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State of Maine
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON JUDICIARY

January 29, 2010

TO: Sen. Bill Diamond, Senate Chair
Rep. Emily Ann Cain, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Sen. Lawrence Bliss, Senate Chair
Rep. Charles R. Priest, House Chair
Joint Standing Committee on Judiciary

Re: Report on Supplemental Budget LD 1671

The Judiciary Committee is pleased to provide this memo as the report of our supplemental budget discussions about the Office of the Attorney General, the Maine Human Rights Commission, the Maine Indian Tribal-State Commission (MITSC), the Maine Indigent Legal Services Commission, the Judicial Branch, Pine Tree Legal Assistance and the Baxter Compensation Fund (Part D of LD 1671). As shown on the attached report, the Judiciary Committee voted unanimously in favor of all recommendations, and we approve of Part D.

We would like to take this opportunity to make a few comments. We sincerely appreciate the effort these entities have made to meet the reduction goals. Many of these cuts are deep and will hurt the missions of these entities. Most of our votes were taken reluctantly, but we recognize the fiscal circumstances and know that cuts are necessary.

With regard to the Office of the Attorney General, we would like to bring to your attention that LD 1671 contains an adjustment to the Victims' Compensation program based on revenue projections approved by the Revenue Forecasting Committee in December 2009. The Committee understands that at this time, before the adjustment proposed in LD 1671, the program has just sufficient revenue in the Victims' Compensation Fund balance to support the program at its original level of allocation. It is anticipated that the Office of the Attorney General will request an allotment increase of \$89,269 in FY10 and in FY11 an increase of \$112,427 at a later time through the Financial Order process.

With regard to the Maine Indian Tribal-State Commission, we are in the midst of working with MITSC, the Tribes and the Governor's Office to develop a budget consultation process that appropriately reflects the unique role MITSC was designed to serve as a collaborative organization of governments, approved by Congress to continually evaluate and help improve the relationships identified in the Maine Implementing Act; it is not a typical "commission" or agency funded by the State. We will soon request that your Committee review our proposal, but we will be able to use our own bill, LD 445, An Act to Improve Tribal-State Relations, to enact the language.

With regard to the Maine Indigent Legal Services Commission, we understand that the reductions are based on a three-month trend of fewer criminal filings. If this trend continues, the funding reduction may be appropriate. If, however, the number of cases in which representation is constitutionally-required increases, we will be advocating for additional resources for the Commission, and we expect the Executive and the Legislature to ensure that the necessary funding is provided.

We wrote to you separately on Part UU, which is within the jurisdiction of the Health and Human Services to review.

Please contact us if you have any questions.

attachment

1/29/10

Sec. A-5. Appropriations and allocations. The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Chief Medical Examiner - Office of 0412

Initiative: Allocates revenue received from federal grants to purchase services and improve efficiency.

Ref. #: 126

Committee Vote:

IN

AFA Vote:

FEDERAL EXPENDITURES FUND

2008-09

2009-10

2010-11

All Other

\$0

\$0

\$75,000

FEDERAL EXPENDITURES FUND TOTAL

\$0

\$0

\$75,000

Justification:

This will allow the program to accept grants for purchases and services such as contracts for forensic pathologists, equipment and supplies needed for autopsies. Current funding is not sufficient to provide for these services.

District Attorneys Salaries 0409

Initiative: Reduces funding by recognizing one-time savings achieved by delaying payment of one payroll for the district attorneys and assistant district attorneys.

Ref. #: 124

Committee Vote:

IN

AFA Vote:

GENERAL FUND

2008-09

2009-10

2010-11

Personal Services

\$0

(\$285,674)

\$0

GENERAL FUND TOTAL

\$0

(\$285,674)

\$0

Justification:

All district attorneys and assistant district attorneys will defer the last paycheck for fiscal year 2009-10. This will mean that all employees will go four weeks without pay. This will bring the district attorney payrolls into conformity with the rest of the State.

Victims' Compensation Board 0711

Initiative: Adjusts funding to bring allocations into line with projected available resources based on revenue projections approved by the Revenue Forecasting Committee in December 2009.

Ref. #: 128

Committee Vote:

IN*

AFA Vote:

OTHER SPECIAL REVENUE FUNDS

2008-09

2009-10

2010-11

All Other

\$0

(\$89,269)

(\$112,427)

OTHER SPECIAL REVENUE FUNDS TOTAL

\$0

(\$89,269)

(\$112,427)

* see memo

Justification:

The Revenue Forecasting Committee in December 2009 approved a reprojection of fine and fee revenues collected by the Judicial Department. This initiative adjusts the allocation to bring expenditures into line with projected available resources.

ATTORNEY GENERAL, DEPARTMENT OF THE

DEPARTMENT TOTALS	2008-09	2009-10	2010-11
GENERAL FUND	\$0	(\$285,674)	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0	\$75,000
OTHER SPECIAL REVENUE FUNDS	\$0	(\$89,269)	(\$112,427)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$374,943)	(\$37,427)

Sec. A-31. Appropriations and allocations.

The following appropriations and allocations are made.

HUMAN RIGHTS COMMISSION, MAINE

Human Rights Commission - Regulation 0150

Initiative: Reduces funding for anticipated salary savings of one Field Investigator position.

Ref. #: 489

Committee Vote:

IN

AFA Vote:

GENERAL FUND	2008-09	2009-10	2010-11
Personal Services	\$0	(\$8,077)	\$0
GENERAL FUND TOTAL	\$0	(\$8,077)	\$0

Justification:

Salary savings will be generated from an anticipated Field Investigator position vacancy. This will reduce the overall number of charges investigated by the commission.

Human Rights Commission - Regulation 0150

Initiative: Reduces funding for general operations, in-state travel expenses, rents, repairs and office and other supplies.

Ref. #: 490

Committee Vote:

IN

AFA Vote:

GENERAL FUND	2008-09	2009-10	2010-11
All Other	\$0	(\$12,779)	(\$21,557)
GENERAL FUND TOTAL	\$0	(\$12,779)	(\$21,557)

Justification:

This will reduce expenditures in general operations, travel expenses - in state, rents, repairs and office & other supplies. The commission will not have sufficient funding to maintain office operations that support enforcement of Maine's anti-discrimination law.

HUMAN RIGHTS COMMISSION, MAINE

DEPARTMENT TOTALS	2008-09	2009-10	2010-11
GENERAL FUND	\$0	(\$20,856)	(\$21,557)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$20,856)	(\$21,557)

Sec. A-33. Appropriations and allocations. The following appropriations and allocations are made.

INDIAN TRIBAL-STATE COMMISSION, MAINE

Maine Indian Tribal-state Commission 0554

Initiative: Reduces funding to maintain appropriations within available resources.

Ref. #: 1026

Committee Vote:

IN*

AFA Vote: _____

GENERAL FUND	2008-09	2009-10	2010-11
All Other	\$0	\$0	(\$3,900)
GENERAL FUND TOTAL	\$0	\$0	(\$3,900)

Justification:

This initiative represents a one-time reduction of 5% to the program to maintain costs within available resources.

INDIAN TRIBAL-STATE COMMISSION, MAINE

DEPARTMENT TOTALS	2008-09	2009-10	2010-11
GENERAL FUND	\$0	\$0	(\$3,900)
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	(\$3,900)

* see memo

Sec. A-34. Appropriations and allocations. The following appropriations and allocations are made.

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: Adjusts funding to bring allocations into line with projected available resources based on revenue projections approved by the Revenue Forecasting Committee in December 2009.

Ref. #: 1022

Committee Vote:

IN

AFA Vote:

OTHER SPECIAL REVENUE FUNDS

All Other

2008-09	2009-10	2010-11
\$0	\$0	\$142,600
\$0	\$0	\$142,600

OTHER SPECIAL REVENUE FUNDS TOTAL

Justification:

The Revenue Forecasting Committee in December 2009 approved a reprojection of fine and fee revenues collected by the Judicial Department. This initiative adjusts the allocation to bring expenditures into line with projected available resources.

Maine Commission on Indigent Legal Services Z112

Initiative: Reduces funding for indigent legal services for child protection cases and criminal filings.

Ref. #: 1023

Committee Vote:

IN*

AFA Vote:

GENERAL FUND

All Other

2008-09	2009-10	2010-11
\$0	\$0	(\$600,590)
\$0	\$0	(\$600,590)

GENERAL FUND TOTAL

Justification:

A decrease in child protection cases and criminal filings has reduced the need for indigent legal services.

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

DEPARTMENT TOTALS

GENERAL FUND

OTHER SPECIAL REVENUE FUNDS

DEPARTMENT TOTAL - ALL FUNDS

2008-09	2009-10	2010-11
\$0	\$0	(\$600,590)
\$0	\$0	\$142,600
\$0	\$0	(\$457,990)

*see memo

Sec. A-36. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Reduces funding for guardian ad litem and indigent legal services for child protection cases.

Ref. #: 1064

Committee Vote:

IN

AFA Vote:

GENERAL FUND

2008-09

2009-10

2010-11

All Other

\$0

(\$210,000)

(\$109,410)

GENERAL FUND TOTAL

\$0

(\$210,000)

(\$109,410)

Justification:

A decline in child protection cases will reduce the need for guardian ad litem and indigent legal services.

Courts - Supreme, Superior and District 0063

Initiative: Reduces funding for indigent legal services for criminal filings.

Ref. #: 1065

Committee Vote:

IN

AFA Vote:

GENERAL FUND

2008-09

2009-10

2010-11

All Other

\$0

(\$500,000)

\$0

GENERAL FUND TOTAL

\$0

(\$500,000)

\$0

Justification:

A decrease in criminal filings has reduced the need for indigent legal services.

Courts - Supreme, Superior and District 0063

Initiative: Reduces funding by recognizing one-time savings achieved by reduced jury expenses.

Ref. #: 1066

Committee Vote:

IN

AFA Vote:

GENERAL FUND

2008-09

2009-10

2010-11

All Other

\$0

(\$50,000)

(\$50,000)

GENERAL FUND TOTAL

\$0

(\$50,000)

(\$50,000)

Justification:

Management of jury schedules will reduce expenses. This will slow the rate for cases to reach trial.

Courts - Supreme, Superior and District 0063

Initiative: Reduces funding by recognizing one-time savings achieved by reduced employment advertising expenses.

Ref. #: 1067

Committee Vote: IN

AFA Vote: _____

GENERAL FUND	2008-09	2009-10	2010-11
All Other	\$0	(\$10,000)	(\$10,000)
GENERAL FUND TOTAL	\$0	(\$10,000)	(\$10,000)

Justification:

Reduced hiring will result in less funding needed for advertising.

Courts - Supreme, Superior and District 0063

Initiative: Reduces funding by recognizing one-time savings for start-up costs for interpreter services.

Ref. #: 1068

Committee Vote: IN

AFA Vote: _____

GENERAL FUND	2008-09	2009-10	2010-11
All Other	\$0	(\$30,000)	\$0
GENERAL FUND TOTAL	\$0	(\$30,000)	\$0

Justification:

Start-up costs for interpreter services are coming in slower than expected.

Courts - Supreme, Superior and District 0063

Initiative: Adjusts funding to bring allocations into line with projected available resources based on revenue projections approved by the Revenue Forecasting Committee in December 2009.

Ref. #: 1069

Committee Vote: IN

AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS	2008-09	2009-10	2010-11
All Other	\$0	\$85,908	(\$49,540)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$85,908	(\$49,540)

Justification:

The Revenue Forecasting Committee in December 2009 approved a reprojection of fine and fee revenues collected by the Judicial Department. This initiative adjusts the allocation to bring expenditures into line with projected available resources.

JUDICIAL DEPARTMENT

DEPARTMENT TOTALS	2008-09	2009-10	2010-11
GENERAL FUND	\$0	(\$800,000)	(\$169,410)
OTHER SPECIAL REVENUE FUNDS	\$0	\$85,908	(\$49,540)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$714,092)	(\$218,950)

Sec. A-44. Appropriations and allocations.

The following appropriations and allocations are made.

PINE TREE LEGAL ASSISTANCE

Legal Assistance 0553

Initiative: Reduces funding to maintain appropriations within available resources.

Ref. #: 1170

Committee Vote:

IN

AFA Vote:

GENERAL FUND	2008-09	2009-10	2010-11
All Other	\$0	\$0	(\$13,217)
GENERAL FUND TOTAL	\$0	\$0	(\$13,217)

Justification:

Pine Tree Legal Assistance has experienced an 18% decline in state funding since 2006; this additional 5% reduction will compound the challenges facing the organization, which faces an 18% operating deficit (all funding sources) in CY10. Pine Tree is Maine's only provider of free legal services to low-income Maine residents of all ages who require legal advocacy to address core needs, including housing, income, personal safety and related concerns. It is also a "last resort" provider when legal aid services are reduced or discontinued as a result of funding cuts or grant losses to other agencies. Currently, Pine Tree only has the capacity to respond to 20% of requests for assistance from eligible Maine residents. The loss of an additional \$13,200 will result in more than 30 low income families around the State without access to critical legal assistance. It may also impact the organization's ability to leverage federal grants requiring local matching funds.

PINE TREE LEGAL ASSISTANCE

DEPARTMENT TOTALS	2008-09	2009-10	2010-11
GENERAL FUND	\$0	\$0	(\$13,217)
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	(\$13,217)

1 Be it enacted by the People of the State of Maine as follows:

2 **PART D**

3 **Sec. D-1. Transfer; unexpended funds; Baxter Compensation Authority**
4 **account.** Notwithstanding any other provision of law, the State Controller shall transfer
5 \$2,570 in unexpended funds from the Baxter Compensation Authority, Other Special
6 Revenue Funds account within the Baxter Compensation Authority to General Fund
7 unappropriated surplus at the close of fiscal year 2009-10.

8

Fiscal Note

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Transfers				
General Fund	\$2,570	\$0	\$0	\$0
Other Special Revenue	-\$2,570	\$0	\$0	\$0

9

SUMMARY

10

PART D

11 This Part transfers certain unexpended funds from the Baxter Compensation
12 Authority account to General Fund unappropriated surplus at the end of fiscal year
13 2009-10.

JUD = IN