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**Testimony in Support of L.D. 258 *An Act to Make Biennial Appropriations and Allocations for the Expenditure of State Government, General Fund and Other Funds and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years 2023 and 2034***

Good afternoon Senator Rotundo, Representative Sachs, and esteemed members of the Appropriations and Financial Affairs and Judiciary Committees and Senator Carney and Senator Moonen and members of the Judiciary Committee. My name is Aaron Frey, and I have the privilege to serve as Maine's Attorney General. I appreciate this opportunity to present the Office of Attorney General's (hereinafter "OAG") FY2024-25 Biennial Budget and its new initiatives before you today.

The budget for the OAG appears on Page A-107 with the actual fiscal year 2022, current year 2023, and baseline fiscal year 2024 and 2025 budgets. Following that are the OAG's requests.

The Attorney General is the chief legal officer for the state. All litigation involving the State must be prosecuted or defended under the direction of the Attorney General unless the Attorney General otherwise approves in writing. The OAG (a) appears in all civil actions and proceedings in which the State is a party; (b) directs the investigation and prosecution of homicides and other major crimes, including major drug cases and frauds against the State; (c) renders legal services to State offices, boards and commissions in matters relating to their official duties; (d) issues written opinions upon questions of law submitted pursuant to statute; (e) administers and enforces the State's unfair trade practices and antitrust laws; (f) enforces proper application of endowments to public trusts and charities; and (g) consults with and advises the District Attorneys. The Attorney General also serves as an ex-officio member on many State authorities and Commissions.

The OAG is organized by 5 M.R.S § 191 with the Attorney General as its chief executive. The OAG includes the following divisions:

The Consumer Protection Division enforces state antitrust and consumer protection laws, the state merger statute and the Unfair Trade Practices Act. The Division also discharges the Attorney General's mandate to oversee charities and is responsible for the investigation and prosecution of the unauthorized practice of law. The Consumer Mediation Program uses trained

volunteers to mediate consumer complaints, and the Lemon Law Arbitration Program administers the State's lemon law.

The Criminal Division has exclusive responsibility for the prosecution of homicide cases, handles numerous criminal appeals to the Supreme Judicial Court, advises the District Attorneys, and prosecutes major drug cases across the State; prosecutes white collar and financial crimes, welfare fraud, Medicaid fraud, computer crimes, tax crimes, and securities violations; and brings enforcement actions under the Maine Civil Rights Act.

The Investigation Division investigates fraud against the State and provides direct investigative services for other divisions in the Department. The Division is responsible for investigating police-involved fatalities, certain crimes against public officials, hate crimes, and financial exploitation of elders. The Division serves as a resource for other law enforcement agencies, participates in law enforcement training and conducts investigations for the Medical Board, the Osteopathic Board and the Tobacco and Substance Abuse programs.

Three (3) divisions represent the offices within the Department of Health and Human Services (DHHS). The Child Protective Division represents the State in child protection matters. The Child Support Division represents the State in child support enforcement matters. The Health and Human Services Division represents all other offices within DHHS in complex litigation in state and federal courts, in contract and rule review, in administrative hearings and in providing routine legal advice. The Division provides legal advice regarding a variety of topics including MaineCare, adult protection, guardianship, mental health, physical health, rules, contracts, licensing, and public benefit programs. The Division also represents DHHS in enforcement actions designed to protect public health and safety.

The Professional and Financial Regulation Division represents the Department of Professional & Financial Regulation, which includes the Bureaus of Insurance, Financial Institutions and Consumer Credit Protection, the Office of Securities and numerous professional and occupational licensing boards. It also represents the Maine Port Authority and the Property Tax Review Board and liquor and lottery regulation within the Department of Administrative and Financial Services.

The Natural Resources Division provides comprehensive legal services to the State's environmental and natural resource agencies. The Division represents these agencies in both affirmative and defensive litigation, including judicial enforcement actions and appeals of agency actions. It also provides legal advice to client agencies on a wide variety of issues including administrative decision-making, rulemaking, constitutional law, property law, contract law and enforcement of judgments, among others.

The Litigation Division handles tort claims against the State, tax litigation, and other complex litigation in state and federal courts. This Division also represents the Departments of Labor, Education, Corrections, Administrative and Financial Services, the Commission on Governmental Ethics and Election Practices, and the Secretary of State. This Division has primary responsibility for matters involving unfair labor practices, elections, state contracts and leases.

The Administrative Services Division provides staff support in the areas of human resources, budget, financial management and information technology and includes front desk reception, the Civil Rights Team Project and the Victims' Compensation Program.

The first program may be found on page A-108 under the heading ADMINISTRATION – ATTORNEY GENERAL 0310. This program name is rather a misnomer as the program encompasses all but a few of the activities of the OAG. This program is funded by a mix of General Fund, Federal Funds and Other Special Revenue Funds.

There are twenty-five (25) initiatives for this program in this budget document.

The first initiative establishes one Research Assistant MSEA-B Information Support Specialist position dedicated to the Administrative Services Division and allocates the costs of the position to 55% General Fund and 45% Other Special Revenue Funds within the program. Due to increased complexity of Information technology (IT) needs over time, the OAG is in need of additional IT support to successfully meet the needs of the organization. While different sources vary when identifying the ideal IT staff number based on dollars spent by the organization or number of employees in the organization, according to an IT service provider "A number you'll see batted around as far as an 'ideal' end user to IT service desk worker ratio is Gartner Research's 70:1." Gartner Research is the foremost global IT advisor. With 230 Attorney General resources supported, this would equate to 3.5 IT resources. Adding this additional resource will bring the OAG's IT group to three (3), allowing the OAG to better serve current agency needs while also allowing IT management to project future projects or foreseen upgrade/replace/manage requirements.

The next initiative, also on page A-108, provides funding for Department of Administrative and Financial Services, Office of Information Technology rate increases, computer replacements and other information technology needs. This includes items such as laptop device replacements, network services charges, email costs, emergency hours support and the like, and will be seen again on pages A-114, A-116, and A-119.

Still in the Administration Program, the next five (5) initiatives can be found on page A-109. The first reallocates one Research Assistant MSEA-B finance position from 100% General Fund to 55% General Fund, 45% Other Special Revenue Funds. Public Law 2003, chapter 20 allowed for the allocation of positions to mirror the Department's cost allocation (DICAP) plan. With the agency's recent adoption of the Maine State Time and Attendance Management System (MSTAMS), positions were able to be directly allocated via the budget system. This position was omitted from that process.

The next initiative reallocates one Deputy Attorney General position from 60% General Fund, 40% Other Special Revenue Funds to 100% General Fund, and one Assistant Attorney General position from 100% General Fund to 60% General Fund, 40% Other Special Revenue Funds within the same program. This action essentially swaps the funding between two positions.

The next initiative establishes one Assistant Attorney General position dedicated to the Criminal Division Drug Task Force and provides funding for related All Other costs. The OAG's Drug Task Force is a direct result of the formation of the Maine Drug Enforcement Agency (MDEA) as part of the Maine Drug Enforcement Act of 1992. Historically, the OAG has fulfilled this obligation through Assistant Attorneys General handling matters in all but three counties in the State: Aroostook, Somerset, Hancock and Washington counties, where prosecution of drug cases is handled by the local district attorney. For the past several years, the lack of a Drug Task Force prosecutor has been a constant problem in Prosecutorial District VII, which consists of Hancock and Washington Counties. As a result there have been low sentences (inconsistent with other counties) on negotiated plea agreements, early disclosure of confidential informants, and minimal communication between prosecutors and law enforcement agencies. While a number of different solutions have been tried without success, the pre/post pandemic increase in the number of serious drug cases, the quantities of drugs being seized, and a marked increase in drug-related violence and their resulting multiple homicides, non-fatal shootings, and other violent incidents, a Drug Task Force prosecutor is now needed in Prosecutorial District VII. Although prosecution alone will not solve the problems of Washington County, it is hoped that a specialized prosecutor who can dedicate their time to serious drug offenses would alleviate some of these persistent concerns.

The following two (2) initiatives stem from the Maine Elder Justice Roadmap.

The next initiative establishes one Research Assistant MSEA-B Victim Witness Advocate position dedicated to the Criminal Division and provides funding for related All Other costs. Victim Witness Advocates assist victims and witnesses as a criminal case proceeds through the criminal justice system. Currently, there are extremely limited advocacy services for victims of white-collar crime in the OAG. On very rare occasions, the advocates who are dedicated to homicide cases are able to assist but it is entirely insufficient. Many of our white-collar cases involve elder victims who have complex needs and concerns. White collar cases may include multiple victims, many of whom are older, who need to be notified and prepared for trial. In the event of a conviction, these people also need assistance for impact statements. Without an advocate devoted to white-collar cases, these responsibilities fall to the prosecutor and investigator, who have too many other responsibilities to fully assist the victims. White-collar victims have frequently lost thousands of dollars and in some circumstances, their life savings. It is anticipated that this position will assist prosecutors and investigators within the OAG and provide training and assistance to advocates in the District Attorney's offices who are dealing with similar issues. As the Maine Elder Justice Roadmap points out developing a position dedicated solely to elder abuse cases would help ensure advocates have the training, expertise and time to best serve older victims of crime. In addition to older victims of crime, this particular position will also assist other victims of white-collar crimes prosecuted by the OAG and serve as a resource to advocates in the District Attorney's offices.

The last initiative on page A-109 establishes one Auditor III position dedicated to the Criminal Division and provides funding for related All Other costs. This establishes a forensic auditor to support law enforcement in investigating financial exploitation cases. Financial crimes prosecutors and investigators in the OAG are in desperate need of a paralegal or forensic auditing resource who can devote their time to compiling and analyzing financial records, and that need

goes beyond elder financial exploitation to include other financial crimes within the OAG. On occasion, Prosecutors in the OAG have been unable to successfully prosecute cases because of the lack of a person who can analyze and explain the financial trail of theft and exploitation. Following the money trail is a specialized skill that also requires training and the ability to testify to a jury or judge about the money trail. As the Maine Elder Justice Roadmap accurately points out: By having an accounting professional analyze the financial records, we will have more effective prosecutions. More effective prosecutions would encourage reporting by victims and the investment of investigative resources by law enforcement agencies. Effective prosecutions should deter others who might be tempted to take advantage of older relatives or other older victims for financial gain. The Roadmap also stated that the most logical lead agency for this position would be the Investigations Division of the OAG, recognizing that the OAG has an existing dedicated elder fraud investigator and prosecutor. The OAG handles the most complex of the elder financial abuse cases and provides assistance and consultation to other law enforcement agencies. Accounting support would benefit financial exploitation cases across the State.

Turning now to page A-110, the next initiative continues and makes permanent one Secretary Associate Legal position established and continued by Financial Order dedicated to the Litigation Division and provides funding for related All Other Costs. Funding for this position is from the Department of Corrections, the Department of Labor, and the Department of Administrative and Financial Services. The position provides administrative support for attorneys in the Litigation Division, including word processing, document preparation, court filings, correspondence, mail, managing office-wide databases (case tracking, appeals etc.), answering telephones, photocopying, file management, archive and records management, scheduling, travel arrangements, tickler system management, coordination with agencies, and basic Information Technology assistance.

The next initiative continues and makes permanent of one Research Assistant MSEA-B paralegal position established and continued by a Financial Order dedicated to the Criminal Division and provides funding for the related All Other Costs. The position provides administrative support for attorneys in the Criminal Division, including word processing, document preparation, court filings, correspondence, mail, managing office-wide databases (case tracking, appeals etc.), answering telephones, photocopying, file management, archive and records management, scheduling, travel arrangements, tickler system management, coordination with agencies, and basic Information Technology assistance.

The next initiative provides funding for annual case management software maintenance. Maine prosecutors statewide have adopted the use of Odyssey Attorney Manager by Tyler Technologies. Administered and managed by the Maine Prosecutors Association's Information Technology group, the platform is allocated across all prosecutorial districts and the Attorney General's Criminal Division.

Still on page A-110, the next initiative provides funding to replace data storage servers at end of life. Information technology industry best practice recommends that storage hardware have a useful life of five to seven years, after which models are no longer sold or maintained by the manufacturer. This up-to-date replacement includes maintenance and support as needed.

The next initiative provides funding for increased paper costs. While State of Maine offices strive to transfer as much functionality to electronic formats as possible, unfortunately much of what the OAG does remains paper-intensive. Over the course of and post-pandemic, the cost per case of paper has gone from \$24.00 to \$36.48. This initiative will be seen again on pages A-114, A-120, and A-122.

The next initiative, now on page A-111, provides funding for software upgrades to the OAG's Filemaker database management system. Filemaker is an easy-to-use database management system used by many of the OAG personnel. Its drag and drop abilities, ease of report generation, and phone application make its efficiency and use beneficial for attorneys and support staff alike. This upgrade will assure that the OAG continues to run on the most recent and risk-free version of the system available. Because Filemaker is utilized by many office resources funded by various programs, this initiative will be seen again on pages A-114, A-120, and A-122.

The next initiative adjusts funding for the increased hours of one Research Assistant MSEA-B complaint examiner position from 40-hours biweekly funded by General Fund to 80 hours biweekly and eliminates another 40 hour biweekly Research Assistant MSEA-B position funded by Other Special Revenue Funds to combine into one Research Assistant MSEA-B position and reallocates the costs of the position to 50% General Fund and 50% Other Special Revenue Funds within the same program and provides for related All Other costs. This initiative essentially combines two part-time Research Assistant MSEA-B positions into one position by increasing the hours of a position from 40 to 80 hours biweekly and eliminating a position that is currently at 40 hours biweekly. It also reallocates the cost of the position to 50% General Fund and 50% Other Special Revenue Funds within the same program. One employee currently fills both part-time positions and it would be more efficient for time reporting to combine them into one position.

The next initiative provides funding for the replacement of 15 multifunction copier/printers across the OAG locations. The OAG has had several multifunction office machine leases expire over the last year. While we have reached out to several vendors for quotes and selected the best price for the highest efficiency offered, the new lease costs are an increase over previous lease amounts. Because the leases are funded by multiple OAG programs, this initiative will be seen again on page A-115.

The next initiative provides funding for the increased All Other expenses for OAG positions. The OAG projects annual All Other costs spending for billing purposes so that customer agencies may project costs for their annual budgets. This initiative reflects the increase in non-personal services per person costs such as information technology costs, employee insurances, supplies, and software upgrades.

The next seven (7) initiatives, still in the administration program, appear on page A-112.

The first initiative on this page provides funding for parking services in Cumberland County. Historically, free parking in the Cumberland County Parking garage has been granted to Investigations Division Attorney General Detectives assigned to the United States Attorneys' Office. Recently modified garage operations and updated lease arrangements have necessitated a charge for this service by the County.

The next initiative provides funding for increased leased space costs. The OAG currently rents space in four (4) satellite offices in Augusta, Bangor, Caribou, and Portland. The Division of Leased Space in the Department of Administration and Financial Services has recently executed a new five-year lease with the Bangor landlord which includes annual increases of 2%, 5%, and 7%. Our Capitol Street office space is currently leasing on a month-to-month status as a new lease is drafted. The Division of Leased Space has also initiated a minor rate increase, the first in ten years, for their management services. We have used these statistics to anticipate lease increases for the four satellite locations in future years. This initiative will also appear on page A-120.

The next initiative establishes one Research Assistant MSEA-B position which is required in order to fully realize with Public Law 2021, chapter 460, An Act to Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine and provides funding for related all other costs. The Planning and Research Associate position would also contribute time to the Deadly Force Review Panel as needed, as well as the Maine Elder Death Analysis Review Team.

The next initiative provides funding for an Electronic Legal Research Subscription Contract. This contract was rebid in the spring of 2021. The successful bidder resulted in a contract price increase of approximately \$7,000 per year - an average annual increase of 18%, with an extension from four to eight-year duration. The current appropriation level for this account is insufficient to absorb the change for this vital service.

The next initiative establishes one Assistant Attorney General position dedicated to the Litigation Division and provides funding for related All Other costs. Funding for this position is from the Department of Administrative and Financial Services, Office of Cannabis Policy. This position will provide legal services including: reviewing and commenting on rules; reviewing, explaining, and advising regarding legislation; responding to subpoenas served; case evaluation, preparation, and presentation for both enforcement of Office of Cannabis Policy laws and defense of those laws; case preparation to include reviewing case files and evidence, preparing all pre-hearing submissions, identifying and addressing legal and factual issues; drafting legal memoranda and documents; and providing legal advice throughout the legal process including appeals. The position will also provide legal services with respect to Freedom of Access requests, as well as other consultation as needed.

The next initiative provides funding for the approved reorganization of one Director of Investigations Position to a Research Assistant Position and provides funding for all related all other costs.

The next initiative provides funding for Uninterrupted Power Supply server battery replacements. Industry standards/best practices recommend updating UPS regularly to avoid data loss and service outages. These battery replacements will address the OAG's primary and backup servers, storage servers, virtual environment, and data switches.

The next initiative, on page A-113, provides funding for virtual server environment support and maintenance. The OAG's virtual environment runs on Cisco Smartnet Hardware systems,

which run on a five-year refresh cycle. The physical servers do not require replacement at this time.

The next initiative establishes one Attorney General Detective position to investigate Medicaid financial crimes and provides funding for related All Other costs. In federal fiscal year 2017, pre- Medicaid expansion, MaineCare had a \$2.7 billion-dollar budget and Maine's Medicaid Fraud Control Unit (MFCU) had 9 staff, including 4 detectives. In federal fiscal year 2021, MaineCare's budget had expanded to \$3.5 billion and Maine's MFCU staff remained at 9, including 4 detectives. Comparable Medicaid programs for federal fiscal year 2021 include the District of Columbia at \$3.6 billion and a MFCU staff of 16, Utah with a \$3.7 billion Medicaid program and a MFCU staff of 16 and Nebraska with a \$3.3 billion Medicaid program and a MFCU staff of 11. There is currently approximately \$875 million in MaineCare spending per Maine MFCU detective. This can be reduced to approximately \$700 million per detective if we add one detective. There are approximately 350,000 MaineCare and Child Health Insurance Program members, or 87,500 members per detective at current MFCU staffing levels. MFCU detectives carry approximately 15-20 open cases each, plus commonly have several fresh allegations and MFCU-mandated referrals for review to see if full investigation is warranted. MFCU cases range from million-dollar healthcare fraud allegations to patient sexual assault and patient endangerment up to, and including, death.

This concludes the review of the baseline budget and the initiatives for the ADMINISTRATION – ATTORNEY GENERAL 0310 program.

The next program appears on Page A-114 under the heading CHIEF MEDICAL EXAMINER – OFFICE OF 0412. The Office of Chief Medical Examiner (hereinafter “OCME”) is headed by the Chief Medical Examiner, currently Dr. Mark Flomenbaum, who is appointed by the Governor for a term of seven (7) years. The OCME is responsible for determining the cause and manner of death in all deaths due to other than natural disease or that cannot be certified by a private attending physician. The goal of the OCME is to provide thorough investigations and support to the judicial system, public health and public safety. The OCME monitors cases to identify public health-related concerns and to report contagious and infectious disease deaths to the Maine Center for Disease Control and Prevention. Additionally, the OCME continuously conducts surveillance for drugs, elder and child abuse and neglect, and other public health matters related to violent deaths and suicides. Medical Examiner cases include: deaths due to trauma or poisoning, unexplained deaths of children under the age of three, and deaths occurring under suspicious circumstances. The OCME needs a budget that allows for supplying timely reports to government agencies, families and other interested parties on the circumstantial and medical factors that caused a death for the purposes of prosecution, departmental action, estate settlement, and statistical information for governmental recordkeeping and policy decisions.

There are eight (8) initiatives for this program in this budget document.

The first initiative provides funding for Department of Administrative and Financial Services, Office of Information Technology rate increases, computer replacements and other information technology needs. Previously described on page A-108, this initiative also appears on pages A-115, A-116, A-118, A-120, and A-122.



The next initiative provides funding for increased paper costs, as was previously discussed on page A-110. The initiative also appears on pages A-120 and A-122.

The next initiative provides funding for software upgrades to the Filemaker database management system, as was previously discussed on page A-111. The initiative also appears on pages A-120 and A-122.

As we turn to page A-115, the next initiative provides funding for the replacement of 15 multifunction copier/printers across OAG locations, as previously discussed on page A-111.

The next initiative, also a repeat, provides funding for the increased All Other expenses for OAG positions, as previously discussed on page A-111. The initiative also appears on pages A-116, A-118, A-120, and A-122.

The next initiative provides funding for the after-hours telephone answering service contract with the OCME. This contract was rebid in the summer of 2021. The successful bidder resulted in a contract price increase of approximately \$77,000 per year for the five-year contract. The current appropriation level for this account is insufficient to absorb the change for this critical after-hours service.

The next initiative provides funding for annual maintenance, usage and hosting services for the MDI Log case management system hosted by Occupational Research and Assessment. This software has previously been funded by the OCME document account, which charges for cremation releases and death reports. Because cremation releases have become electronic per the Maine Center for Disease Control and Prevention, revenue in this account providing the funding has declined. Additionally, annual increases have been over ten percent as the amount of data being maintained increases.

The next initiative provides funding for increased operating costs in the OCME. While caseloads falling under the jurisdiction of the OCME have risen by 40% since 2017 (2,391 in 2021 over 1,704 in 2017), budget figures have not followed suit. Instead, appropriation in this account has risen by only 11.8% between the 2016-2017 and 2020-2021 biennial budgets. As a cost savings measure, the office has increased OCME (75 from 28 in the previous year) transports to reduce funeral home pickup costs, but additional recovery funds are needed. This initiative will address the increased caseload's resulting examination fees, transportation fees, toxicology, histology, and autopsy supplies.

This concludes the review of the baseline budget and the initiatives for the CHIEF MEDICAL EXAMINER – OFFICE OF 0412 program.

The next program is found on Page A-116 under the heading CIVIL RIGHTS 0039.

The mission of the Civil Rights Team Project (hereinafter “CRTP”) is to increase the safety of elementary, middle, and high school students by reducing bias-motivated behaviors and

harassment in schools. There are Civil Rights Teams in over 180 Maine schools and training is provided to thousands of students and faculty.

The CRTTP trains, encourages and empowers high school, middle school and elementary school students to be leaders within their school communities on issues relating to confronting bias, prejudice and harassment. Faculty in-service trainings increase the knowledge and responsiveness of faculty and administrators to these concerns. The program works with local police and schools to foster collaboration in addressing incidents of bias and harassment and increase awareness of parents and community members. The goal of the program is to improve the school experience for members of targeted groups (racial, religious, national origin, sexual orientation, etc.)

There are two (2) initiative for this program in this budget document, both on page A-116.

The first initiative provides funding for Department of Administrative and Financial Services, Office of Information Technology rate increases, computer replacements and other information technology needs as was previously discussed on page A-108. The initiative also appears on pages A-114 and A-119.

The second and final initiative for this program provides funding for the increased all other expenses for OAG positions, as previously discussed on page A-111. The initiative also appears on pages A-115, A-118, A-120, and A-122.

This concludes the review of the baseline budget and the initiatives for the CIVIL RIGHTS 0039 program.

The next program is found on Page A-117 under the heading DISTRICT ATTORNEYS SALARIES 0409. The State is divided into eight prosecutorial Districts, each headed by an elected District Attorney. All eight (8) District Attorney offices are responsible for the prosecution of the majority of all criminal offenses occurring in their district, with the exception of homicides, as well as traffic infractions and some civil violations. This caseload is carried statewide with a staff of 102 Assistant District Attorneys and 8 elected District Attorneys. When traffic infractions and civil violations are factored in, as well as probation revocations and appeals to the Superior Court and Law Court, each Assistant District Attorney handles caseloads averaging several hundred cases per prosecutor.

Each District Attorney office spends many hours preparing criminal complaints, motions, memoranda of law, legal briefs, and other pleadings. A great deal of time is spent reviewing thousands of police reports in order to determine whether sufficient evidence exists for the issuance of criminal complaints. Time consuming activities such as trial preparation and hearings, Grand Jury presentations, meetings with police officers, witnesses and victims, as well as being on call 24-hours-per-day, keep all prosecutors extremely busy. In many prosecutorial districts, District Attorneys cover courts in several distant locations. In addition, all District Attorney offices sponsor police training classes, offering continuing legal education to law enforcement in order to enhance the quality of investigations to achieve successful prosecutions.

There are two (2) initiatives for this program in this budget document, both on page A-117.

The first initiative provides funding to restore Personal Services related to the reduction for attrition savings in the District Attorneys Salaries program. This initiative removes the 1.6% attrition rate and associated benefits reductions from positions in the District Attorney Salaries program accounts. Due to unrealized attrition, allotment/appropriation, transfer financial orders have been processed each of the last several fiscal years to compensate for this shortfall.

The second initiative provides funding for the increased hours of one Assistant District Attorney position from 40 hours to 80 hours biweekly funded by General Fund and eliminates another 40 hours biweekly Assistant District Attorney position funded by Other Special Revenue Funds to fund the change.

This concludes the review of the baseline budget for the DISTRICT ATTORNEYS SALARIES 0409 program.

The next program is found on Page A-118 under the heading FHM ATTORNEY GENERAL 0947. This program provides funding to enforce the Tobacco Manufacturer's Act and the Tobacco Distributor's Act.

There is one (1) initiative for this program in this budget document.

Found on page A-118, this initiative provides funding for the increased All Other expenses for OAG positions, as previously discussed on page A-111, A-115, and A116. It also appears on A-120 and A-122.

This concludes the review of the baseline budget and the initiatives for the FHM ATTORNEY GENERAL 0947 program.

The next program is found on Page A-119 under the heading HUMAN SERVICES DIVISION 0696. This program is broken down into three (3) divisions within the OAG. The Child Support Enforcement Division represents the Department of Health and Human Services (DHHS) in the area of child support enforcement. The Child Protection Division represents DHHS in the area of child protection. The work of these two divisions is done out of four offices-Portland, Augusta, Bangor, and Caribou. The Health and Human Services Division provides legal representation for every other program in DHHS, including legal work for the MaineCare program, involuntary mental health commitment hearings, defense of lawsuits against the Department and its employees, public guardianship/conservatorship issues, estate recovery, licensure of homes for both adults and children, enforcement of the State's health laws, enforcement of adult protective laws, representing DHHS's interest in federal benefits programs such as MaineCare and TANF, and providing legal counsel in the AMHI and Community Consent Decree cases.

There are eight (8) initiatives for this program in this budget document.

Found on page A-119, the first initiative provides funding for Department of Administrative and Financial Services, Office of Information Technology rate increases, computer

replacements and other information technology needs as was previously discussed on page A-108, A-114, and A-116.

The next initiative continues and makes permanent of one Research Assistant MSEA-B Victim Witness Advocate Coordinator position continued by Public Law 2021, chapter 398 and provides funding for DICAP costs. Funding for this position is from the Department of Health and Human Services' Federal Victims of Crime Act grant. The purpose is to enhance prosecution in Maine and improve access to crime victim rights and services. This position provides technical assistance and training for victim witness advocates in Maine statewide.

The next initiative continues and makes permanent one Assistant Attorney General position continued by Public Law 2021, chapter 29 dedicated to the Child Protective Division and provides funding for the related All Other Costs. This position will provide legal services including litigation, settlement review and negotiation, rulemaking assistance and review, and other consultation as needed.

The next initiative continues and makes permanent of one Secretary Associate Legal position established and continued by a Financial Order dedicated to the Child Protective Division and provides funding for related All Other Costs. This position is assigned to the Child Protective Division, with approved funding from the Department of Health and Human Services. There are currently 2.5 administrative staff supporting a caseload of 800 litigated by nine Assistant Attorneys General across four counties. Support required includes electronic and printed mail processing, share file downloading and e-filing, discovery management, data entry, paper filing, copying, scanning, calendaring, schedule management, archiving, communication with court clerks, caseworkers, witnesses, and opposing counsel. This volume of work has Assistant Attorneys General increasingly doing their own administrative work.

The next initiative appears on page A-120 and provides funding for increased paper costs, as previously cited on page A-110 and A-144. It will also appear on page A-122.

The next initiative provides funding for software upgrades to the Filemaker database management system, as previously cited on page A-111 and A-114, as it relates to several department programs. It will also appear on page A-122.

The next initiative provides funding for the increased All Other expenses for OAG positions, as previously cited on page A-111, A-115, A-116 and A-118. It will also appear on page A-122.

The final initiative for this program provides funding for increased leased space costs, as previously discussed on page A-112.

This concludes the review of the baseline budget and the initiatives for the HUMAN SERVICES DIVISION 0696 program.

The next program, the Maine Recovery Council was discussed at public hearing on February 21, 2023.

There are no initiatives for this program in this budget document.

The next program, the Abandoned Road Commission Fund, was discussed at public hearing on February 17, 2023.

There are no initiatives for this program in this budget document.

The next program is found on Page A-122 under the heading VICTIMS' COMPENSATION BOARD 0711. This program offers financial reimbursement for losses suffered by victims of violent crime and their families and reimburses hospitals for sexual assault. Funding for this program comes from assessments levied against perpetrators as well as a federal grant.

There are five (5) initiatives for this program in this budget document.

The first initiative provides funding for all other costs for the Victims' Compensation Fund starting on July 1, 2024. The Victims' Compensation Board reviews claims and determines compensation, up to \$15,000, of documented losses incurred by victims of violent crime. Funding for the program consists of grant funds awarded by the US Department of Justice and State match funds. The grant's award mechanism is such that future grants are calculated based on past years' match spending. Match funds are transferred to the account by the Judicial Branch from a portion of fees assessed to perpetrators of felony, misdemeanor, and sex trafficking crimes. While grant funding had begun to decline in the past several years, the shutdown of the court system upon the outbreak of Covid substantially reduced fee assessments received, thereby additionally reducing the annual program budget. Working with the Department of Health and Human Services, program staff were able to re-allocate \$94,000 for program needs, shifting Sexual Assault Forensic Examiner (SAFE) spending to the Department of Health and Human Services' Victims of Crime grant. Projections show, however, that trends will not improve over the short term. As a result, the Victims' Compensation Fund would like to transfer another piece of SAFE spending, the reimbursement of victims of gross sexual assault for forensic examinations, to the General fund. Pre-Covid, the program reimbursed for 200-300 kits annually, but delayed Covid-period requests are anticipated.

The next initiative provides funding for increased paper costs, as was previously discussed on pages A-110, A-114, and A-120.

The next initiative provides funding for software upgrades to the Filemaker database management system, as previously cited on page A-111 and A-114 and A-120.

The next initiative provides funding for the increased All Other expenses for OAG positions, as previously cited on page A-111, A-115, and A-118 and A-120.

The final initiative provides funding for annual maintenance and hosting services for the Victim Compensation Program's (VCP) claim application management system. The OAG's Victims' Compensation Program was awarded a federal grant to develop portions of the Heart 4

Victims VCP Online claims application management system. Additional federal funding for a forensic module will be available for application in spring 2023. This initiative provides funding for annual software maintenance and data hosting services for the system, which will begin on October 1, 2024.

This concludes the review of the baseline budget and the initiatives for the VICTIMS' COMPENSATION BOARD 0711 program.

Also included in the Department's budget are three (3) pieces of updated language:

**Part EE** removes the OCME within the OAG from the commuting exclusion clause associated with the use of state vehicles. In the OCME, field workers are scheduled for on call duty on a staggered basis. As a result, one fleet vehicle was removed from the budget for savings purposes and the remaining vehicle is to be used for commuting by the employee on call only.

**Part FF** requires the Attorney General approve the compensation set for OCME's office administrator.

**Part GG** increases the fines assessed against perpetrators in support of the Victims' Compensation Fund.

This concludes the review of OAG's FY2024-25 Biennial Budget and its new initiatives before you today. I would be happy to answer any questions that you may have.

Thank you.