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## MEMORANDUM

To: Senator Margaret Rotundo  
Representative Melanie Sachs  
Joint Standing Committee on Appropriations and Financial Affairs  
Senator Anne Carney  
Representative Matt Moonen  
Joint Standing Committee on Judiciary

From: Amy Quinlan, State Court Administrator

Date: February 28, 2024

Re: Testimony of the Maine Judicial Branch on LD 2214, the Supplemental Budget

Senator Rotundo, Representative Sachs, members of the Joint Standing Committee on Appropriations and Financial Affairs; Senator Carney, Representative Moonen, members of the Joint Standing Committee on Judiciary, my name is Amy Quinlan. I am the State Court Administrator for the Judicial Branch. I appreciate the opportunity to come before you to talk about the Maine Judicial Branch's Supplemental Budget Request. Before I turn to our specific requests, I would like to reiterate Chief Justice Stanfill's thanks to you in her State of the Judiciary address for the additional positions and resources that we received through the Biennial Budget. Although our identified need for additional resources surpasses that which we received through last year's budget process, we understand that there were many competing and worthy requests and appreciated the serious consideration that you gave those requests and are grateful for the additional funding. We have hired most, if not all, of the positions received in FY24 and are in the throes of training and onboarding those positions. I am pleased to report that we are already seeing a marked difference. For example, the new eFiling specialists played a key role in the success of the recent rollout of Maine eCourts in Lewiston/Auburn. And, we have started to see an improvement in recruitment and retention made possible through better training and the availability of additional resources to aid overworked clerks' offices and higher pay. With new resources, the Service Center (the MJB's centralized call center) has expanded its reach to the Cumberland County Courthouse in criminal and, most recently, civil cases. The Service Center is able to answer over 80 percent of the calls received without need to transfer to a courthouse freeing up busy clerks to focus on other duties that require their expertise. We look forward to seeing what we can accomplish when the new clerks and other additional resources provided in FY25 are added to our team. The new positions and funding go a long way towards providing the necessary resources needed for the Maine Judicial Branch to effectively and efficiently meet our mission to provide access to justice for the people of Maine. Thank you!

Mindful of the guidance for this budget cycle, our submission is geared towards urgent and emergency needs, many of which are one-time requests.

Our most urgent needs fall into the following categories:

- Funding for the maintenance and licensing costs for the Tyler eFiling and CMS infrastructure (a.k.a Maine eCourts). This need arises due to the dramatic reduction in revenues dedicated to supporting the Judicial Branch's essential case management system as outlined in 4 M.R.S. §17-A;
- One-time funding for contractual assistance with the continued Maine eCourts implementation;
- Funding to cover unanticipated cost increases necessary to absorb increased vendor and other operational costs; and
- One-time funding to cover the costs for temporary clerical services that we have incurred to assist with the backlog; fill workload voids while we onboard new employees; and supplement our allocation of full-time positions until we are fully resourced.

While all the MJB requests in the Governor's Recommended Budget are mission critical, I wanted to provide a bit of background regarding the status of the eFiling/CMS project as that makes up the largest piece of our budget submission. As Chief Justice Stanfill explained in her address to you last week, after hitting some significant roadblocks during the rollout in Bangor and the Business Consumer Docket in fall 2020, she requested a pause to conduct a Point-in-Time Assessment to review key project milestones, and to address product, training, and governance issues. I am pleased to inform you that the implementation is back on track with the most recent successful implementation in family and civil case types in Lewiston/Auburn this October. All reports indicate that the rollout continues to go very well. We now have a revised project completion timeline for late 2026/early 2027. Part of the timeline is dependent on coordinated criminal integration efforts with the Department of Public Safety. They have confirmed their commitment to work through those key integrations this spring and summer into next year. We are excited to continue with this work of providing the public with electronic access to the court and their case files.

But, to move forward with this project, we need to resolve a significant funding deficit which we have tried to address on our own but can no longer afford to do so. We are grateful that the Governor has included in her Recommended Budget general fund dollars to support the Maine eCourts project. When Maine eCourts was conceived and contracted for, the Legislature authorized bond funding to purchase and install the system. In addition to those implementation costs, there are annual fees, licenses, and maintenance costs that are not covered by the bond funds. We were initially asked to fund those costs by tacking on surcharges on filing fees and fines mostly on traffic tickets which provide the lion's share of revenue. But ticket numbers are going down and the funds generated are not adequate to pay for the system maintenance. The rebound to the fund after the pandemic did not happen as anticipated and, in fact, continues to decrease. We will be well over a million dollars short this year. As I will address below, we seek general fund dollars to pay for these costs and help to pay for key positions which are critical to the project and to keep the system running once we have implemented Maine eCourts statewide. We hope that you will support our efforts to build this new infrastructure which is central to the Court's ability to meet our mission in the 21<sup>st</sup> century. To be clear, without your support, we will not be able to continue to with the project.

Turning to our specific FY 2024/2025 Supplemental Budget requests, they are outlined as follows:

**Page A-96 #1: General Fund**

**FY24 \$355,000**

This request provides one-time funding for the continued operational costs associated with maintaining 3 former court facilities. The buildings that formerly housed the York District Court, the Springvale District Court and the Biddeford District Court are vacant but have costs associated with maintenance and upkeep before they are disposed of by the State. These costs include building systems (HVAC and emergency lighting), ground maintenance (snow removal), and utilities. Unfortunately, these costs were not anticipated as we did not understand that we needed to carry the building for this fiscal year. We understand that the buildings will be sold this spring. Therefore, the need to cover costs is being requested for this fiscal year only.

**Page A-96 #2: General Fund/Other Special Revenue  
(Collections Fund)**

**FY24 \$619 GF/ \$7090 OSR  
FY25 \$2529 GF/ \$7416 OSR**

This request provides funding for the approved reorganization of one Revenue Manager position from a pay grade 17 to a Confidential Management specification, pay grade 20 and reallocates the cost from 100% General Fund to 95% General Fund, Supreme JD & Superior Courts, and 5% Other Special Revenue Fund, Collections Fund consistent with 4 M.R.S. §20. The MJB Finance Department has gone through a restructuring over the past year to better position the department to handle increasingly complex responsibilities. The current job description for the position does not account for the more complex, high-level tasks now handled by Revenue Manager. The minimum education, experience, and training required has also been updated to reflect the demands of the position.

**Page A-96 #3: General Fund**

**FY25 \$21,000**

This request provides funding for increased Payment Card Industry (PCI) Security Standards compliance fees. These fees are related to increased protection and security of credit card information as well as some incident coverage in the event information is compromised. The cost of security has increased as has the complexity involved in securing this sensitive information.

**Page A-96 #4: General Fund**

**FY25 \$60,000**

This request funds an hourly rate increase for court rostered interpreters from \$35 to \$50 per hour for Tier I, \$45 to \$60 per hour for Tier II and \$50 to \$70 per hour for Tier III. The hourly rates for these interpreters have not been increased since calendar year 2009. The Judicial Branch is having trouble keeping rostered interpreters and attracting new interpreters at the lower rates. Interpreter services for limited English proficient litigants (LEPs) is federally mandated. If we are unable to fill the need with court rostered interpreters, we would be required to fill that void with more expensive agency services which run as high as \$75/hour or more.

**Page A-96 #5: General Fund/Other Special  
Revenue (CMS Technology Fee)**

**FY24 \$1,631,016 GF/ (\$992,517) OSR  
FY25 \$1,838,125 GF/ (\$992,300) OSR**

This request seeks general funding to support Maine eCourts, which is the MJB's fully integrated electronic system for filing, docketing, and case management. Users can file electronically, be notified of court orders, and access documents remotely. This request reallocates funding for the case management system from the CMS-Technology Fee account in the Other Special Revenue Fund to the General Fund within the same program. We were originally asked to fund ongoing maintenance fees and licensing costs through fees and surcharges as outlined in 4 MRS §17-A, however revenues have been insufficient to support the cost of the system. The revenue shortage was greatly impacted by the COVID-19 pandemic which saw a marked decrease in traffic violation revenues which provides the most significant revenue to this account. The CMS Technology Fee account will not have enough revenue to pay for the case management system

through fiscal year 2023-24. We are unable to continue with the project without this additional funding.

**Page A-96 #6: Other Special Revenue (Collections Fund) FY25 \$110,858 OSR**

This request continues one limited-period Staff Accountant position, previously established on Financial Order JJ2306 F3 and continued on Financial Order JJ2310 F4, through June 14, 2025. If not continued in budget, this position will end April 30, 2025. The Staff Accountant position is responsible for recording and reconciling collected revenues, assisting with revenue collection reconciliations, including developing new reconciliation processes and procedures in line with the new case management system processes and procedures. This position is also responsible for the fiscal bail reconciliations, including spot auditing of overpayment processes to ensure appropriate application of collected revenue and oversees and assists with the day-to-day work of the Accounting Technician position which includes cash reconciliations, approval of revenue related transactions, processing accounting journals, and creating receivables. The revenue supporting this account is derived from the collection of fines and fees consistent with 4 M.R.S. §20.

**Page A-96 #7: General Fund FY25 \$60,000 GF**

This initiative provides funding for an increase in storage rates for case files and an increase in storage needs. The rates for file storage costs have risen, and there is an increased need for storage space for the York Judicial Center files, which consolidated the files from 4 court houses to one location. These two factors account for the increased costs.

**Page A-96 #8: General Fund FY25 \$0 GF (Self Funded)**

This request reorganizes one Official Court Reporter position to a Courtroom Technology Assistant position and transfers the Personal Services savings to All Other to fund contracted temporary staffing services. As technology advances and changes so too does the landscape of the courtroom. The immediate courtroom needs require a flexible position that can address ever changing technological needs with an array of equipment and varying needs of internal and external stakeholders. The Courtroom Technology Assistant sets up recording devices, handles necessary equipment and troubleshoots technical issues in real time. This position will, in most cases, meet the needs of the court. However, the savings from this reorganization are transferred from Personal Services to All Other to allow for the contracting of court reporting services when a those specific skills are required, such as with some jury trials.

**Page A-97 #1: General Fund FY25 \$250,000 GF**

This request allows the Judicial Branch to pay \$150 per hour to professionals conducting mental health evaluations, up from \$100 per hour. The Judicial Branch is having difficulty hiring mental health professionals willing to work at the lower rate. Cases will be delayed if we are unable to retain these professionals to do this work.

**Page A-97 #2: General Fund FY25 \$70,000 GF**

This request provides one-time funding for the translation of court forms. Court forms created and revised because of legislation passed in the last legislative session need to be translated into foreign languages. Also, the conversion to a new case management system will render most of the currently translated materials obsolete. Updating these forms will require additional funding. In prior years federal grants were available to fund some of the expense of form translation, but there is no federal grant funding available at this time.

**Page A-97 #3: General Fund**

**FY24 \$490,000 GF/ FY25 \$490,000 GF**

This request provides funding for a volume increase in guardian ad litem, interpreter, and mental health examiner services. There is an increased demand for court services. For example, payment for mental health examiner services has doubled since 2022. The pending PC caseload has increased each year since 2019 and is currently 37% larger than it was at the end of 2017. GALs are appointed in all PC cases and remain active while the case is pending, often for a period of years. Similarly, there was a significant increase in the number of vouchers submitted and amount paid for interpreters in FY 2023, with the total amount spent being almost 60% higher than the previous fiscal year. This trend has continued into FY 2024. As of February 23, 2024, the number of interpreter vouchers is up almost 22% and the total amount spent is up 46% over the same point in FY 2023. These are not costs that the court controls. The volume of services is driven by the requirements of each case and the needs of individuals involved. Cases must be continued until the service can be provided which contributes to the backlog.

**Page A-97 #4: General Fund**

**FY25 \$80,000 GF**

This request provides one-time funding for the cost to the Judicial Branch of planning and producing the annual meeting of the Council of Chief Justices/Council of State Court Administrators scheduled for 2025 in Maine. This includes, but is not limited to, staff overtime and lodging. Most of the total meeting cost is born by the National Center for State Courts.

**Page A-97 #5: General Fund**

**FY25 \$160,000 GF**

This request provides one-time funding for the replacement of audio and visual equipment in courtrooms 201 and 203 of the Penobscot Judicial Center. This equipment has become so antiquated and unreliable that the Judicial Branch cannot hold jury trials in these courtrooms, which is adding to the jury trial backlog. The replacement of the equipment will allow the courtrooms to become functional for jury trials. We plan to come back in the biennium budget with a more comprehensive plan to replace and maintain this technology that has become so imbedded into court processes. But this emergency request will allow us to make sure that the PJC is able to conduct jury trials in the near term. Moreover, the cost to do this work continues to rise.

**Page A-97 #6: General Fund/Other Special Revenue  
(CMS Technology Fee)**

**FY24 \$45,486 GF/- \$45,778 OSR  
FY25 \$240,262 GF/ - \$241,802 OSR**

This request reallocates all positions within the CMS Technology Fee account from 100% Other Special Revenue Fund to 80% Other Special Revenue Fund and 20% General Fund within the same program. Revenues dedicated to supporting the Judicial Branch's essential case management system, including staff that support the system, were to be derived from fees and surcharges as outlined in 4 MRS §17-A, however revenues have been insufficient to support the costs. The revenue shortage was greatly impacted by the COVID-19 pandemic which saw a marked decrease in traffic violation revenues. The fund has not rebounded as anticipated. The combination has made the continued fiscal support of the case management system out of that Other Special Revenue Fund impossible and also eroded the fiscal support for these positions. This request is the minimum needed to help ensure continued funding of these critical positions. If this funding is not approved, we will be unable to meet payroll obligations through fiscal year 2024-25.

**Page A-97 #7: General Fund**

**FY24 \$47,500 GF/ FY25 95,000 GF**

This request provides funding for the projected general operations cost associated with acquiring 55 Lisbon Street in Lewiston. The purchase of the property is being funded with unspent bond funds from prior issuances. This is an existing building with existing leases and acquisition is

anticipated shortly. These costs include elevator service, pest control, HVAC service, landscaping, snow removal, water, sewer, electricity, and heating oil. We are unable to absorb these costs.

**Page A-97 #8: General Fund**

**FY24 \$100,000 GF/ FY25 \$100,000 GF**

This request provides one-time funding for a quality assurance tester for the Odyssey case management system. The Judicial Branch needs to contract out the job of quality assurance testing for the Maine eCourts case management system. This is a temporary need that cannot be met in-house because all information technology employees are engaged in other aspects of the project implementation.

**Page A-97 #9: General Fund**

**FY25 \$75,000 GF**

This request provides one-time funding for contracted technical account management services. The technical account manager, provided through Tyler Technologies, will provide the Judicial Branch with expertise and knowledge in the support and administration of Maine eCourts, including, but not limited to, assistance with updating the Judicial Branch data center and creating a new environment for the Judicial Branch's planned upgrade to version 2023. The technical account manager will also serve as a knowledge resource, positioning Judicial Branch staff to be self-sufficient with environment administration.

**Page A-98 #1 General Fund**

**FY24 \$13,341 GF**

This provides funding for the approved reorganization of one Information Project Manager position to a Director of Data, Project, and Planning Management. This position is performing duties not reflected in the current job description. The incumbent is primarily responsible for managing and overseeing several of the most significant and high profile MJB projects including the criminal integration for the Maine eCourts Project. Additionally, the position is tasked with developing a more cohesive approach to data collection and reporting and overseeing the MJB's responses to increasingly complex data requests. This includes developing a comprehensive Data Governance approach which is even more important with the advent of AI and the court's approach to it. Finally, the position continues to be critical to the MJB's security and safety response planning among other duties.

**LANGUAGE**

Turning to the Supplemental Budget language, Part XX was included in the Governor's Recommended Budget in lieu of funding for two of the MJB's original requests. The language in Part XX authorizes a one-time transfer in fiscal year 2023-24 and 2024-25 of available balances of appropriations up to \$400,000 in the Personal Services line category to the All Other line category in the Supreme Judicial & Superior Courts program to fund temporary clerk services and marshal contracts. The total cost of the original requests which are set forth below are \$493,603 in FY24 and \$575,000 in FY25 and exceed the \$400,000 proposed to be transferred from Personal Services in the Governor's Recommended Budget. We ask you to consider funding these initiatives for the full amounts set forth below.

**General One-time funding for temporary Clerical services: General Fund**

**FY24 \$360,000 GF/ FY25 \$360,000 GF**

Temporary clerical services are needed in the court clerk's offices throughout the state to support the clerks' workload until the positions created beginning July 1, 2024 are funded and filled. We anticipate this need to continue until courthouses are staffed appropriately. As Chief Justice

Stanfill noted, the weighted case load study conducted by the National Center for State Courts recorded a need for 40 additional clerks statewide. We are slated to receive 8 new positions effective July 1, 2024. We will continue to evaluate our need for temporary services as we onboard new positions.

**Increase in contracted marshal services in Lincoln and Somerset Counties: OSR**

**FY24 \$133,603 OSR/ FY25 \$215,000 OSR**

This request provides funding for an increase in marshal services contracts. The sheriff's offices in Lincoln and Somerset Counties provide judicial marshal services to the state courts located in those counties. This initiative raises the contractual rate for deputies paid by those counties to the same rate of pay given to judicial marshals working directly for the Judicial Branch. It also allows for a second full-time deputy position in Somerset which currently only has one Sargent and one Deputy dedicated to providing this security service. The MJB relies heavily on these contracts at these two locations and does not have sufficient positions to fill these security needs at these facilities. Without sufficient funding, courthouses may be required to close to the public or proceedings postponed due to lack of security.

**PART XX**

Sec. XX-1. Transfer of funds. Transfer of Personal Services balances to All Other; Judicial Department. Notwithstanding any provision of law to the contrary, for fiscal year 2023-24 and 2024-25 only, the Judicial Department is authorized to transfer up to \$400,000 of available balances of appropriations in the Personal Services line category in the Supreme Judicial & Superior Court program after all financial commitments for salary, benefit and other obligations have been made to the All Other line category in order of fund temporary clerk services and marshal services contracts. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

**PART XX  
SUMMARY**

This part authorizes a one-time transfer in fiscal year 2023-24 and 2024-25 of available balances of appropriations in the Personal Services line category to the All Other line category in the Supreme Judicial & Superior Courts program to fund temporary clerk services and marshal contracts.

**Active Retired Jurists Increases: General Fund                      FY25 \$120,000 GF**

Before I conclude, I'd like to speak to a request that did not make it into the Governor's Recommended Budget but for which I would like to advocate. We ask you to consider providing an increase in the active retired justices' and judges' statutory per diem rates. At the current rate active retired justices and judges are paid \$350 per day and \$200 per half day, which is lower than guardians ad litem, court-appointed attorneys, and most other service providers. We are seeking to increase those rates to \$500 per day and \$350 per half day which will bring the rate a bit closer to appropriate compensation for the work that they perform. We rely on active retired jurists to supplement the caseload on a regular basis. And in fact, ARJ's were heavily involved with the "blitzes" that the Chief Justice referred to in her State of the Judiciary address which she credited, in part, with the improvement to our case completion standards. The ARJ's also handle most of the Violations Bureau cases, at the rate of over 10,000 cases per year. Without their participation, the Violations Bureau, which presently has no backlog, could mirror the backlog

experienced in other dockets. The bottom line: They should be adequately compensated for the work they do. This increase does not accomplish that, but it is a step in the right direction. The last increase for the per diem for these jurists was in fiscal year 2017-18.

To effect this change, the following statutory changes would be required as set forth below:

**Sec. xxx-x. 4 MRSA §6-B as amended by PL 2017, c. 284, Pt. XXXX, §1 is further amended to read:**

**§6-B. Per diem compensation for Active Retired Justices of the Supreme Judicial Court**

Any Active Retired Justice of the Supreme Judicial Court who performs judicial service at the direction and assignment of the Chief Justice of the Supreme Judicial Court must be compensated for those services at the rate of ~~\$350~~ \$500 per day or ~~\$200~~ \$300 per 1/2 day, as long as the total compensation received under this section by an Active Retired Justice of the Supreme Judicial Court in any calendar year does not exceed 75% of the annual salary of an Associate Justice of the Supreme Judicial Court set pursuant to section 4. An Active Retired Justice of the Supreme Judicial Court who receives compensation under this section does not accrue additional creditable service for benefit calculation purposes and is not entitled to any other employee benefit, including health, dental or life insurance.

**Sec. xxx-x. 4 MRSA §104-A as amended by PL 2017, c. 284, Pt. XXXX, §2 is further amended to read:**

**§104-A. Per diem compensation for Active Retired Superior Court Justices**

Any Active Retired Justice of the Superior Court who performs judicial service at the direction and assignment of the Chief Justice of the ~~Supreme Judicial~~ Superior Court is compensated for those services at the rate of ~~\$350~~ \$500 per day or ~~\$200~~ \$300 per 1/2 day, as long as the total compensation received under this section by an Active Retired Justice of the Superior Court in any calendar year does not exceed 75% of the annual salary of a Justice of the Superior Court set pursuant to section 102. An Active Retired Justice of the Superior Court who receives compensation under this section does not accrue additional creditable service for benefit calculation purposes and is not entitled to any other employee benefit, including health, dental or life insurance.

**Sec. xxx-x. 4 MRSA §157-D as amended by PL 2017, c. 284, Pt. XXXX, §3 is further amended to read:**

**§157-D. Active retired judges; compensation**

Any Active Retired Judge of the District Court who performs judicial service at the direction and assignment of the Chief Judge of the District Court is compensated for those services at the rate of ~~\$350~~ \$500 per day or ~~\$200~~ \$300 per 1/2 day, as long as the total compensation received under this section by an Active Retired Judge of the District Court in any calendar year does not exceed 75% of the annual salary of an Associate Judge of the District Court set pursuant to section 157. An Active Retired Judge of the District Court who receives compensation under this section does not accrue additional creditable service for benefit calculation purposes and is not entitled to any other employee benefit, including health, dental or life insurance.

**CONCLUSION**

We appreciate the opportunity to speak with you today. Thank you for your time and attention. I would be happy to answer any questions that you might have or provide you with any additional information that you require.