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# ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

**COMMITTEE ON JUDICIARY** 

April 11, 2013

TO:

Senator Dawn Hill, Senate Chair

Representative Margaret Rotundo, House Chair

Joint Standing Committee on Appropriations and Financial Affairs

FROM:

Senator Linda M. Valentino, Senate Chair

Representative Charles R. Priest, House Chair

Joint Standing Committee on Judiciary

Re:

Judiciary Committee Recommendations on Biennial Budget (LR

1046)

Thank you for the opportunity to provide our recommendations concerning An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015, LR 1046. Included in the Governor's proposals are the budgets 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 and Pine Tree Legal Assistance. We met on April 9th and unanimously agreed on all initiatives except two. Our recommendations are as follows.

# Department of the Attorney General

The Judiciary Committee unanimously supports the proposed budget contained in LR 1046 for the Department of the Attorney General except for Ref # 473, Ref # 484 and Part CC.

• Ref # 473 proposes to transfer funding from the Attorney General Administration program to the Office of the Governor for legal contingencies in which the Attorney General declines to represent the State. A majority of the Committee

voted to remove the proposed transfer from the budget. This account is used to pay expert witness fees in homicide case and other major crimes, computers, telephones, investigators' travel, law books, postage and supplies. The transfer relates to inconsistent increases in the Executive Department that are within the jurisdiction of the State and Local Government Committee. Title 5, section 191 prohibits the use of outside attorneys by any State agency without the written permission of the Attorney General. The majority believes the Attorney General acts in the best interest of the State and will make decisions about litigation based on the law and the facts and will not base actions on politics. The minority is concerned that the Governor, a popularly elected official, could be silenced if there is disagreement with the Attorney General, who is elected by the Legislature. Providing the funding to the Governor's Office could insulate the Attorney General from more political questions.

- Vote: 7-6. <u>In favor of removing the transfer</u>: Senator Valentino, Senator Tuttle, Representative Priest, Representative Monaghan-Derrig, Representative DeChant, Representative Moonen, and Representative Villa. <u>Opposed to removing the transfer</u>: Senator Burns, Representative Crockett, Representative Beaulieu, Representative Peavey-Haskell, Representative Guerin and Representative Moriarty.
- Ref # 484 is tied to Part CC and provides for an increase in payment to medical examiners around the State for medical examinations (set by Title 22, section 3024) and for drawing blood (set by policy). LR 1046 proposes an increase from \$70 an examination to \$100 an examination, and Ref # 484 provides \$28,000 in each year of the biennium to cover the increase in that fee and a \$5 increase for drawing blood.
  - o The Judiciary Committee unanimously voted to provide for a smaller increase, from \$70 to \$85 an examination, a \$15 increase rather than the proposed \$30. See amendment to Part CC. The General Fund Appropriation in Ref #484 should be amended to reflect that decrease to \$16,000 in each year of the biennium. We recommend this reduction only because we want to also address other significant needs in the Office of the Chief Medical Examiner.
- In the work of the Chief Medical Examiner's Office, there is a substantial backlog of cases, and families are forced to wait months for death certificates, which are necessary for insurance and other purposes. Dr. Greenwald and Attorney General Mills had requested additional funds for specific resources that ultimately were not included in LR 1046. Although we agree that the multiple needs of the Office are very real, we believe that the following are the most important.
  - O The Judiciary Committee unanimously supports creating and funding one additional full-time Death Investigator for a total of \$80,104 in FY14 and \$80,332 in FY15 (Personal Services: \$65,919 FY14 and \$70,314 FY15; All Other \$14,185 FY 14 and \$10,018 FY15)
  - o The Committee voted 7-2 to appropriate \$30,000 in All Other for each year of the biennium to pay for part-time pathologists who assist with autopsies. These are contract positions and do not require changes in

head count. <u>In favor of funding part-time pathologists</u>: Senator Valentino, Representative Monaghan-Derrig, Representative Crockett, Representative DeChant, Representative Moriarty, Representative Moonen, and Representative Villa. Opposed to funding part-time pathologists: Representative Peavey-Haskell, Representative Guerin.

- Ref. # 490 proposes to transfer one Secretary Specialist assigned to the tobacco enforcement program from the Attorney General's Human Services Division to the Department of Health and Human Services. Attorney General Mills testified that she and Commission Mayhew are discussing whether the transfer should occur, and although they are leaning to not make the transfer, they have not reached a definite conclusion. Attorney General Mills asked the Committee to table the initiative, and we unanimously did so. We support Attorney General Mills as to where this position finally resides.
- The Committee unanimously supports Part DD as written
- The Committee unanimously supports EE as written.

# Maine Human Rights Commission

The Judiciary Committee unanimously supports the proposed budget for the Maine Human Rights Commission.

# Maine Indian Tribal-State Commission

The Judiciary Committee unanimously supports the proposed budget for the Maine Indian Tribal-State Commission.

# Maine Commission on Indigent Legal Services

The Judiciary Committee unanimously supports the proposed budget for the Maine Commission on Indigent Legal Services with two exceptions.

- Ref # 1844 increases the hourly fee for counsel and non-counsel indigent legal expenses from the current rate of \$50/hr to \$55/hr beginning July 1, 2014. The Judiciary Committee unanimously supports raising the hourly rate to \$60 beginning July 1, 2013, and to \$65 beginning July 1, 2014. The total appropriations for these increase are \$4,268,561 for FY14 and \$5,897,905 for FY15.
- The Judiciary Committee voted unanimously to support with changes Part NNN
  which directs the Office of Policy and Management to conduct a review of
  different methods of providing legal services to indigent persons. The changes
  clarify that the study should focus on the efficient delivery of quality indigent
  legal services. See amendment to Part NNN.

# Judicial Branch

The Judiciary Committee unanimously supports the proposed budget for the Judicial Branch. We note that the Justification for Ref # 1978 concerning the \$1,000,000 annually for security screening should be corrected to indicate that the funding will provide 70% entry screening statewide.

# Pine Tree Legal Assistance

The Judiciary Committee unanimously supports the proposed budget for Pine Tree Legal Assistance, but we note that the Legal Services Corporation funding for 2013 has been reduced by \$95,000. This is \$30,000 more than anticipated at the time of the public hearing on the budget. The Judiciary Committee recognizes the outstanding work that Pine Tree does and that it is already underfunded. We are concerned about this additional loss to their capacity to provide assistance. We respectfully request that we work together to provide additional funding to Pine Tree Legal Assistance to at least make up the \$30,000 reduction caused by the most recent Continuing Resolution passed by Congress.

Thank you.

Attachments:

Budget worksheet

Includes amended Part CC Includes amended Part NNN

# ATTORNEY GENERAL, DEPARTMENT OF THE

# Administration - Attorney General 0310

Initiative: BASELINE BUDGET

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	49.000	51.000	51.000	51.000
Personal Services	\$4,066,783	\$4,175,971	\$4,409,502	\$4,658,247
All Other	\$571,389	\$575,904	\$581,531	\$581,531
GENERAL FUND TOTAL	\$4,638,172	\$4,751,875	\$4,991,033	\$5,239,778
FEDERAL EXPENDITURES FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	15.000	15.000	15.000	15.000
Personal Services	\$1,204,185	\$1,235,008	\$1,260,730	\$1,331,019
All Other	\$539,869	\$539,790	\$541,582	\$541,582
FEDERAL EXPENDITURES FUND TOTAL	\$1,744,054	\$1,774,798	\$1,802,312	\$1,872,601
OTHER SPECIAL REVENUE FUNDS	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	47.500	47.500	47.500	47.500
Personal Services	\$4,945,687	\$5,130,289	\$5,095,559	\$5,405,958
All Other	\$660,418	\$660,418	\$663,754	\$663,754
OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,606,105	\$5,790,707	\$5,759,313	\$6,069,712

# Justification:

The mission of the Attorney General's Office is to provide high quality legal services, to enforce the law, to prosecute homicides and other major crimes, to ensure the safety of Maine people, collect funds owed the state, to protect consumers, to protect the environment, and to defend and represent state agencies.

Administration - Attorney General 0310						
Initiative: Provides funding to properly reflect st	ate match expenditure	s for the Medi	icaid fraud co	ontrol unit gran	t.	
Ref. #: 466	Committee Vote:	11-0	IN	AFA Vote:		
OTHER SPECIAL REVENUE FUNDS					2013-14	2014-15
All Other					\$154,467	\$154,467
OTHER SPECIAL REVENUE FUNDS TOTAL	,				\$154,467	\$154,467

#### Justification:

In FY12, the Office of the Attorney General, with the help of the Office of the State Controller, reviewed and revised the accounting procedures for the Medicaid Fraud Control Unit federal grant. Under the previous methodology, state match expenditures were being accumulated in the same federal grant account as the direct grant expenditures. Revenue to support the match had been transferred into the federal grant account from an Other Special Revenue account. This practice resulted in the federal grant account appearing to bear more than the allowable federal share of expenditures for this grant. This initiative increases the allocation in the Other Special Revenue account from which the revenues were being transferred, thereby allowing the revenue to remain in the correct account and allowing the state match expenditures to be accumulated herein. The quarterly state match fluctuates between \$40,000 - \$50,000.

# Administration - Attorney General 0310

Initiative: Reorganizes one Attorney General Detective position to a Senior Attorney General Detective position.

Ref. #: 467

Committee Vote:

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Personal Services	\$8,036	\$8,198
All Other	\$252	\$257
FEDERAL EXPENDITURES FUND TOTAL	\$8,288	\$8,455

# Justification:

The Healthcare Crimes Unit within the Criminal Division of the Department of the Attorney General is the federally required Medicaid Fraud Control Unit for the State responsible for conducting a statewide program for investigating and prosecuting violations of all applicable State laws pertaining to fraud in the Medicaid program, activities of providers, and abuse and neglect in facilities. Federal regulation [42 C.F.R. §1007.13] requires that the Unit have a senior investigator with substantial experience in commercial or financial investigations who is capable of supervising and directing the investigative activities of the Unit. This position would coordinate and direct complex investigations and assist the Unit detectives to complete their assigned work in an effective and efficient manner.

# Administration - Attorney General 0310

Initiative: Continues 2 20-hour per week Assistant Attorney General positions created by Financial Orders 00997 F13 and 00974 F13 and reorganizes these 2 positions with 2 existing 20-hour per week Assistant Attorney General positions to create 2 full-time Assistant Attorney General positions.

Ref. #: 468

Committee Vote: 13-0 IN AFA Vote:

GENERAL FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	(\$240)	(\$250)
GENERAL FUND TOTAL	(\$240)	(\$250)

In fiscal year 2012-2013, the Office was asked by its client, the Department of Health and Human Services, if it could provide additional services. In order to accomplish this, the Office created two 1/2 Assistant Attorney General positions via Financial Orders #00997F13 and 00974F13. Each of these was coupled with existing 1/2 Assistant Attorney General positions to allow the Office to hire full-time employees. The two halves will now be joined to create permanent full-time positions. Also adjusts General Fund appropriations for Workers Compensation premiums and FICA tax down to reflect a slight savings obtained by combining two 20-hour per week positions into one full-time position.

# Administration - Attorney General 0310

Initiative: Reallocates the cost of 6 Assistant Attorney General positions and one Secretary Associate Legal position in the drug prosecution unit and related All Other from 100% Federal Expenditures Fund to 75% General Fund and 25% Federal Expenditures Fund within the same program

Ref. #: 469	Committee Vote:	13-0	111	AFA Vote:		1970-1-
GENERAL FUND					2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT					7.000	7.000
Personal Services					\$465,367	\$493,474
All Other					\$36,148	\$34,918
GENERAL FUND TOTAL					\$501,515	\$528,392
Ref. #: 470	Committee Vote:	13-0	<u>M</u>	AFA Vote:		
FEDERAL EXPENDITURES FUND					2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT					(7.000)	(7.000)
Personal Services					(\$465,367)	(\$493,474)
All Other					(\$51,962)	(\$51,587)
FEDERAL EXPENDITURES FUND TOTAL					(\$517,329)	(\$545,061)

### Justification:

The drug prosecution unit within the Office of the Attorney General has historically been supported by federal grant funds for the Department of Justice, Justice Assistance Program, Edward R. Byrne Memorial Grant Fund (Byrne Grant). The Maine Department of Public Safety administers this grant program and this Office applies for pass-through grants. In recent years, the Byrne Grant has been declining and therefore, the amount of funds that this Office can apply for have also declined. The 2011, the Office received \$550,045. In 2012, the amount has dropped to \$348,508. The Byrne Grant is expected to decline again in 2013. The Office is able to maintain the drug prosecution unit in 2012 by utilizing unexpended American Reinvestment and Recovery Act (ARRA) funds that it was awarded in 2009 for one drug prosecutor. The ARRA program ends in July 2013 and the Office would have lost over \$200,000 if it had not reallocated those funds to the drug prosecution unit to replace the lost Byrne Grant funds. This request to move the program to 75% General Funds in FY14 will enable the program to continue at its current level, assuming that the Byrne Grant funds available are at least \$173,000.

# Administration - Attorney General 0310

Initiative: Reorganizes one Secretary Associate Legal position to a Medical Examiner Assistant position and transfers t	he
position from the Administration - Attorney General program to the Chief Medical Examiner - Office of program.	

Ref. #: 471	Committee Vote:	13-0	111	AFA Vote:	

**GENERAL FUND** 

2013-14

(\$517,329)

(\$545,061)

2014-15

POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$59,280)	(\$63,242)
All Other	(\$2,817)	(\$1,317)
GENERAL FUND TOTAL	(\$62,097)	(\$64,559)

# Justification:

Reallocates existing resources from the Attorney General program to the Office of the Chief Medical Examiner. The Chief Medical Examiner's Office currently has two positions that serve as assistants. One is the Senior Forensic Medical Technician. This position assists with autopsies in the absence of the Medical Examiner Assistant and is responsible for preparing histology slides (microscopic slides), entering database information and ordering morgue supplies. The second

position is that of Me requests for toxicolog time it takes to comp	edical Examiner Assistant. The gy testing. This request will plete autopsies and issue report ology data by having more co	is position assists in a rovide one additional s; decrease the backle	autopsies, orga Medical Exar og of histology	niner Assis slides; and	tant to help dec		
Administration - At	torney General 0310						
Initiative: Establishes	s one Assistant Attorney Gene	ral position that will	work on unem	ployment f	raud cases.		
Ref. #: 472		Committee Vote:	13-0	N	AFA Vote:		
OTHER SPECIAL	REVENUE FUNDS					2013-14	2014-15
POSITIONS -	- LEGISLATIVE COUNT					1.000	1.000
Personal Serv	rices					\$84,867	\$90,451
All Other						\$5,874	\$6,020
OTHER SPECIAL R	EVENUE FUNDS TOTAL	•			mana di dana di Campani di	\$90,741	\$96,471
Justification:							
No justification provi	ided.						
Administration - At	torney General 0310						
	funding from the Attorney Ger eral declines to represent the S	tate.			_	ncies in	
Ref. #: 473	One Time	Committee Vote:	7-6	<u> </u>	AFA Vote:		
GENERAL FUND						2013-14	2014-15
All Other					(	(\$300,000)	\$0
GENERAL FUND T	OTAL				(	(\$300,000)	\$0

# Administration - Attorney General 0310

Initiative: Adjusts funding to reflect current revenue projections.

Ref. #: 474

Committee Vote: 12-0 1N

AFA Vote:

## FEDERAL EXPENDITURES FUND

All Other

(\$221,045)

2013-14

**2014-15** (\$221,045)

FEDERAL EXPENDITURES FUND TOTAL

(\$221,045)

(\$221,045)

# Justification:

Adjusts allocation in two federal accounts to reflect the current grant activity and adjusts the allocation in the Victims Compensation Fund Other Special Revenue account to reflect revenue projections.

# ADMINISTRATION - ATTORNEY GENERAL 0310

PROGRAM SUMMARY

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	49.000	51.000	57.500	57.500
Personal Services	\$4,066,783	\$4,175,971	\$4,815,349	\$5,088,229
All Other	\$571,389	\$575,904	\$314,862	\$615,132
GENERAL FUND TOTAL	\$4,638,172	\$4,751,875	\$5,130,211	\$5,703,361
FEDERAL EXPENDITURES FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	15.000	15.000	8.000	8.000
Personal Services	\$1,204,185	\$1,235,008	\$803,399	\$845,743
All Other	\$539,869	\$539,790	\$268,827	\$269,207
FEDERAL EXPENDITURES FUND TOTAL	\$1,744,054	\$1,774,798	\$1,072,226	\$1,114,950
OTHER SPECIAL REVENUE FUNDS	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	47.500	47.500	48.500	48.500
Personal Services	\$4,945,687	\$5,130,289	\$5,180,426	\$5,496,409
All Other	\$660,418	\$660,418	\$824,095	\$824,241
OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,606,105	\$5,790,707	\$6,004,521	\$6,320,650

# Chief Medical Examiner - Office of 0412

Initiative: BASELINE BUDGET

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	9.000	9.000	9.000	9.000
Personal Services	\$853,064	\$846,199	\$921,888	\$953,639
All Other	\$404,007	\$434,687 <sup>-</sup>	\$435,275	\$435,275
GENERAL FUND TOTAL	\$1,257,071	\$1,280,886	\$1,357,163	\$1,388,914
FEDERAL EXPENDITURES FUND	History 2011-12	History 2012-13	2013-14	2014-15
All Other	\$75,000	\$75,000	\$75,000	\$75,000
FEDERAL EXPENDITURES FUND TOTAL	\$75,000	\$75,000	\$75,000	\$75,000
OTHER SPECIAL REVENUE FUNDS	History 2011-12	History 2012-13	2013-14	2014-15
All Other	\$14,993	\$14,993	\$14,993	\$14,993
OTHER SPECIAL REVENUE FUNDS TOTAL	\$14,993	\$14,993	\$14,993	\$14,993

## Justification:

Chief Medical Examiner - Office of 0412

The Chief Medical Examiner's office investigates all deaths that are due to other than natural disease or that cannot be certified by a private attending physician. The goal of the Office is to provide thorough investigations, to help solve crime and to support public health and public safety by providing accurate information about the cause of deaths in the state. The Office strives within its existing budget to provide timely reports to government agencies, families and other interested parties regarding the circumstantial and medical factors which cause death for the purposes of prosecution, departmental action, estate settlement, and statistical information for governmental recordkeeping and policy decisions.

The work of the Chief Medical Examiner is defined in statute and generates little discretionary spending. The Office will continue to perform the autopsy function in-house while contracting out for toxicology services, the cost of which has risen substantially. The Office has struggled for some time to try to maintain reasonable response times while staying within budget demands. Without additional funding the Office will need to scale back the level and types of services provided. There is insufficient funding in the baseline budget to continue to purchase the part-time services from two forensic pathologists who perform autopsies, with the markedly rising number of autopsies each year.

# Initiative: Provides funding for increased payments to medical examiners as authorized in Maine Revised Statutes, Title 22,

Initiative: Provides funding for increased payments to medical examiners as authorized in Maine Revised Statutes, Title 22, Section 3024, as amended, for medical examinations and for drawing blood, as set by policy.

Ref. #: 484	Committee Vote: ( ) - O ANO	AFA Vote:	
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GENERAL FUND		2013-14	2014-15
All Other	See changes	\$28,000	\$28,000
GENERAL FUND TOTAL	Part CC	\$28,000	\$28,000

#### Justification:

The medical examiner fee structure has not been changed in 15 years. There is a need to increase the fees to ensure that the trained and experienced medical examiners can be retained. The statute currently authorizes a payment of \$70 per investigation. This request, and the associated statutory language change, proposes a payment of \$100 per investigation. The fee for drawing blood is set by rule at \$10 per draw. This request proposes to amend the rule to a fee of \$15 per draw. The calculations are based on an estimate of 1,584 cases per year.

#### Chief Medical Examiner - Office of 0412

Initiative: Reorganizes one Secretary Associate Legal position to a Medical Examiner Assistant position and transfers the position from the Administration - Attorney General program to the Chief Medical Examiner - Office of program.

Ref. #: 485 Committee Vote: | 3-0 | N AFA Vote:

GENERAL FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$59,280	\$63,242
All Other	\$2,817	\$1,317
GENERAL FUND TOTAL	\$62,097	\$64,559

#### Justification:

Reallocates existing resources from the Attorney General program to the Office of the Chief Medical Examiner. The Chief Medical Examiner's Office currently has two positions that serve as assistants. One is the Senior Forensic Medical Technician. This position assists with autopsies in the absence of the Medical Examiner Assistant and is responsible for preparing histology slides (microscopic slides), entering database information and ordering morgue supplies. The second position is that of Medical Examiner Assistant. This position assists in autopsies, organizes specimens and sends out requests for toxicology testing. This request will provide one additional Medical Examiner Assistant to help decrease the time it takes to complete autopsies and issue reports; decrease the backlog of histology slides; and, improve the organization of toxicology data by having more consistency in the staff inputting the information.

# CHIEF MEDICAL EXAMINER - OFFICE OF 0412 PROGRAM SUMMARY

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	9.000	9.000	10.000	10.000
Personal Services	\$853,064	\$846,199	\$981,168	\$1,016,881
All Other	\$404,007	\$434,687	\$466,092	\$464,592
GENERAL FUND TOTAL	\$1,257,071	\$1,280,886	\$1,447,260	\$1,481,473
FEDERAL EXPENDITURES FUND	History 2011-12	History 2012-13	2013-14	2014-15
All Other	\$75,000	\$75,000	\$75,000	\$75,000
FEDERAL EXPENDITURES FUND TOTAL	\$75,000	\$75,000	\$75,000	\$75,000
OTHER SPECIAL REVENUE FUNDS	History 2011-12	History 2012-13	2013-14	2014-15
All Other	\$14,993	\$14,993	\$14,993	\$14,993
OTHER SPECIAL REVENUE FUNDS TOTAL	\$14,993	\$14,993	\$14,993	\$14,993

# Civil Rights 0039

Initiative: BASELINE BUDGET

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	2.000	2.000	2.000	2.000
Personal Services	\$132,475	\$131,129	\$146,972	\$156,383
All Other	\$86,058	\$85,211	\$98,617	\$98,617
GENERAL FUND TOTAL	\$218,533	\$216,340	\$245,589	\$255,000

## Justification:

The mission of the Civil Rights Team Project (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 160 Maine schools and training is provided to thousands of students and faculty.

The Civil Rights Team Project trains, encourages and empowers high school, middle school and elementary school students to be leaders within their school communities in confronting bias, prejudice and harassment. Faculty in-service trainings increase the responsiveness of faculty and administrators to bias, prejudice and harassment. 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.)

# CIVIL RIGHTS 0039 PROGRAM SUMMARY

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	2.000	2.000	2.000	2.000
Personal Services	\$132,475	\$131,129	\$146,972	\$156,383
All Other	\$86,058	\$85,211	\$98,617	\$98,617
GENERAL FUND TOTAL	\$218,533	\$216,340	\$245,589	\$255,000

## District Attorneys Salaries 0409

Initiative: BASELINE BUDGET

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	83.000	83.000	83.000	83.000
Personal Services	\$7,848,186	\$7,774,057	\$8,176,162	\$8,659,234
GENERAL FUND TOTAL	\$7,848,186	\$7,774,057	\$8,176,162	\$8,659,234
FEDERAL EXPENDITURES FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1.000	1.000	1.000	1.000
Personal Services	\$60,700	\$63,426	\$65,131	\$69,332
All Other	\$8,244	\$8,244	\$8,244	\$8,244
FEDERAL EXPENDITURES FUND TOTAL	\$68,944	\$71,670	\$73,375	\$77,576
OTHER SPECIAL REVENUE FUNDS	History 2011-12	History 2012-13	2013-14	2014-15
All Other	\$6,145	\$6,145	\$6,145	\$6,145
OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,145	\$6,145	\$6,145	\$6,145

#### Justification:

Historically, the eight District Attorneys' offices have handled approximately 90,000 criminal and juvenile cases per year, as well as thousands of traffic and civil violations. This caseload is carried statewide with a staff of 76 Assistant District Attorneys and eight elected District Attorneys. When traffic infractions and civil violations are factored in, as well as probation revocations, appeals to the Law Court, and other cases, each Assistant District Attorney handles very high caseloads.

The eight District Attorney offices prosecute the majority of all criminal offenses occurring in their district, with the exception of murder, including thousands of traffic infractions and civil violations.

The District Attorneys draft warrants, review police reports, screen criminal cases, prepare criminal complaints, motions, memoranda of law, legal briefs and other pleadings. They present felony cases to grand juries, argue motions, meet with police officers, witnesses and victims and try cases in District and Superior Courts. The District Attorney Offices also provide training and continuing legal education to law enforcement agencies in their districts.

# DISTRICT ATTORNEYS SALARIES 0409 PROGRAM SUMMARY

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	83.000	83.000	83.000	83.000
Personal Services	\$7,848,186	\$7,774,057	\$8,176,162	\$8,659,234
GENERAL FUND TOTAL	\$7,848,186	\$7,774,057	\$8,176,162	\$8,659,234
FEDERAL EXPENDITURES FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1.000	1.000	1.000	1.000
Personal Services	\$60,700	\$63,426	\$65,131	\$69,332
All Other	\$8,244	\$8,244	\$8,244	\$8,244
FEDERAL EXPENDITURES FUND TOTAL	\$68,944	\$71,670	\$73,375	\$77,576
OTHER SPECIAL REVENUE FUNDS	History 2011-12	History 2012-13	2013-14	2014-15
All Other	\$6,145	\$6,145	\$6,145	\$6,145
OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,145	\$6,145	\$6,145	\$6,145

## **Human Services Division 0696**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	62.000	63.000	63.000	63,000
Personal Services	\$5,282,314	\$5,537,797	\$5,613,213	\$5,950,973
All Other	\$850,960	\$852,944	\$857,058	\$857,058
OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,133,274	\$6,390,741	\$6,470,271	\$6,808,031

#### Justification:

The primary mission of this program is to provide legal services for the programs administered by the Department of Health and Human Services (DHHS). The program is divided among three divisions:

The Child Support Enforcement Division represents 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. Attorneys and paralegals in these areas have the most persistent and heavy caseloads of any Divisions in the Office of the Attorney General.

The Health and Human Services Division provides legal representation for all other programs in DHHS, including the MaineCare program, involuntary mental health commitments, defense of lawsuits against the Department and its employees, public guardianship/conservatorship issues, licensure of homes for both adults and children, enforcement of the State's public health laws, enforcement of adult protective laws, represents DHHS's interest in federal benefits programs such as MaineCare, TANF and the AMHI and Community Consent Decree cases.

### **Human Services Division 0696**

Initiative: Establishes one limited-period Assistant Attorney General position, one part-time, limited-period Assistant Attorney General position and 6 limited-period Research Assistant/Paralegal positions and continues one limited-period Assistant Attorney General position established by financial orders in the Human Services Division program in order to meet the increasing needs in the Child Protection Unit. These positions will end on June 6, 2015.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$579,401	\$618,301
All Other	\$50,986	\$39,054
OTHER SPECIAL REVENUE FUNDS TOTAL	\$630,387	\$657,355

#### Justification:

The child protection division currently handles 1634 child protection cases (this number is a rising number - up 583 cases from October 1, 2011- May 31, 2012) which requires approximately 5715 court appearances in 29 district courts, or approximately 120 cases per week. With a current rising average of 105 cases per child protection Assistant Attorney General, the Assistant Attorneys General in Maine carry a caseload well over the American Bar Association's maximum standard caseload of 60. The American Bar Association's caseload standards indicate that a caseload of over 60 cases is unmanageable, which is a major barrier to quality legal representation, a source of high attorney turnover and reduces the ability to meet with the Department of Human Services caseworkers and supervisors.

#### **Human Services Division 0696**

Initiative: Continues 2 20-hour per week Assistant Attorney General positions created by Financial Orders 00997 F13 and 00974 F13 and reorganizes these 2 positions with 2 existing 20-hour per week Assistant Attorney General positions to create 2 full-time Assistant Attorney General positions.

Ref. #: 489	Committee Vote: 11-0 IN	AFA Vote:	
OTHER SPECIAL REVENUE FUNDS		2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT		0.500	0.560
Personal Services		\$140,223	\$149,186
All Other		\$4,000	\$4,256

## Justification:

In fiscal year 2012-2013, the Office was asked by its client, the Department of Health and Human Services, if it could provide additional services. In order to accomplish this, the Office created two 1/2 Assistant Attorney General positions via Financial Orders #00997F13 and 00974F13. Each of these was coupled with existing 1/2 Assistant Attorney General positions to allow the Office to hire full-time employees. The two halves will now be joined to create permanent full-time positions. Also adjusts General Fund appropriations for Workers Compensation premiums and FICA tax down to reflect a slight savings obtained by combining two 20-hour per week positions into one full-time position.

## **Human Services Division 0696**

OTHER SPECIAL REVENUE FUNDS TOTAL

Initiative: Transfers one Secretary Specialist position assigned to the tobacco enforcement program from the Office of the Attorney General, Human Services Division program to the Department of Health and Human Services, Health - Bureau of program.

Ref. #: 490	Committee Vote: TWO LEA	AFA Vote:	
	4/0/13		-
OTHER SPECIAL REVENUE FUNDS	12 V - 18	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT		(1.000)	(1.000)
Personal Services		(\$73,435)	(\$75,723)
All Other		(\$2,191)	(\$2,191)
OTHER SPECIAL REVENUE FUNDS TOTAL		(\$75,626)	(\$77,914)

#### Justification:

No justification provided.

\$144,223

\$153,442

# HUMAN SERVICES DIVISION 0696 PROGRAM SUMMARY

OTHER SPECIAL REVENUE FUNDS	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	62.000	63.000	62.500	62.500
Personal Services	\$5,282,314	\$5,537,797	\$6,259,402	\$6,642,737
All Other	\$850,960	\$852,944	\$909,853	\$898,177
OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,133,274	\$6,390,741	\$7,169,255	\$7,540,914

## Victims' Compensation Board 0711

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	History 2011-12	History 2012-13	2013-14	2014-15
All Other	\$225,549	\$225,549	\$225,549	\$225,549
FEDERAL EXPENDITURES FUND TOTAL	\$225,549	\$225,549	\$225,549	\$225,549
OTHER SPECIAL REVENUE FUNDS	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	3.000	3.000	3.000	3.000
Personal Services	\$236,507	\$245,895	\$254,270	\$270,752
All Other	\$428,383	\$464,051	\$464,291	\$464,291
OTHER SPECIAL REVENUE FUNDS TOTAL	\$664,890	\$709,946	\$718,561	\$735,043

#### Justification:

The Victims' Compensation Fund assists victims of violent crime by reimbursing them up to \$15,000 for certain out-of-pocket costs or losses they incur as a result of a crime. The Victims' Compensation Board, comprised of three members from Maine's legal, medical and victim services communities, determines the claims to be paid from the Fund. The Criminal Division of the Office of the Attorney General provides staff to administer the Program. The Victims' Compensation Program works closely with District Attorneys, Victim Witness Advocates, the Department of Corrections, and advocates from domestic violence and sexual assault response agencies in order to reach out and assist victims of violent crime.

## Victims' Compensation Board 0711

Initiative: Provides funding to reflect increased assessments related to violent crime convictions, as prescribed in Maine Revised Statutes, Title 5, section 3360-I.

Ref. #: 494

Committee Vote:

2013-14

## OTHER SPECIAL REVENUE FUNDS

All Other

\$363,357 \$363,357 OTHER SPECIAL REVENUE FUNDS TOTAL \$363,357 \$363,357

# Justification:

There is a structural insufficiency in the revenue source for this Fund. The primary source is assessments on criminals. The revenue stream has been in decline since 2007 due to a reduction in the imposition of assessments due to amendments to the criminal statutes. Activities that were formerly crimes have been decriminalized. Deferred dispositions also result in decreased revenue. Conversely, the expenditures from the fund, which assist victims to recover financially, emotionally and functionally, have risen. The responsibilities of the Fund have been expanded to include sexual assault forensic examinations and the training of the examiners. The combination of decreased revenue and increased costs and responsibilities creates the insufficiency this request addresses.

## Victims' Compensation Board 0711

Initiative: Adjusts funding to reflect current revenue projections.

2014-15

Ref. #: 495

OTHER SPECIAL REVENUE FUNDS

All Other

OTHER SPECIAL REVENUE FUNDS TOTAL

2013-14	2014-15
(\$205,557)	(\$222,352)
(\$205,557)	(\$222,352)

# Justification:

Adjusts allocation in two federal accounts to reflect the current grant activity and adjusts the allocation in the Victims Compensation Fund Other Special Revenue account to reflect revenue projections.

# VICTIMS' COMPENSATION BOARD 0711 PROGRAM SUMMARY

FEDERAL EXPENDITURES FUND	History 2011-12	History <b>2012-13</b>	2013-14	2014-15
All Other	\$225,549	\$225,549	\$225,549	\$225,549
FEDERAL EXPENDITURES FUND TOTAL	\$225,549	\$225,549	\$225,549	\$225,549
OTHER SPECIAL REVENUE FUNDS	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	3.000	3.000	3.000	3.000
Personal Services	\$236,507	\$245,895	\$254,270	\$270,752
All Other	\$428,383	\$464,051	\$622,091	\$605,296
OTHER SPECIAL REVENUE FUNDS TOTAL	\$664,890	\$709,946	\$876,361	\$876,048

# ATTORNEY GENERAL, DEPARTMENT OF THE

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	\$14,999,222	\$16,099,068
FEDERAL EXPENDITURES FUND	\$1,446,150	\$1,493,075
OTHER SPECIAL REVENUE FUNDS	\$14,071,275	\$14,758,750
DEPARTMENT TOTAL - ALL FUNDS	\$30,516,647	\$32,350,893

Sec. A-39. Appropriations and allocations.

The following appropriations and allocations are made.

## **HUMAN RIGHTS COMMISSION, MAINE**

# **Human Rights Commission - Regulation 0150**

Initiative: BASELINE BUDGET

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	7.000	7.000	7.000	7.000
Personal Services	\$489,503	\$464,810	\$485,633	\$507,536
All Other	\$24,391	\$23,975	\$24,154	\$24,154
GENERAL FUND TOTAL	\$513,894	\$488,785	\$509,787	\$531,690
FEDERAL EXPENDITURES FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	5.000	5.000	5.000	5.000
Personal Services	\$332,175	\$338,799	\$353,064	\$371,754
All Other	\$95,254	\$95,254	\$94,757	\$94,757
FEDERAL EXPENDITURES FUND TOTAL	\$427,429	\$434,053	\$447,821	\$466,511
OTHER SPECIAL REVENUE FUNDS	History 2011-12	History 2012-13	2013-14	2014-15
All Other	\$5,698	\$5,698	\$5,698	\$5,698
OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,698	\$5,698	\$5,698	\$5,698

## Justification:

The Maine Human Rights Commission is the State agency charged with the responsibility of enforcing Maine's anti-discrimination laws. Pursuant to 5 MRSA, ss 4551 et seq., the Maine Human Rights Commission investigates complaints of unlawful discrimination in employment, housing, education, access to public accommodations, extension of credit, and offensive names. Also by statutory mandate, the Commission endeavors to resolve complaints by informal methods of persuasion, conciliation and negotiations prior to a determination of whether there are reasonable grounds to believe that unlawful discrimination occurred. The Commission pursues court remedy only when alternative solutions have failed.

# 

Justification:						
The number of housing discrimination charges p Department of Housing and Urban Development		resulting in	less federal	funding from the	U.S.	
	••			•		
Human Rights Commission - Regulation 0150	)					**************************************
Initiative: Increases funding for projected increasexpenses.	se in revenue from reco	vered costs i	for postage,	printing and reda	acting	
Ref. #: 1463	Committee Vote:	8-0	W	AFA Vote:		W-81-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1
OTHER SPECIAL REVENUE FUNDS					2013-14	2014-15
All Other					\$1,640	\$1,640
OTHER SPECIAL REVENUE FUNDS TOTAL					\$1,640	\$1,640
Justification:						
Increases funding due to an increase in public re	cords requests.					
		<del> </del>			<del></del>	
Human Rights Commission - Regulation 0150	)	*			·	
Initiative: Provides funding for an increase in Al	Il Other expenditures fo	r mediations				
Ref. #: 1464	Committee Vote:	8-0	IM	AFA Vote:		
GENERAL FUND					2013-14	2014-15

# Justification:

All Other

GENERAL FUND TOTAL

Funding for this initiative would provide for more mediations and pre-determination resolutions to litigants, which would make Commission fact-finding of remaining cases more efficient.

\$3,500

\$3,500

\$3,500

\$3,500

# HUMAN RIGHTS COMMISSION - REGULATION 0150 PROGRAM SUMMARY

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	7.000	7.000	7.000	7.000
Personal Services	\$489,503	\$464,810	\$485,633	\$507,536
All Other	\$24,391	\$23,975	\$27,654	\$27,654
GENERAL FUND TOTAL	\$513,894	\$488,785	\$513,287	\$535,190
FEDERAL EXPENDITURES FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	5.000	5.000	5.000	5.000
Personal Services	\$332,175	\$338,799	\$353,064	\$371,754
All Other	\$95,254	\$95,254	\$73,403	\$73,125
FEDERAL EXPENDITURES FUND TOTAL	\$427,429	\$434,053	\$426,467	\$444,879
OTHER SPECIAL REVENUE FUNDS	History 2011-12	History 2012-13	2013-14	2014-15
All Other	\$5,698	\$5,698	\$7,338	\$7,338
OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,698	\$5,698	\$7,338	\$7,338

# HUMAN RIGHTS COMMISSION, MAINE

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	\$513,287	\$535,190
FEDERAL EXPENDITURES FUND	\$426,467	\$444,879
OTHER SPECIAL REVENUE FUNDS	\$7,338	\$7,338
DEPARTMENT TOTAL - ALL FUNDS	\$947,092	\$987,407

Sec. A-41. Appropriations and allocations.

The following appropriations and allocations are made.

# INDIAN TRIBAL-STATE COMMISSION, MAINE

## Maine Indian Tribal-state Commission 0554

Initiative: BASELINE BUDGET

GENERAL FUND	History 2011-12	History <b>2012-13</b>	2013-14	2014-15
All Other	\$85,000	\$89,114	\$89,114	\$89,114
GENERAL FUND TOTAL	\$85,000	\$89,114	\$89,114	\$89,114

#### Justification:

The Maine Indian Tribal-State Commission was created as part of the Maine Implementing Act of 1980 to "continually review the effectiveness of this act and the social, economic, and legal relationship between the Houlton Band of Maliseet Indians, Passamaquoddy Tribe and the Penobscot Indian Nation and the State." The commission also has a number of specific mandates, including the promulgation of fishing regulations on certain bodies of water and making recommendations concerning the acquisition of lands to be placed in trust for the tribes.

# MAINE INDIAN TRIBAL-STATE COMMISSION 0554 PROGRAM SUMMARY

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
All Other	\$85,000	\$89,114	\$89,114	\$89,114
GENERAL FUND TOTAL	\$85,000	\$89,114	\$89,114	\$89,114

# INDIAN TRIBAL-STATE COMMISSION, MAINE

DEPARTMENT TOTAL - ALL FUNDS	\$89,114	\$89,114
GENERAL FUND	\$89,114	\$89,114
DEPARTMENT TOTALS	2013-14	2014-15

Sec. A-42. 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

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	10.000	10.000	10.000	10.000
Personal Services	\$582,309	\$577,854	\$603,520	\$637,678
All Other	\$10,558,323	\$10,021,677	\$10,022,083	\$10,022,083
GENERAL FUND TOTAL	\$11,140,632	\$10,599,531	\$10,625,603	\$10,659,761
OTHER SPECIAL REVENUE FUNDS	History 2011-12	History 2012-13	2013-14	2014-15
All Other	\$596,497	\$596,497	\$596,497	\$596,497
OTHER SPECIAL REVENUE FUNDS TOTAL	\$596,497	\$596,497	\$596,497	\$596,497

#### Justification:

This program uses assigned private attorneys and contract counsel to provide representation to criminal defendants, juvenile defendants, parents in child protective cases, and people facing involuntary commitment to a psychiatric hospital who are indigent. The Commission is responsible for establishing minimum experience, training and other qualifications for assigned counsel and contract counsel; establishing standards for the delivery of indigent legal services; providing training and support to assigned and contract counsel; and processing and authorizing payment of assigned counsel vouchers and other indigent case related expenses.

#### Maine Commission on Indigent Legal Services Z112

Initiative: Provides funding for increased counsel and non-counsel indigent legal expenses in the 2014-2015 biennium and a \$5/hour rate increase effective July 1,2014.

Ref. #: 1844

Committee Vote: 9-0 AMD AFA Vote:

GENERAL FUND

All Other

GENERAL FUND TOTAL

Justification:

The Commission is required to provide quality legal services to indigent people who are entitled to representation at state expense under the United States Constitution or the Constitution or laws of Maine. Representation is provided by private assigned counsel who are compensated at a rate of \$50/hr. The rate of compensation has remained unchanged since 1999. The Commission believes that an increase in the hourly rate is necessary to provide counsel with the resources necessary to provide quality representation and to maintain an adequate supply of qualified counsel. The Commission believes that the hourly rate paid to assigned counsel should be increased to \$70/hr. in FY14 and \$75/hr. in FY15. The initiative contained in the proposed budget does not provide funds to increase the hourly rate in FY14 and provides funds to increase the rate to \$55.00 in FY15.

# Maine Commission on Indigent Legal Services Z112

Initiative: Provides funding for attorney training. Committee Vote: 9-0 1N Ref. #: 1845 AFA Vote: OTHER SPECIAL REVENUE FUNDS 2013-14 2014-15 All Other \$32,000 \$32,000 OTHER SPECIAL REVENUE FUNDS TOTAL \$32,000 \$32,000 Justification: The Commission is required by statute to develop a training program for attorneys who provide indigent legal services. Training in specific subject areas is also required by the Commission's eligibility rules. These training events are funded by registration fees collected from lawyers attending the training. This initiative provides authority for the Commission to collect registration fees and expend those sums on the costs associated with the training, Maine Commission on Indigent Legal Services Z112 Initiative: Provides funding for the reclassification of one Staff Attorney position to an Attorney position. Committee Vote: U - () Ref. #: 1846 AFA Vote: **GENERAL FUND** 2013-14 2014-15 Personal Services \$7,715 \$8,094 GENERAL FUND TOTAL \$7,715 \$8,094 Justification: This initiative reclassifies the current Staff Attorney position to an Attorney position to bring the job description for this position in line with the duties of the current incumbent. This position does not provide legal services to the agency, but rather, provides legal services to a diverse range of audiences involving an extensive range of subjects. This position is responsible, together with the Executive Director, for overseeing the work of over 400 attorneys who provide direct indigent legal services. This includes: reviewing and approving payment of attorney vouchers: reviewing requests for funds for expert, investigative, and other resources needed for attorneys to provide effective representation; working with courts and clerk's offices on implementation and compliance with Commission rules and procedures; organizing and presenting attorney training; and evaluating attorney performance. These duties comport with the Attorney job description. Maine Commission on Indigent Legal Services Z112 Initiative: Provides funding for the reclassification of one Accounting Associate I position to an Accounting Technician position. Committee Vote: A - ORef. #: 1847 **GENERAL FUND** 2013-14 2014-15 Personal Services \$1,386 \$1,481 GENERAL FUND TOTAL \$1,386 \$1,481

#### Justification:

This initiative reclassifies one Accounting Associate I position to an Accounting Technician position to bring the job description in line with the duties of the current incumbent. This position provides paraprofessional support involving independent maintenance of all Commission accounts. This position reviews and processes accounts payable to a large number of providers, resolves accounting discrepancies and disputes, interacts with Commission staff to provide factual information and explain accounting processes, and prepares financial and statistical reports for Commission staff.

## Maine Commission on Indigent Legal Services Z112

Initiative: Reduces funding by reorganizing one vacant Office Specialist II position to an Office Associate I position.

Ref. #: 1848

Committee Vote: 9-0 IN

AFA Vote

GENERAL FUND

Personal Services

**2013-14** (\$13,135)

**2014-15** (\$14,041)

GENERAL FUND TOTAL

(\$13,135)

(\$14,041)

## Justification:

This initiative downgrades a vacant Office Specialist II position to an Office Associate I position to bring the position in line with the Commission's current needs for administrative support staff.

# MAINE COMMISSION ON INDIGENT LEGAL SERVICES Z112 PROGRAM SUMMARY

GENERAL FUND	History 2011-12	History <b>2012-13</b>	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	10.000	10.000	10.000	10.000
Personal Services	\$582,309	\$577,854	\$599,486	\$633,212
All Other	\$10,558,323	\$10,021,677	\$11,963,928	\$13,521,894
GENERAL FUND TOTAL	\$11,140,632	\$10,599,531	\$12,563,414	\$14,155,106
OTHER SPECIAL REVENUE FUNDS	History 2011-12	History 2012-13	2013-14	2014-15
All Other	\$596,497	\$596,497	\$628,497	\$628,497
OTHER SPECIAL REVENUE FUNDS TOTAL	\$596,497	\$596,497	\$628,497	\$628,497

# INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	\$12,563,414	\$14,155,106
OTHER SPECIAL REVENUE FUNDS	\$628,497	\$628,497
DEPARTMENT TOTAL - ALL FUNDS	\$13,191,911	\$14,783,603

Sec. A-44. Appropriations and allocations.

The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: BASELINE BUDGET

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	493.000	493.000	491.500	491.500
Personal Services	\$33,458,065	\$34,201,931	\$36,076,122	\$37,823,976
All Other	\$14,949,595	\$15,571,062	\$15,528,171	\$15,528,154
GENERAL FUND TOTAL	\$48,407,660	\$49,772,993	\$51,604,293	\$53,352,130
FEDERAL EXPENDITURES FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1.500	1.500	1.500	1.500
Personal Services	\$2,164,986	\$2,289,545	\$1,644,528	\$1,734,733
All Other	\$1,090,199	\$1,090,199	\$1,088,777	\$1,088,789
FEDERAL EXPENDITURES FUND TOTAL	\$3,255,185	\$3,379,744	\$2,733,305	\$2,823,522
OTHER SPECIAL REVENUE FUNDS	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	7.000	7.000	7.000	7.000
Personal Services	\$556,250	\$580,559	\$494,643	\$518,419
All Other	\$3,204,210	\$3,182,880	\$3,182,880	\$3,182,880
Capital Expenditures	\$300,000	\$300,000	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,060,460	\$4,063,439	\$3,677,523	\$3,701,299

# Justification:

This program funds the Supreme Judicial Court, the Superior Court, the District Court and the Administrative Office of the Courts. This program encompasses all activities undertaken by the Judicial Branch in carrying out its powers under the Constitution. The budget includes funding for salaries and benefits for judges and non-judicial employees, operational expenses for 39 court locations throughout the state and other expenses for such activities as: the State Library system, the Court Appointed Special Advocate program, Guardians Ad Litem, juror costs, administration costs, and travel.

## Courts - Supreme, Superior and District 0063

Initiative: Continues one limited-period Court Appointed Special Advocate Regional Coordinator position through June 13, 2015 and transfers All Other to Personal Services in the General Fund to fund 49% of the position. This position was previously authorized in PL 2011, chapter 380.

•	, ,	$\Lambda \sim 1$	
Ref. #: 1972	One Time	Committee Vote: AFA Vote:	
		,	

 GENERAL FUND
 2013-14
 2014-15

 Personal Services
 \$37,128
 \$37,522

All Other						(\$37,128)	(\$37,522)
GENERAL FUND TO	OTAL				<del></del>	\$0	\$0
Ref. #: 1973		Committee Vote:	9-0	N	AFA Vote:	•	
OTHER SPECIAL E						2013-14	2014-15
Personal Servi						\$38,641	\$39,053
OTHER SPECIAL RI	EVENUE FUNDS TOTA	L				\$38,641	\$39,053
Justification: This position will be t	funded partially by the Na	tional CASA grant and p	partially fund	ed by the Ge	eneral Fund.	•	
Courts - Supreme, S	uperior and District 006	3					
Initiative: Continues 3 authorized on Financi	3 limited-period Assistant al Order JJ1303 F3.	-	_	F	sitions were pr	eviously	
Ref. #: 1974	One Time	Committee Vote:	9-0	IN	AFA Vote:	<del></del>	
OTHER SPECIAL I						<b>2013-14</b> \$161,364	<b>2014-15</b> \$162,135
OTHER SPECIAL R	EVENUE FUNDS TOTA	L				\$161,364	\$162,135
-	will assist in the collectio		ees due to the	courts as a	uthorized by 4	MRS	
Courts - Supreme, S	Superior and District 006	3					
Initiative: Provides fo	anding for capital improve	ments to courthouse fac	ilities through	out the state	€.		
Ref. #: 1975	One Time	Committee Vote:	9-0	M	AFA Vote		
OTHER SPECIAL Capital Exper						<b>2013-14</b> \$300,000	<b>2014-15</b> \$300,000
OTHER SPECIAL R	EVENUE FUNDS TOTA	L				\$300,000	\$300,000
Justification:							

Pursuant to 4 MRS section 28, the Judicial Branch is authorized to credit up to \$300,000 per fiscal year of fee revenue collected to support capital expenses.

Courts - Supreme, Superior and District 0063				
Initiative: Continues 3 limited- period Law Clerk p	positions for the foreclosure progra	am through June 13, 20	15.	
Ref. #: 1976 One Time	Committee Vote: 9-0	AFA V	ote:	
	****			
OTHER SPECIAL REVENUE FUNDS			<b>2013-14</b> \$232,659	2014-15
Personal Services				\$233,031
OTHER SPECIAL REVENUE FUNDS TOTAL			\$232,659	\$233,031
Justification: The foreclosure mediation program was establishe occupied residential properties. These positions prothe mortgage foreclosure casework and are funded.	ovide law clerk assistance to the D	istrict and Superior Co		
Courts - Supreme, Superior and District 0063			,	
Initiative: Eliminates one Staff Attorney position appellate process, the Workers Compensation Boa			nanges in the	
Ref. #: 1977	Committee Vote: 9-0	AFA V	ote:	
OTHER SPECIAL REVENUE FUNDS			2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT			(1.000)	(1.000)
Personal Services			(\$90,314)	(\$92,969)
All Other			(\$1,000)	(\$1,000)
OTHER SPECIAL REVENUE FUNDS TOTAL			(\$91,314)	(\$93,969)
Justification:				
Due to changes in the appellate process for Worker Workers Compensation Board is no longer funding			17, the	
Courts - Supreme, Superior and District 0063				
Initiative: Provides funding for contracted court se	ecurity.			
Ref. #: 1978	Committee Vote:	AFA V	ote:	
GENERAL FUND			2013-14	2014-15
CARRIED AND AND AND AND AND AND AND AND AND AN			_JIO 1 f	-01.15
All Other			\$1,000,000	\$1,000,000

Justification: These funds supplement throughout the state.	nent the required state position	s to provide 100% er	atry security s	creening in	the courthouse	S	
Courts - Supreme, S	Superior and District 0063					·	
	one limited-period Project Co e 13, 2015. These positions w					sistant	
Ref. #: 1979	One Time	Committee Vote:	9-0	IN	AFA Vote:	1 317 1 100 1 2 1 1	
FEDERAL EXPEN						<b>2013-14</b> \$148,006	<b>2014-15</b> \$149,215
FEDERAL EXPENI	DITURES FUND TOTAL					\$148,006	\$149,215
to safety, well-being positions are response	tion on Children and Families, and permanency of Maine's rasible to assist in the implement Superior and District 0063 funding to bring allocations in	nost vulnerable child tation of grant require	iren, those wi	thin the chil	d welfare syste	m. The	772-744
Committee in Decen	<del>-</del>		A		2.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0		
Ref. #: 1980		Committee Vote:	9-0	IN	AFA Vote		
OTHER SPECIAL All Other	REVENUE FUNDS					<b>2013-14</b> \$7,291	<b>2014-15</b> \$7,291
OTHER SPECIAL 1	REVENUE FUNDS TOTAL					\$7,291	\$7,291
Justification: No justification pro-	vided.						
•	Superior and District 0063				~ .		
initiative: Continue	s one limited-period Court App	pointed Special Advo	ocate (CASA)	voiunteer l	Supervisor pos	mon through	

Personal Services

June 13, 2015. This position was previously authorized in PL 2011, chapter 380.

One Time

Ref. #: 1981

FEDERAL EXPENDITURES FUND

2013-14

\$81,624

**2014-15** \$82,379

Committee Vote:

## FEDERAL EXPENDITURES FUND TOTAL

\$81,624

\$82,379

## Justification:

This position is funded by the federal Victims of Crime Assistance grant that is passed through from the Maine Department of Health and Human Services. The position will provide assistance to the CASA Director and supervise the efforts of CASA volunteers assisting children subject to abuse and neglect.

# Courts - Supreme, Superior and District 0063

Initiative: Continues one limited-period Legal Publications Specialist position through June 13, 2015. This position was previously authorized on Financial Order JJ1302 F3.

Ref. #: 1982

One Time

Committee Vote:

1.

OTHER SPECIAL REVENUE FUNDS

Personal Services

OTHER SPECIAL REVENUE FUNDS TOTAL

**2013-14** \$81,624

**2014-15** \$82,379

\$81,624

\$82,379

## Justification:

This position will review, research and update Judicial Branch forms and publications to ensure they are consistent with the law, are able to be read and understood by the public and are necessary for the public to conduct business with the courts. The employee will also obtain necessary translations of documents. The position will be funded by fees collected to cover the cost of publications and forms.

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

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	493.000	493.000	491.500	491.500
Personal Services	\$33,458,065	\$34,201,931	\$36,113,250	\$37,861,498
All Other	\$14,949,595	\$15,571,062	\$16,491,043	\$16,490,632
GENERAL FUND TOTAL	\$48,407,660	\$49,772,993	\$52,604,293	\$54,352,130
FEDERAL EXPENDITURES FUND	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1.500	1.500	1.500	1.500
Personal Services	\$2,164,986	\$2,289,545	\$1,874,158	\$1,966,327
All Other	\$1,090,199	\$1,090,199	\$1,088,777	\$1,088,789
FEDERAL EXPENDITURES FUND TOTAL	\$3,255,185	\$3,379,744	\$2,962,935	\$3,055,116
OTHER SPECIAL REVENUE FUNDS	History 2011-12	History 2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	7.000	7.000	6.000	6.000
Personal Services	\$556,250	\$580,559	\$918,617	\$942,048
All Other	\$3,204,210	\$3,182,880	\$3,189,171	\$3,189,171
Capital Expenditures	\$300,000	\$300,000	\$300,000	\$300,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,060,460	\$4,063,439	\$4,407,788	\$4,431,219

## Judicial - Debt Service Z097

Initiative: BASELINE BUDGET

GENERAL FUND	History 2011-12 \$6,754,446	History 2012-13 \$7,367,516	<b>2013-14</b> \$8,135,210	<b>2014-1</b> 5 \$8,135,210
All Other GENERAL FUND TOTAL	\$6,754,446	\$7,367,516	\$8,135,210	\$8,135,210
OLIVILIAN FORD TOTAL	\$0,734,440	\$7,307,310	\$6,133,210	<b>Ф0,133,21</b> 0
Justification:				
This program funds the debt service costs for secu of the Judicial Branch.	rities issued by the Maine Governmenta	l Facilities Autho	rity on behalf	
Judicial - Debt Service Z097				·
Initiative: Provides funding for the increase in deb courthouse projects pursuant to PL 2009, chapter 2	213.	E	Machias	
Ref. #: 1985	Committee Vote: 10-0 L	AFA V	ote:	
GENERAL FUND			2013-14	2014-1
All Other			\$2,333,978	\$2,897,139
GENERAL FUND TOTAL		<del></del>	\$2,333,978	\$2,897,139
Justification:				
Justification: These projects are authorized in PL 2009, chapter	213.			
	213.			
These projects are authorized in PL 2009, chapter	213.			
These projects are authorized in PL 2009, chapter  JUDICIAL - DEBT SERVICE Z097	213.			
	History 2011-12	History 2012-13	2013-14	2014-1
These projects are authorized in PL 2009, chapter  JUDICIAL - DEBT SERVICE Z097  PROGRAM SUMMARY	History		<b>2013-14</b> \$10,469,188	<b>2014-1</b> : \$11,032,349

## JUDICIAL DEPARTMENT

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	\$63,073,481	\$65,384,479
FEDERAL EXPENDITURES FUND	\$2,962,935	\$3,055,116
OTHER SPECIAL REVENUE FUNDS	\$4,407,788	\$4,431,219
DEPARTMENT TOTAL - ALL FUNDS	\$70,444,204	\$72,870,814

Sec. A-56. Appropriations and allocations.

The following appropriations and allocations are made.

### PINE TREE LEGAL ASSISTANCE

### Legal Assistance 0553

Initiative: BASELINE BUDGET

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
All Other	\$264,345	\$254,802	\$254,802	\$254,802
GENERAL FUND TOTAL	\$264,345	\$254,802	\$254,802	\$254,802

#### Justification:

Pine Tree has received an appropriation from the General Fund since 1983 to support the provision of legal assistance to low-income Maine residents around the State.

Pine Tree Legal Assistance is Maine's primary provider of free legal services to low-income Maine residents with serious civil legal problems. It handles cases that are not eligible for court-appointed counsel through the Maine Indigent Legal Defense Commission. Legal help is provided through a network of local field offices (Portland, Lewiston, Augusta, Bangor, Machias and Presque Isle) and through several statewide projects (serving Native Americans, low-income children, low-wage workers and homeowners at risk of foreclosure). Pine Tree also operates the Maine Volunteer Lawyers Project, which leverages over \$1.6 million in donated legal services each year.

The proposed State appropriation level of \$254,802/year is needed to stabilize our statewide delivery system; it represents 21% of our general legal services funding for the year. State funding also helps us draw down other grants that can expand services around the State. (For instance, State funding provides a partial match for a \$95,000 - \$100,000/year federal grant to support a statewide taxpayer clinic. The clinic returned more than \$1.45 million in federal tax dollars to Maine taxpayers in 2012.)

Every dollar of State funding is used carefully by Pine Tree's dedicated staff in providing legal assistance to as many individuals as possible, given limited resources. Last year, Pine Tree completed work on more than 11,000 cases affecting close to 30,000 low-income Mainers. Its popular program websites recorded more than 2.2 million page views in 2012 and drew more than 711,000 "unique visitors."

Staffing levels are now down 20% from 2009 as a result of funding losses. In calendar year 2013, the total Pine Tree operating budget of \$6 million includes revenue from 31 different sources and still projects an operating deficit of almost \$800,000.

Less than eleven percent of total funding is used for administration and fundraising in order to maximize the use of funding for direct client services. Pine Tree has voluntarily chosen to subject its operations to the highest possible standards in order to provide assurance that funding will be used carefully and effectively. Pine Tree is only one of six Maine nonprofits to have been certified by the Better Business Bureau as meeting their charitable accountability standards. Its comprehensive audits are completed each year without any material deficiencies or significant findings. Its major federal funder, the Legal Services Corporation, has recognized that Pine Tree is one of the most effective legal aid providers in the country.

Many of Pine Tree's clients are the working poor: people who work 40 hours a week in minimum wage jobs and support a spouse and children. Others are single parents trying to provide a stable family life for their children. Some are adults with significant disabilities who are struggling to live independently. The program is also a source of support for victims of domestic violence and sexual assault (especially in rural Maine). Close to 10% of client households have some form of military connection (via veterans or current service members.)

Pine Tree staff resolve most problems through simple advice, a quick explanation of the law, or negotiation to avoid a protracted and expensive lawsuit. However, when Pine Tree does go to court, it wins nine cases out of ten. In 2012, Pine Tree outcome measures showed that legal advocacy in roughly 30% of program cases secured/saved program clients almost \$5.4 million and helped them access over \$1.8 million in annual revenue (including alimony and child support.) With additional staff capacity to provide full representation around the State, these outcomes would be even more significant.

Some State funding is used to respond to requests from state legislators or administration officials regarding matters within Pine Tree staff expertise, and to serve on various advisory commissions at the request of state officials. Because of federal funding restrictions, these requests could not be handled without funding from the State.

Finally, State funding helps Pine Tree ensure that all Maine residents have a better understanding of the laws and programs designed to assist them, through an online library of more than 100 detailed legal education pamphlets on Maine laws, including interactive forms and other self-help tools at http://www.ptla.org to which many State agencies link. Additional self-help information and referral resources are available on other Pine Tree websites including the clearinghouse site for legal aid information in Maine (www.helpmelaw.org), specialized websites for volunteer attorneys (www.vlp.org) and low-income children (www.kidslegal.org) and Pine Tree's newest project, a national website on legal information and referral resources for veterans and military families available at www.statesidelegal.org.

In 2013, Pine Tree Legal Assistance projects a total operating budget of \$6 million, including both staff and volunteer services. As general funding support has declined, an increasing portion of revenue is derived from short-term grants for special legal needs or specific client populations.

In 2013, the State Appropriation represents 21% of Pine Tree's total unrestricted funding for general legal services anywhere in the State.

Sources of Support

Other (34% of projected 2013 operating budget)

Campaign for Justice donations from Maine attorneys and law firms
Muskie Fund for Legal Services (annual Dinner proceeds)
Individual donations/ bequests
Donated services (attorneys, law students, community volunteers)
Attorney fees and cy pres awards
Earned Interest
User fees from organizational members of information technology "Provider Network"
Videoconferencing Rentals

Federal Funding (32% of projected 2013 operating budget)

Legal Services Corporation (with \$65,000 lost to sequester in 2013)
Low-Income Taxpayer Clinic (IRS)
Office of Violence Against Women (DOJ)
Bureau of Justice Projects Tribal Justice (DOJ)
Fair Housing Initiatives Program (HUD)
Supportive Services to Veteran Families (VA)

State Funding (23% of projected 2013 operating budget)

State Appropriation

Maine Attorney General Office (Foreclosure Settlement)

Maine Civil Legal Services Fund

State contracts for specified legal services to low-income clients (Bureau of Consumer Credit Protection and DHHS)

Foundations (11% of projected 2013 operating budget)

United Way

Maine Bar Foundation (IOLTA and Coffin Fellowship Program)

American Bar Foundation Tax Fellowship

Maine Community Foundation

# LEGAL ASSISTANCE 0553

PROGRAM SUMMARY

GENERAL FUND	History 2011-12	History 2012-13	2013-14	2014-15
All Other	\$264,345	\$254,802	\$254,802	\$254,802
GENERAL FUND TOTAL	\$264,345	\$254,802	\$254,802	\$254,802

## PINE TREE LEGAL ASSISTANCE

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	\$254,802	\$254,802
DEPARTMENT TOTAL - ALL FUNDS	\$254,802	\$254.802

## **PART CC**

Sec. CC. 22 MRSA §3024, as amended by PL 2001, c. 222, §3, is further amended to read:

The salary of the Chief Medical Examiner of the State must be set by the Governor. Other nonsalaried medical examiners, upon the submission of their completed report to the Chief Medical Examiner, must be paid a fee of \$70 \$160 for an inspection and view and are entitled to receive travel expenses to be calculated at the mileage rate currently paid to state employees pursuant to Title 5, section 8. An additional fee of \$50 may be authorized by the Chief Medical Examiner for payment to other nonsalaried medical examiners for visits to death scenes other than hospitals.

# SUMMARY PART CC

This Part increases the fee paid to nonsalaried medical examiners for an inspection and view from \$70 to \$100?

#### PART DD

Sec. DD-1. - 5 MRSA §1582, sub-§4, as amended by PL 2011, c.1 Pt. S, §1, is further amended to read:

At the close of each fiscal year, except for the Division of Forest Protection account within the Department of Conservation, the Disproportionate Share - Riverview Psychiatric Center and the Disproportionate Share - Dorothea Dix Psychiatric Center accounts within the Department of Health and Human Services, and the Education in the Unorganized Territory account within the Department of Education, and the Chief Medical Examiner account within the Department of the Attorney General, any unexpended General Fund Personal Services appropriations to executive branch agencies including accounts that are authorized to carry unexpended balances forward must lapse to the Salary Plan program, General Fund account in the Department of Administrative and Financial Services.

Sec. DD-2. 22 MRSA §3024, as amended by PL 2011, c. 445, §1 and affected by §3 is further amended by adding at the end the following:

Available balances at the end of each fiscal year in the Personal Services line category of the account may be transferred to the All Other line category by financial order upon the recommendation of the State Budget Officer and approval of the Governor to provide for contracted medical examiner services.

### **SUMMARY**

### PART DD

This Part does the following:

It adds the Chief Medical Examiner account within the Department of the Attorney General to the list of accounts exempt from lapsing unexpended General Fund Personal Services to the Salary Plan program.

It allows available Personal Services balances at the end of a fiscal year to be transferred to the All Other line category by financial order to provide for contracted medical examiner services.

#### PART EE

Sec. EE-1. 5 §3360-I, 1<sup>st</sup> ¶, as amended by PL 2011, c. 628, §1, is further amended to read:

As part of the sentence or fine imposed, the court shall impose an assessment of \$25 \$35 on any person convicted of murder, a Class A crime, a Class B crime or a Class C crime and \$10 \$20 on any person convicted of a Class D crime or a Class E crime. For purposes of collection and collection procedures, these assessments are considered part of the fine. At the time of commitment, the court shall inform the Department of Corrections or the county sheriff of any unpaid balances on assessments owed by the offender to the Victims' Compensation Fund. All funds collected as a result of these assessments accrue to the Victims' Compensation Fund.

# SUMMARY PART EE

This Part increases the assessments imposed on persons convicted of crimes that accrue to the Victims' Compensation Fund.

#### PART NNN

Sec. NNN-1. Office of Policy and Management; review of the provision of legal services to indigent persons. The Office of Policy and Management shall conduct a review of various methods to provide legal services to indigent persons for such proceedings where the Constitution of the United States or the Constitution of the State of Maine requires access to legal counsel. The Commission on Indigent Legal Services shall provide assistance as requested by the office. The review shall include various methods of delivering legal services, including contracted attorneys, contracted firms, and public defenders, and shall focus on the most efficient delivery of services and reimbursement rates.

Sec. NNN-2. Report. The Office of Policy and Management shall submit a report based on the findings of section 1 of this Part to the Governor and Joint Standing Committees of the Judiciary and Appropriations and Financial Affairs no later than November 1, 2013. The report shall include a recommendation and draft legislation to ensure the most efficient delivery of legal services.

SUMMARY PART NNN

This Part directs the Office of Policy and Management to conduct a review of the various methods to provide legal services to indigent persons and to submit a report of its findings to the Governor and the Joint Standing Committees of the Judiciary and Appropriations and Financial Affairs by November 1, 2013.

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