

Testimony of the Maine Municipal Association

In Support For

*LD 418- An Act to Remand Individuals with Pending State Probation Violations to the Department of
Corrections Following Initial Proceedings*

February 24, 2025

Sen. Carney, Rep. Kuhn, and distinguished members of the Judiciary Committee, my name is Rebecca Graham, and I am submitting testimony in support of LD 418 at the direction of MMA's Legislative Policy Committee (LPC). Our LPC is made up of individuals from across Maine with municipal officials elected by their peers across Maine's 35 Senate districts representing communities with very different access to available enforcement resources and local capacity.

Property tax revenue funds the overwhelming majority of county jail operations which are largely beyond the control of local government to address because the pressures driving the cost of managing the current residential population in county facilities are a result of state policy including and under resourced judiciary, lack of available behavior and mental health systems and real threats to public safety. Facilities, some of which are more than 100 years old, were built for the temporary housing of individuals awaiting trial while protecting public safety. Therein lies the significant problem. These temporary holding facilities are now housing individuals for extended periods of time who have not been convicted of a criminal offense but pose a significant threat to the public safety of communities and victims.

This situation is the key to why officials support the effort proposed by LD 418 which would immediately shift individuals who are released from a state facility and later found to have broken their promise to not violate the conditions of that release, to be immediately returned to the facility they made that promise to and avoid the property taxpayer from continuing to pay for their care awaiting judicial decisions regarding other criminal charges. These individuals have already been sentenced for their criminal behavior and are afforded special release conditions they agree to abide by under the threat of returning to continue to serve the remainder of their sentence. The state facility is where they belong awaiting any further adjudication on additional criminal charges, not in the county facility with unsentenced residents.

County jails, historically designed as short-term holding facilities for low-level offenses, were built on the premise that a brief, impactful experience could deter further criminal behavior. However, they are now being used in ways far beyond their original purpose—often serving as the "last resort" for individuals who fall through the cracks of other social systems.

Unlike prisons, which provide more stable environments with programs for skill-building, recreation, and rehabilitative care, jails are often ill-equipped to handle long-term or specialized needs. Many are outdated, under-resourced, and lack the infrastructure to support individuals awaiting trial for indefinite periods, who are still presumed innocent. This has forced jails to provide emergency stabilization services and even function as de facto mental health institutions—tasks they were never

designed to fulfill. Returning individuals to the state facility to continue to serve their sentence if they are unable to keep their promises to the state for the benefit of an early release is as important for their own rehabilitation, as it is for the cost shift to local government.

For all of these reasons, officials ask you to support and carefully consider the simple policy initiative proposed by LD 418 to help relieve the local burden for incarceration of individuals who need the support, programing and rehabilitation services provided by their originating state correctional facility.