

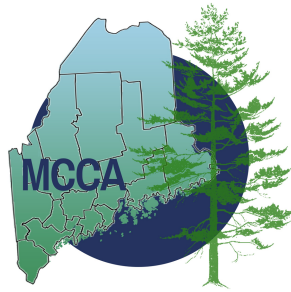
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LD 1436, An Act To Protect Certain Essential Workers from Infectious Disease

April 30, 2021

Chair Hickman, Chair Sylvester, and members of the Joint Standing Committee on Labor and Housing, my name is Stephen Gorden and in addition to serving as chair of the board of commissioners for Cumberland County, I am writing today in my role as board president of the Maine County Commissioners Association. We appreciate the opportunity to provide testimony to the Committee neither for nor against LD 1436.

About MCCA. Briefly, the Maine County Commissioners Association was founded 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 and currently represents 15 of Maine's 16 counties and is governed by a board with representation from each participating county.

Our position on LD 1436. Maine's counties very much understand and appreciate the challenges we all face as a result of the COVID-19 pandemic, and the safety of our employees, the public, and everyone who comes in contact with Maine's counties is of paramount importance. This includes inmates of county jails, and correctional employees.

LD 1436 articulates an important principle – ensuring sufficient personal protective equipment for front-line employees, including corrections officers in county jails. In this regard, our county jails have worked hard to ensure such equipment is available to meet the current needs of the pandemic. The requirements of LD 1436 are not limited to the current pandemic, however, and articulate stockpiling requirements for a range of PPE quantities that would be set by statute, and make employers responsible for the continuing functionality of such equipment.

As the Committee decides whether to pass this bill, one question is whether the best way to ensure PPE is to place the burden on individual employers to individually obtain and stockpile equipment, or whether this is best done collectively through the government.

To the extent the burden is placed on employers, including county jails, it is important for the Committee to understand the implications. Uniquely among Maine government entities, Maine's counties cannot increase their jail-related costs above a fixed level set by statute. So, for those counties whose jail expenditures are at the cap, any new expenditure must come from the State, or from an off-setting reduction in other services – like medical care for inmates, security infrastructure, or other important aspects of operating a jail. So, if the State mandates that, post-pandemic, counties must expend financial resources to obtain and maintain a

Testimony of MCCA re LD 1436

April 30, 2021

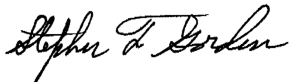
Page 2

stockpile of PPE for a future medical emergency, those costs will be borne by county taxpayers within the county jail budget, and could potentially require counties to scale back other important functions.

Mandate Preamble. For the reasons noted above, to the extent this bill imposes new costs on county government, it would constitute a “mandate” under the Maine Constitution.

Conclusion. We appreciate the opportunity to provide information to the Committee, and if we can assist further in this regard, please do not hesitate to let us know.

Respectfully submitted,



Stephen Gorden
President

cc: Commissioner Brian Hobart, Chair, MCCA Legislative Committee
James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel