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STATE OF MAINE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

To: Sen. Bill Diamond, Senate Chair
Rep. Emily Cain, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

From: Sen. Stan Gerzofsky, Senate Chair
Rep. Anne Haskell, House Chair
Joint Standing Committee on Criminal Justice and Public Safety

Re: LD 1671 Supplemental Budget report back pursuant to Joint Rule 314

Date: January 29, 2010

Please accept this memo as the report back from the Criminal Justice and Public Safety Committee regarding its recommendations on the Supplemental Budget requests from the Maine Emergency Management Agency (MEMA), the Department of Public Safety (DPS), the Department of Corrections (DOC) and the State Board of Corrections (SBOC).

MEMA

Those members of the committee present voted unanimously to support the supplemental budget requests for the MEMA. The committee is especially pleased that past due disaster assistance payments will finally be made to Maine communities. (See CRJ-7, Ref. # 324, Disaster Assistance 0841.)

DPS

Those members of the committee present voted unanimously to support the supplemental budget requests for the DPS that were before us. We discussed at length the process of analysis that was conducted by the department to best ensure the public safety of Maine's citizens, while still meeting the department's required budget target.

Because of the many committees of jurisdiction to whom the Department of Public Safety reports, we continue to have concerns and frustration regarding budget decisions that are made without the benefit of input from the committees that deal directly with the policy issues affected by the budget decisions. Specifically, we refer to the decision to eliminate the position of Director at the Maine Crime Lab. 51% of this position is funded by the General Fund and 49% by the Highway Fund; however the decision to eliminate the position is included under the jurisdiction of the Transportation Committee, which does not have the policy background or any of the history regarding work with the Crime Lab that this committee has. Over the years Criminal Justice and Public Safety has worked hard to increase the staff and resources of the Crime Lab, and the need of these services only increases with the demands of the types of criminal activity that are growing. (i.e., computer crimes) We do not question the outstanding qualifications of the Maine State Police Lt. who is to take on the responsibilities of the current Crime Lab Director; however, we have several questions that we believe need to be answered. Because of this shift in personnel, what duties within the MSP will not be done? What is not going to happen that happens now? How are these positions and programs actually funded? We have previously asked all departments for a structural breakdown of personnel and programs, and seeing this detail would be especially helpful in the context of understanding the operations and funding of the Department of Public Safety. The committee intends to discuss these issues further and requests that we may report back to you with any recommendations and suggestions at a date in the near future.

Another concern that the committee would like to raise is the repeated sweeping of Other Special Revenue accounts – specifically those from the Office of the Fire Marshal under the committee’s jurisdiction. The money in that account is for the purpose of necessary education, training and the operation of the office. Redirecting the funds in this account to serve other purposes hinders the Office of the Fire Marshal from fulfilling its responsibilities of investigating and inspecting, and thus impacts public safety. Although we did hear from Commissioner Lowe regarding the extensive process by which OSR accounts were finally made part of this Supplemental Budget, we continue to caution against this practice that has left the Office of the Fire Marshal in very difficult circumstances on numerous occasions.

DOC

Those members of the committee present voted unanimously to support the supplemental budget requests for the DOC. The committee continues to work closely with the DOC and has seen the repeated cuts that have accumulated over the years and has concerns about their impacts. The most recent cuts have resulted in a reduction in programs, which has led to more idleness in the facilities and may result in negative impacts on inmates’ future success in transitioning back into the community. This may ultimately result in increased recidivism rates. The committee also discussed how the cuts draw into question safety concerns for staff and inmates. These are important issues to keep in mind as we move forward and consider any further reductions.

SBOC

Those members of the committee present voted unanimously to support the one supplemental budget request to appropriate \$3.5 million in FY 11 to the SBOC for the continued operation of county and regional jails. The committee received the SBOC's annual report yesterday and continues to work closely with the board to stay apprised of the evolving issues with which the board works on endlessly.

In its report, the SBOC put the committee on notice of an unexpected loss of revenue that it has identified: approximately \$1.4 million, which is due to a significant drop in the number of federal prisoners to be boarded, and thus a drop in the federal revenue from the boarding of these prisoners. The system is already experiencing the reduction problem, and it will continue to worsen in FY 11. There appear to be several reasons for this loss of revenue, including a 40% reduction of federal prosecutions in Maine; the fact that new administration is not detaining as many persons as past administrations once did; and a newer correctional facility in Stratford County, NH, has marketed itself very successfully to the federal government as a place to house federal prisoners from ME, NH, VT and northern MA.

The SBOC is actively working to find solutions to this loss of revenue of \$1.4 million and will be regularly reporting back to our committee. As the board reports on its progress, we will keep you updated.

The committee makes no recommendations regarding amending proposed statutory language in Part Z of the bill.

Thank you for your attention. Please let us know if you have any questions. We look forward to discussing these issues with you and sharing additional information with you regarding DPS and SBOC issues in the near future.