

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 852

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H.P. 538

House of Representatives, March 4, 2025

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

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT

Clerk

Presented by Representative DUCHARME of Madison.  
Cosponsored by Senator BERNARD of Aroostook and  
Representatives: CARUSO of Caratunk, CRAY of Palmyra, MCINTYRE of Lowell, QUINT  
of Hodgdon, SALISBURY of Westbrook, STOVER of Boothbay, THORNE of Carmel,  
Senator: RENY of Lincoln.

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

2 **Sec. 1. 34-A MRSA §1208-B, sub-§4**, as amended by PL 2023, c. 135, §3, is  
3 further amended to read:

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

12 A. Each jail shall participate in coordination of inmate transportation. Coordination  
13 of transportation may be provided by the jail at which the inmate resides, by another  
14 jail or correctional facility or by a person or entity working under a contract with the  
15 jail at which the inmate resides.

16 B. Each jail shall provide access to substance use disorder screening, assessment,  
17 medication, treatment, recovery and reentry services, including at a minimum:

18 (1) Screening on intake using evidence-based tools to assess the risk of overdose  
19 or withdrawal and the person's history of substance use disorder and to determine  
20 initial treatment options;

21 (2) Medically managed withdrawal treatment consistent with evidence-based  
22 medical standards;

23 (3) All forms of medication for addiction treatment, including at least one of each  
24 formulation of each United States Food and Drug Administration-approved  
25 medication-assisted treatments for substance use disorder, including alcohol use  
26 disorder and opioid use disorder, to ensure that each person receives the particular  
27 formulation found to be the most effective at treating and meeting the person's  
28 individual needs. Medication under this subparagraph must be offered for the  
29 duration of the person's incarceration;

30 (4) Behavioral treatment options, such as group and individual counseling, and  
31 clinical support;

32 (5) Peer support services;

33 (6) Reentry planning and transitional support such as coordination with  
34 community-based treatment and case management service providers and recovery  
35 organizations to ensure reentry and continuity of care after release, including  
36 appointments for services made prior to release; and

37 (7) Assistance in obtaining health insurance prior to release.

38 Substance use disorder services required by this paragraph may be provided at the jail  
39 at which the person resides or at another jail or correctional facility or by a service  
40 provider or entity working under a contract with the jail at which the person resides.

41 C. Each jail shall provide mental health treatment, including at a minimum providing  
42 a licensed clinician or licensed professional organization that will be available to assist

1 an inmate who is a person receiving mental health treatment. Mental health treatment  
2 required by this paragraph may be provided at the jail at which the person resides or at  
3 another jail or correctional facility or by a service provider or entity working under a  
4 contract with the jail at which the person resides.

5 D. Each jail shall provide community programs and services as required by this  
6 subchapter, including at a minimum pretrial or conditional release, alternative  
7 sentencing or housing programs and electronic monitoring.

8 E. Each jail shall provide initial and ongoing training and technical assistance for  
9 facility staff and health care practitioners on screening, assessment, medication and  
10 treatment protocols for substance use disorder.

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

13 **2. County Jail Operations Fund.** The County Jail Operations Fund is established to  
14 provide funding for county jails and the regional jail. State Prior to July 1, 2025, state  
15 funding must be appropriated annually for the fund in the amount of \$20,342,104 plus any  
16 additional amount the Legislature may appropriate. Beginning July 1, 2025 and prior to  
17 July 1, 2026, state funding must be appropriated annually for the fund in the amount of  
18 \$25,445,838 plus any additional amount the Legislature may appropriate. Beginning July  
19 1, 2026, state funding must be appropriated annually for the fund in an amount equal to  
20 20% of the total General Fund appropriation to the department for the costs of all  
21 correctional facilities under the department plus any additional amount the Legislature may  
22 appropriate. The department shall administer the fund and shall distribute funds to the jails  
23 in accordance with this section for the purposes set forth in subsections 3 and 4 and in  
24 accordance with the distribution formula set forth in subsection 9.

25 **Sec. 3. 34-A MRSA §1210-E, sub-§2-A** is enacted to read:

26 **2-A. Additional state appropriation to support standards compliance.**  
27 Notwithstanding any provision of law to the contrary, in addition to the state funding  
28 requirements under subsection 2, beginning July 1, 2026, state funding must be  
29 appropriated annually for the fund in an amount equal to 90% of the costs incurred by  
30 county jails and the regional jail in the prior fiscal year in complying with the mandatory  
31 standards established by the commissioner pursuant to section 1208-B. Funding  
32 appropriated to the fund under this subsection must be administered and distributed in the  
33 same manner as the funding appropriated to the fund under subsection 9.

34 **Sec. 4. 34-A MRSA §1210-E, sub-§5**, as enacted by PL 2021, c. 732, Pt. A, §3  
35 and affected by §5, is amended to read:

36 **5. Quarterly payments to counties.** The department shall distribute funding payable  
37 to the counties for operation of the jails quarterly if the jails have reported on a timely basis  
38 as required by subsection 6 and rules adopted pursuant to subsection 7. Failure to report  
39 as required may result in delayed payment of funds required to be paid by this section.  
40 Notwithstanding any provision of law to the contrary, if a jail fails to report as required by  
41 the end of a fiscal year, the department shall distribute the quarterly funding payment for  
42 that jail between all other jails that are in compliance with the reporting requirement of  
43 subsection 6 for that quarter using the formula under subsection 9 or a different formula as  
44 established by the council.

