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STATE OF MAINE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
COMMITTEE ON JUDICIARY

TO: Senator Peggy Rotundo, Senate Chair
Representative Melanie F. Sachs, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Anne M. Carney, Senate Chair AC^{TS}
Representative Matthew W. Moonen, House Chair MM^{TS}
Joint Standing Committee on Judiciary

DATE: May 25, 2023

RE: Recommendations on the Governor’s Change Package to the Biennial Budget

On Wednesday, May 17th and Tuesday May 23rd, the Joint Standing Committee on Judiciary met to review the items within the Governor’s Change Package to the Proposed Biennial Budget (LD 258) pertaining to the agencies under the Judiciary Committee’s jurisdiction.

I. Recommendations on Items within the Governor’s Change Package

As is reflected in the attached vote totals for each initiative and language part of the change package within the committee’s jurisdiction, the members of the Judiciary Committee recommend as follows.

A. Dept. of Administrative and Financial Services - Risk Management (Part A, p.3 & language Part BBBB)

A majority of committee members present and voting (8-1) recommends acceptance of the initiative and accompanying language part BBBB that will set aside funding to be used for the payment of attorney’s fees pursuant to court orders or settlement agreements when claims are brought against the State in situations where the State is unable to secure insurance coverage.

B. Dept. of the Attorney General - Administration & Human Services (Part A, pp. 17 & 19)

A majority of committee members present and voting (8-1) recommends acceptance of the initiatives funding the reorganization or reclassification of three positions within the Department of the Attorney General—Administration and the Department of the Attorney General—Human Services Division.

C. Dept. of the Attorney General - District Attorneys Salaries (Part A, p. 18)

The members of the committee present and voting unanimously (9-0) recommend acceptance of the initiative to re-establish 3 limited-period Assistant District Attorney Positions funded by the Stop Violence Against Women Formula Grant Program subgrant. It is our understanding that the federal funding for these positions has been extended through June 14, 2025 and that this initiative will authorize the expenditure of these federal funds.

D. Maine Commission on Indigent Legal Services (Part A, pp. 86-87 and language part XXXX)

The members of the committee present and voting unanimously (9-0) recommend acceptance of the initiatives for the Maine Commission on Indigent Legal Services (MCILS) that:

- (1) Revise the second initiative on page A-443 Governor's original biennial budget proposal (Ref. #2204 and #2205 in our March 9, 2023 report-back memo)—which would have transitioned MCILS staff and funding from an Other Special Revenue Funds account (which we understand was itself funded with General Fund dollars) to a General Fund appropriation effective fiscal year 2024. As revised, the initiative in the Governor's change package will make this transfer instead effective fiscal year 2025; and
- (2) Transition the \$12,506,910 provided by the Legislature to increase billing rates for MCILS assigned legal counsel to \$150 per hour in Public Law 2023, chapter 17, §A-38 (p. 280 of Chapter 14) and §T-2 (p. 408 of Chapter 17) from an Other Special Revenue Fund allocation to a General Fund appropriation.

E. Judicial Branch (Part A, p. 94 and language part ZZZZ)

The members of the committee present and voting unanimously (9-0) recommend acceptance of the initiative and accompanying language Part ZZZZ that propose to establish 3 new District Court Judge positions and 1 new Superior Court Justice position along with a Deputy Marshal and Assistant Clerk to support each of the new 4 trial judges. As we explained in greater detail in our biennial budget memorandum dated March 9, 2023,¹ and as State Court Administrator Amy Quinlan explained in her testimony on the change package dated May 17, 2023, the National Center for State Courts (NCSC) concluded, after conducting a weighted caseload study in the fall of 2022, that 9 new trial-level judicial officers and 40 additional assistant clerk positions are required for the Judicial Branch to keep pace with current filings, let alone to address the current backlog of cases. The Judiciary Committee urges the Appropriations and Financial Affairs Committee to include the Governor's change package proposal to begin addressing these critical staffing needs and to preserve access to justice in the State.

II. Additional Recommendations

In addition to considering the items within the change package pertaining to our committee's jurisdiction, members of the Judiciary Committee feel strongly that the Appropriations and Financial Affairs committee should consider including the following three items within the biennial budget.

A. Prior Recommendation: Dept. of the Attorney General - District Attorneys Salaries

As we explained in our biennial budget memorandum dated March 9, 2023, a majority (11-3) of the Judiciary Committee supports the initiative (Refs. #643 & # 644) in the Governor's proposed biennial budget that would provide sufficient funding to transform one part-time Assistant District Attorney position to a full-time position.

In addition, as we explained in detail in our follow-up biennial memorandum dated March 17, 2023:

[F]ederal STOP grant funding has enabled the District Attorneys' Offices within prosecutorial district 1 (York County), district 3 (Oxford, Franklin and Androscoggin Counties), district 4 (Kennebec and Somerset Counties) and district 5 (Penobscot and Piscataquis Counties) each to create a sexual assault and domestic violence unit staffed by a specially trained Assistant District

¹ A majority (11-3) of the committee voted in favor of including new initiative in the biennial budget to establish these 4 trial judge positions and accompanying support staff. *See* Memorandum dated March 9, 2023.

Attorney to handle these critically important cases. Due to confirmed reductions in available federal STOP grant funding, however, the State will no longer be able to maintain two of these specialized Assistant District Attorney positions.

A majority of the Judiciary Committee (Carney, Moonen, Lee, Dana, Sheehan, Poirier, Bailey, Moriarty, Kuhn and Galgay Reckitt) strongly recommends that the Appropriations and Financial Affairs Committee include a new initiative within the biennial budget to fund two Assistant District Attorney specialist positions to handle sexual assault and domestic violence cases to replace the positions that will be lost due to the decrease in federal STOP grant funding. Upon consultation with our fiscal analyst, it is our understanding that this initiative is likely to require a General Fund appropriation of \$239,772 in FY 24, and \$252,390 in FY 25 (per position cost of \$119,886 in FY 24 and \$126,195 in FY 25).

A minority of the Judiciary Committee (Andrews and Henderson) recommends that the new initiative to provide state funding for these positions not be added to the biennial budget because these positions most likely only came into being in 2020.

It is our understanding that the initiative on page 18 of the Governor's change package will only authorize the State to expend previously secured federal STOP grant funds through June 14, 2025. A majority of the committee therefore continues to request the inclusion in the biennial budget of a new initiative to replace the specialist prosecutor positions that will be lost due to the decrease in federal STOP grant funding.²

B. Prior Recommendation: MCILS - Public Defender Unit

We ask that the Appropriations and Financial Affairs Committee review the new initiatives proposed by a majority of the Judiciary Committee, which were set forth in our biennial budget memorandum dated March 9, 2023, to replace in part and to supplement the Governor's proposal to establish additional public defender positions in the State. As we explained on March 9, 2023:

F. New initiative to establish a Public Defender Unit in one prosecutorial district	Vote: 8-2-2
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In Ref. #2203 (p. 46), the Governor proposes to establish 2 Public Service Manager III positions (Assistant District Defender I with at least 5 years of experience), 8 Public Service Manager II positions (Assistant District Defender II who may be a recent law school graduate), 2 Paralegal positions and one Office Specialist Supervisor II position to be dispatched in the State where needed. The committee members who voted unanimously recommend not including this initiative in the biennial budget. While eleven members of the committee firmly believe that a new public defender unit should be created within one prosecutorial area of the state, in a location to be determined by MCILS, these committee members disagreed on the precise number and type of positions to include within that public defender unit. Their alternative proposals, as compared to the Governor's proposal, are summarized in the chart below. Two members of the committee (Andrews and Lyford) voted against any new initiative creating a public defender unit and two members (Haggan and Dana) were absent and did not vote on this issue.

...

² In her letter dated March 16, 2023 (which we attached to our follow-up memorandum dated March 17, 2023), District Attorney Maegan Maloney explained that the current federal STOP grant funding, which the initiative on page 18 of the Governor's change package authorizes the State to spend, will support either 3 ADA positions at the low end of the salary range or 2 ADA positions if the salaries and cost of living increases paid for these positions require a higher level of funding. Thus, in order to maintain 4 specialist ADA positions to prosecute sexual assault and domestic violence cases in prosecutorial districts 1, 3, 4 and 5, a new initiative must be included in the budget to fund 1 or 2 additional ADA positions.

Position	Majority * (8 members)	Minority #1 ** (2 members)	Governor's Ref. # 2203
District Defender (supervisor)	1	1	0
Assistant District Defender I (≥5 years' experience)	5	3	2
Assistant District Defender II (new grads)	5	7	8
Office Manager	1	1	1
Paralegals	3	2	2
Social Workers	4	0	0
Investigators	4	0	0
+ Office costs and miscellaneous expenses	Yes	Yes	Yes

- * Majority (Lee, Sheehan, Moonen, Carney, Bailey, Moriarty, Kuhn & Galgay Reckitt)
- ** Minority report #1 (Poirier and Henderson)
- Minority report #2 = OUT (Andrews, Lyford)
- Absent (Haggan, Dana)

C. New Initiative: Civil Legal Services

As you know, the State provides free or reduced-fee legal representation through MCILS to indigent criminal defendants, juvenile defendants and juveniles seeking emancipation, parents in child protection cases; and persons who are the subjects of petitions for involuntary commitment. Yet, no statute or constitutional provision requires the State to provide free or low-cost legal counsel for indigent parties as they attempt to understand and invoke their legal rights and to navigate the court processes, procedures and evidentiary rules attendant to the myriad other significant civil legal matters they may face, including: eviction and foreclosure proceedings; domestic violence family matters cases including divorce, parental rights and responsibilities and protection from abuse proceedings; elder abuse and exploitation cases; debt collection actions; disability discrimination in housing, education and employment; appeals of public benefits denials; asylum and other immigration proceedings; and other civil matters.

Maine has begun to address this critical access to justice issue through the creation of the Civil Legal Services Fund, which was established “to support the provision of free legal services to low-income or needy people or the needy elderly in this State.” Under current law, 4 M.R.S. §18-A, the Civil Legal Services Fund receives the following sources of capital:

- 9% of all fees collected by the Judicial Branch (except fees charged for records searches and fees imposed for alternative dispute resolution services);
- A surcharge of \$10 on each civil fine, penalty or forfeiture imposed by a state court;
- A surcharge of \$127 for the commencement of a debt collection action or money judgment disclosure action brought by a debt buyer or debt collector; and
- Any interest from investment of unexpended Civil Legal Services Fund balances.

According to the 2022 Report of the Maine Civil Legal Services Fund Commission,³ the Maine Civil Legal Services Fund Commission distributed \$1,646,886.65 from these sources to civil legal services providers in 2022. A supplemental budget bill enacted by the 130th Legislature in April of 2022 provided an additional \$1,300,000 in ongoing General Fund funding per fiscal year to the Civil Legal Services Fund. *See* Public Law 2021, chapter 635, §A-22 (LD 1995).

Unfortunately, as we learned earlier this year during the public hearing on LD 564, An Act to Improve Access to Civil Legal Services, indigent Mainers’ need for access to low-cost or no-cost civil legal services far exceeds the services that can be sustained through current funding levels. Accordingly, a

³ The Civil Legal Services Fund Commission’s annual report dated February 8, 2023 is posted on the Judiciary Committee’s webpage at the following link: <https://legislature.maine.gov/doc/9722>.

majority (9-5) of the Judiciary Committee voted to support LD 564,⁴ which would increase funding to the Civil Legal Services Fund by an additional \$3.9 million in fiscal year 2023-2024 and by an additional \$7.8 million in funding during fiscal year 2024-2025 and each fiscal year thereafter. LD 564 is currently on the Special Appropriations Table. While we prefer that the Appropriations and Financial Affairs Committee include full funding for this bill in the biennial budget, at a minimum, the members of the committee who voted in favor of LD 564 request that the biennial budget double the amount of ongoing General Fund appropriations for civil legal services from the current \$1.3 million per fiscal year to \$2.6 million per fiscal year.

D. New Initiative: New District Court Judge “Package” for Adult Drug Treatment Courts

The members of the committee present and voting unanimously (10-0)⁵ request that the Appropriations and Financial Affairs Committee include one additional District Court Judge package—consisting of one District Court Judge, one Deputy Marshal and one Assistant Clerk—in the biennial budget in addition to the 3 new District Court Judge packages proposed by the Governor. As we explained earlier in this memorandum, the 3 District Court Judge packages and 1 Superior Court Judge package proposed by the Governor are necessary for the Judicial Branch to keep pace with current court filings. Our proposal for an additional District Court Judge package focuses on an equally vital issue: increasing access to adult drug treatment courts across the State. According to the Maine Judicial Branch website:⁶

Adult Treatment and Recovery Courts

The Maine Treatment and Recovery Courts (TRC) are specialty dockets for eligible individuals whose involvement with the criminal justice system has been fueled by a serious substance use disorder (drugs and/or alcohol). Individuals are admitted to a TRC after entering into a plea agreement and accepting responsibility for their conduct. Entry into a TRC is voluntary.

Key components of the program

- Intensive judicial oversight that includes regular status hearings before the presiding judge;
- Multi-disciplinary treatment team that includes the presiding judge, prosecutor, defense lawyer, probation officer, case manager, treatment provider, law enforcement officer, and coordinator, all of whom have received specialized training;
- Comprehensive, individualized treatment plans, including medically assisted treatment (MAT), if appropriate;
- Community supervision;
- Case management to help the participant with scheduling, housing, and employment;
- Frequent, random, and observed drug testing;
- Strict accountability and sanctions for noncompliance; and
- Incentives for compliance and an opportunity to progress to program completion.

Participants who successfully complete the program will receive the successful completion sentence in their plea agreement. Participants who are expelled or withdraw from the program will receive the unsuccessful outcome sentence in their plea agreement.

These specialty court dockets are an essential, evidence-based tool for combatting the ever-increasing scourge of substance use disorder in the State. Unfortunately, adult drug treatment courts are only currently available in Androscoggin, Cumberland, Hancock, Penobscot, Washington and York Counties.

⁴ The majority ought-to-pass report on LD 564, which was accompanied by a fiscal-note-only amendment, was supported by Chairs Carney and Moonen, Senator Bailey and Representatives Galgay Reckitt, Kuhn, Lee, Moriarty, Sheehan and Dana while the minority ought-not-to-pass report on LD 564 was supported by Senator Lyford and Representatives Poirier, Andrews, Haggan and Henderson.

⁵ This new initiative was supported by Chairs Carney and Moonen, Senator Brakey and Representatives Galgay Reckitt, Kuhn, Henderson, Moriarty, Sheehan, Lee and Haggan.

⁶ See <https://www.courts.maine.gov/courts/treatment/adult.html>.

We are currently considering a bill, LD 1596, from President Jackson to establish a new adult drug treatment court in Aroostook County and we have learned that stakeholders are working to bring together all of the components necessary to apply to the Judicial Branch to establish that new specialty docket. Unfortunately, without an additional District Court Judge and support staff, such a docket cannot be implemented. Chief Justice Stanfill has assured us that, if an additional District Court Judge package (beyond those in the change package) is included in the biennial budget, the Judicial Branch will have sufficient resources to establish at least 2 and potentially 3 additional adult drug treatment courts, one of which will be located in Aroostook County.

I. Conclusion

Thank you for the opportunity to present our recommendations related to the Governor's proposed change package to the biennial budget. Please find attached a copy of the initiatives and language parts within the Governor's change package that fall within our committee's jurisdiction, upon which we have recorded the votes taken by the Judiciary Committee on May 17th.

Please let us know if we can provide any additional information or assistance in connection with these recommendations.

Please ADD the following to Part A, Section 1 of LD 258 as follows:

Administrative and Financial Services, Department of

RISK MANAGEMENT - CLAIMS 0008

2023-24

2024-25

Initiative: Provides one-time funding to pay attorneys' fees awarded by a court against the State, its departments, agencies, officers or employees, and settlements of attorneys' fees without court award in these cases, which are not otherwise insured against under a deductible or self-insured retention program.

OTHER SPECIAL REVENUE FUNDS

All Other

Vote with Language Part BBBB: 8-1 IN.

3,500,000

500

Total

3,500,000

500

Voting IN: LGR, AK, SM, EB, AC, MM, ES, AL
Voting OUT: RH

Please ADD the following to Part A, Section 1 of LD 258 as follows:

Attorney General, Department of the

ADMINISTRATION - ATTORNEY GENERAL 0310

	2023-24	2024-25
Initiative: Provides funding to change the job specification and range for one Research Associate MSEA-B position from spec 4 range 23 to spec 9 range 26 to align with the supervisory duties being assigned to this position. This initiative also corrects an error in the baseline budget for this position that was enacted in Public Law 2023, chapter 17.		

GENERAL FUND	Vote: 8-1 IN.		
Personal Services	Voting IN: LGR, AK, SM, EB, AC, MM, ES, AL Voting OUT: RH	8,271	8,922
		Total	8,271 8,922

OTHER SPECIAL REVENUE FUNDS			
Personal Services		6,766	7,301
		Total	6,766 7,301

	2023-24	2024-25
Initiative: Provides funding for the approved reorganization of one Secretary Legal position to a Secretary Associate Legal position.		

OTHER SPECIAL REVENUE FUNDS	Vote: 8-1 IN.		
Personal Services	Voting IN: LGR, AK, SM, EB, AC, MM, ES, AL Voting OUT: RH	2,714	2,857
		Total	2,714 2,857

Please ADD the following to Part A, Section 1 of LD 258 as follows:

Attorney General, Department of the

DISTRICT ATTORNEYS SALARIES 0409

2023-24

2024-25

Initiative: Establishes 3 limited-period Assistant District Attorney positions for the STOP Violence Against Women grant through June 14, 2025.

FEDERAL EXPENDITURES FUND

Personal Services

368,154

383,301

All Other

6,889

7,172

Vote 9-0 IN.

Total

375,043

390,473

Voting IN: LGR, AK, RH, SM, EB, AC, MM, ES, AL

Please ADD the following to Part A, Section 1 of LD 258 as follows:

Attorney General, Department of the

HUMAN SERVICES DIVISION 0696

2023-24

2024-25

Initiative: Provides funding for the approved reorganization of one Secretary Associate Legal position to a Research Assistant MSEA-B position.

OTHER SPECIAL REVENUE FUNDS

Personal Services

Vote: 8-1 IN.

2,743

2,742

Total

2,743

2,742

Voting IN: LGR, AK, SM, EB, AC, MM, ES, AL
Voting OUT: RH

Please AMEND Part A, Section 1 of LD 258 as follows:

Indigent Legal Services, Maine Commission on

Please amend as follows:

CURRENT

MAINE COMMISSION ON INDIGENT LEGAL SERVICES Z112

	2023-24	2024-25
Initiative: Transfers 2 Paralegal positions, 4 Public Service Manager II positions and related All Other costs for reimbursements for assigned legal counsel from the Other Special Revenue Funds to the General Fund within the same program.		
GENERAL FUND		
Positions - LEGISLATIVE COUNT	6.000	6.000
Personal Services	681,169	713,543
All Other	8,565,533	8,565,533
Total	9,246,702	9,279,076
OTHER SPECIAL REVENUE FUNDS		
Positions - LEGISLATIVE COUNT	-6.000	-6.000
Personal Services	(681,169)	(713,543)
All Other	(8,565,533)	(8,565,533)
Total	(9,246,702)	(9,279,076)

REVISED

MAINE COMMISSION ON INDIGENT LEGAL SERVICES Z112

	2023-24	2024-25
Initiative: Transfers 2 Paralegal positions, 4 Public Service Manager II positions and related All Other costs for reimbursements for assigned legal counsel from the Other Special Revenue Funds to the General Fund within the same program.		
GENERAL FUND		
Positions - LEGISLATIVE COUNT		6.000
Personal Services		713,543
All Other		8,565,533
Total	0	9,279,076
OTHER SPECIAL REVENUE FUNDS		
Positions - LEGISLATIVE COUNT		-6.000
Personal Services		(713,543)
All Other		(8,565,533)
Total	0	(9,279,076)

Vote with language Sec. XXXX-1: 9-0 IN.

Voting IN: LGR, AK, RH, SM, EB, AC, MM, ES, AL

Please ADD the following to Part A, Section 1 of LD 258 as follows:

Indigent Legal Services, Maine Commission on

MAINE COMMISSION ON INDIGENT LEGAL SERVICES Z112

2023-24

2024-25

Initiative: Consolidates funding authorized in Public Law 2023, chapter 17 by increasing funding in the Maine Commission on Indigent Legal Services program, General Fund and decreasing funding in the Maine Commission on Indigent Legal Services program, Other Special Revenue Funds since the Other Special Revenue account is funded with General Fund.

GENERAL FUND

All Other

12,506,910

Total 0 12,506,910

OTHER SPECIAL REVENUE FUNDS

All Other

(12,506,910)

Total 0 (12,506,910)

Vote with language Sec. XXXX-2: 9-0 IN.

Voting IN: LGR, AK, RH, SM, EB, AC, MM, ES, AL

Please ADD the following to Part A, Section 1 of LD 258 as follows:

Judicial Department

COURTS - SUPREME, SUPERIOR AND DISTRICT 0063

2023-24

2024-25

Initiative: Establishes 3 District Court Judge positions, 4 Deputy Marshal positions, 4 Assistant Clerk positions and one Superior Court Justice position effective July 01, 2023, and provides funding for related All Other costs.

GENERAL FUND

Positions - LEGISLATIVE COUNT

12,000

12,000

Personal Services

1,475,548

1,526,552

All Other

151,120

63,720

Total

1,626,668

1,590,272

Vote with language Part ZZZZ: 9-0 IN.

Voting IN: LGR, AK, RH, SM, EB, AC, MM, ES, AL

chronically homeless and to fund technical assistance, administered by the Maine State Housing Authority, for the development of housing consistent with the program. This Part requires the department to ensure that fund supplements existing and future services provided under programs like MaineCare and the Housing Outreach and Member Engagement Program is funded from the real estate transfer tax by depositing half of the funds that would otherwise be deposited into the General Fund into the Housing First Fund created by this Part. This Part also directs the Department of Health and Human Services and the Maine State Housing Authority to jointly adopt rules to administer the program and requires them to report annually to the Joint Standing or Joint Select Committee of the Legislature having jurisdiction over housing matters for the purpose of evaluating the effectiveness of the program. This Part also directs the Department of Health and Human Services to apply to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to align certain federal programs with the Housing First model.

Amend LD 258 by adding the following Part:

PART BBBB

Sec. BBBB-1. Transfer from General Fund unappropriated surplus; Risk Management. Notwithstanding any provision of law to the contrary, on or before June 30, 2023, the State Controller shall transfer \$3,500,000 from the unappropriated surplus of the General Fund to the Department of Administration and Financial Services, Risk Management, Other Special Revenue Funds account to pay attorneys' or other costs awarded by a court against the State, its departments, agencies, officers or employees, and settlements of attorneys' or other costs without court award in these cases, which are not otherwise insured against under a deductible or self-insured retention program.

Vote with initiative on p.3: 8-1 IN.

PART BBBB SUMMARY

Vote IN: LGR, AK, SM, EB, AC, MM, ES, AL
Vote OUT: RH

This Part requires the transfer of \$3,500,000 from the unappropriated surplus of the General Fund to the Department of Administrative and Financial Services, Risk Management, Other Special Revenue account to pay attorneys' or other costs awarded by a court against the State, its departments, agencies, officers or employees, and settlements of attorneys' fees without court award in these cases, which are not otherwise insured against under a deductible or self-insured retention program.

Amend LD 258 by adding the following Part:

PART CCCC

Amend LD 258 by adding the following Part:

PART XXXX

Sec. XXXX-1. PL 2023, c. 17, Part T-1 is amended to read:

Vote with revised initiative p.86: 9-0 IN

Voting for: LGR, AK, RH, SM, EB, AC, MM, ES, AL

Sec. T-1. Transfer from General Fund unappropriated surplus; Maine Commission on Indigent Legal Services. Notwithstanding any provision of law to the contrary, on or before June 30, 2024, the State Controller shall transfer \$9,246,702 from the unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services program, Other Special Revenue Funds account. ~~Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$9,279,076 from the unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services program, Other Special Revenue Funds account.~~

Sec. XXXX-2. PL 2023, c. 17, Part T-2 is amended to read:

Vote with initiative p.87: 9-0 IN

Voting for: LGR, AK, RH, SM, EB, AC, MM, ES, AL

Sec. T-2. Transfer from General Fund unappropriated surplus; Maine Commission on Indigent Legal Services. Notwithstanding any provision of law to the contrary, on or before June 30, 2024, the State Controller shall transfer \$12,506,910 from the unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services program, Other Special Revenue Funds account. ~~Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$12,506,910 from the unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services program, Other Special Revenue Funds account.~~

**PART XXXX
SUMMARY**

This Part amends budgeted transfers from the General Fund that were included in Public Law 2023, chapter 17 as a funding source for the Maine Commission on Indigent Legal Services, Other Special Revenue Funds account. The funding for six positions, associated All Other and reimbursements to attorneys is transitioned to a General Fund appropriation beginning in fiscal year 2024-25 to reflect the ongoing nature of the General Fund support for these costs in the agency's baseline budget.

Amend LD 258 by adding the following Part:

PART YYYY

Sec. YYYY-1. Transfer of funds; Department of Inland Fisheries and Wildlife carrying account. On or after July 1, 2023 but no later than August 1, 2023, the State Controller shall transfer \$795,129 from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Resource Management Services - Inland Fisheries and Wildlife program, General Fund account to provide matching funds for the construction of the Fryeburg shooting range.

PART YYYY

SUMMARY

This Part transfers funds from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Resource Management Services – Inland Fisheries and Wildlife program, General Fund account to provide matching funds for the construction of the Fryeburg shooting range.

Amend LD 258 by adding the following Part:

PART ZZZZ

Sec. ZZZZ-1. 4 MRSA §101 is amended to read:

Vote with initiative p.94: 9-0 IN

§101. Constitution of court

Voting for: LGR, AK, RH, SM, EB, AC, MM, ES, AL

The Superior Court, as established, consists of ~~17~~ 18 justices and such Active Retired Justices as may be appointed and serving on the court, learned in the law and of sobriety of manners. The Chief Justice of the Superior Court shall assign the Justices of the Superior Court to preside at various locations of the court. Whenever it becomes necessary, the Chief Justice of the Supreme Judicial Court may designate a Justice of the Supreme Judicial Court or any Active Retired Justice of the Supreme Judicial Court to hold a term of Superior Court. The Chief Justice of the Superior Court may, when necessary, assign an Active Retired Justice of the Superior Court to hold a term of Superior Court. The Chief Justice of the Superior Court may designate any Justice of the Superior Court and the Chief Justice of the Supreme Judicial Court may designate any Justice of the Supreme Judicial Court to hold one or more sessions of the Superior Court, separate from the session presided over by the justice holding the regular trial term.

Sec. ZZZZ-2. 4 MRSA §157, sub-§1, ¶A is amended to read:

§157. Judges; appointment; salary; expenses; full-time duties, sub-§1, ¶A

1. Appointment. District Court Judges are appointed as follows.

A. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, shall appoint to the District Court ~~39~~ 42

judges. At least one judge must be appointed from each district who is a resident of a county in which the district lies, except that in District 3 there must be 2 judges appointed who are residents of a county in which the district lies; in District 6 there must be 2 judges appointed who are residents of a county in which the district lies; and in District 9 there must be 2 judges appointed who are residents of a county in which the district lies. Each District Court Judge has a term of office of 7 years.

To be eligible for appointment as a District Judge, a person must be a member of the bar of the State. The term "District Judge" includes the Chief Judge and Deputy Chief Judge.

**PART ZZZZ
SUMMARY**

This Part increases the number of District Court judges by 3 headcount and Superior Court justices by 1 headcount.

Amend LD 258 by adding the following Part:

PART AAAAA

Sec. AAAAA-1. 5 MRSA §943, sub-§1, ¶¶L is repealed.

Sec. AAAAA-2. Contingent effective date. The repeal of Maine Revised Statutes, Title 5, section 943, subsection 1, paragraph L does not take effect until the position becomes vacant following enactment of this Part. The Commissioner of Labor shall inform the Revisor of Statutes when this contingency occurs and the Revisor shall update the Maine Revised Statutes to reflect the change.

**PART AAAAA
SUMMARY**

This Part returns the Director of the Bureau of Unemployment Compensation to classified service when the position next becomes vacant.