



Maine County Commissioners Association

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LD 258, Part A of Governor's "Change Package" regarding State Support for County Jail Operations

May 17, 2023

Senator Rotundo, Representative Sachs, and members of the Joint Standing Committee on Appropriations and Financial Affairs, 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 regarding state support for county jail funding in the Governor's proposed Part 2 Budget change package.

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 of Maine's 16 counties, and is governed by a board with representation from each participating county.

County jails perform an important function for Maine State Government. County jails perform an important function for the State of Maine. Any individual who is arrested and is awaiting trial without making bail is housed at a county jail. Individuals awaiting pleading are housed in county jails. Any individual who is convicted of a crime and sentenced to under nine months of incarceration is housed in a county jail. Moreover, individuals who are sentenced for multiple crimes totaling more than nine months are also housed in a county jail as long as no individual sentence exceeds nine months. Finally, individuals who have been arrested and are awaiting determination of competency to stand trial are commonly housed in county jails, even if the incarceration exceeds nine months. Whether or not the individual involved is arrested by a municipal, county, or state law enforcement official or indicted by a grand jury, it is the county jail where such individual is incarcerated.

County jails are primarily funded by local property taxes. Like most of county government, funding for county jails comes primarily from local property taxpayers through property taxes assessed by municipalities.

Historically, the State has reimbursed counties for about 20% of county jail costs. In recent years, the State of Maine has funded approximately 20% of the cost of operating county jails, largely in recognition of the fact that county jails serve an important purpose for the State of Maine. This means that, for every five dollars spent to operate county jails, county government pays for \$4, and State government pays for \$1. We are asking that this basic allocation remain the same in this biennium as well.

County jail operating costs have gone up. Costs are on the rise for all aspects of administering our county jails, and the attached memorandum outlines such increasing costs and the crucial need for additional funding for county jail operations. The increased costs track current inflation levels and reflect recently added mandated services at jails, including mental health care and substance use disorder treatment services. Based on the analysis undertaken by all sixteen counties, a reasonable projection is that jail operating costs will rise approximately 6.98% in each year of the biennium. Given this increase, maintaining a 20% state share would

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require an additional appropriation of \$3,081,775 for FY24 and \$4,499,914 for FY25, totaling \$7,581,689 for the biennium.

The County Jail Operations Fund was flat funded in the biennium. In the “Part 1” Biennial Budget enacted earlier this spring, funding for county jails through the County Jail Operations Fund was funded at the same \$20,342,104 level that was in place for the prior biennium. The Governor’s “change package” did not propose adding any additional funding for county jails.

State law allows the Legislature to increase state funding for county jails. Notably, current state law, amended last year, provides that the biennial budget should fund county jail operating costs at the amount of \$20,342,104 per annum, but further provides that the Legislature may decide to exceed this amount. *34-A M.R.S. § 1210-E(2)*. We are asking the Legislature to exceed this amount for the current biennium as noted:

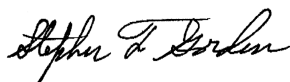
FY24: \$3,081,775

FY25: \$4,499,914

Conclusion. For the reasons noted above, we believe it is imperative for the Maine Legislature to further modify the “Part 2” Biennial Budget to maintain the State’s recent 20% level of funding support for county jails. This increase amounts to an additional \$3,081,775 in FY24 and \$4,499,914 in FY25. If such funding is not appropriated, then this same amount of money will need to come out of property taxes assessed at the local level.

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

Respectfully submitted,



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Chair, MCCA Legislative Policy Committee

cc: Commissioner Richard Dutremble, York County, President, MCCA
Commissioner A. Norman Fournier, Aroostook County, Vice President, MCCA
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