expand its activities so as to necessitate additional expenditures from local revenues without a commitment to fund those expenditures at 90% of their burden or signal a lack of desire to do so by requiring an overriding vote from 2/3 of the elected membership of each chamber.

The Association hopes that such a program be desired by the legislature that will be appropriately funded in partnership without those already shouldering the significant management burden of carrying for incarcerated individuals in their care and no capacity to follow them into the community.