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**STATE OF MAINE
ONE HUNDRED AND THIRTIETH LEGISLATURE
COMMITTEE ON JUDICIARY**

March 18, 2021

TO: Senator Catherine E. Breen, Senate Chair
Representative Teresa S. Pierce, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Anne M. Carney, Senate Chair
Representative Thom Harnett, House Chair
Joint Standing Committee on Judiciary

Re: Judiciary Committee's recommendations on the Biennial Budget

Introduction

Thank you for the opportunity to present our Biennial Budget recommendations for the Department of the Attorney General, the Maine Human Rights Commission, the Maine Indian Tribal State Commission, the Maine Commission on Indigent Legal Services, the Judicial Branch and Pine Tree Legal Assistance, as well as Part KK, Part FFF and Part III. After the joint public hearings, the Judiciary Committee met on March 3rd, March 9th and March 16th. We appreciate your extension of the original reporting date.

Our work on the Biennial Budget was a thoughtful process, and we reached unanimous agreement on several initiatives, but not all. Overall, the majority of the Judiciary Committee supports the initiatives included in the original budget with specific exceptions described below. The work sheet with the recorded votes is attached.

Specific Changes

- Department of the Attorney General
The Budget includes Other Special Revenue funding for a new Assistant Attorney General position dedicated to Workers' Compensation litigation (Ref. # 397), as well as an additional Paralegal (Ref. # 399) and an additional Secretary Legal position (Ref. # 401). After discussion about the need for additional information about the existing costs of outsourcing this legal work on behalf of the State, the Attorney General and the Committee agreed to delete all three initiatives.

- Maine Human Rights Commission

The initiatives in the Biennial Budget addressing the Maine Human Rights Commission need significant revision because of updated information on range changes for several investigator positions. In addition, the Judiciary Committee agreed to recommend reorganization of existing positions in order provide the technology support required by the Commissioners as well as the staff. All of the changes are related and make possible the technology support; the Judiciary Committee strongly supports accepting the revisions in their entirety. The majority of the Judiciary Committee (9-1) supports the replacement of the initiatives listed as Ref. ## 1083, 1084, 1085, 1086, 1087, 1088 and 1089. The Commission ordinarily relies on a share of federal funds based on the work undertaken for and compensated by the federal Department of Housing and Urban Development (housing discrimination) and the Equal Employment Opportunity Commission (employment discrimination). The Commission is concerned that the federal government, because of the pandemic and the reduction in activities, will not be providing the amount of federal funds identified in the initiatives in the Biennial Budget, and also that the Commission's ability to close cases and meet contract obligations with these federal funders continues to be limited by staff leaves of absence and remote work. Our revised initiatives do not, therefore, rely on those new federal funds going forward. (There is no reason to expect the baseline federal funds to be affected.)

- Maine Indian Tribal-State Commission

The Biennial Budget does not include any initiatives for the Maine Indian Tribal-State Commission. The majority of the Judiciary Committee (9-3) supports the appropriation of an additional \$55,200 (All Other) each year to support the MITSC's expanded work. This will fund part-time support staff to continue the efforts supporting MITSC's responsibilities now that all the State and Tribal seats are occupied.

- Maine Commission on Indigent Legal Services

The Biennial Budget contains no initiatives for the Maine Commission on Indigent Legal Services, despite the great need for significant reform and additional funding to fulfill the State's constitutional and statutory obligations to those who need legal representation and do not have the financial resources to cover the costs. As you know, there are significant shortcomings in the State's provision of indigent legal services; the Sixth Amendment Center identified the multiple specific situations in which the State is at risk of being a defendant in a class action lawsuit unless substantial changes addressing the deficiencies are put in motion soon. With that in mind, we make the several recommendations for revitalizing the Maine Commission on Indigent Legal Services.

- Part FFF

Part FFF amends the statute governing the rule-making authority of the Maine Commission on Indigent Legal Services. The majority of the Judiciary Committee supports this change. It is included in our MCILS language recommendation. (Note that the Summary included in the Biennial Budget for Part FFF is not correct.)

- Judicial Branch

The most significant change in the Judicial Branch budget was proposed by the Judicial Branch itself – Delete Reference #1862 – the Courts believe they do not need the additional funding included for guardian ad litem costs that had been anticipated in child protection cases. Because

of the pandemic, case filings and court activities have been limited, so that the existing funding for GALs is sufficient. This is a savings of \$254,711 in each year of the biennium.
Sincerely,

Part KK

Part KK amends the Maine Uniform Probate Code to repeal the requirement that the State purchase a bond when acting as the public guardian or public conservator. (The \$14,000 in savings are included in the HHS budget.) The Committee's discussion of Part KK has convinced the majority to support the elimination of the bonding obligation described in this Section because it is clear that currently the bond is useless. However, we also realize that adults who have a public guardian or conservator should not be left without a remedy if their public guardians or conservators act negligently in performing their legal duties. In the interest of accountability, we recommend that the Legislature evaluate whether to add language that will waive sovereign immunity under the Maine Tort Claims Act and provide a limited remedy to these vulnerable adults.

Part III

Part III provides for the full 3% of the judicial salary adjustment that is annually budgeted, rather than basing the adjustment on the consumer price index for a cost of living adjustment. The majority of the Judiciary Committee (7-5) supports Part III, recognizing that even after the 3% increase, Maine judges will remain at or near the bottom of all states' compensation for judges.

Thank you for your consideration of our recommendations. We are happy to answer any questions.

Attachments

- Judiciary work sheet (votes)
- Maine Human Rights Commission revised initiatives
- Maine Commission on Indigent Legal Services revised initiatives (votes)
- Maine Commission on Indigent Legal Services language recommendations

JUDICIARY COMMITTEE WORK SHEET

Sec. A-4. Appropriations and allocations.

The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: BASELINE BUDGET

GENERAL FUND	History 2019-20	History 2020-21	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	62.500	62.500	62.500	62.500
Personal Services	\$7,139,512	\$7,414,058	\$7,849,172	\$8,157,383
All Other	\$817,987	\$814,300	\$814,300	\$814,300
Capital Expenditures	\$43,563	\$36,958	\$0	\$0
GENERAL FUND TOTAL	\$8,001,062	\$8,265,316	\$8,663,472	\$8,971,683

FEDERAL EXPENDITURES FUND	History 2019-20	History 2020-21	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	10.000	10.000	10.000	10.000
Personal Services	\$1,085,683	\$1,137,274	\$1,175,594	\$1,219,492
All Other	\$270,609	\$257,242	\$257,242	\$257,242
FEDERAL EXPENDITURES FUND TOTAL	\$1,356,292	\$1,394,516	\$1,432,836	\$1,476,734

OTHER SPECIAL REVENUE FUNDS	History 2019-20	History 2020-21	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	51.500	51.500	51.500	51.500
Personal Services	\$7,191,988	\$7,498,455	\$7,453,349	\$7,782,709
All Other	\$941,892	\$935,522	\$735,522	\$735,522
OTHER SPECIAL REVENUE FUNDS TOTAL	\$8,133,880	\$8,433,977	\$8,188,871	\$8,518,231

Administration - Attorney General 0310

Initiative: Establishes one Secretary Associate Legal position dedicated to the Natural Resources Division and provides funding for related All Other costs.

Ref. #: 394

Committee Vote:

8-4
LK KD LL JP

AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$73,625	\$77,388
All Other	\$6,171	\$6,290
OTHER SPECIAL REVENUE FUNDS TOTAL	\$79,796	\$83,678

Absent DH RN

Justification:

Current personnel levels have one paralegal position supporting 9 Assistant Attorneys General, with many of those litigators absorbing their own administrative support functions. This position would take on those administrative functions, freeing up time for those attorneys to handle increased litigation needs for the Natural Resources agencies. Natural Resources agencies receiving the services of this position have agreed to its funding.

Administration - Attorney General 0310

Initiative: Reduces one-time funding by returning a leased Central Fleet Vehicle.

Ref. #: 396

Committee Vote: 12-0

AFA Vote: _____

GENERAL FUND

All Other

2021-22

(\$6,000)

2022-23

(\$6,000)

GENERAL FUND TOTAL

(\$6,000)

(\$6,000)

Absent DH RN

Justification:

This initiative reduces funding by returning a state leased vehicle to Central Fleet Management.

Administration - Attorney General 0310

Initiative: Establishes one Assistant Attorney General position dedicated to Workers' Compensation litigation and provides funding for related All Other costs.

Ref. #: 397

Committee Vote: 0-13

AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS

POSITIONS - LEGISLATIVE COUNT

Personal Services

All Other

2021-22

1.000

\$109,682

\$9,470

\$119,152

2022-23

1.000

\$114,891

\$9,635

\$124,526

Absent DH

Justification:

This initiative requests the creation of a Workers' Compensation legal team within the Office of the Attorney General. Workers' compensation litigation had historically been handled by the Office, but was transferred to outside counsel. Analysis shows that returning the work to State resources could save over \$100,000 annually.

Administration - Attorney General 0310

Initiative: Establishes one Paralegal position dedicated to Workers' Compensation litigation and provides funding for related All Other costs.

Ref. #: 399

Committee Vote: 0-13

AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS

2021-22

2022-23

Absent DH

POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$76,851	\$80,150
All Other	\$6,273	\$6,377
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$83,124</u>	<u>\$86,527</u>

Justification:

This initiative requests the creation of a Workers' Compensation legal team within the Office of the Attorney General. Workers' compensation litigation had historically been handled by the Office, but was transferred to outside counsel. Analysis shows that returning the work to State resources could save over \$100,000 annually.

Administration - Attorney General 0310

Initiative: Establishes one Secretary Legal position dedicated to Workers' Compensation litigation and provides funding for related All Other costs.

Ref. #: 401 Committee Vote: 0-13 AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$68,586	\$72,080
All Other	\$6,012	\$6,122
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$74,598</u>	<u>\$78,202</u>

Absent DH

Justification:

This initiative requests the creation of a Workers' Compensation legal team within the Office of the Attorney General. Workers' compensation litigation had historically been handled by the Office, but was transferred to outside counsel. Analysis shows that returning the work to State resources could save over \$100,000 annually.

Administration - Attorney General 0310

Initiative: Provides funding for Department of Administrative and Financial Services, Office of Information Technology (OIT) rate increases, computer replacements and other information technology needs.

Ref. #: 403 Committee Vote: 9-3 AFA Vote: _____
KD LL JB

GENERAL FUND	2021-22	2022-23
All Other	\$19,778	\$19,778
GENERAL FUND TOTAL	<u>\$19,778</u>	<u>\$19,778</u>

Absent LK DH

Ref. #: 404 Committee Vote: 12-0 AFA Vote: _____

FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$3,413	\$3,413
FEDERAL EXPENDITURES FUND TOTAL	<u>\$3,413</u>	<u>\$3,413</u>

Absent LK DH

Ref. #: 405

Committee Vote: 12-0

AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS

All Other	Absent W-DH	2021-22 \$19,901	2022-23 \$19,901
OTHER SPECIAL REVENUE FUNDS TOTAL		\$19,901	\$19,901

Justification:

This initiative provides funding for Department of Administrative and Financial Services, Office of Information Technology (OIT) rate increases, computer replacements and other information technology needs.

ADMINISTRATION - ATTORNEY GENERAL 0310

PROGRAM SUMMARY

GENERAL FUND	History 2019-20	History 2020-21	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	62.500	62.500	62.500	62.500
Personal Services	\$7,139,512	\$7,414,058	\$7,849,172	\$8,157,383
All Other	\$817,987	\$814,300	\$828,078	\$828,078
Capital Expenditures	\$43,563	\$36,958	\$0	\$0
GENERAL FUND TOTAL	\$8,001,062	\$8,265,316	\$8,677,250	\$8,985,461
FEDERAL EXPENDITURES FUND	History 2019-20	History 2020-21	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	10.000	10.000	10.000	10.000
Personal Services	\$1,085,683	\$1,137,274	\$1,175,594	\$1,219,492
All Other	\$270,609	\$257,242	\$260,655	\$260,655
FEDERAL EXPENDITURES FUND TOTAL	\$1,356,292	\$1,394,516	\$1,436,249	\$1,480,147
OTHER SPECIAL REVENUE FUNDS	History 2019-20	History 2020-21	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	51.500	51.500	55.500	55.500
Personal Services	\$7,191,988	\$7,498,455	\$7,782,093	\$8,127,218
All Other	\$941,892	\$935,522	\$783,349	\$783,847
OTHER SPECIAL REVENUE FUNDS TOTAL	\$8,133,880	\$8,433,977	\$8,565,442	\$8,911,065

Chief Medical Examiner - Office of 0412

Initiative: BASELINE BUDGET

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	12.000	12.000	12.000	12.000
Personal Services	\$1,621,730	\$1,679,300	\$1,769,892	\$1,826,762
All Other	\$808,096	\$814,096	\$814,096	\$814,096
GENERAL FUND TOTAL	\$2,429,826	\$2,493,396	\$2,583,988	\$2,640,858
	History 2019-20	History 2020-21	2021-22	2022-23
FEDERAL EXPENDITURES FUND				
POSITIONS - LEGISLATIVE COUNT	1.000	1.000	1.000	1.000
Personal Services	\$62,243	\$65,096	\$70,591	\$73,963
All Other	\$280,649	\$277,796	\$277,796	\$277,796
FEDERAL EXPENDITURES FUND TOTAL	\$342,892	\$342,892	\$348,387	\$351,759
	History 2019-20	History 2020-21	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS				
All Other	\$185,003	\$185,003	\$185,003	\$185,003
OTHER SPECIAL REVENUE FUNDS TOTAL	\$185,003	\$185,003	\$185,003	\$185,003

Chief Medical Examiner - Office of 0412

Initiative: Reduces one-time funding for contract services by disencumbering a contract for autopsy services.

Ref. #: 424

Committee Vote: 12-0

AFA Vote: _____

	2021-22	2022-23
GENERAL FUND		
All Other	(\$5,000)	(\$5,000)
GENERAL FUND TOTAL	(\$5,000)	(\$5,000)

Absent LK BH

Justification:

This initiative reduces funding for contracted services by disencumbering a contract for autopsy services. The Office of the Attorney General's contracted provider is not allowing the Office of Chief Medical Examiner autopsies to be completed during the pandemic, and the pathologist performing the service will be retiring.

Chief Medical Examiner - Office of 0412

Initiative: Reduces one-time funding by returning a state leased vehicle to Central Fleet Management.

Ref. #: 425

Committee Vote: 12-0

AFA Vote: _____

	2021-22	2022-23
GENERAL FUND		

Absent LK BH

All Other	(\$6,500)	(\$6,500)
GENERAL FUND TOTAL	<hr/> (\$6,500)	<hr/> (\$6,500)

Justification:
 This initiative reduces funding by returning a state leased vehicle to Central Fleet Management.

Chief Medical Examiner - Office of 0412

Initiative: Reduces one-time funding for cell phone services.

Ref. #: 426 Committee Vote: 12-0 AFA Vote: _____

GENERAL FUND		2021-22	2022-23
All Other	Absent LK DH	(\$1,058)	(\$1,058)
GENERAL FUND TOTAL		<hr/> (\$1,058)	<hr/> (\$1,058)

Justification:
 This initiative reduces funding for cell phone services.

Chief Medical Examiner - Office of 0412

Initiative: Provides Personal Services to allow for approved premium overtime and standby pay for the Medical Examiner Assistant positions based on labor committee considerations.

Ref. #: 427 Committee Vote: 8-5 AFA Vote: _____

GENERAL FUND		2021-22	2022-23
Personal Services	LK KD LL JP JE	\$16,978	\$17,071
GENERAL FUND TOTAL	Absent DH	<hr/> \$16,978	<hr/> \$17,071

Justification:
 This initiative provides Personal Services to allow for approved premium overtime and standby pay for the Medical Examiner Assistant positions. Meetings between employees, management, and Bureau of Human Relations - Office of Employee Relations have resulted in modified overtime and standby allowances for this classification in the Office of the Chief Medical Examiner.

Chief Medical Examiner - Office of 0412

Initiative: Provides funding for Department of Administrative and Financial Services, Office of Information Technology (OIT) rate increases, computer replacements and other information technology needs.

Ref. #: 428 Committee Vote: 9-4 AFA Vote: _____

LK KD LL JP
Absent DH

GENERAL FUND	2021-22	2022-23
All Other	\$3,993	\$3,993
GENERAL FUND TOTAL	<u>\$3,993</u>	<u>\$3,993</u>

Ref. #: 429

Committee Vote: 12-0

AFA Vote: _____

FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$602	\$602
FEDERAL EXPENDITURES FUND TOTAL	<u>\$602</u>	<u>\$602</u>

*Absent
LK DH*

Justification:

This initiative provides funding for Department of Administrative and Financial Services, Office of Information Technology (OIT) rate increases, computer replacements and other information technology needs.

**CHIEF MEDICAL EXAMINER - OFFICE OF 0412
PROGRAM SUMMARY**

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	12.000	12.000	12.000	12.000
Personal Services	\$1,621,730	\$1,679,300	\$1,786,870	\$1,843,833
All Other	\$808,096	\$814,096	\$805,531	\$805,531
GENERAL FUND TOTAL	<u>\$2,429,826</u>	<u>\$2,493,396</u>	<u>\$2,592,401</u>	<u>\$2,649,364</u>

	History 2019-20	History 2020-21	2021-22	2022-23
FEDERAL EXPENDITURES FUND				
POSITIONS - LEGISLATIVE COUNT	1.000	1.000	1.000	1.000
Personal Services	\$62,243	\$65,096	\$70,591	\$73,963
All Other	\$280,649	\$277,796	\$278,398	\$278,398
FEDERAL EXPENDITURES FUND TOTAL	<u>\$342,892</u>	<u>\$342,892</u>	<u>\$348,989</u>	<u>\$352,361</u>

	History 2019-20	History 2020-21	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS				
All Other	\$185,003	\$185,003	\$185,003	\$185,003
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$185,003</u>	<u>\$185,003</u>	<u>\$185,003</u>	<u>\$185,003</u>

Civil Rights 0039

Initiative: BASELINE BUDGET

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	2.000	2.000	2.000	2.000
Personal Services	\$172,331	\$177,908	\$186,111	\$195,199
All Other	\$94,671	\$96,671	\$96,671	\$96,671
GENERAL FUND TOTAL	\$267,002	\$274,579	\$282,782	\$291,870

Civil Rights 0039

Initiative: Provides funding for Department of Administrative and Financial Services, Office of Information Technology (OIT) rate increases, computer replacements and other information technology needs.

Ref. #: 376

Committee Vote: 9-4 AFA Vote: _____
LK KD LL JP

		2021-22	2022-23
GENERAL FUND			
All Other		\$584	\$584
GENERAL FUND TOTAL	<i>Absent BH</i>	\$584	\$584

Justification:

This initiative provides funding for Department of Administrative and Financial Services, Office of Information Technology (OIT) rate increases, computer replacements and other information technology needs.

**CIVIL RIGHTS 0039
PROGRAM SUMMARY**

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	2.000	2.000	2.000	2.000
Personal Services	\$172,331	\$177,908	\$186,111	\$195,199
All Other	\$94,671	\$96,671	\$97,255	\$97,255
GENERAL FUND TOTAL	\$267,002	\$274,579	\$283,366	\$292,454

District Attorneys Salaries 0409

Initiative: BASELINE BUDGET

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	97.500	97.500	97.500	97.500
Personal Services	\$12,255,825	\$13,203,037	\$12,844,650	\$13,428,326
GENERAL FUND TOTAL	\$12,255,825	\$13,203,037	\$12,844,650	\$13,428,326
FEDERAL EXPENDITURES FUND				
POSITIONS - LEGISLATIVE COUNT	6.000	6.000	6.000	6.000
Personal Services	\$646,905	\$699,575	\$641,723	\$672,731
All Other	\$41,483	\$41,483	\$41,483	\$41,483
FEDERAL EXPENDITURES FUND TOTAL	\$688,388	\$741,058	\$683,206	\$714,214
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	1.500	1.500	1.500	1.500
Personal Services	\$136,380	\$147,756	\$157,751	\$165,417
All Other	\$11,157	\$11,157	\$11,157	\$11,157
OTHER SPECIAL REVENUE FUNDS TOTAL	\$147,537	\$158,913	\$168,908	\$176,574

**DISTRICT ATTORNEYS SALARIES 0409
PROGRAM SUMMARY**

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	97.500	97.500	97.500	97.500
Personal Services	\$12,255,825	\$13,203,037	\$12,844,650	\$13,428,326
GENERAL FUND TOTAL	\$12,255,825	\$13,203,037	\$12,844,650	\$13,428,326
	History 2019-20	History 2020-21	2021-22	2022-23
FEDERAL EXPENDITURES FUND				
POSITIONS - LEGISLATIVE COUNT	6.000	6.000	6.000	6.000
Personal Services	\$646,905	\$699,575	\$641,723	\$672,731
All Other	\$41,483	\$41,483	\$41,483	\$41,483
FEDERAL EXPENDITURES FUND TOTAL	\$688,388	\$741,058	\$683,206	\$714,214
	History 2019-20	History 2020-21	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	1.500	1.500	1.500	1.500
Personal Services	\$136,380	\$147,756	\$157,751	\$165,417
All Other	\$11,157	\$11,157	\$11,157	\$11,157
OTHER SPECIAL REVENUE FUNDS TOTAL	\$147,537	\$158,913	\$168,908	\$176,574

FHM - Attorney General 0947

Initiative: BASELINE BUDGET

	History 2019-20	History 2020-21	2021-22	2022-23
FUND FOR A HEALTHY MAINE				
POSITIONS - LEGISLATIVE COUNT	1.000	1.000	1.000	1.000
Personal Services	\$140,826	\$147,220	\$109,765	\$115,063
All Other	\$20,860	\$20,860	\$20,860	\$20,860
FUND FOR A HEALTHY MAINE TOTAL	\$161,686	\$168,080	\$130,625	\$135,923

FHM - Attorney General 0947

Initiative: Provides funding for Department of Administrative and Financial Services, Office of Information Technology (OIT) rate increases, computer replacements and other information technology needs.

Ref. #: 443

Committee Vote: 10-2

AFA Vote: _____

KD JP

		2021-22	2022-23
FUND FOR A HEALTHY MAINE			
All Other		\$304	\$304
FUND FOR A HEALTHY MAINE TOTAL		\$304	\$304

*Absent
LK DH*

Justification:

This initiative provides funding for Department of Administrative and Financial Services, Office of Information Technology (OIT) rate increases, computer replacements and other information technology needs.

FHM - ATTORNEY GENERAL 0947

PROGRAM SUMMARY

	History 2019-20	History 2020-21	2021-22	2022-23
FUND FOR A HEALTHY MAINE				
POSITIONS - LEGISLATIVE COUNT	1.000	1.000	1.000	1.000
Personal Services	\$140,826	\$147,220	\$109,765	\$115,063
All Other	\$20,860	\$20,860	\$21,164	\$21,164
FUND FOR A HEALTHY MAINE TOTAL	\$161,686	\$168,080	\$130,929	\$136,227

Human Services Division 0696

Initiative: BASELINE BUDGET

	History 2019-20	History 2020-21	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	80.000	80.000	80.000	80.000
Personal Services	\$9,017,898	\$9,399,196	\$9,217,581	\$9,647,307
All Other	\$1,367,431	\$1,359,415	\$1,359,415	\$1,359,415
OTHER SPECIAL REVENUE FUNDS TOTAL	\$10,385,329	\$10,758,611	\$10,576,996	\$11,006,722

Human Services Division 0696

Initiative: Continues one part-time Research Assistant MSEA-B position, 40 hours biweekly dedicated to the Child Support Division and provides funding for related All Other costs. This position was continued by Financial Order 001105 F1.

Ref. #: 432

Committee Vote: 10-3 AFA Vote: _____
LK LL JP

		2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS			
POSITIONS - LEGISLATIVE COUNT		0.500	0.500
Personal Services		\$38,565	\$40,214
All Other		\$5,063	\$5,115
OTHER SPECIAL REVENUE FUNDS TOTAL		\$43,628	\$45,329

Justification:

This initiative requests to continue one part-time Research Assistant MSEA-B position assigned to the Human Services Division. The position was continued by Financial Order 001105 F1. The part-time position will be assigned to the Child Protective Division, with funding from the Department of Health and Human Services (DHHS). Increases in child protective cases filed in court has led to additional need for Assistant Attorneys Generals' time and related support staff to effectively address the child welfare backlog and support the increased filings. As a result, a Research Assistant MSEA-B position previously funded equally by DHHS Child Protective Services and DHHS Child Support has been transferred to 100% Child Protective Services. DHHS has agreed to this additional funding, but this leaves a need for a part-time Child Support position.

Human Services Division 0696

Initiative: Provides funding for Department of Administrative and Financial Services, Office of Information Technology (OIT) rate increases, computer replacements and other information technology needs.

Ref. #: 433

Committee Vote: 9-3 AFA Vote: _____
KD LL JP

		2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS			
All Other		\$24,561	\$24,561
OTHER SPECIAL REVENUE FUNDS TOTAL		\$24,561	\$24,561

Justification:

This initiative provides funding for Department of Administrative and Financial Services, Office of Information Technology (OIT) rate increases, computer replacements and other information technology needs.

Human Services Division 0696

Initiative: Establishes one Assistant Attorney General position dedicated to the Child Protection Division and provides funding for related All Other costs.

Ref. #: 434

Committee Vote: 9-4 AFA Vote: _____
LK KD LL JP

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$109,682	\$114,891
All Other	\$9,470	\$9,635
OTHER SPECIAL REVENUE FUNDS TOTAL	\$119,152	\$124,526

Justification:

Due to an increasing number of child abuse and neglect reports and corresponding assessments, the Department of Health and Human Services (DHHS) has significantly increased the number of child protective services social workers. In the past two years, the Office of Child and Family Services (OCFS) has seen a dramatic increase in calls to Central Intake and new assessments assigned to field staff. This has resulted in greater numbers of court cases being filed and litigated. The substantial increase in the Department's workload and workforce for child protection services directly ties to workload for the Office of the Attorney General's Child Protection AAGs and administrative staff. The American Bar Association has recommended caseload limits of 60 trial court cases per trial attorney for this type of state agency representation. In Maine, the caseloads far exceed the American Bar Association recommendations, with each AAG carrying an average of 100 cases prior to DHHS's 2018 staffing increase. One additional AAG project position was established by Financial Order and there is another initiative seeking to make that position permanent. However, more positions are needed. This position in this initiative addresses the second staffing increase by DHHS, and directly impacts the safety of Maine's most vulnerable children.

Human Services Division 0696

Initiative: Continues one limited-period Assistant Attorney General position dedicated to the Child Protection Division and provides funding for related All Other costs. This position was continued by Financial Order 001109 F1.

Ref. #: 435

Committee Vote: 9-4 AFA Vote: _____
LK KD LL JP

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
Personal Services	\$109,682	\$107,896
All Other	\$9,470	\$9,635
OTHER SPECIAL REVENUE FUNDS TOTAL	\$119,152	\$117,531

Absent DH

Justification:

The Department of Health and Human Services (DHHS) has significantly increased the number of child protective cases it has filed in court in the past 18 months, resulting in approximately 400 additional children in DHHS custody this year, compared to the same time last year. This is the highest number of children subject to child protection court cases in over a decade. DHHS is increasing their workforce for child protection, having established 65 new positions for child protection social workers. DHHS is making an additional request for 40 child protection staff, which will grow the total to 105 new staff members at DHHS dedicated to child protection work. This increase of approximately 30% growth in the Department's workforce for child protection, directly correlates to workload for the Office of the Attorney General and its dedicated team of Child Protection Assistant Attorney Generals (AAG) and their administrative staff. Child Protection AAGs handle a total of approximately 2,000 cases in the trial courts which require in excess of 4000 court appearances and hundreds of trials, all set on a priority basis or expedited court scheduling track. Child Protection AAG also handle over 80 appeals annually in the Maine Supreme Court, which is the highest number of appeals to Maine's highest court handled by any single division at the Attorney General's Office. These Assistant Attorney Generals additionally manage numerous other core responsibilities including training of Office of Child and Family Service (OCFS) staff, advising OCFS daily on case evidence collection, evidence management, service of process, drafting court-related records, and much more. In sum, DHHS is responding to a need to increase staffing, assess more families, and file more cases in the trial courts, which results in corresponding increases in appellate caseloads and the need for more legal services. The American Bar Association has recommended caseload limits of 60 trial court cases per trial attorney for this type of state agency representation; each full-time litigation AAG currently on staff carries an average of 100 cases. This position directly impacts the safety of Maine's most vulnerable population, its children.

Human Services Division 0696

Initiative: Provides funding for the approved reorganization of one Secretary Legal position to one Secretary Associate Legal position dedicated to the Department of Health and Human Services Division.

Ref. #: 436

Committee Vote: 9-4 AFA Vote: _____
CK KD LL JP

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
Personal Services	\$6,407	\$6,406
All Other	\$357	\$357
OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,764	\$6,763

Agent BH

Justification:

This initiative provides funding for the approved reclassification of one Secretary Legal position to one Secretary Associate Legal position dedicated to the Department of Health and Human Services Division. The reclassification is necessary due to the complexity of tasks being performed and the required ongoing need for this level of support.

**HUMAN SERVICES DIVISION 0696
PROGRAM SUMMARY**

	History 2019-20	History 2020-21	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	80.000	80.000	81.500	81.500
Personal Services	\$9,017,898	\$9,399,196	\$9,481,917	\$9,916,714
All Other	\$1,367,431	\$1,359,415	\$1,408,336	\$1,408,718
OTHER SPECIAL REVENUE FUNDS TOTAL	\$10,385,329	\$10,758,611	\$10,890,253	\$11,325,432

Victims' Compensation Board 0711

Initiative: BASELINE BUDGET

	History 2019-20	History 2020-21	2021-22	2022-23
FEDERAL EXPENDITURES FUND				
All Other	\$225,549	\$225,549	\$225,549	\$225,549
FEDERAL EXPENDITURES FUND TOTAL	\$225,549	\$225,549	\$225,549	\$225,549
	History 2019-20	History 2020-21	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	3,000	3,000	3,000	3,000
Personal Services	\$239,242	\$247,832	\$244,039	\$253,742
All Other	\$599,418	\$599,418	\$599,418	\$599,418
OTHER SPECIAL REVENUE FUNDS TOTAL	\$838,660	\$847,250	\$843,457	\$853,160

Victims' Compensation Board 0711

Initiative: Provides funding for Department of Administrative and Financial Services, Office of Information Technology (OIT) rate increases, computer replacements and other information technology needs.

Ref. #: 440

Committee Vote: 10-2
 KB JP

AFA Vote: _____

	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS		
All Other	\$1,090	\$1,090
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,090	\$1,090

Absent
LK DH

Justification:

This initiative provides funding for Department of Administrative and Financial Services, Office of Information Technology (OIT) rate increases, computer replacements and other information technology needs.

**VICTIMS' COMPENSATION BOARD 0711
PROGRAM SUMMARY**

	History 2019-20	History 2020-21	2021-22	2022-23
FEDERAL EXPENDITURES FUND				
All Other	\$225,549	\$225,549	\$225,549	\$225,549
FEDERAL EXPENDITURES FUND TOTAL	\$225,549	\$225,549	\$225,549	\$225,549
	History 2019-20	History 2020-21	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	3.000	3.000	3.000	3.000
Personal Services	\$239,242	\$247,832	\$244,039	\$253,742
All Other	\$599,418	\$599,418	\$600,508	\$600,508
OTHER SPECIAL REVENUE FUNDS TOTAL	\$838,660	\$847,250	\$844,547	\$854,250

ATTORNEY GENERAL, DEPARTMENT OF THE

	2021-22	2022-23
DEPARTMENT TOTALS		
GENERAL FUND	\$24,397,667	\$25,355,605
FEDERAL EXPENDITURES FUND	\$2,693,993	\$2,772,271
FUND FOR A HEALTHY MAINE	\$130,929	\$136,227
OTHER SPECIAL REVENUE FUNDS	\$20,654,153	\$21,452,324
DEPARTMENT TOTAL - ALL FUNDS	<u>\$47,876,742</u>	<u>\$49,716,427</u>

Sec. A-35. Appropriations and allocations.

The following appropriations and allocations are made.

HUMAN RIGHTS COMMISSION, MAINE

Human Rights Commission - Regulation 0150

Initiative: BASELINE BUDGET

See Pension

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	9.000	9.000	9.000	9.000
Personal Services	\$918,147	\$934,193	\$1,003,534	\$1,028,263
All Other	\$44,117	\$44,117	\$44,117	\$44,117
GENERAL FUND TOTAL	\$962,264	\$978,310	\$1,047,651	\$1,072,380
FEDERAL EXPENDITURES FUND				
POSITIONS - LEGISLATIVE COUNT	5.000	5.000	5.000	5.000
Personal Services	\$347,878	\$353,561	\$385,697	\$393,514
All Other	\$210,252	\$210,252	\$210,252	\$210,252
FEDERAL EXPENDITURES FUND TOTAL	\$558,130	\$563,813	\$595,949	\$603,766
OTHER SPECIAL REVENUE FUNDS				
All Other	\$107,864	\$107,864	\$107,864	\$107,864
OTHER SPECIAL REVENUE FUNDS TOTAL	\$107,864	\$107,864	\$107,864	\$107,864

*10-1
LL*

*Absent
LK DH RN*

Human Rights Commission - Regulation 0150

Initiative: Continues the administrative reorganization of a Senior Paralegal position to a Paralegal position and reduces the hours from full-time to part-time.

Ref. #: 1083

Committee Vote: _____

AFA Vote: _____

	2021-22	2022-23
GENERAL FUND		
POSITIONS - LEGISLATIVE COUNT	(0.500)	(0.500)
Personal Services	(\$48,915)	(\$49,428)
GENERAL FUND TOTAL	(\$48,915)	(\$49,428)

Justification:

Continues the administrative reorganization of a Senior Paralegal position to a Paralegal position and reduces the hours from full-time to part-time in September, 2020 in order to provide General Fund savings.

Human Rights Commission - Regulation 0150

Initiative: Reorganizes one Maine Human Rights Investigator - Supervisor position to a Maine Human Rights Investigator position.

Ref. #: 1084

Committee Vote: _____

AFA Vote: _____

GENERAL FUND

Personal Services

2021-22	2022-23
(\$9,381)	(\$12,122)

GENERAL FUND TOTAL

(\$9,381)	(\$12,122)
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Ref. #: 1085

Committee Vote: _____

AFA Vote: _____

FEDERAL EXPENDITURES FUND

Personal Services

2021-22	2022-23
(\$3,125)	(\$4,038)

FEDERAL EXPENDITURES FUND TOTAL

(\$3,125)	(\$4,038)
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Justification:

This initiative reorganizes one Maine Human Rights Investigator - Supervisor position to a Maine Human Rights Investigator position in order to provide General Fund savings.

Human Rights Commission - Regulation 0150

Initiative: Provides funding for increases in technology and general operating costs.

Ref. #: 1086

Committee Vote: _____

AFA Vote: _____

GENERAL FUND

All Other

2021-22	2022-23
\$13,572	\$13,572

GENERAL FUND TOTAL

\$13,572	\$13,572
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Ref. #: 1087

Committee Vote: _____

AFA Vote: _____

FEDERAL EXPENDITURES FUND

All Other

2021-22	2022-23
\$3,823	\$4,038

FEDERAL EXPENDITURES FUND TOTAL

\$3,823	\$4,038
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Justification:

This initiative provides funds for increased costs to the department.

Human Rights Commission - Regulation 0150

Initiative: Provides funding for the approved range change of 6 Maine Human Rights Investigator positions from range 24 to range 26 retroactive to August of 2018.

Ref. #: 1088

Committee Vote: _____ AFA Vote: _____

GENERAL FUND

Personal Services

	2021-22	2022-23
	\$42,131	\$24,482

GENERAL FUND TOTAL

	\$42,131	\$24,482
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Ref. #: 1089

Committee Vote: _____ AFA Vote: _____

FEDERAL EXPENDITURES FUND

Personal Services

	2021-22	2022-23
	\$26,726	\$17,492

FEDERAL EXPENDITURES FUND TOTAL

	\$26,726	\$17,492
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Justification:

This initiative provides funding for the approved range change of 6 Maine Human Rights Investigators from range 24 to range 26 retroactive to August of 2018.

**HUMAN RIGHTS COMMISSION - REGULATION 0150
PROGRAM SUMMARY**

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	9.000	9.000	8.500	8.500
Personal Services	\$918,147	\$934,193	\$987,369	\$991,195
All Other	\$44,117	\$44,117	\$57,689	\$57,689
GENERAL FUND TOTAL	\$962,264	\$978,310	\$1,045,058	\$1,048,884
FEDERAL EXPENDITURES FUND				
POSITIONS - LEGISLATIVE COUNT	5.000	5.000	5.000	5.000
Personal Services	\$347,878	\$353,561	\$409,298	\$406,968
All Other	\$210,252	\$210,252	\$214,075	\$214,290
FEDERAL EXPENDITURES FUND TOTAL	\$558,130	\$563,813	\$623,373	\$621,258
OTHER SPECIAL REVENUE FUNDS				
All Other	\$107,864	\$107,864	\$107,864	\$107,864
OTHER SPECIAL REVENUE FUNDS TOTAL	\$107,864	\$107,864	\$107,864	\$107,864

HUMAN RIGHTS COMMISSION, MAINE

DEPARTMENT TOTALS	2021-22	2022-23
GENERAL FUND	\$1,045,058	\$1,048,884
FEDERAL EXPENDITURES FUND	\$623,373	\$621,258
OTHER SPECIAL REVENUE FUNDS	\$107,864	\$107,864
DEPARTMENT TOTAL - ALL FUNDS	\$1,776,295	\$1,778,006

Sec. A-37. Appropriations and allocations.

The following appropriations and allocations are made.

INDIAN TRIBAL-STATE COMMISSION, MAINE

Maine Indian Tribal-state Commission 0554

Initiative: BASELINE BUDGET

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
All Other	\$111,614	\$111,614	\$111,614	\$111,614
GENERAL FUND TOTAL	\$111,614	\$111,614	\$111,614	\$111,614

MAINE INDIAN TRIBAL-STATE COMMISSION 0554

PROGRAM SUMMARY

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
All Other	\$111,614	\$111,614	\$111,614	\$111,614
GENERAL FUND TOTAL	\$111,614	\$111,614	\$111,614	\$111,614

New Initiative

All Other \$55,200 \$55,200

9-4

LK KD
LL JP

Absent BH

INDIAN TRIBAL-STATE COMMISSION, MAINE

	2021-22	2022-23
DEPARTMENT TOTALS		
GENERAL FUND	\$111,614	\$111,614
DEPARTMENT TOTAL - ALL FUNDS	\$111,614	\$111,614

Sec. A-38. Appropriations and allocations. The following appropriations and allocations are made.

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: BASELINE BUDGET

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	0.000	11.500	11.500	11.500
Personal Services	\$0	\$899,599	\$954,855	\$977,284
All Other	\$9,000	\$15,521,725	\$15,521,725	\$15,521,725
GENERAL FUND TOTAL	\$9,000	\$16,421,324	\$16,476,580	\$16,499,009
	History 2019-20	History 2020-21	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$1,157,000	\$1,157,000	\$1,157,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,157,000	\$1,157,000	\$1,157,000

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES Z112
PROGRAM SUMMARY**

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	0.000	11.500	11.500	11.500
Personal Services	\$0	\$899,599	\$954,855	\$977,284
All Other	\$9,000	\$15,521,725	\$15,521,725	\$15,521,725
GENERAL FUND TOTAL	\$9,000	\$16,421,324	\$16,476,580	\$16,499,009
	History 2019-20	History 2020-21	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$1,157,000	\$1,157,000	\$1,157,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,157,000	\$1,157,000	\$1,157,000

See new initiatives

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

	2021-22	2022-23
DEPARTMENT TOTALS		
GENERAL FUND	\$16,476,580	\$16,499,009
OTHER SPECIAL REVENUE FUNDS	\$1,157,000	\$1,157,000
DEPARTMENT TOTAL - ALL FUNDS	<u>\$17,633,580</u>	<u>\$17,656,009</u>

Sec. A-40. Appropriations and allocations.

The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: BASELINE BUDGET

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	528.000	528.000	528.000	528.000
Personal Services	\$48,044,913	\$50,788,854	\$52,137,289	\$53,268,349
All Other	\$19,916,833	\$19,898,833	\$19,898,833	\$19,898,833
GENERAL FUND TOTAL	\$67,961,746	\$70,687,687	\$72,036,122	\$73,167,182
	History 2019-20	History 2020-21	2021-22	2022-23
FEDERAL EXPENDITURES FUND				
POSITIONS - LEGISLATIVE COUNT	1.000	1.000	1.000	1.000
Personal Services	\$525,137	\$565,887	\$106,075	\$108,910
All Other	\$1,088,789	\$1,088,789	\$1,088,789	\$1,088,789
FEDERAL EXPENDITURES FUND TOTAL	\$1,613,926	\$1,654,676	\$1,194,864	\$1,197,699
	History 2019-20	History 2020-21	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	19.000	19.000	19.000	19.000
Personal Services	\$4,778,691	\$5,157,788	\$4,166,368	\$4,293,565
All Other	\$5,718,831	\$6,316,667	\$6,316,667	\$6,316,667
Capital Expenditures	\$300,000	\$300,000	\$300,000	\$300,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$10,797,522	\$11,774,455	\$10,783,035	\$10,910,232

Courts - Supreme, Superior and District 0063

Initiative: Continues 2 limited-period Service Center/Violations Bureau Assistant Clerk positions through June 17, 2023 and transfers and reallocates the positions to another Other Special Revenue Funds account within the same program. These positions were previously authorized in Public Law 2019, chapter 343.

Ref. #: 1857

Committee Vote:

B-4

AFA Vote:

	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$149,086	\$156,318
OTHER SPECIAL REVENUE FUNDS TOTAL	\$149,086	\$156,318

*DH KD
LL JP*

Absent SM LK

Justification:

These positions provide statewide court services in support of the DHHS IV-D Cooperative Agreement, which will assist the courts in ensuring child support and recovery cases are adequately handled within the time frames specified in 45 CFR 303.4 and 303.6.

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for increases in technology costs.

Ref. #: 1858

Committee Vote: 12-0

AFA Vote: _____

GENERAL FUND		2021-22	2022-23
All Other		\$80,000	\$80,000
GENERAL FUND TOTAL		<u>\$80,000</u>	<u>\$80,000</u>

Absent
SM LK

Justification:

This funding provides support for remote video technology, a critical tool during the pandemic, for mediations and federally mandated interpreter services which have substantially increased due to the Covid-19 emergency.

Courts - Supreme, Superior and District 0063

Initiative: Continues 2 limited-period Court Appointed Special Advocate Legal Services Advisor positions through June 17, 2023. These positions were previously authorized in Public Law 2019, chapter 343.

Ref. #: 1859

Committee Vote: 12-0

AFA Vote: _____

FEDERAL EXPENDITURES FUND		2021-22	2022-23
Personal Services		\$265,240	\$272,740
FEDERAL EXPENDITURES FUND TOTAL		<u>\$265,240</u>	<u>\$272,740</u>

Absent
SM LK

Justification:

These positions are funded by the federal Victims of Crime Assistance grant. The positions provide assistance to the Court Appointed Special Advocate (CASA) Director and supervise the efforts of the CASA volunteers assisting children subject to abuse and neglect. The use of volunteers reduces the need for guardian ad litem funding.

Courts - Supreme, Superior and District 0063

Initiative: Continues 3 limited-period Law Clerk positions through June 17, 2023. These positions were previously authorized in Public Law 2019, chapter 343.

Ref. #: 1860

Committee Vote: 12-0

AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS		2021-22	2022-23
Personal Services		\$285,939	\$298,107
OTHER SPECIAL REVENUE FUNDS TOTAL		<u>\$285,939</u>	<u>\$298,107</u>

Absent
SM LK

Justification:

These law clerk positions provide assistance to the judges to help decrease the time-to-resolution for many case types filed in the Maine Courts. These positions will be funded in the 2022-2023 biennium by IV-D Other Special Revenue.

Courts - Supreme, Superior and District 0063

Initiative: Continues one limited-period Assistant Clerk position through June 17, 2023. The position was previously authorized in Public Law 2019, chapter 486.

Ref. #: 1861

Committee Vote: 12-0

AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS

Personal Services

2021-22 **2022-23**

\$74,950 \$78,713

OTHER SPECIAL REVENUE FUNDS TOTAL

\$74,950 \$78,713

*Absent
SM LK*

Justification:

The position assists the Violations Bureau with processing traffic infractions.

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for increased guardian ad litem costs due to an increase in child protection case filings.

Ref. #: 1862

Committee Vote: 0-12

AFA Vote: _____

GENERAL FUND

All Other

2021-22 **2022-23**

\$254,711 \$254,711

GENERAL FUND TOTAL

\$254,711 \$254,711

delete

*Absent
SM LK*

Justification:

Child protection case filings have increased in over the 2020-21 biennium. It is anticipated that these increases will continue into fiscal years 2021-22 and 2022-23. This request will fund the increase in guardian ad litem costs that are associated with these child protection cases.

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for facility operation increases to operate 38 facilities across the state.

Ref. #: 1863

Committee Vote: 7-4

AFA Vote: _____

GENERAL FUND

All Other

2021-22 **2022-23**

\$762,927 \$762,927

GENERAL FUND TOTAL

\$762,927 \$762,927

*Absent
CB DH RN*

Justification:

This initiative provides funding for the increase in operational costs for utilities, fuel, snow removal, maintenance and other facility related expenses to operate the Judicial Branch's 38 facilities, including two new courthouses in Oxford and Waldo counties.

Courts - Supreme, Superior and District 0063

Initiative: Continues one limited-period Facility Engineer position through June 17, 2023. This position was previously authorized in Public Law 2019, chapter 343.

Ref. #: 1864

Committee Vote: 12-0 AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS

Personal Services

	2021-22	2022-23
	\$122,352	\$127,472

OTHER SPECIAL REVENUE FUNDS TOTAL

	<u>\$122,352</u>	<u>\$127,472</u>
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Absent SM LK

Justification:

This position will assist other staff in providing project management/clerk of the works oversight for the construction of the courthouse in York County.

Courts - Supreme, Superior and District 0063

Initiative: Continues one limited-period Child Protective and Juvenile Process Specialist position through June 17, 2023. This position was previously authorized in Public Law 2019, chapter 343.

Ref. #: 1865

Committee Vote: 12-0 AFA Vote: _____

FEDERAL EXPENDITURES FUND

Personal Services

	2021-22	2022-23
	\$139,408	\$145,185

FEDERAL EXPENDITURES FUND TOTAL

	<u>\$139,408</u>	<u>\$145,185</u>
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Absent SM LK

Justification:

This position is funded by the federal Court Improvement Grant through the US Department of Health and Human Services Administration on Children and Families. The grant is targeted to improve Maine's system of justice with regard to safety, well-being, and permanency of Maine's most vulnerable children, those within the child welfare system. The position is responsible for assisting in the implementation of grant requirements.

Courts - Supreme, Superior and District 0063

Initiative: Continues 2 limited-period Collections Clerk positions and one limited-period Court Fine Screener position through June 17, 2023. These positions were previously authorized in Public Law 2019, chapter 343.

Ref. #: 1866

Committee Vote: 12-0 AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS

Personal Services

	2021-22	2022-23
	\$250,658	\$257,010

Absent LK SM

OTHER SPECIAL REVENUE FUNDS TOTAL

\$250,658 \$257,010

Justification:

These positions assist in the collection of overdue fines and fees due to the courts as authorized by Maine Revised Statutes, Title 4, section 20 and are funded from the monies collected.

**COURTS - SUPREME, SUPERIOR AND DISTRICT 0063
PROGRAM SUMMARY**

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	528.000	528.000	528.000	528.000
Personal Services	\$48,044,913	\$50,788,854	\$52,137,289	\$53,268,349
All Other	\$19,916,833	\$19,898,833	\$20,996,471	\$20,996,471
GENERAL FUND TOTAL	\$67,961,746	\$70,687,687	\$73,133,760	\$74,264,820
	History 2019-20	History 2020-21	2021-22	2022-23
FEDERAL EXPENDITURES FUND				
POSITIONS - LEGISLATIVE COUNT	1.000	1.000	1.000	1.000
Personal Services	\$525,137	\$565,887	\$510,723	\$526,835
All Other	\$1,088,789	\$1,088,789	\$1,088,789	\$1,088,789
FEDERAL EXPENDITURES FUND TOTAL	\$1,613,926	\$1,654,676	\$1,599,512	\$1,615,624
	History 2019-20	History 2020-21	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	19.000	19.000	19.000	19.000
Personal Services	\$4,778,691	\$5,157,788	\$5,049,353	\$5,211,185
All Other	\$5,718,831	\$6,316,667	\$6,316,667	\$6,316,667
Capital Expenditures	\$300,000	\$300,000	\$300,000	\$300,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$10,797,522	\$11,774,455	\$11,666,020	\$11,827,852

Judicial - Debt Service Z097

Initiative: BASELINE BUDGET

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
All Other	\$17,089,584	\$17,089,584	\$17,089,584	\$17,089,584
GENERAL FUND TOTAL	\$17,089,584	\$17,089,584	\$17,089,584	\$17,089,584

Judicial - Debt Service Z097

Initiative: Reduces funding on a one-time basis to reflect savings achieved by restructuring the 2011 debt issuance.

Ref. #: 1870

Committee Vote: 12-0 AFA Vote: _____

	2021-22	2022-23
GENERAL FUND		
All Other	\$0	(\$1,045,657)
GENERAL FUND TOTAL	\$0	(\$1,045,657)

*Absent
SM LK*

Justification:

This initiative reduced funding in fiscal year 2022-23 to reflects one-time savings achieved by restructuring the 2011 debt issuance.

**JUDICIAL - DEBT SERVICE Z097
PROGRAM SUMMARY**

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
All Other	\$17,089,584	\$17,089,584	\$17,089,584	\$16,043,927
GENERAL FUND TOTAL	\$17,089,584	\$17,089,584	\$17,089,584	\$16,043,927

JUDICIAL DEPARTMENT

DEPARTMENT TOTALS	2021-22	2022-23
GENERAL FUND	\$90,223,344	\$90,308,747
FEDERAL EXPENDITURES FUND	\$1,599,512	\$1,615,624
OTHER SPECIAL REVENUE FUNDS	\$11,666,020	\$11,827,852
DEPARTMENT TOTAL - ALL FUNDS	<u>\$103,488,876</u>	<u>\$103,752,223</u>

Sec. A-52. Appropriations and allocations.

The following appropriations and allocations are made.

PINE TREE LEGAL ASSISTANCE

Legal Assistance 0553

Initiative: BASELINE BUDGET

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
All Other	\$500,000	\$500,000	\$500,000	\$500,000
GENERAL FUND TOTAL	\$500,000	\$500,000	\$500,000	\$500,000

**LEGAL ASSISTANCE 0553
PROGRAM SUMMARY**

	History 2019-20	History 2020-21	2021-22	2022-23
GENERAL FUND				
All Other	\$500,000	\$500,000	\$500,000	\$500,000
GENERAL FUND TOTAL	\$500,000	\$500,000	\$500,000	\$500,000

All support

PINE TREE LEGAL ASSISTANCE

DEPARTMENT TOTALS	2021-22	2022-23
GENERAL FUND	\$500,000	\$500,000
DEPARTMENT TOTAL - ALL FUNDS	\$500,000	\$500,000

Sec. P-3. Appropriations and allocations.

The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Reduces funding to reflect projected savings from an increase in the attrition rate from 1.6% to 5% for fiscal years 2021-22 and 2022-23.

Ref. #: 1867

One Time

Committee Vote: 12-0

AFA Vote: _____

	2021-22	2022-23
GENERAL FUND		
Personal Services	(\$1,566,169)	(\$1,594,453)
GENERAL FUND TOTAL	(\$1,566,169)	(\$1,594,453)

*Absent
SM LK*

JUDICIAL DEPARTMENT

	2021-22	2022-23
DEPARTMENT TOTALS		
GENERAL FUND	(\$1,566,169)	(\$1,594,453)
DEPARTMENT TOTAL - ALL FUNDS	(\$1,566,169)	(\$1,594,453)

PART KK

Sec. KK-1. 18-C MRSA §5-415, sub-§1, as affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

1. Bond or collateral. Requiring the conservator to furnish bond or collateral or additional bond or collateral or allowing a reduction in a bond or collateral previously furnished; This subsection does not apply to a public conservator;

Sec. KK-2. 18-C MRSA §5-416, sub-§5, is enacted to read:

5. Public conservator. The court may not require a bond for a public conservator.

Sec. KK-3. 18-C MRSA §5-710, as affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

§5-710. Bond not required

The public guardian or conservator is not required to file bonds in individual guardianships or conservatorships, ~~but shall give a surety bond for the joint benefit of the individuals subject to guardianship or protected persons placed under the responsibility of the public guardian or conservator and the State, with a surety company or companies authorized to do business within the State, in an amount not less than the total value of all assets held by the public guardian or conservator, which amount must be computed at the end of each state fiscal year and approved by the Probate Court for Kennebec County. At no time may the bond of each of the public guardians or conservators be less than \$500 respectively.~~

Sec. KK-4. 18-C MRSA §5-711, sub-§1, as affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

1. Reasonable expenses; account for costs. The public guardian or conservator may receive such reasonable amounts for its expenses as guardian or conservator as the Probate Court may allow. The amounts so allowed must be allocated to an account from which may be drawn expenses for filing fees, ~~bond premiums~~, court costs and other expenses required in the administration of the functions of the public guardian or conservator. No amounts thus received may inure to the benefit of any employee of the public guardian or conservator. Any balance in the account at the end of a fiscal year does not lapse but is carried forward from year to year and used for the purposes provided for in this subsection.

PART KK
SUMMARY

This Part eliminates the requirement that a public guardian or public conservator furnish a bond. The Maine Supreme Judicial Court held in *Perry v. Dean*, 2017 ME 35, that the State, having not explicitly waived its sovereign immunity provided under the Maine Tort Claims Act, is immune to claims against the State for breach of fiduciary duty owed to the person subject to public guardianship or public conservatorship.

see sub language

PART FFF

Sec. FFF-1. 4 MRSA, §1804, sub-§4, ¶D is amended to read:

4. Powers. The commission may:

- A. Establish and maintain a principal office and other offices within the State as it considers necessary;
- B. Meet and conduct business at any place within the State;
- C. Use voluntary and uncompensated services of private individuals and organizations as may from time to time be offered and needed;
- D. Adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted to establish standards under subsection 2, paragraph B and rates of compensation for assigned counsel and contract counsel under subsection 2, paragraph F are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A; and
- E. Appear in court and before other administrative bodies represented by its own attorneys.

*w/changes
11-1
Absent
DH RN*

**PART FFF
SUMMARY**

incorrect

This Part allows the Maine Indigent Legal Services Commission to establish rates of compensation for assigned counsel and contract counsel through routine technical, rather than major substantive, rulemaking, enabling the Commission to make these changes more quickly and efficiently.

PART III

Sec. III-1. Judicial salary adjustment. Notwithstanding any provision of the Maine Revised Statutes, Title 4 to the contrary, effective July 1, 2021 and July 1, 2022, the State Court Administrator shall increase the salaries of the State's chief justices, Chief Judge, Deputy Chief Judge, associate justices and associate judges by 3% in total each of those fiscal years.

**PART III
SUMMARY**

This Part authorizes the State Court Administrator to increase the salaries of the State's chief justices, Chief Judge, Deputy Chief Judge, associate justices and associate judges by 3% in each of fiscal years 2021-22 and 2022-23 effective July 1, 2021 and July 1, 2022.

7-6

<i>AZ</i>	<i>HS</i>	<i>DH</i>	<i>JP</i>
<i>TH</i>	<i>CB</i>	<i>KD</i>	<i>JE</i>
<i>LR</i>	<i>FS</i>	<i>LL</i>	<i>LK</i>

HUMAN RIGHTS COMMISSION, MAINE

Ref #: Revised 1088 & 1089

Human Rights Commission - Regulation 0150

Initiative: Reallocates positions and provides funding for the approved range changes of six Maine Human Rights Investigator positions from range 24 to 26.

	2021-22	2022-23
GENERAL FUND		
Personal Services	\$39,882	\$40,733
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$39,882	\$40,733
FEDERAL EXPENDITURES FUND	2021-22	2022-23
Personal Services	(\$2,967)	(\$3,113)
	<hr/>	<hr/>
FEDERAL EXPENDITURES FUND TOTAL	(\$2,967)	(\$3,113)

Ref #: Revised 1086 (Ref # 1087 is out)

Human Rights Commission - Regulation 0150

Initiative: Provides funding for increases in technology and general operating costs.

	2021-22	2022-23
GENERAL FUND		
All Other	\$34,996	\$34,996
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$34,996	\$34,996

Ref #: NEW (previously was included as part of Ref # 1088)

Human Rights Commission - Regulation 0150

Initiative: Provides one-time funding for the retroactive amount due an employee for an approved range change of one Maine Human Rights Investigator position from range 24 to 26.

	2021-22	2022-23
GENERAL FUND		
Personal Services	\$5,760	\$0
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$5,760	\$0

Ref #: NEW

Human Rights Commission - Regulation 0150

Initiative: Continues one Management II Analyst position previously established by Financial Order 01238F21 and transfers funding from All Other to Personal Services.

	2021-22	2022-23
FEDERAL EXPENDITURES FUND		
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$14,093	\$17,325
All Other	(\$13,220)	(\$15,538)
	<hr/>	<hr/>
FEDERAL EXPENDITURES FUND TOTAL	\$873	\$1,787

Ref #: Revised 1083

Human Rights Commission - Regulation 0150

Initiative: Continues the administrative reorganization of a Senior Paralegal position to a Paralegal position and reduces the hours from full-time to part-time.

	2021-22	2022-23
GENERAL FUND		
POSITIONS - LEGISLATIVE COUNT	(0.500)	(0.500)
Personal Services	(\$25,889)	(\$26,227)
GENERAL FUND TOTAL	<u>(\$25,889)</u>	<u>(\$26,227)</u>

Ref #: Revised 1084 & 1085

Human Rights Commission - Regulation 0150

Initiative: Reorganizes one Maine Human Rights Investigator - Supervisor position to a Maine Human Rights Investigator position.

	2021-22	2022-23
GENERAL FUND		
Personal Services	(\$15,759)	(\$18,500)
GENERAL FUND TOTAL	<u>(\$15,759)</u>	<u>(\$18,500)</u>
FEDERAL EXPENDITURES FUND		
Personal Services	(\$5,253)	(\$6,164)
FEDERAL EXPENDITURES FUND TOTAL	<u>(\$5,253)</u>	<u>(\$6,164)</u>

Maine Commission on Indigent Legal Services
 Biennial Budget – new initiatives
 March 17, 2021

Initiative 1

Basic Central Office Staffing

Initiative: Provides for 4 attorneys (Public Service Manager II) and 2 paralegals to lead and staff the Attorney Supervision Subdivision and the Auditing Subdivision

Ref: MCILS 1

	2021-22	2022-23
Positions	(6)	(6)
Personal Services	\$670,116	\$691,559
All Other	\$47,073	\$27,573
Total costs:	\$717,189	\$719,138

JUD VOTE 14-0

AFA VOTE _____

Initiative 2

Enhanced Central Office Staffing

Initiative: Provides for one additional central office support staff (Office Support III SUPV)

Ref: MCILS 2

- Office Specialist
87,871

	2021-22	2022-23
Position	(1)	(1)
Personal Services	\$87,871	\$90,682
All Other	\$7,642	\$4,392
Total costs:	\$95,513	\$95,074

JUD VOTE 9-5

AFA VOTE _____

LK LL
 KD JP
 DH

Initiative 3

Fully staff Attorney Supervision and Auditing Subdivisions and Establish Training and Investigative Subdivisions

Initiative: Provides for 3 attorneys (Public Service Manager II) and 4 Paralegals to provide an additional Attorney and Paralegal for the Attorney Supervision Subdivision, an additional Paralegal for the Auditing Subdivision, and to create the Training Subdivision, consisting of one Attorney and one Paralegal, and the Investigating Subdivision, consisting of one Attorney and one Paralegal.

Ref #: MCILS 3

	2021-22	2022-23
Positions	(7)	(7)
Personal Services	\$707,775	\$730,423
All Other	\$54,715	\$31,965
Total costs:	\$762,490	\$762,388

JUD VOTE 9-5 AFA VOTE _____
LK KD
LL JP DH

Initiative 4

Executive Director Salary

Initiative: Changes the Grade of the Executive Director from 52 (top of range is \$115,939, plus benefits) to Grade 37 (top of range is \$122,512, plus benefits)

Needs statutory change

Ref #: MCILS 4

	2021-22	2022-23
Personal Services	\$9,152	\$9,152

JUD VOTE 14-0 AFA VOTE _____

Initiative 5

Increase hourly rate from \$60 per hour to \$80 per hour (\$20 per hour increase)

Initiative: Provides for hourly rate increase from \$60 per hour to \$80 per hour
Ref #: MCILS 5

	2021-22	2022-23
All Other	\$5,732,980	\$5,732,980
JUD VOTE <u>14-0</u>	AFA VOTE _____	

Initiative 6

Kennebec Public Defender Office

The Judiciary Committee submits three reports
Ref #: MCILS 5

REPORT A

Initiative: Provides for 9 Attorneys - a District Defender, Deputy District Defender and 2 Serious Felony Defender Attorneys (4 Public Service Manage III), 2 Senior Assistant Public Defender and 3 Assistant Public Defender Attorneys (5 Public Service Manager II), 2 Investigators (Public Service Coordinator I), 2 Social Workers (Clinical Social Worker), 3 Paralegals and one Office Manager (Office Specialist II SUPV) to establish a Public Defender Office in Kennebec County – starting in second year of biennium

	2021-22	2022-23
Positions		(17)
Personal Services		\$1,961,273
All Other		\$157,724
Total costs:		\$2,118,997

JUD VOTE 5 AFA VOTE _____
AC HS CB SM LR

REPORT B

Initiative: Provides for 9 Attorneys - a District Defender, Deputy District Defender and 2 Serious Felony Defender Attorneys (4 Public Service Manage III), 2 Senior Assistant Public Defender and 3 Assistant Public Defender Attorneys (5 Public Service Manager II), 2 Investigators (Public Service Coordinator I), 2 Social Workers (Clinical Social

Absent RN

Worker), 3 Paralegals and one Office Manager (Office Specialist II SUPV) to establish a Public Defender Office in Kennebec County – starting in first year of biennium

	2021-22	2022-23
Positions	(17)	(17)
Personal Services	\$1,961,273	\$2,024,033
All Other	\$157,724	\$107,924
Total costs:	\$2,118,997	\$2,131,957

JUD VOTE 3 AFA VOTE _____

TH ES JE

REPORT C

Do not fund the Kennebec Public Defender Office in this biennium

Absent RN

5 LK KD LL JP DH

Initiative 7

Appellate Public Defender

The Judiciary Committee submits two reports:
Ref #: MCILS 7

REPORT A:

Initiative: Provides for one Attorney (Public Service Manager III) and one Paralegal in 2021-22 and additional 2 Attorneys (Public Service II) in 2022-23.

	2021-22	2022-23
Positions	(2)	(4)
Personal Services	\$242,917	\$484,171
All Other	\$210,646	\$142,646
Total costs:	\$2,660,104	\$2,670,486

JUD VOTE 12-1 AFA VOTE _____

JE

Absent RN

REPORT B

Initiative: Provides for Appeal and Post-Conviction Review Director, Appellate Division Deputy Director and Post-Conviction Review Division Deputy Director Attorneys (Public Service Manager III), 3 Senior Assistant Appellate Defender and 5 Assistant Appellate Defender Attorneys, and one Senior Assistant Post-Conviction Defender and 2 Assistance Post-Conviction Defender Attorneys (11 Public Service Manager II), 4 Paralegals, one Mitigation Specialist (Public Service Coordinator I) and an Investigator (Public Service Coordinator I)

	2021-22	2022-23
Positions	(20)	(20)
Personal Services	\$2,449,458	\$2,527,840
All Other	\$ 210,646	\$ 142,646
Total costs:	\$2,660,104	\$2,670,486

JUD VOTE 1-12
JE

AFA VOTE _____

Absent RN

Initiative 8

Establish historical baseline funding

Initiative: Provides additional General Fund funding to fully fund compensation to be included in the baseline budget, recognizing the actual costs

Ref #: MCILS 8

	2021-22	2022-23
All Other	\$2,804,980	\$2,804,980

JUD VOTE 13-0

AFA VOTE _____

Absent RN

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MCILS proposed budget language

Sec. 1. 2 MRSA §6, sub-§12 is amended to read:

12. Range ~~52 37~~. The salary of the executive director of the Maine Commission on Indigent Legal Services is within salary range ~~52 37~~.

Sec. 2. 4 MRSA §1804, sub-§3 is amended to read:

3. Duties. The commission shall:

A. Develop and maintain a system that ~~may employ attorneys, uses use~~ appointed private attorneys, ~~contracts and contract~~ with individual attorneys or groups of attorneys, ~~and The commission shall consider other programs necessary to provide quality and efficient indigent legal services;~~

B. Develop and maintain an assigned counsel voucher review and payment authorization system that includes disposition information;

C. Establish processes and procedures consistent with commission standards to ensure that office and contract personnel use information technology and case load management systems so that detailed expenditure and case load data are accurately collected, recorded and reported;

D. Develop criminal defense, child protective and involuntary commitment representation training and evaluation programs for attorneys throughout the State to ensure an adequate pool of qualified attorneys;

E. Establish minimum qualifications to ensure that attorneys are qualified and capable of providing quality representation in the case types to which they are assigned, recognizing that quality representation in each of these types of cases requires counsel with experience and specialized training in that field;

F. Establish rates of compensation for assigned counsel;

G. Establish a method for accurately tracking and monitoring case loads of assigned counsel and contract counsel;

H. By January 15th of each year, submit to the Legislature, the Chief Justice of the Supreme Judicial Court and the Governor an annual report on the operation, needs and costs of the indigent legal services system. The report must include:

(1) An evaluation of: contracts; services provided by contract counsel and assigned counsel; any contracted professional services; and cost containment measures; and

(2) An explanation of the relevant law changes to the indigent legal services covered by the commission and the effect of the changes on the quality of representation and costs.

The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation on matters related to the report;

I. Approve and submit a biennial budget request to the Department of Administrative and Financial Services, Bureau of the Budget, including supplemental budget requests as necessary;

J. Develop an administrative review and appeal process for attorneys who are aggrieved by a decision of the executive director, or the executive director's designee, determining:

MCILS proposed budget language

- (1) Whether an attorney meets the minimum eligibility requirements to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements;
- (2) Whether an attorney previously found eligible is no longer eligible to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements; and
- (3) Whether to grant or withhold a waiver of the eligibility requirements set forth in any commission rule.

All decisions of the commission, including decisions on appeals under subparagraphs (1), (2) and (3), constitute final agency action. All decisions of the executive director, or the executive director's designee, other than decisions appealable under subparagraphs (1), (2) and (3), constitute final agency action;

K. Pay appellate counsel;

L. Establish processes and procedures to acquire investigative and expert services that may be necessary for a case, including contracting for such services;

M. Establish procedures for handling complaints about the performance of counsel providing indigent legal services; **and**

N. Develop a procedure for approving requests by counsel for authorization to file a petition as described in section 1802, subsection 4, paragraph D; **and**

O. Establish a system to audit all financial requests and payments and that includes the authority to recoup payments when necessary. The commission may summon persons and subpoena witnesses, compel their attendance, require production of evidence, administer oaths and examine any person under oath as part of an audit. Any summons or subpoena may be served by registered mail with return receipt. Subpoenas issued under this section may be enforced by the Superior Court.

Sec. 3. 4 MRSA §1804, subsection 4, ¶D is amended to read:

D. Adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted to establish **standards under subsection 2, paragraph B and rates of compensation for assigned counsel and contract counsel under subsection 2 3, paragraph F** are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A; and

Sec. 4. 4 MRSA §1805, sub-§9-A is enacted to read:

9-A. Audits; recoupment. Conduct audits of all financial requests and payments and recoup payments when necessary. The executive director may exercise the subpoena power of the commission granted under section 1804, subsection 3, paragraph O;

MCILS proposed budget language

Sec. 5. Carrying balance fiscal year 2020-21; Maine Commission on Indigent Legal Services. Notwithstanding any provision of law to the contrary, the State Controller shall carry any remaining fiscal year 2020-21 balance in the Maine Commission on Indigent Legal Services program, General Fund into fiscal year 2021-22.

Sec. 6. Carrying balance fiscal year 2021-22; Maine Commission on Indigent Legal Services. Notwithstanding any provision of law to the contrary, the State Controller shall carry any remaining fiscal year 2021-22 balance in the Maine Commission on Indigent Legal Services program, General Fund into fiscal year 2022-23.

SUMMARY

Section 1 changes the salary range of the Executive Director of the Maine Commission on Indigent Legal Services from 52 to 37 resulting in a higher top salary.

Section 2 authorizes the Maine Commission on Indigent Legal Services to directly employ attorneys to provide legal services to indigent clients. Section 2 also requires the commission to establish an audit system and allow the recoup of payments when appropriate. The commission is extended subpoena power to conduct the audits, which is enforceable in the Superior Court. Section 4 directs the executive director to carry out the audits and seek recoupment. It authorizes the executive director to exercise the subpoena power on behalf of the commission.

Current law provides that rules governing standards and training for attorneys are major-substantive rules. Section 3 changes those rules to be routine technical. Section 3 also corrects a cross reference in the commission's rule-making authority.

Sections 5 and 6 provide that any remaining balance in the Maine Commission on Indigent Legal Service program, General Fund in fiscal year 2020-21 be carried into 2021-22 and fiscal year 2021-22 be carried into 2022-23.

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