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STATE OF MAINE  
 ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
 COMMITTEE ON VETERANS AND LEGAL AFFAIRS

May 14, 2015

**To:** James M. Hamper, Senate Chair  
 Margaret R. Rotundo, House Chair  
 Members, Joint Standing Committee on Appropriations and Financial Affairs

**From:** Scott W. Cyrway, Senate Chair  
 Louis J. Luchini, House Chair  
 Joint Standing Committee on Veterans and Legal Affairs

**RE:** **Comment on the Governor's Change Package**

Thank you for the opportunity to comment on the provisions in the Governor's change package that pertain to items under the jurisdiction of the Veterans and Legal Affairs Committee. As you know, the change package proposes to establish a fund to provide for tuition benefits for eligible members of the Maine National Guard and an appropriation of \$500,000 for each year of the biennium. On Wednesday May 13<sup>th</sup>, the VLA committee unanimously supported an amended version of **LD 1343 An Act to Increase Access to Postsecondary Education for Maine National Guard Members**. This bill, as amended, establishes the guidelines for eligibility and distribution of this tuition benefit for use within the Maine Community College System, the University of Maine System and Maine Maritime Academy.

Our support of this bill includes support of the fund proposed to be established in the change package under **Part HHHH and the corresponding appropriation on page 35** of the budget initiatives. However, our amendment to the bill would include recognition of existing potential sources of revenue to that fund. These sources of revenue, when funds are available, are currently recognized as sources to cover the cost of the existing (unfunded) tuition grants described in current law (Title 37-B section 353). Those sources include:

- The Armory Rental Fund (37-B section 152)
- The Capital Repair, Maintenance, Construction and Acquisition Account (37-B section 154)
- The Reimbursement Fund (37-B section 155) which allows for fees to be collected for services provided to federal, state and regional governmental and nongovernmental agencies

SENATE

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TIMOTHY S. THERIAULT, CHINA  
MICHAEL J. TIMMONS, CUMBERLAND

STATE OF MAINE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

TO: Senator James M. Hamper, Senate Chair  
Representative Margaret R. Rotundo, House Chair  
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Kimberley C. Rosen, Senate Chair *KR*  
Representative Lori A. Fowle, House Chair *LF*  
Joint Standing Committee on Criminal Justice and Public Safety

RE: Department of Corrections Staffing and Safety and Security Issues

DATE: May 13, 2015

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Please accept this memorandum as a supplement to the report of the Joint Standing Committee on Criminal Justice and Public Safety on the FY 2016-2017 Biennial Budget, LD 1018, An Act to Make Certain Necessary Appropriations and Allocations. All members were not present when the committee took its votes on May 6, however we are pleased to report the voting to the Appropriations Committee.

The members of the Criminal Justice and Public Safety Committee have discussed the difficulties the department is having in attracting and retaining correctional officers, creating challenges in appropriately staffing the facilities and safety and security issues for staff and for prisoners. Eight members of the committee favor, and three members oppose, amending the language in Part JJ to read:

*Sec. JJ. Department of Corrections; Personal Services balances authorized to carry. Notwithstanding any other provision of law, the Department of Corrections is authorized to carry all fiscal years 2014-15 and 2015-16 year-end balances in the Personal Services line category of General Fund accounts, after all financial commitments, including funds for recruitment and retention for fiscal years 2016-2017 and budgetary adjustments have been made, to fiscal years 2015-16 and 2016-17 to the Capital Expenditures line category in the Capital Construction/Repairs/Improvements – 97 Corrections Program, General Fund account in the Department of Corrections to be used for the purpose of making capital improvements to correctional facilities in fiscal years 2015-16 and 2016-17.*

SENATE

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STATE OF MAINE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES

To: Senator James Hamper, Senate Chair  
Representative Margaret R. Rotundo, House Chair  
Joint Standing Committee on Appropriations and Financial Affairs

From: Senator Eric Brakey, Senate Chair *ELB*  
Representative Drew Gattine, House Chair *DG*  
Joint Standing Committee on Health and Human Services

Date: May 12, 2015

Re: Recommendation regarding Drug Courts in LD 1019

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We are submitting this letter to provide additional information related to the potential expansion of drug courts as proposed in LD 1019. Our understanding is that the Judiciary Committee has recommended the expansion of the availability of drug courts. The Health and Human Services Committee supports that recommendation. Recently, the Health and Human Services Committee deliberated on LD 20, An Act to Improve Substance Abuse Treatment. Although this bill began as a concept draft, the discussions highlighted the need for a drug court and related services in Penobscot County. We would like to pass on our support for the creation of a drug court in the Penobscot County area.

We also support the inclusion of funding for related services that support the drug court, that are funded by the Department of Health and Human Services, Office of Substance Abuse and Mental Health Services. These services include case management, treatment and drug testing. In order for drug courts to be successful, both the judicial branch and substance abuse treatment services must be funded and coordinated.

Please contact us if you have any questions.

SENATE

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STAN GERZOFSKY, DISTRICT 24

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STATE OF MAINE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

TO: Senator James M. Hamper, Senate Chair  
Representative Margaret R. Rotundo, House Chair  
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Kimberley C. Rosen, Senate Chair *KR*  
Representative Lori A. Fowle, House Chair *LF*  
Joint Standing Committee on Criminal Justice and Public Safety

RE: Criminal Justice and Public Safety Committee Recommendations on the Change Package to LD 1018, An Act to Make Certain Necessary Appropriations and Allocations

DATE: May 14, 2015

Please accept this memorandum as the recommendations of the Joint Standing Committee on Criminal Justice and Public Safety on the Change Package to the FY 2016-2017 Biennial Budget, LD 1018, An Act to Make Certain Necessary Appropriations and Allocations.

The members of the committee met on May 13 to discuss the Change Package. By a vote of 8 to zero the committee forwards to the Appropriations Committee the following 2 recommendations:

1. The CJPS Committee opposes the proposal on page 33 and 34 that eliminates \$6,500,000 in General Fund funding each year that is contained in the baseline funding for the State Board of Corrections Operational Support Fund, Z087. The committee recommends retaining the full amount of baseline funding, \$12,202,104 per year, in the State Board of Corrections Operational Support Fund. The committee stresses that the Legislature has not acted to determine the future of the State Board of Corrections and authority over the county jails and the regional jail. The full amount of the baseline funding should be left in place in the budget until a determination has been made on the jails and the State Board of Corrections.
2. The CJPS Committee supports the proposal on page 64 in Section FFFF-1 to repeal the age limitation on the adults who may be sentenced and committed to the custody of the Department of Corrections and confined in the Mountain View Youth Development Center.

Thank you.

SENATE

BRIAN D. LANGLEY, DISTRICT 7, CHAIR  
PETER E. EDGECOMB, DISTRICT 1  
REBECCA J. MILLETT, DISTRICT 29

PHILLIP MCCARTHY, LEGISLATIVE ANALYST  
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PLACIDA "AIDA" GAGNON, COMMITTEE CLERK



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STATE OF MAINE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

May 14, 2015

MEMO TO: Senator James M. Hamper, Senate Chair,  
Representative Margaret R. Rotundo, House Chair, and  
Members of the Joint Standing Committee on Appropriations & Financial Affairs

FROM: Senator Brian D. Langley, Senate Chair,  
Representative Victoria P. Kornfeld, House Chair, and  
Members of the Joint Standing Committee on Education & Cultural Affairs

SUBJ: **Education & Cultural Affairs Committee Report on "Governor's Change Package"  
to LD 1019 (FY 2016 & FY 2017 Biennium Budget Bill)**

As you know, members of the Education & Cultural Affairs Committee's Budget Subcommittee attended the presentation from the Commissioner of the Department of Administration and Financial Services last Thursday on the Governor's "Change Package" to LD 1019, the FY 2016 & FY 2017 biennium budget bill. The Education & Cultural Affairs Committee also received a briefing yesterday from the Acting Commissioner of Education and Department of Education (DOE) officials on the DOE initiatives included in the Change Package.

Following the DOE briefing, the Education & Cultural Affairs Committee agreed – by consensus – to report to the Appropriations & Financial Affairs Committee that:

1. We accept the initiatives proposed in the Change Package related to revising and adding funding for certain DOE positions; and

2. While we accept the proposed amendments to Part C of LD 1019 related to the DOE's revised projections for the costs, percentages and the mill expectation rate aligned with the Essential Programs and Services Funding Act for the State's General Fund appropriations to the General Purpose Aid for Local Schools program for FY 2016, our committee continues to support the recommendations that we included in the report we presented to your committee on March 25<sup>th</sup> regarding the Part C initiatives proposed in LD 1019. (Note: For example, we unanimously recommended repealing the inclusion of the costs of the state contributions to teacher retirement and retired teachers' health insurance and life insurance as part of the state share percentage for the total cost of funding public education (please see Sec. C-7 of LD 1019).

We thank you for your consideration of our Change Package recommendations. Please do not hesitate to contact us should you have any questions regarding our report.

SENATE

DAVID C. BURNS, DISTRICT 6 CHAIR  
AMY F. VOLK, DISTRICT 30  
CHRISTOPHER K. JOHNSON, DISTRICT 13

MARGARET J. REINSCH, SENIOR LEGISLATIVE ANALYST  
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WAYNE T. MITCHELL, PENOBSCOT NATION

STATE OF MAINE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
COMMITTEE ON JUDICIARY

May 13, 2015

TO: Senator James M. Hamper, Senate Chair  
Representative Margaret R. Rotundo, House Chair  
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator David C. Burns, Senate Chair  
Representative Barry J. Hobbins, House Chair  
Joint Standing Committee on Judiciary

Re: Judiciary Committee support for expansion of Drug Court in Biennial Budget

When we reported to you our recommendations on the Biennial Budget last month, we did not include a recommendation with regard to the proposed additional four District Court judges to address drug crimes. Although we recognize the seriousness of the drug crimes problem in Maine, a more comprehensive review was appropriate.

After further review and discussion, the Judiciary Committee unanimously supports the funding contained in the Governor's proposed Biennial Budget as Reference # 2162, but with a different use for part of the General Fund money originally identified for four new District Court Judges. Our alternative proposal is attached.

- We recommend that two new District Court Judge positions be created "to expand the availability of drug courts and judge days for criminal trials and dockets."
- With the two new District Judges should be added two new Assistant Clerk positions to support the judges.
- The remaining funds (\$234,564 and \$253,922) should be used to fund all the services necessary for the functioning of drug courts, including court management, drug testing and treatment services. We understand all the services are provided through the Office of Substance Abuse and Mental Health Services within the Department of Health and Human Services.

The Judicial Branch has committed to us that if the funding is provided as outlined above, the Judicial Branch will pursue the creation of two additional locations for drug courts. We are aware of and support the actions taken in the Health and Human Services and the Criminal Justice and Public Safety Committees to ensure that the existing Drug Court continues to function; our recommendations are necessary to expand the availability of the Drug Court.

Please contact us if you have any questions.

Thank you.

Courts - Supreme, Superior and District 0063

*expand the availability of drug courts and judge days for criminal trials and dockets*

Initiative: Establishes <sup>2</sup> District Court Judge positions to ~~hear and decide drug-related criminal cases.~~

Ref. #: 2162

Committee Vote: \_\_\_\_\_

APA Vote: \_\_\_\_\_

GENERAL FUND

POSITIONS - LEGISLATIVE COUNT

Personal Services

All Other

GENERAL FUND TOTAL

	2015-16	2016-17
<del>#351,364</del>	<del>2,4000</del>	<del>2,4000</del>
<del>6,000</del>	<del>\$702,728</del>	<del>\$727,220</del>
<del>357,364</del>	<del>\$13,000</del>	<del>\$13,000</del>
<del>#363,610</del>	<del>\$714,728</del>	<del>\$739,220</del>
<del>6,000</del>		
<del>369,610</del>		

Justification:

This initiative establishes <sup>2</sup> District Court Judge positions to ~~hear and decide drug-related criminal cases.~~

*expand the availability of drug courts and judge days for criminal trials and dockets*

Amendment to the Governor's Budget Bill

Judicial Branch

Establish 2 Assistant Clerks to support 2 new District Court Judge positions that will expand the availability of drug courts and judge days for criminal trials and dockets.

GENERAL FUND

Positions-Legislative Count

Personal Services

All Other

Total

	2015-16	2016-17
	2,000	2,000
	108,200	113,088
	14,600	2,600
Total	122,800	115,688

*Of the original funds proposed in Initiative #2162, the following would be available for other costs of drug courts:*

*\$234,564; \$253,922*

P.Reinsch OPLA 5.12.15 rev