

DRAFT (11/07/2024)

An Act to Reduce Property Tax Burden by Adequately Funding County Jail Operations

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

Sec. 1. 34 MRSA. §1208-B, sub-§4, as amended by PL 2021, c. 732, Pt. C, §1, is further amended to read:

4. Requirements; rulemaking by commissioner. The jails shall operate in accordance with best practices applicable to facilities of their type and size, including the mandatory standards, policies and procedures established by rules adopted by the commissioner under subsection 1 and standards adopted under section 1208, and with the following requirements as set forth in rules adopted by the commissioner. In adopting rules and standards for the jails, the commissioner shall ~~consider~~ incorporate the advisory input of the County Corrections Professional Standards Council established pursuant to Title 5, section 12004-G, subsection 6-D.

Sec. 2. 34-A MRSA §1210-E, sub-§2, as amended by PL 2021, c. 732, Pt. A, §3 and §5, is further amended to read:

2. County Jail Operations Fund. The County Jail Operations Fund is established to provide funding for county jails and the regional jail. State funding must be appropriated annually for the fund in the amount of ~~\$20,342,104~~ \$25,445,838 plus 90% of the prior year audited expenses for county government required to implement mandatory standards set forth in section 1208-B, subsection 4 and any additional amount the Legislature may appropriate. 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 3 and 4 and in accordance with the distribution formula set forth in subsection 9.

A. Beginning July 1, 2025, the annual funding dedicated to the County Jail Operations Fund may not be less than 20% of the General Fund allocation to the Department of Corrections. On July 1, 2025, and every July 1 thereafter, the Commissioner shall administratively adjust the base funding and the reimbursement rates in accordance with the distribution formula set forth in subsection 9.

B. In addition to section 1210-E, subsection 2 (A), the department shall include the cost of the administrative services to the County Corrections Professional Standards Council established pursuant to Title 5, section 12004-G, subsection 6-D as provided by a statewide association of sheriffs.

Sec. 3. 34-A MRSA §1210-E, sub-§5, as amended by PL 2021, c. 732, Pt. A, §3 and §5, is further amended to read:

5. Quarterly payments to counties. The department shall distribute funding payable to the counties for operation of the jails quarterly if the jails have reported on a timely basis as required by subsection 6 and rules adopted pursuant to subsection 7. Failure to report as required may result in delayed payment of funds required to be paid by this section. Failure to report as required in the final quarter shall result in unallocated funds being distributed to all other county jails that have reported and not returned to the general fund.

Summary

This bill stabilizes the funding necessary for the operation of county facilities by: (1) increasing the state share to equal no less than 20% of total costs for county jail operations; and (2) beginning on July 1, 2025 and in subsequent years, establishing the Legislature's minimum appropriation for county jail operations to be no less than 20% of the appropriation for operating state prisons, which

experience the same inflationary pressures and programming needs. The bill also establishes a requirement that the Legislature fund 90% of all mandated standards established to be delivered by county jails by statute in 2021 as required by the Maine Constitution Article IX Section 21 and to include in the Department of Corrections' (DOC) budget the cost of the administrative services provided to the County Corrections Professional Standards Council by the statewide association of sheriffs. Additionally, the bill requires that if a county jail does not comply with reporting requirements in the final quarter of the state's fiscal year, the funds that would have otherwise been distributed to the delinquent county must be redistributed to all county facilities that have reported instead of being swept into the general fund. Finally, the bill requires the DOC commissioner to positively affirm and incorporate the advisory opinion of the County Corrections Professional Standards Council when adopting rules and standards for county jail facilities.