

**County Jail Funding State Fiscal Years 2010- 2018 (General Fund only)**

Fund Name	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
State Board of Corrections Investment Fund, Operational Support Fund	\$ 9,169,506	\$ 9,058,217	\$ 12,650,035	\$ 12,039,128	\$ 13,402,275	\$ 14,690,104	\$ -	\$ -	\$ -
Prisoner Boarding Program	1,028,380	957,030	957,030	947,613	547,613	547,613	547,613	547,613	-
County Jail Operations Fund	-	-	-	-	-	-	14,668,000	12,202,104	15,202,104
CARA at Kennebec County Jail	-	-	-	-	-	-	120,000	120,000	120,000
<b>TOTAL</b>	<b>\$ 10,197,886</b>	<b>\$ 10,015,247</b>	<b>\$ 13,607,065</b>	<b>\$ 12,986,741</b>	<b>\$ 13,949,888</b>	<b>\$ 15,237,717</b>	<b>\$ 15,335,613</b>	<b>\$ 12,869,717</b>	<b>\$15,322,104</b>



Maine State Legislature  
OFFICE OF POLICY AND LEGAL ANALYSIS

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TO: Members, Joint Standing Committee on Criminal Justice and Public Safety  
FROM: Jane Orbeton, Senior Legislative Analyst, Office of Policy and Legal Analysis  
DATE: October 20, 2019  
RE: Meeting to study the stabilization of jail funding pursuant to Joint Order, HF 1277

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Please find attached materials to assist the committee in its study of the stabilization of jail funding pursuant to Joint Order, HF 1277.

1. **HP 1277, Joint Order, Requiring the Joint Standing Committee on Criminal Justice and Public Safety to Study the Stabilization of Funding for the County Jails and the Regional Jail.** The joint order requires the CJPS Committee to review the sources and amounts of funding and the categories and amounts of expenses. The joint order requires the CJPS Committee to provide a report with recommendations to the Second Regular Session of the Legislature and authorizes the committee to report out legislation related to the report. (Pg 4.)
2. **Regarding LD 460, 678, 691 and 755 from the 129<sup>th</sup> Legislature,** I have included the bill analysis form dated March 14, 2019, that covered all four bills. The form includes a brief statement of the proposals from the four bills and an overview of county jail funding. The proposals include: (Pg 5.)
  - Department of Corrections (DOC) funding for the difference between a county's annual costs and the base assessment limit for that county.
  - Requiring the counties to fund 79.75% of county correctional cost and DOC to fund 20.25%.
  - Establishing minimum General Fund funding for the County Jail Operations fund at \$12,202,104 or 20.22% of costs per year.
  - In setting the county tax for correctional services, authorizing increases in the base assessment limit above the growth limitation factor based on an adjustment for extraordinary circumstances.
3. **Regarding LD 973, from the 129<sup>th</sup> Legislature,** I have included the bill analysis dated March 30, 2019. The bill analysis provides details on a proposal from the bill sponsor, Representative Warren, for an amendment that does the following: (Pg 8.)

- Defines “state-sanctioned inmates;”
  - Requires state funding for jail costs up to a certain amount and for certain inmates and purposes and types of expenses;
  - Requires county reporting of jail costs and funding of costs using the base assessment limit formula with modifications; requires jails to adhere to certain best practices and to report and verify;
  - With regard to the county jails, requires coordination of transportation, substance abuse-addiction recovery treatment, medication assisted treatment for substance use disorder if funded by the State, mental health treatment and certain community corrections programs, including minimum pretrial or conditional release, alternative sentencing or housing programs and electronic monitoring; and
  - Requires annual reports on jail funding and operations to the CJPS Committee from the Maine County Commissioners Association and the Maine Sheriffs’ Association.
4. **LD 463, An Act to Improve the Funding of County Jails, was enacted as Public Law 2017, chapter 281.** Chapter 281 amended the law on the base assessment limit for correctional services in county taxes. The result is that if a county collects more than the base assessment limit, as allowed in the law, the base assessment limit in the next year increases. Pg 10
5. **LD 516, An Act to Improve the Management of Inmates in County and Regional Jails, was enacted as Public Law 2017, chapter 214.** This law addresses a number of issues that impact the county jails. Pg 12
- Chapter 214 requires a hearing on a probation violation to be held by the court within 45 days of the date of the initial appearance if a prisoner is being held without bail pending hearing. Prior to this law the court could order the prisoner held more than 45 days after the initial appearance.
  - Chapter 214 requires the jails to report to the DOC interjail boarding rates and to identify the types of agreements regarding boarding among the jails. The law requires the DOC to report to the Criminal Justice and Public Safety Committee (CJPS) by January 15 each year on interjail boarding rates and any recommendations from the jails or DOC. The law requires reporting to DOC regarding jail financial audits that are completed. The law requires the DOC to report to the CJPS Committee by January 15 each year on data derived from the financial audit information reported by the jails and any recommendations from the jails or DOC. The law requires the jails to report twice per month to their judicial region Unified Criminal Docket on pretrial detention.
  - Chapter 214 requires the DOC to offer technical assistance and advice to the jails, as may be requested by the jails, regarding audits for the purpose of achieving and maintaining compliance with the Prison Rape Elimination Act of 2003.
6. **LD 1490, An Act to Stabilize Funding for the County Jails, was enacted as Public Law 2017, chapter 450.** This law provided one-time funding of \$3,000,000 in FY 2018-19 to offset unusually high costs incurred by the jails in fiscal years 2017-2018 or 2018-2019. The law divided the \$3,000,000 among the jails: Pg 14
- \$2,712,008 divided up as set forth in the law, and
  - \$287,992 divided among jails with unexpected expenditures in excess of the budgets and in excess of the amounts appropriated to the jails in the law.

Chapter 450 appropriated \$3,000,000 in FY 2018-19 on an ongoing basis for the jails and required that at least \$1,700,000 must be spent on community corrections as required in Title 34-A, section 1210-D, subsection 1.

Chapter 450 appropriated funds to the CARA program, the Kennebec County Criminogenic Addiction Recovery Academy program, of \$120,000 in FY2018-19.

7. Also included in this packet are:

- Two pages of information that were distributed to the CJPS Committee in its work on LD 463, 516 and 1490.
  - ✓ The document labeled “Jail Funding Options” was used by the CJPS Committee in its consideration of the jail funding bills in 2017 and 2018. Option number 2 was used in drafting the committee amendment to LD 463, Public Law 2017, chapter 281. Option number 5 was used in of LD 516, Public Law 2017, chapter 214. Pg 17
  - ✓ The document labeled “Maine County Jail Revenues/Expenditures for FY17 and 18” was used by the CJPS Committee in the consideration of the jail funding bills in 2017 and 2018; Pg 18
- A copy of Title 30-A, section 7011, Annual estimates for county taxes; Pg 19
- A copy of Title 34-A, section 1210-D, County Jail Operations Fund; and Pg 21
- Provisions from the current biennial budget, Public Law 2019, chapter 343. Pages 118-119 show the budget amounts for the County Jails Operation Fund, Z227. Pages 600 to 601 contain Part WWWW, which governs the use of the \$3,000,000 per year added to the County Jail Operation Fund baseline budget on pages 118 and 119. Pg 23

PLEASE NOTE: Legislative Information *cannot* perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

**Joint Order, Requiring the Joint Standing Committee on  
Criminal Justice and Public Safety To Study the Stabilization  
of Funding for the County Jails and the Regional Jail**

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Criminal Justice and Public Safety shall conduct a study of funding of Maine's county jails and the regional jail. In conducting the study the committee shall invite the participation of interested parties, including but not limited to representatives of the Maine County Commissioners' Association, the Maine Chiefs of Police Association, the Maine Sheriffs' Association, the Maine Municipal Association, NAMI Maine, the Department of Corrections and the Judicial Branch. The committee shall review sources and amounts of funding for the county jails and the regional jail and categories and amounts of expenses. The committee may request financial information from the counties through the county sheriffs and from the Department of Corrections and the Department of Administrative and Financial Services. The committee shall provide a report with recommendations to stabilize jail funding to the Second Regular Session of the 129th Legislature and may concurrently report out legislation related to that report.

**OFFICE OF POLICY AND LEGAL ANALYSIS  
BILL ANALYSIS**

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**TO:** Members, Joint Standing Committee on Criminal Justice and Public Safety

**FROM:** Jane Orbeton, Legislative Analyst

**DATE:** March 14, 2019

**LD:** **LD 460, An Act Requiring the State to Reimburse Counties for All Costs Exceeding the Tax Assessment for Correctional Services, sponsored by Rep. Stanley**

**LD 678, An Act Requiring the State To Fund 20.25 Percent of the Cost of County Jails, sponsored by Rep. Stanley**

**LD 691, An Act Regarding County Jail Funding, sponsored by Rep. Riley**

**LD 755, An Act To Ensure Funding Sources for County Jails, sponsored by Rep. Riley**

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**SUMMARY:**

The four bills being worked together all address the sufficiency of funding for the county jails and the sources of that funding. The county jails are funded with funds from the General Fund, with other revenue sources that they might have such as from boarding prisoners for other counties or DOC (if payment for boarding has been negotiated) or for the federal government, and with county taxes for correctional services.

**PROPOSALS FROM THE FOUR BILLS ON JAIL FUNDING:**

Three bills propose amendments to 30-A, §701, sub-§2-C, which controls the amounts for correctional services that the counties must collect or may collect for the operation of the jails. One bill proposes to change the minimum amount of General Fund funding from a dollar amount set in statute to a percentage.

- **LD 460** proposes to require DOC to fully fund the difference between the annual costs for correctional services in a county and the assessment set in the statute.
- **LD 678** proposes that the counties be required to fund 79.75% of the cost of county correctional services and that DOC be required to reimburse a county for 20.25% of the cost.
- **LD 691** proposes that the minimum amount of funding for the County Jail Operations Fund be amended from \$12,202,104 per year to 20.22% of the cost of county jail operations.

- **LD 755** proposes that in setting the county tax for correctional services the cap on increases in base assessment limit be changed from the growth limitation factor in 30-A, §706-A, subsection 3 or 4%, whichever is less, to the growth limitation factor subject to adjustment for extraordinary circumstances under 30-A, §706-A, sub-§5.

#### **BRIEF OVERVIEW OF COUNTY JAIL FUNDING:**

**Tax Assessment - Title 30-A, §701, sub-§2-C** sets requirements for county tax assessments for correctional services for the counties, including a base assessment for correctional services for each county that serves as a required tax assessment. This law also sets limits on tax assessments above the base assessment, referring to the growth limitation factor or 4%, whichever is less.

**General Fund funding - Title 34-A, §1210-D, sub-§1** requires the Legislature to provide at least \$12,202,104 in General Fund funding to the County Jail Operations Fund each year for community corrections purposes and requires DOC to distribute the funds to the jails for community corrections purposes set forth in that section.

In 2018-19 the county jails received the following funding:

- \$12,202,104 from the General Fund in compliance with Title 34-A, §1202-D. This is in the baseline budget.
- \$3,000,000 from the General Fund. This is in the baseline budget.
- \$3,000,000 from the General Fund. This is one time funding, not in the baseline budget.
- \$240,000 for the CARA program at Kennebec County Jail. This is in the baseline budget.

#### **ISSUES FROM PUBLIC HEARING:**

1. Bill Collins, Penobscot County administrator, provided testimony on the bills. Mr. Collins was asked for information on occupancy at Penobscot County Jail, jail standards set by the American Correctional Association and jail standards set by DOC.

2. Gary LaPlante, representing DOC, was asked for information on jail standards adopted by DOC. See attached Title 34-A, section 1208 requiring the Commissioner of Corrections to adopt standards and to enforce them for county and municipal jails, holding facilities and short-term detention facilities.

3. Information was requested on the potential for savings in medical costs from expansion of MaineCare coverage or from Medicare coverage.

4. In written testimony Commissioner Liberty of the Department of Corrections opposed LD 460, 678 and 691 as they would require the DOC to fund county jail operations while not providing DOC management or budgetary compliance authority.

5. Senator Farrin, representing Somerset County, asked that legislation on jail funding reported out by the CJPS Committee decrease the base assessment set in 30-A §701, sub-§2-C, ¶M for Somerset County from \$5,363,665 to \$4,800,000. Senator Farrin stated that the \$4.8 million figure is what has been used by Somerset County and that the \$5.3 million figure was a placeholder when the new jail was being built in 2008.
6. Sheriff Robert Young, representing the Maine Sheriffs' Association provided testimony in favor of the bills and mentioned a bill that has not been printed yet that will address chronic funding shortfalls. The bill has been developed by the 16 sheriffs and municipal and county and state stakeholders.
7. Sheriff Nichols from Franklin County testified and provided information regarding jail standards and the unpredictable nature of prisoner medical costs.
8. Charles Pray, representing the Maine County Commissioners Association, provided testimony in favor of the four bills and expressed interest in continued work with the CJPS Committee and the Appropriations Committee.
9. Rebecca Graham, representing the Maine Municipal Association, spoke on the bills and provided written testimony. MMA opposes LD 755 and supports LD 460, LD 678 and LD 691.

**FISCAL IMPACT:**

No fiscal information available at this time.



**OFFICE OF POLICY AND LEGAL ANALYSIS  
BILL ANALYSIS**

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**TO:** Members, Joint Standing Committee on Criminal Justice and Public Safety  
**FROM:** Jane Orbeton, Legislative Analyst  
**DATE:** March 30, 2019  
**LD:** 973, An Act To Stabilize County Corrections

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**SUMMARY:**

This bill is a concept draft that proposes to stabilize the funding for county corrections.

The sponsor, Representative Warren, provided at the public hearing a proposal for an amendment to the bill. The proposed amendment does the following:

**The sponsor suggests a bill that:**

Defines as state-sanctioned inmates persons who:

- Are held longer than 9 months;
- Are held on murder or a Class A, B or C offense;
- Are serving consecutive sentences that together exceed 9 months;
- Are held on probation violations in which on the underlying offense they were sentenced to DOC custody;
- Are sentenced in lieu of payment of a fine;
- Are held beyond the date and time of court ordered mental health evaluation and treatment;
- Are sentenced for contempt of court;
- Are held for violation of an order entered by a state agency, or for insurance or medical fraud or tax evasion.

Requires state funding as follows:

- For State FY 2019-2020, State must fund \$18,442,104 or 20% of total jail operating costs. Required reporting of jail costs to DOC. Any supplemental funding to be distributed to jails identified as in need.
- Beginning State FY 2020-2021 State must fund at least 20% of prior fiscal year's actual total jail costs or \$50 per day for all state-sanctioned inmates, whichever is greater.
- State must distribute funding to the jails based on counties where the crime is alleged to have been committed or sheriff to whom the inmate is committed.
- State must pay for medical expenses that exceed \$10,000 per state-sanctioned inmate and \$25,000 per other inmates.
- State must pay for medication costs of all state-sanctioned inmates.

- State must pay for mental health treatment of all inmates.
- Payments of medical, medication and mental health costs must be used to reduce jail operating costs in the next budget year.

Requires county funding as follows:

- Requires county reporting of jail costs.
- Requires jail funding as set forth in 30-A, §701, allowing county to re-set its base assessment requirement in state FY 2019-2020 and every 4 years thereafter, removing 4% cap and retaining growth limitation cap (LD 1 cap).

Requires jails to adhere to best practices and to report and verify. The amendment:

- Mandates participation in coordination of inmate transportation.
- Requires substance abuse-addiction recovery treatment, including at a minimum a licensed clinician or licensed professional organization to assist inmates.
- Requires medical assisted treatment for substance use disorder to extent funded by State.
- Requires mental health treatment, including at a minimum a licensed clinician or licensed professional organization to assist inmates.
- Requires community corrections programs, including at a minimum pretrial or conditional release, alternative sentencing or housing programs and electronic monitoring.

By April 1 each year requires the Maine County Commissioners Association and the Maine Sheriffs' Association to report annually to CJPS Committee on jail funding and operations.

**The sponsor also offered the alternative of a study group that includes all stakeholders.**

#### **POTENTIAL ISSUES OR TECHNICAL PROBLEMS:**

#### **FISCAL IMPACT:**

No fiscal information available at this time.

STATE OF MAINE  
  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVENTEEN

H.P. 329 - L.D. 463

An Act To Improve the Funding of County Jails

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §701, sub-§2-C, as enacted by PL 2015, c. 335, §11, is amended to read:

2-C. **Tax assessment for correctional services beginning July 1, 2015.** Beginning July 1, 2015, the counties shall annually collect no less than \$62,172,371 from municipalities for the provision of correctional services in accordance with this subsection. The counties may collect an amount that is more than the base assessment limit established in this subsection, except that the additional amount each year may not exceed the base assessment limit as adjusted by the growth limitation factor established in section 706-A, subsection 3 or 3%, whichever is less. If a county collects in a year an amount that is more than the base assessment limit established for that county pursuant to this subsection, the base assessment limit in the succeeding year is the amount collected in the prior year. For the purposes of this subsection, "correctional services" includes management services, personal services, contractual services, commodity purchases, capital expenditures and all other costs, or portions thereof, necessary to maintain and operate correctional services. "Correctional services" does not include county jail debt unless there is a surplus in the account that pays for correctional services at the end of the state fiscal year.

The assessment to municipalities within each county may not be ~~greater or~~ less than the base assessment limit, which is:

- A. A sum of \$4,287,340 in Androscoggin County;
- B. A sum of \$2,316,666 in Aroostook County;
- C. A sum of \$11,575,602 in Cumberland County;
- D. A sum of \$1,621,201 in Franklin County;
- E. A sum of \$1,670,136 in Hancock County;
- F. A sum of \$5,588,343 in Kennebec County;

- G. A sum of \$3,188,700 in Knox County;
- H. A sum of \$2,657,105 in Lincoln County;
- I. A sum of \$1,228,757 in Oxford County;
- J. A sum of \$5,919,118 in Penobscot County;
- K. A sum of \$878,940 in Piscataquis County;
- L. A sum of \$2,657,105 in Sagadahoc County;
- M. A sum of \$5,363,665 in Somerset County;
- N. A sum of \$2,832,353 in Waldo County;
- O. A sum of \$2,000,525 in Washington County; and
- P. A sum of \$8,386,815 in York County.



APPROVED  
JUNE 16, 2017  
BY GOVERNOR

CHAPTER  
214  
PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVENTEEN

S.P. 177 - L.D. 516

An Act To Improve the Management of Inmates in County and Regional  
Jails

Be it enacted by the People of the State of Maine as follows:

**Sec. 1.** 17-A MRSA §1205-C, sub-§4, as amended by PL 2015, c. 436, §8, is further amended to read:

4. At the initial appearance, the court shall advise the probationer of the contents of the motion, the right to a hearing on the motion, the right to be represented by counsel at a hearing and the right to appointed counsel. If the probationer can not afford counsel, the court shall appoint counsel for the probationer. The court shall call upon the probationer to admit or deny the alleged violation. If the probationer refuses to admit or deny, a denial must be entered. In the case of a denial, the court shall set the motion for hearing and may commit the probationer, with or without bail, pending hearing. If the probationer is committed without bail pending hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance ~~unless otherwise ordered by the court.~~

**Sec. 2.** 30-A MRSA §1662 is enacted to read:

**§1662. County jail and regional jail reporting**

**1. County jail and regional jail interjail boarding rates. Beginning November 1, 2017, a county jail or regional jail shall report to the Department of Corrections on a form provided by and on a schedule established by the department regarding interjail boarding rates. The county jail or regional jail shall identify the types of agreements regarding boarding of inmates that it has with other jails. By January 15th each year, beginning January 15, 2018, the Department of Corrections shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding data derived from the interjail boarding rate information and any recommendations from the jails or the department.**

2. County jail and regional jail financial audits. Beginning November 1, 2017, a county jail or regional jail shall report to the Department of Corrections on a schedule established by the department regarding financial audits performed for the jails. By January 15th each year, beginning January 15, 2018, the Department of Corrections shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding data derived from the financial audit information provided by the jails and any recommendations from the jails or the department.

3. Pretrial detention. Beginning November 1, 2017, a county jail or regional jail shall report twice per month to the Unified Criminal Docket in the judicial region in which the jail is located on the pretrial detention population in the jail. The jail shall report on the form provided by the Unified Criminal Docket.

Sec. 3. 34-A MRS §1219 is enacted to read:

**§1219. Assistance with federal law compliance**

Beginning November 1, 2017, the department shall offer technical assistance and advice to county and regional jails regarding audits for the purpose of achieving and maintaining compliance with the federal Prison Rape Elimination Act of 2003, Public Law 108-79, as requested by the county and regional jails.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND EIGHTEEN

S.P. 519 - L.D. 1490

**An Act To Stabilize Funding for the County Jails**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Allocation to fund county and regional jails.** One-time funding provided pursuant to section 3 to the Department of Corrections, County Jails Operation Fund for county and regional jails to offset unusually high costs incurred in fiscal year 2017-18 or incurring in fiscal year 2018-19 must be allocated as specified in this section.

1. Of the \$3,000,000 appropriation, \$2,712,008 must be allocated to the following jails in the following amounts:

- A. Androscoggin County Jail, \$354,895;
- B. Aroostook County Jail, \$67,427;
- C. Cumberland County Jail, \$300,954;
- D. Franklin County Jail, \$121,358;
- E. Hancock County Jail, \$92,083;
- F. Oxford County Jail, \$691,718;
- G. Penobscot County Jail, \$468,864;
- H. Piscataquis County Jail, \$225,626;
- I. Somerset County Jail, \$194,754; and
- J. Two Bridges Regional Jail, \$194,329.

2. The Department of Corrections shall use the remaining \$287,992 to reimburse county and regional jails for unexpected situations, as documented by the jails to the Department of Corrections, that cause expenditures in fiscal year 2018-19 that are not anticipated by the jails and that are in excess of the budgets of the jails and the amounts listed in paragraph A.

Funds provided under this section that are not expended by the county or regional jail during fiscal year 2018-19 lapse to the Department of Corrections, County Jails Operation Fund for use in a future year.

**Sec. 2. Transfers from available fiscal year 2018-19 Department of Professional and Financial Regulation Other Special Revenue Funds balances to General Fund.** At the close of fiscal year 2018-19, the State Controller shall transfer \$3,000,000 from available balances in Other Special Revenue Funds accounts within the Department of Professional and Financial Regulation to the General Fund unappropriated surplus. On or before June 30, 2019, the Commissioner of Professional and Financial Regulation shall determine from which accounts the funds will be transferred so that the sum equals \$3,000,000 and notify the State Controller and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs of the amounts to be transferred from each account.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**CORRECTIONS, DEPARTMENT OF  
County Jails Operation Fund Z227**

Initiative: Appropriates additional funds on an ongoing basis for the County Jails Operation Fund program of which \$1,700,000 must be spent on community corrections as required pursuant to the Maine Revised Statutes, Title 34-A, section 1210-D, subsection 1.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$3,000,000
<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$3,000,000</u>

**County Jails Operation Fund Z227**

Initiative: Provides one-time funding for county and regional jails with unusually high costs incurred during fiscal year 2017-18, such costs having been incurred to meet State of Maine jail standards and operational guidelines for the incarceration of inmates awaiting adjudication or serving sentences and for such unanticipated expenditures in fiscal year 2018-19. This appropriation is to be allocated to county and regional jails as provided in section 1.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$3,000,000
<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$3,000,000</u>

**County Jails Operation Fund Z227**



Initiative: Appropriates funds for the Kennebec County Criminogenic Addiction Recovery Academy (CARA) program.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$120,000
<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$120,000</u>

<b>CORRECTIONS, DEPARTMENT OF</b>	<b>2017-18</b>	<b>2018-19</b>
<b>DEPARTMENT TOTALS</b>		
<b>GENERAL FUND</b>	\$0	\$6,120,000
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$0</u>	<u>\$6,120,000</u>

### Jail Funding Options

	Idea	Pro	Con
1.	One time budget appropriation	Quick solution	Needs to be done every year
2.	Raise County Cap, either base number or allowed annual percentage increase	Allows greater funding amounts and flexibility from counties to county jails	Tends to increase property taxes
3.	Charge DOC for Probation Holds	Varies with inmate count Fills funding gap rather neatly	Fiscal Note Amount will vary; how to account for timing, different fiscal years of different counties
4.	Set fixed interjail boarding rate	Eliminates any problem with some jails charging more than others	Cost would be fixed in time; costs might actually vary significantly between jails  Might have the effect of increasing costs for sending jails
5.	Provide funding/technical assistance from DOC for County Jail PREA compliance	Allows more opportunity for sensible collaboration	May require DOC staff time enough that fiscal note results
6.	Require regular review of Pre Trial Detention inmates, for example every 30 days, must "check in" on all cases	May alleviate problem of people 'lost in the system'  Should reduce pre trial population	May require Judiciary staff time enough that fiscal note results
7.	Non-cash bail when determined to be suitable	Reduce pre-trial detention population	No agreed-upon way to do assessment
8.	Committee require report on jail occupancy, sending or receiving status	Provides better decision making info for committee	

9. charge counties for inmate inmates.

**MAINE COUNTY JAIL REVENUES/EXPENDITURES for FY17 & 18**

	FY17		FY18/Current Year Jail Budget*			
	Expenditures	Total Revenues	Expenditures		Total Revenues	
Androscoggin	\$ 6,057,841	\$ 5,832,841	\$ (225,000)	\$ 6,491,828	\$ 6,059,453	\$ (432,375)
Aroostook*	\$ 3,226,141	\$ 3,151,141	\$ (75,000)	\$ 3,522,145	\$ 3,230,929	\$ (291,216)
Cumberland	\$ 18,230,187	\$ 18,230,187	\$ -	\$ 18,648,598	\$ 18,648,598	\$ -
Franklin	\$ 1,891,048	\$ 1,862,424	\$ (28,624)	\$ 2,008,575	\$ 1,906,914	\$ (101,661)
Hancock	\$ 2,515,970	\$ 2,316,693	\$ (199,277)	\$ 2,578,869	\$ 2,371,496	\$ (207,373)
Kennebec	\$ 7,775,000	\$ 7,560,000	\$ (215,000)	\$ 8,344,407	\$ 7,757,664	\$ (586,743)
Knox*	\$ 3,746,696	\$ 3,746,696	\$ -	\$ 3,826,778	\$ 3,826,778	\$ -
Lincoln*	\$ 2,877,228	\$ 2,877,228	\$ -	\$ 2,967,912	\$ 2,967,912	\$ -
Oxford	\$ 2,040,428	\$ 2,133,156	\$ 92,728	\$ 2,272,937	\$ 1,562,932	\$ (710,005)
Penobscot	\$ 8,560,919	\$ 7,878,139	\$ (682,780)	\$ 9,040,922	\$ 8,086,961	\$ (953,961)
Piscataquis	\$ 1,467,052	\$ 1,366,805	\$ (100,247)	\$ 1,484,029	\$ 1,349,270	\$ (134,759)
Sagadahoc	\$ 2,952,253	\$ 2,933,272	\$ (18,981)	\$ 2,936,605	\$ 2,936,605	\$ -
Somerset	\$ 6,529,247	\$ 6,529,247	\$ -	\$ 6,849,784	\$ 6,849,784	\$ -
Waldo	\$ 3,259,084	\$ 3,259,084	\$ -			\$ -
Washington**	\$ 1,460,060	\$ 2,124,843	\$ 664,783	\$ 1,238,215	\$ 1,493,123	\$ 254,908
York	\$ 10,427,423	\$ 10,427,423	\$ -	\$ 10,505,893	\$ 10,505,893	\$ -
TBRJ	\$ 6,838,797	\$ 7,246,941	\$ 408,144	\$ 7,142,039	\$ 6,757,109	\$ (384,930)
	\$ 89,855,374	\$ 89,476,120	\$ (1,544,909)	\$ 89,859,536	\$ 86,311,421	\$ (3,803,023)

All jail budgets are July-June.

\*Some counties budget on a calendar year. For those we show the current year.

\*\* FY15/16

**TOTAL DEFICIT \$ (5,347,932)**

Prepared by R. Devlin, May 2017

## Title 30-A: MUNICIPALITIES AND COUNTIES

## Part 1: COUNTIES

## Chapter 3: COUNTY BUDGET AND FINANCES

## Subchapter 1: TAX ASSESSMENT AND BUDGET PROCESS

## Article 1: ASSESSMENT OF TAXES; GENERALLY

**§701. Annual estimates for county taxes**

Except as otherwise provided, the county commissioners shall make the county estimates and cause the taxes to be assessed as follows. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Forms. The county estimates must be made in the manner approved by the Office of the State Auditor.

[ 2003, c. 105, §1 (AMD); 2013, c. 16, §10 (REV) .]

2. Preparation of estimates. In order to assess a county tax, the county commissioners, in accordance with the schedule established in the county charter or, if the county does not have a charter, by the end of the state fiscal year, shall prepare estimates of the sums necessary to pay the expenses that have accrued or may probably accrue for the coming year for correctional services. The estimates must be drawn so as to authorize the appropriations to be made for correctional services.

[ 2015, c. 335, §8 (RPR) .]

2-A. Tax assessment for correctional services.

[ 2011, c. 315, §§1, 2 (AMD); 2011, c. 315, §4 (AFF); 2015, c. 335, §9 (RP) .]

2-B. Retirement of fiscal year 2007-08 county jail debt.

[ 2015, c. 335, §10 (RP) .]

2-C. Tax assessment for correctional services beginning July 1, 2015. Beginning July 1, 2015, the counties shall annually collect no less than \$62,172,371 from municipalities for the provision of correctional services in accordance with this subsection. The counties may collect an amount that is more than the base assessment limit established in this subsection, except that the additional amount each year may not exceed the base assessment limit as adjusted by the growth limitation factor established in section 706-A, subsection 3 or 4%, whichever is less. If a county collects in a year an amount that is more than the base assessment limit established for that county pursuant to this subsection, the base assessment limit in the succeeding year is the amount collected in the prior year. For the purposes of this subsection, "correctional services" includes management services, personal services, contractual services, commodity purchases, capital expenditures and all other costs, or portions thereof, necessary to maintain and operate correctional services. "Correctional services" does not include county jail debt unless there is a surplus in the account that pays for correctional services at the end of the state fiscal year.

The assessment to municipalities within each county may not be less than the base assessment limit, which is:

A. A sum of \$4,287,340 in Androscoggin County; [2017, c. 475, Pt. A, §50 (RPR) .]

- B. A sum of \$2,316,666 in Aroostook County; [2017, c. 475, Pt. A, §50 (RPR).]
- C. A sum of \$11,575,602 in Cumberland County; [2017, c. 475, Pt. A, §50 (RPR).]
- D. A sum of \$1,621,201 in Franklin County; [2017, c. 475, Pt. A, §50 (RPR).]
- E. A sum of \$1,670,136 in Hancock County; [2017, c. 475, Pt. A, §50 (RPR).]
- F. A sum of \$5,588,343 in Kennebec County; [2017, c. 475, Pt. A, §50 (RPR).]
- G. A sum of \$3,188,700 in Knox County; [2017, c. 475, Pt. A, §50 (RPR).]
- H. A sum of \$2,657,105 in Lincoln County; [2017, c. 475, Pt. A, §50 (RPR).]
- I. A sum of \$1,228,757 in Oxford County; [2017, c. 475, Pt. A, §50 (RPR).]
- J. A sum of \$5,919,118 in Penobscot County; [2017, c. 475, Pt. A, §50 (RPR).]
- K. A sum of \$878,940 in Piscataquis County; [2017, c. 475, Pt. A, §50 (RPR).]
- L. A sum of \$2,657,105 in Sagadahoc County; [2017, c. 475, Pt. A, §50 (RPR).]
- M. A sum of \$5,363,665 in Somerset County; [2017, c. 475, Pt. A, §50 (RPR).]
- N. A sum of \$2,832,353 in Waldo County; [2017, c. 475, Pt. A, §50 (RPR).]
- O. A sum of \$2,000,525 in Washington County; and [2017, c. 475, Pt. A, §50 (RPR).]
- P. A sum of \$8,386,815 in York County. [2017, c. 475, Pt. A, §50 (RPR).]

[ 2017, c. 475, Pt. A, §50 (RPR) .]

3. Public hearing. The county commissioners shall hold a public hearing in the county on these estimates before the end of the county's fiscal year. They shall publish a notice of the hearing at least 10 days before the hearing in a newspaper of general circulation within the county. Written notice and a copy of the estimates must be sent by mail or delivered in person to the clerk of each municipality in the county at least 10 days before the hearing. The municipal clerk shall notify the municipal officers of the receipt of the estimates.

[ 2007, c. 663, §2 (AMD) .]

#### 4. Meeting with legislative delegation.

[ 2003, c. 696, §7 (RP) .]

#### SECTION HISTORY

1987, c. 737, §§A2, C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 23, (AMD). 1989, c. 104, §§C8, 10 (AMD). 2003, c. 105, §1 (AMD). 2003, c. 696, §§6, 7 (AMD). 2007, c. 653, Pt. A, §§7-9 (AMD). 2007, c. 663, §§1, 2 (AMD). 2009, c. 1, Pt. Q, §1 (AMD). 2009, c. 415, Pt. A, §14 (AMD). 2011, c. 315, §§1, 2 (AMD). 2011, c. 315, §4 (AFF). 2011, c. 431, §1 (AMD). 2011, c. 431, §2 (AFF). 2013, c. 16, §10 (REV). 2013, c. 598, §3 (AMD). 2015, c. 335, §§8-11 (AMD). 2017, c. 281, §1 (AMD). 2017, c. 284, Pt. V, §1 (AMD). 2017, c. 475, Pt. A, §50 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.  
If you need legal advice, please consult a qualified attorney.

Title 34-A: CORRECTIONS  
Chapter 1: GENERAL PROVISIONS  
Subchapter 2: DEPARTMENT

## §1210-D. County Jail Operations Fund

1. County Jail Operations Fund. Notwithstanding any provision of law to the contrary, at least \$12,202,104 in state funding must be appropriated annually and used for the purposes of the County Jail Operations Fund, as established pursuant to this section and referred to in this section as "the fund." The department shall administer the fund and shall distribute funds to the jails in accordance with this section for the purposes set forth in subsections 2 and 3.

[ 2015, c. 335, §23 (NEW) .]

2. Community corrections. The fund must be used for the purpose of establishing and maintaining community corrections. For purposes of this subsection, "community corrections" means the delivery of correctional services for adults in the least restrictive manner that ensures the public safety by the county or for the county under contract with a public or private entity. "Community corrections" includes, but is not limited to, preventive or diversionary correctional programs, pretrial release or conditional release programs, alternative sentencing or housing programs, electronic monitoring, residential treatment and halfway house programs, community correctional centers and temporary release programs from a facility for the detention or confinement of persons convicted of crimes. The following provisions apply to community corrections funding.

A. Thirty percent of the funds distributed to the counties under this section must be used for the purpose of community corrections. [2015, c. 335, §23 (NEW) .]

B. The county treasurer shall deposit 30% of the funds received under subsection 4 into an account for community corrections purposes. [2015, c. 335, §23 (NEW) .]

C. Before distributing to a county that county's entire distribution under this section, the department shall require that county to submit appropriate documentation verifying that the county expended 30% of its prior distribution for the purpose of community corrections as required by this section. [2015, c. 436, §11 (AMD) .]

D. If a county fails to submit appropriate documentation verifying that the county expended 30% of its prior distribution for the purpose of community corrections under paragraph C, the department shall distribute to that county only 80% of its distribution. The department shall hold in escrow the 20% not distributed to a county to give the county jail an opportunity to comply with the requirement that 30% of the total distribution be used for community corrections purposes and qualify for disbursement of the withheld funds. [2015, c. 335, §23 (NEW) .]

[ 2015, c. 436, §11 (AMD) .]

2-A. Pretrial release or conditional release programs. Using community corrections funds distributed under this section, each county shall provide a program, directly or through contract with an organization, to supervise defendants subject to a pretrial release condition imposed pursuant to Title 15, section 1026, subsection 3, paragraph A, subparagraph (1) and such requirements as may be established by rule or order of the Supreme Judicial Court.

[ 2015, c. 436, §12 (NEW) .]

3. Prisoner support. The fund must be used to provide a portion of the counties' costs of the support of prisoners detained or sentenced to county jails. The following provisions apply to prisoner support funding.

A. Up to 70% of the funds distributed to a county under this section may be used for the purpose of support of prisoners detained or sentenced to county jails and for such other jail operations and correctional services purposes as the sheriff determines to be appropriate. [2015, c. 335, §23 (NEW) .]

B. The county treasurer shall deposit 70% of the funds received under subsection 4 into an account for prisoner support, jail operations and correctional services purposes. [2015, c. 335, §23 (NEW) .]

[ 2015, c. 335, §23 (NEW) .]

4. Formula; distribution. The department shall establish by rule a formula for the distribution of funds from the fund to the counties for jail operations. Beginning July 1, 2015 and annually thereafter, the department shall distribute to the counties from the fund amounts based on the formula. The formula must be based on the most recent fiscal year for which data is available and must:

A. Take into consideration total statewide county jail prisoner days for all jails; [2015, c. 335, §23 (NEW) .]

B. Take into consideration and assign to a jail the number of county jail prisoner days attributable to each prisoner who was charged with committing a crime in that county or was committed to the custody of or detained by the sheriff of that county; [2015, c. 335, §23 (NEW) .]

C. Determine the proportion of statewide county jail prisoner days attributable to each county; [2015, c. 335, §23 (NEW) .]

D. Determine the per diem per prisoner reimbursement amount; and [2015, c. 335, §23 (NEW) .]

E. Determine the reimbursement amount for each county based on the county's proportion of statewide county jail prisoner days multiplied by the per diem per prisoner rate. [2015, c. 335, §23 (NEW) .]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2015, c. 335, §23 (NEW) .]

5. Surcharge imposed. In addition to the 14% surcharge collected pursuant to Title 4, section 1057, an additional 1% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, which, for the purposes of collection and collection procedures, is considered a part of the fine, forfeiture or penalty. All funds collected pursuant to this subsection are nonlapsing and must be deposited monthly in the fund.

[ 2015, c. 335, §23 (NEW) .]

#### SECTION HISTORY

2015, c. 335, §23 (NEW). 2015, c. 436, §§11, 12 (AMD).

Biennial Budget Public Law 2019, Chap. 343

Part A.

Pages 118-119

Department of Corrections

**County Jails Operation Fund Z227**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$15,442,104	\$15,442,104
<b>GENERAL FUND TOTAL</b>	<u>\$15,442,104</u>	<u>\$15,442,104</u>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$565,503	\$565,503
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$565,503</u>	<u>\$565,503</u>

**County Jails Operation Fund Z227**

Initiative: Provides funding for the County Jails Operation Fund program.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$3,000,000	\$3,000,000
<b>GENERAL FUND TOTAL</b>	<u>\$3,000,000</u>	<u>\$3,000,000</u>

**COUNTY JAILS OPERATION FUND Z227**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$18,442,104	\$18,442,104
<b>GENERAL FUND TOTAL</b>	<u>\$18,442,104</u>	<u>\$18,442,104</u>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$565,503	\$565,503
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$565,503</u>	<u>\$565,503</u>



education matters may submit a bill relating to the final report to the First Regular Session of the 130th Legislature.

**Sec. VVVV-8. Committee meetings authorized.** The joint standing committee may meet up to 4 times to carry out its responsibilities under this Part.

**Sec. VVVV-9. Transfer from Fund for the Efficient Delivery of Educational Services, Other Special Revenue Funds account; General Fund unappropriated surplus; fiscal year 2019-20.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$200,000 from the Fund for the Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education to the General Fund unappropriated surplus no later than July 31, 2019.

**Sec. VVVV-10. Transfer from Fund for the Efficient Delivery of Educational Services, Other Special Revenue Funds account; General Fund unappropriated surplus; fiscal year 2020-21.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$300,000 from the Fund for the Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education to the General Fund unappropriated surplus no later than July 31, 2020.

Page 600-601

**PART WWWW**

**Sec. WWWW-1. Allocation to fund county and regional jails.** The additional one-time funding of \$3,000,000 in fiscal year 2019-20 and \$3,000,000 in fiscal year 2020-21 provided pursuant to Part A of this Act to the Department of Corrections, County Jail Operations Fund for county and regional jails to offset unusually high costs in the jails must be allocated as provided in this section.

**1. Fiscal year 2019-20.** The \$3,000,000 appropriated in fiscal year 2019-20 must be allocated to jails to offset shortfalls and unanticipated expenses incurred in fiscal year 2018-19 as specified in this subsection.

A. The amount of \$2,898,761 must be allocated to the following jails in the following manner:

- (1) To Androscoggin County Jail, \$354,895;
- (2) To Aroostook County Jail, \$270,916;
- (3) To Cumberland County Jail, \$298,069;
- (4) To Franklin County Jail, \$167,453;
- (5) To Hancock County Jail, \$120,000;
- (6) To Oxford County Jail, \$691,718;
- (7) To Piscataquis County Jail, \$225,626;
- (8) To Somerset County Jail, \$484,265;

(9) To Washington County Jail, \$125,819; and

(10) To York County Jail, \$160,000.

B. The Department of Corrections shall use the remaining \$101,239 to reimburse county and regional jails for unexpected expenses, as documented by the jails to the Department of Corrections, that cause expenditures in fiscal year 2019-20 that are not anticipated by the jails and that are in excess of the budgets of the jails and the amounts listed in paragraph A, subparagraphs (1) to (10).

C. Funds provided under this subsection that are not expended by the jails during fiscal year 2019-20 lapse to the Department of Corrections, County Jail Operations Fund for use in a future year.

2. **Fiscal year 2020-21.** The \$3,000,000 appropriated in fiscal year 2020-21 must be allocated to county and regional jails to offset shortfalls and unanticipated expenses incurred in fiscal year 2019-20 as specified in this subsection.

A. For fiscal year 2020-21, the \$3,000,000 appropriation must be distributed among the jails to provide funding for expenses incurred by those jails in excess of budgeted expenses actually paid or obligations incurred during fiscal year 2019-20. For the purpose of calculating shortfalls and unanticipated expenses, the Maine Sheriffs' Association and Maine County Commissioners Association shall submit to the Commissioner of Corrections by June 1, 2020 signed statements of the jails' budgets, revenues and expenditures and incurred obligations for fiscal year 2019-20.

B. By June 7, 2020, the Maine Sheriffs' Association and Maine County Commissioners Association shall submit a compilation of the signed statements of the jail budgets along with the submitted financial information to the Commissioner of Corrections.

C. By July 1, 2020, the Commissioner of Corrections shall direct that payment be made to the jails for their shortfalls and unanticipated expenses up to a total of \$3,000,000.

If the shortfalls and unanticipated expenses exceed \$3,000,000, the payments to the jails must be reduced on a pro rata basis. If the shortfalls and unanticipated expenses do not exceed \$3,000,000, any remaining funds must lapse to the County Jail Operations Fund for use in a future year.

#### PART XXXX

~~Sec. XXXX-1. Department of Health and Human Services to amend rules; Maine Veterans' Homes. The Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities to allocate a supplemental payment of \$750,000 in fiscal year 2019-20 and fiscal year 2020-21 to the Maine Veterans' Homes to offset budget shortfalls. The department, in its rulemaking, shall determine a methodology that allocates funding in a manner that addresses Maine Veterans' Homes shortfalls on a basis proportional to the shortfall of each Maine Veterans' Homes nursing facility. Rules adopted pursuant to this section are routine~~

**County Jail Funding State Fiscal Years 2010- 2018 (General Fund only)**

Fund Name	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
State Board of Corrections Investment Fund	\$ 9,169,506	\$ 9,058,217	\$ 12,650,035	\$ 12,039,128	\$ 13,402,275	\$ 14,690,104	\$ -	\$ -	\$ -
Operational Support Fund									
Prisoner Boarding Program	1,028,380	957,030	957,030	947,613	547,613	547,613	547,613	547,613	-
County Jail Operations Fund							14,668,000	12,202,104	15,202,104
CARA at Kennebec County Jail							120,000	120,000	120,000
<b>TOTAL</b>	<b>\$ 10,197,886</b>	<b>\$ 10,015,247</b>	<b>\$ 13,607,065</b>	<b>\$ 12,986,741</b>	<b>\$ 13,949,888</b>	<b>\$ 15,237,717</b>	<b>\$ 15,335,613</b>	<b>\$ 12,869,717</b>	<b>\$15,322,104</b>

FY20 & FY19 County Jail General Fund Legislative Funding

FY20	Payment	Andro	Aroo	Cumb	Fran	Hanc	Kenn	Knox	Linc	Saga	TBRJ	MCREC	Oxfo	Peno	Pisc	Some	Wald	Wash	YORK	Reserve	Total
	County Jail Operations Fund	1,491,621	949,414	2,704,269	240,915	387,988	1,279,013	473,145	266,867	266,867		163,995	357,243	1,999,061	107,855	551,391	316,274	269,719	1,676,468		
Community Corrections Act	187,805	119,537	340,485	30,333	48,850	161,036	59,572	33,600	33,600		20,648	44,979	251,694	13,380	69,424	39,821	33,959	211,078			1,700,000
CARA						240,000															240,000
One-Time Funding (PL 343 Part WWWW)	354,895	270,916	298,069	167,453	120,000								691,718	225,626	484,265		125,819	160,000	101,239		3,000,000
	<b>2,034,321</b>	<b>1,339,867</b>	<b>3,342,823</b>	<b>438,701</b>	<b>556,838</b>	<b>1,680,048</b>	<b>532,717</b>	<b>300,468</b>	<b>300,468</b>			<b>184,643</b>	<b>1,093,940</b>	<b>2,250,755</b>	<b>347,060</b>	<b>1,105,079</b>	<b>356,095</b>	<b>429,498</b>	<b>2,047,545</b>	<b>101,239</b>	<b>18,442,104</b>

FY19	Payment	Andro	Aroo	Cumb	Fran	Hanc	Kenn	Knox	Linc	Saga	TBRJ	MCREC	Oxfo	Peno	Pisc	Some	Wald	Wash	YORK	Reserve	Total	
	County Jail Operations Fund (PL 459)	1,305,926	752,948	2,480,052	187,487	345,067	1,145,011	752,311	248,114	248,114			177,837	361,427	1,813,032	69,255	501,375	300,341	304,176	1,520,631		
County Jail Operations Fund (PL 450 Sec. 1)	354,895	67,427	300,954	121,358	92,083						194,329		691,718	468,864	225,626	194,754					Distributed	2,712,008
County Jail Operations Fund (PL 450 Sec. 3)	139,132	80,218	264,222	19,975	36,763	121,988	47,017	26,434	26,434			18,947	38,506	193,159	7,378	53,416	31,998	32,407	162,007			1,300,000
Community Corrections Act	181,942	104,901	345,521	26,121	48,075	159,523	61,484	34,567	34,567			24,776	50,354	252,592	9,649	69,852	41,844	42,378	211,855			1,700,000
CARA						120,000																120,000
Reserve Payment		50,000												237,992								287,992
	<b>1,981,895</b>	<b>1,055,494</b>	<b>3,390,750</b>	<b>354,940</b>	<b>521,987</b>	<b>1,546,523</b>	<b>549,811</b>	<b>309,115</b>	<b>309,115</b>		<b>194,329</b>	<b>221,560</b>	<b>1,142,005</b>	<b>2,965,639</b>	<b>311,908</b>	<b>819,397</b>	<b>374,183</b>	<b>378,961</b>	<b>1,894,492</b>			<b>18,322,104</b>



# Maine Sheriffs' Association

*"One Team, One Mission"*

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## Overview of Funding Sources for Maine's County Jail System

<u>Revenue Source</u>	<u>% of Total</u>
<b>Property Taxes (Cap):</b> FY2019 - \$66,387,142	72.22%
<b>Community Corrections (State General Fund):</b> \$1,700,000	1.85%
<b>County Jail Operating Fund (State General Fund):</b> \$13,502,104	14.69%
<b>Miscellaneous Revenue:</b> FY2019 (Est) - \$8,067,099	8.78%

Miscellaneous Revenues include the following:

- Federal & County-County Boarding
  - Federal Boarding (Cumberland, Piscataquis, Somerset, Two Bridges Regional Jail)
  - County-County Boarding – Contractual Agreements
- State Fine Surcharge
- Medical Reimbursement
- Inmate Work Release / Program

County	FY2016 Cap	FT2019 Cap	Increase	% Change
Androscoggin	\$4,287,340	\$4,825,438	\$538,098	12.55%
Aroostook	\$2,316,666	\$2,365,922	\$49,256	2.13%
Cumberland	\$11,575,602	\$13,126,093	\$1,550,491	13.39%
Franklin	\$1,621,201	\$1,719,932	\$98,731	6.09%
Hancock	\$1,670,136	\$1,782,367	\$112,231	6.72%
Kennebec	\$5,588,343	\$6,289,728	\$701,385	12.55%
Knox	\$3,188,700	\$3,438,535	\$249,835	7.84%
Lincoln	\$2,657,122	\$2,669,616	\$12,494	0.47%
Oxford	\$1,228,757	\$1,409,961	\$181,204	14.75%
Penobscot	\$5,919,118	\$6,629,118	\$710,000	12.00%
Piscataquis	\$878,940	\$949,015	\$70,075	7.97%
Sagadahoc	\$2,657,105	\$2,657,105	\$0	0.00%
Somerset	\$4,863,215	\$4,863,215	\$0	0.00%
Waldo	\$2,832,353	\$2,998,262	\$165,909	5.86%
Washington	\$2,000,525	\$2,000,525	\$0	0.00%
York	\$8,386,815	\$8,662,310	\$275,495	3.28%
TBRJ	\$0	\$0	\$0	
<b>Total</b>	<b>\$61,671,938</b>	<b>\$66,387,142</b>	<b>\$4,715,204</b>	<b>7.65%</b>

APPROVED

CHAPTER

JUNE 17, 2019

343

BY GOVERNOR

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 743 - L.D. 1001

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021**

**County Jails Operation Fund Z227**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$15,442,104	\$15,442,104
<b>GENERAL FUND TOTAL</b>	<u>\$15,442,104</u>	<u>\$15,442,104</u>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$565,503	\$565,503
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$565,503</u>	<u>\$565,503</u>

**County Jails Operation Fund Z227**

Initiative: Provides funding for the County Jails Operation Fund program.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$3,000,000	\$3,000,000
<b>GENERAL FUND TOTAL</b>	<u>\$3,000,000</u>	<u>\$3,000,000</u>

**COUNTY JAILS OPERATION FUND Z227**

**PROGRAM SUMMARY**

Page 118 - 129LR2405(04)-1

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$18,442,104	\$18,442,104
<b>GENERAL FUND TOTAL</b>	<u>\$18,442,104</u>	<u>\$18,442,104</u>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$565,503	\$565,503
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$565,503</u>	<u>\$565,503</u>

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## PART WWW

**Sec. WWW-1. Allocation to fund county and regional jails.** The additional one-time funding of \$3,000,000 in fiscal year 2019-20 and \$3,000,000 in fiscal year 2020-21 provided pursuant to Part A of this Act to the Department of Corrections, County Jail Operations Fund for county and regional jails to offset unusually high costs in the jails must be allocated as provided in this section.

**1. Fiscal year 2019-20.** The \$3,000,000 appropriated in fiscal year 2019-20 must be allocated to jails to offset shortfalls and unanticipated expenses incurred in fiscal year 2018-19 as specified in this subsection.

A. The amount of \$2,898,761 must be allocated to the following jails in the following manner:

- (1) To Androscoggin County Jail, \$354,895;
- (2) To Aroostook County Jail, \$270,916;
- (3) To Cumberland County Jail, \$298,069;
- (4) To Franklin County Jail, \$167,453;
- (5) To Hancock County Jail, \$120,000;
- (6) To Oxford County Jail, \$691,718;
- (7) To Piscataquis County Jail, \$225,626;
- (8) To Somerset County Jail, \$484,265;

(9) To Washington County Jail, \$125,819; and

(10) To York County Jail, \$160,000.

B. The Department of Corrections shall use the remaining \$101,239 to reimburse county and regional jails for unexpected expenses, as documented by the jails to the Department of Corrections, that cause expenditures in fiscal year 2019-20 that are not anticipated by the jails and that are in excess of the budgets of the jails and the amounts listed in paragraph A, subparagraphs (1) to (10).

C. Funds provided under this subsection that are not expended by the jails during fiscal year 2019-20 lapse to the Department of Corrections, County Jail Operations Fund for use in a future year.

**2. Fiscal year 2020-21.** The \$3,000,000 appropriated in fiscal year 2020-21 must be allocated to county and regional jails to offset shortfalls and unanticipated expenses incurred in fiscal year 2019-20 as specified in this subsection.

A. For fiscal year 2020-21, the \$3,000,000 appropriation must be distributed among the jails to provide funding for expenses incurred by those jails in excess of budgeted expenses actually paid or obligations incurred during fiscal year 2019-20. For the purpose of calculating shortfalls and unanticipated expenses, the Maine Sheriffs' Association and Maine County Commissioners Association shall submit to the Commissioner of Corrections by June 1, 2020 signed statements of the jails' budgets, revenues and expenditures and incurred obligations for fiscal year 2019-20.

B. By June 7, 2020, the Maine Sheriffs' Association and Maine County Commissioners Association shall submit a compilation of the signed statements of the jail budgets along with the submitted financial information to the Commissioner of Corrections.

C. By July 1, 2020, the Commissioner of Corrections shall direct that payment be made to the jails for their shortfalls and unanticipated expenses up to a total of \$3,000,000.

If the shortfalls and unanticipated expenses exceed \$3,000,000, the payments to the jails must be reduced on a pro rata basis. If the shortfalls and unanticipated expenses do not exceed \$3,000,000, any remaining funds must lapse to the County Jail Operations Fund for use in a future year.

FY20 & FY19 County Jail General Fund Legislative Funding

	Payment	Andro	Aroo	Cumb	Fran	Hanc	Kenn	Knox	Linc	Saga	TBRJ	MCREC	Oxfo	Peno	Pisc	Some	Wald	Wash	YORK	Reserve	Total	
FY20	County Jail Operations Fund	1,491,621	949,414	2,704,269	240,915	387,988	1,279,013	473,145	266,867	266,867		163,995	357,243	1,999,061	107,855	551,391	316,274	269,719	1,676,468		13,502,104	
	Community Corrections Act	187,805	119,537	340,485	30,333	48,850	161,036	59,572	33,600	33,600		20,648	44,979	251,694	13,580	69,424	39,821	33,959	211,078		1,700,000	
	CARA						240,000															240,000
	One-Time Funding (PL 343 Part WWW)	354,895	270,916	298,069	167,453	120,000							691,718		225,626	484,265		125,819	160,000	101,239		3,000,000
	<b>Total Appropriation</b>	<b>2,034,321</b>	<b>1,339,867</b>	<b>3,342,823</b>	<b>438,701</b>	<b>556,838</b>	<b>1,680,048</b>	<b>532,717</b>	<b>300,468</b>	<b>300,468</b>	<b>-</b>	<b>184,643</b>	<b>1,093,940</b>	<b>2,250,755</b>	<b>347,060</b>	<b>1,105,079</b>	<b>356,095</b>	<b>429,498</b>	<b>2,047,545</b>	<b>101,239</b>	<b>-</b>	<b>18,442,104</b>

	Payment	Andro	Aroo	Cumb	Fran	Hanc	Kenn	Knox	Linc	Saga	TBRJ	MCREC	Oxfo	Peno	Pisc	Some	Wald	Wash	YORK	Reserve	Total	
FY19	County Jail Operations Fund (PL 459)	1,305,926	752,948	2,480,052	187,487	345,067	1,145,011	441,311	248,114	248,114		177,837	361,427	1,813,032	69,255	501,375	300,341	304,176	1,520,631		12,202,104	
	County Jail Operations Fund (PL 450 Sec. 1)	354,895	67,427	300,954	121,358	92,083					194,329		691,718	468,864	225,626	194,754				Distributed	2,712,008	
	County Jail Operations Fund (PL 450 Sec. 3)	139,132	80,218	264,222	19,975	36,763	121,988	47,017	26,434	26,434		18,947	38,506	193,159	7,378	53,416	31,998	32,407	162,007		1,300,000	
	Community Corrections Act	181,942	104,901	345,521	26,121	48,075	159,523	61,484	34,567	34,567		24,776	50,354	252,592	9,649	69,852	41,844	42,378	211,855		1,700,000	
	CARA						120,000															120,000
	Reserve Payment		50,000												237,992							287,992
<b>Total Appropriation</b>	<b>1,981,895</b>	<b>1,055,494</b>	<b>3,390,750</b>	<b>354,940</b>	<b>521,987</b>	<b>1,546,523</b>	<b>549,811</b>	<b>309,115</b>	<b>309,115</b>	<b>194,329</b>	<b>221,560</b>	<b>1,142,005</b>	<b>2,965,639</b>	<b>311,908</b>	<b>819,397</b>	<b>374,183</b>	<b>378,961</b>	<b>1,894,492</b>	<b>-</b>	<b>-</b>	<b>18,322,104</b>	

# BOC Actuals Analysis

For FY:2020

Reports only through last month submitted for each county

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Budget Information for FY 2016 and beyond presented In This Report HAS NOT Been Approved By The State Of Maine, and IN NO WAY Creates An Obligation To The State. IT IS FOR REFERENCE PURPOSES ONLY.

	Budgeted	Actual Rev/Exp	Difference	% Difference Remaining	Rept'd Through
<b>ANDROSCOGGIN</b>					
EXPENSE	\$7,130,204.00	\$1,047,972.00	\$6,082,232.00	85.30 %	August
REVENUE	\$7,130,204.00	\$2,885,776.00	\$4,244,428.00	59.53 %	August
<b>AROOSTOOK</b>					
EXPENSE	\$3,519,424.00	\$657,358.76	\$2,862,065.24	81.32 %	August
REVENUE	\$3,519,424.00	\$1,752,667.85	\$1,766,756.15	50.20 %	August
<b>CUMBERLAND</b>					
EXPENSE	\$20,033,137.00	\$3,614,818.00	\$16,418,319.00	81.96 %	August
REVENUE	\$20,033,137.00	\$6,065,393.00	\$13,967,744.00	69.72 %	August
<b>FRANKLIN</b>					
EXPENSE	\$2,246,998.00	\$558,293.52	\$1,688,704.48	75.15 %	September
REVENUE	\$2,246,998.00	\$439,697.44	\$1,807,300.56	80.43 %	September
<b>HANCOCK</b>					
EXPENSE	\$2,651,521.00	\$501,172.61	\$2,150,348.39	81.10 %	August
REVENUE	\$2,651,521.00	\$648,579.82	\$2,002,941.18	75.54 %	August
<b>KENNEBEC</b>					
EXPENSE	\$0.00	\$0.00	\$0.00	0.00 %	
REVENUE	\$0.00	\$0.00	\$0.00	0.00 %	
<b>KNOX</b>					
EXPENSE	\$0.00	\$0.00	\$0.00	0.00 %	
REVENUE	\$0.00	\$0.00	\$0.00	0.00 %	
<b>LINCOLN</b>					
EXPENSE	\$550,633.00	\$141,728.10	\$408,904.90	74.26 %	September
REVENUE	\$550,633.00	(\$302,524.20)	\$853,157.20	154.94 %	September
<b>OXFORD</b>					
EXPENSE	\$2,531,700.00	\$551,524.69	\$1,980,175.31	78.22 %	September
REVENUE	\$2,596,042.00	\$1,093,940.26	\$1,502,101.74	57.86 %	September
<b>PENOBSCOT</b>					
EXPENSE	\$10,134,075.00	\$0.00	\$10,134,075.00	100.00 %	
REVENUE	\$10,134,075.00	\$0.00	\$10,134,075.00	100.00 %	
<b>PISCATAQUIS</b>					
EXPENSE	\$1,563,096.00	\$230,566.82	\$1,332,529.18	85.25 %	August
REVENUE	\$1,563,126.00	\$533,654.66	\$1,029,471.34	65.86 %	August
<b>SAGadahoc</b>					
EXPENSE	\$527,700.00	\$0.00	\$527,700.00	100.00 %	
REVENUE	\$527,700.00	\$0.00	\$527,700.00	100.00 %	
<b>SOMERSET</b>					
EXPENSE	\$7,025,553.00	\$1,582,953.68	\$5,442,599.32	77.47 %	September
REVENUE	\$7,025,553.00	\$2,978,255.78	\$4,047,297.22	57.61 %	September

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	Budgeted	Actual Rev/Exp	Difference	% Difference Remaining	Rept'd Through
<b>TWO BRIDGES</b>					
EXPENSE	\$6,112,581.00	\$1,373,233.51	\$4,739,347.49	77.53 %	September
REVENUE	\$6,112,581.00	\$1,608,232.01	\$4,504,348.99	73.69 %	September
<b>WALDO</b>					
EXPENSE	\$0.00	\$886,484.86	(\$886,484.86)	0.00 %	September
REVENUE	\$0.00	\$689,162.67	(\$689,162.67)	0.00 %	September
<b>WASHINGTON</b>					
EXPENSE	\$2,521,375.00	\$591,979.09	\$1,929,395.91	76.52 %	September
REVENUE	\$2,521,375.00	\$931,507.78	\$1,589,867.22	63.06 %	September
<b>YORK</b>					
EXPENSE	\$0.00	\$0.00	\$0.00	0.00 %	
REVENUE	\$0.00	\$0.00	\$0.00	0.00 %	
<hr/>					
Total Expense:	\$66,547,997.00	\$11,738,085.64	\$54,809,911.36	82.36 %	
Total Revenue:	\$66,612,369.00	\$19,324,343.07	\$47,288,025.93	70.99 %	

# Maine Sheriffs' Association

Presentation to the Joint Standing Committee on  
Criminal Justice & Public Safety: County Jail Funding, Meeting #1  
October 22, 2019  
(Submitted by: Sheriff Todd Brackett)

Overview of Options for initiatives to control cost drivers, identifying those within and outside the control of the Sheriff:

## What are current and consistent primary cost drivers in County Jail operations?

- Personnel related expenses: This is a consistent theme as with most governmental employers, which includes associated fringe benefits including medical insurance. Some Sheriffs are experiencing hiring and retention challenges in this area with regard to competitive wages and benefits, competing with not only the private sector but other correctional facilities as well.
- Inmate medical expenses: In some ways the most unpredictable portion of county jail budgets, which is inclusive of pharmaceuticals on site medical staff, and in most cases mental health and substance abuse related treatment, including new MAT programs. The cost of medical providers varies widely across the counties, some of which exceed one million dollars.

## What are current jail cost drivers that vary to some degree from county to county?

- Inmate population: No two county jails are exactly alike; the same is true of our inmate populations. This is a leading cost driver today in counties such as Aroostook, Oxford, Penobscot, and Waldo. (Average snapshot: Aroostook 11/day, Oxford and Waldo 30/day, Penobscot 54/day) Not only do boarding costs become a factor, higher populations also influence other areas of the budget (personnel, medical, food service etc.).
- Facility capital needs: Jail buildings and equipment require routine maintenance and capital improvement/replacement of vital equipment for both security and the physical plants. Nine (9) of our fifteen (15) jails reported some sort of significant capital improvement needs that are either planned or under way ranging in cost from \$35,000 in Washington, \$100,000 in Somerset, \$150,000 in Aroostook, \$1 million in Cumberland and to \$2.2 million in Knox. In addition, Penobscot County is researching options for modifying their facility, up to new construction, as they continue to address their aging facility and overcrowding crisis.

- Mental health related services and treatment: Again, one size does not fit all. Many counties include most of these costs with in their medical contracts. Some counties like, Penobscot and Cumberland for example have expanded programs around mental health services and treatment as their inmate populations demand.
- Food service: Increasing food costs, along with special diets for medical and or religious requirements are affecting costs, particularly in some of the larger jails.
- Prisoner transportation costs: Boarding of inmates, medical, and substance abuse, including of site MAT is also affecting cost.

What are the counties doing to address any of these costs drivers?

- Regionalization: These efforts range from older initiatives such as the Lincoln and Sagadahoc Multi-County Jail Authority. A first of its kind in New England cooperative between Lincoln and Sagadahoc Counties combining and sharing all jails operations and facilities resulting in the Two Bridges Regional Jail. To a very recent collaboration between Knox and Waldo Counties sharing a single Correctional Administrator responsible for managing both facilities.
- Pre-trial or similar services: A statewide best practice initiative offering various levels of case management for screened and qualified offenders that serves as an alternative to incarceration pending trial. Currently it is estimated that about ### individuals are diverted by pre-trial services statewide.
- Alternative Sentencing Programs (ASP): Many counties provide either on their own or via contract a program that offers an alternative to jail for serving a sentence in most cases up to 7 days. Most programs combine community service related activities with classroom learning and treatment programs related to offenses.
- Home Monitor and Release Programs: Utilizes GPS monitoring as well as alcohol level monitoring, if appropriate, for sentenced individuals who have served at least 1/3 of their sentence and who qualify can be released and monitored at home.
- Community Corrections Programs: Typically supervised community service programs where sentenced individuals do community service work, learn some basic skills and earn additional "good time" (typically 2 for 1) which reduces their period of incarceration.
- Northern Transportation Hub: Northern Maine counties continue to coordinate prisoner transportation on a daily basis, including housing inmates pending pick up or delivery to another facility.

What other options for initiatives to control costs exist presently for Sheriffs?

- Expansion of best practices including Pre-trial Services; Substance Abuse – Addiction Recovery Treatment; MAT; Mental Health Treatment; and Community Corrections: Expanding the availability of these programs, including the programs listed above to all counties, by sharing contracts and services between counties allowing those counties whose inmate populations make it difficult or impractical to contract for these services alone.
- Day Reporting Programs: Penobscot County is currently working with Maine Pre-trial Services developing a day reporting program in which would serve as an alternative to the traditional ASP. The offers similar educational, community service, and supervision activities at a reduced cost.
- Inmate Transportation Coordination: Further expansion of the coordinated movement of inmates to include all counties.
- Regional County Corrections Coordination: MSA continues to foster interagency coordination between counties, supporting initiatives like the recent regional efforts in Waldo and Knox Counties, as well as in Lincoln and Sagadahoc Counties. The formation of a formal subcommittee to expand these and other forms of collaboration is underway, with the goal of expanding practical cost effective regional efforts( for example: shared training, purchasing, contracting etc.)
- Coordination with MDOC: Regional efforts are underway at the prompting of MDOC to share needs and coordinate efforts with MDOC beginning in areas such as shared training, special services (SRT), MSP's Mental Health Unit etc. There is potential here for further coordinated efforts in the future.

What other options for initiatives to control cost do not presently exist for Sheriffs?

- Formal partnership with the State of Maine: Understanding and solidifying the relationship between the State of Maine, (Legislature, Judiciary, etc) and the counties in support of the housing and funding "State Sanctioned Inmates". Creating a well-defined law governing this relationship into the future.
- Allowing some flexibility for Counties to adjust local funding: Understanding and solidifying the relationship the counties have with the State of Maine in support county jails. Creating a well-defined law that allows the Counties to adjust the current tax caps this year. And to request future adjustments periodically to adjust to changes influencing the cost of county corrections.
- Expansion of Correctional Best Practices: Expand the counties ability to collaborate amongst themselves with regard to best practice principals, thus increasing the effectiveness of the county jails system in reducing recidivism.