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

April 5, 2011

TO: Senator Richard Rosen, Senate Chair
Representative Patrick Flood, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator David R. Hastings III, Senate Chair
Representative Joan M. Nass, House Chair
Joint Standing Committee on Judiciary

Re: Judiciary Committee recommendations on Biennial Budget, LD 1043

Thank you for the opportunity to provide our recommendations on the Governor's Biennial Budget for FY12 and FY13.

The Judiciary Committee is pleased to report that we unanimously support the Governor's Biennial Budget, with a few additions. We would like to express our appreciation to the Governor's Office for their willingness to address concerns raised and to work towards resolving those issues. This memo explains our recommendations, and the worksheets and draft amendments are included.

Attorney General (JUD-1 through JUD-13 and FHM-1)

The Judiciary Committee unanimously supports the Governor's proposal for the Office of the Attorney General, including the funding from the Fund for Healthy Maine, with one significant caveat. The baseline budget includes funding to restore the funding reduced in FY 11 for shutdown days and merit increases, as well as approximately \$845,000 each year to fill the vacancies the Office of the Attorney General has been managing to keep expenditures within the budgeted amounts.

Although we are pleased to support full funding, we understand that there is an initiative for the Commissioner of Administrative and Financial Services to convene a working

group to review vacancies. Our recommendation is that each of the vacancies within the Office of the Attorney General be examined carefully and weighed in the context of both the Attorney General's the State's needs and resources. To the extent there is a need to not only cut funding but to reduce the headcount, we believe it is imperative that the analysis of the vacant positions be careful and thorough, with an eye toward the future effectiveness of the Office, while considering the current budget constraints.

Maine Human Rights Commission (JUD-16 through JUD-17 and JUD-32)

The Judiciary Committee unanimously supports the recommendations concerning the Maine Human Rights Commission, with one addition. The Committee supports the funding to fully cover the positions that were reclassified effective July 1, 2010. This includes both General Fund appropriations in FY12 and FY13 as well as federal allocations in both years. (The amount in FY 12 is higher because it includes the back pay retroactive to July 1, 2010 to which the employees are entitled.) The appropriations and allocations language to carry out this additional recommendation is included with this memo.

Maine Commission on Indigent Legal Services (JUD-20 through JUD-22)

The Judiciary Committee unanimously supports with Governor's Budget Proposal with regard to the Maine Commission on Indigent Legal Services (MCILS) with the caveat that everyone is aware that additional funding will be required. The Governor's Office and MCILS have been in discussions about the projected needs. The discussions are ongoing, and the Governor's Office has expressed its commitment to provide additional funding as MCILS gains experience and develops more information on which to base estimated needs for the future. Mr. Billings was careful to note that additional funding to be included in the Change Package would most likely not cover the entire projected shortfall - currently estimated to be \$840,000 in FY12 and \$740,000 in FY 13 - but additional funding will be made available. Because the Governor has agreed to include an additional \$550,000 for FY11 in the new Supplemental Budget to ensure that no one goes unpaid this fiscal year, we are confident that the MCILS will start the new fiscal year in very good shape.

We would like to express our sincere appreciation for the Governor's Office's recognition of the importance of MCILS's needs in carrying out the State's constitutional responsibilities.

**Judicial Branch (JUD-23 through JUD-28, and JUD-33 (Part HHH)
(FHM-30 through FHM-32: Drug Court)**

The Judiciary Committee unanimously supports the Governor's proposal with two exceptions.

- We understand that discussions between the Governor's Office and the Judicial Branch have resulted in compromise language to amend Part HHH concerning funding for capital needs within the Judicial Branch. We unanimously support the compromise language which allows the Judicial Branch to access a percentage of the funds identified for capital needs as the collection of designated fees proceeds through each fiscal year, rather than waiting until the full projected amount is collected. The proposed language is attached to this memo.

- The Judiciary Committee also supports restoring the Fund for Healthy Maine funding necessary to fully fund the Drug Courts. Only one portion of the FHM funds is technically within the jurisdiction of the Judiciary Committee (FHM-30 through FHM-33); reference # 16570 deletes the funding for the Drug Court Coordinator. We unanimously oppose this defunding, and recommend that the use of FHM funds be restored to this key Drug Court position within the Judicial Branch. We recognize that the additional funding for the programs and services of the Drug Court are within the jurisdiction of the Health and Human Services Committee, and we are encouraging that Committee to also support the restoration of full funding for all aspects of the Drug Courts. Diverting the funds currently supporting the Drug Courts may result in significant costs to the criminal justice system, not to mention the destruction of an important, beneficial program that makes a positive difference in many persons' lives.

It is also important for us to note that the Judiciary Committee will continue to support any additional funding for court security, especially entry screening, that can be identified. The Governor's Budget for the biennium will make some progress by allowing for the filling of vacancies, and we appreciate every gain that can be made. We believe the State is making a good faith effort in improving court security, and we look forward to more progress.

Maine Indian Tribal-State Commission (JUD-18 through JUD-19)

The Judiciary Committee unanimously supports the Governor's proposal to support the Maine Indian Tribal-State Commission through the baseline funding proposed in the budget and the ongoing talks with the Tribal Representative members of MITSC to provide some amount of the additional funding requested. We appreciate the efforts of the Governor's Office to maintain and improve communication with the Chief Executives of the four federally recognized tribes. We understand that if additional money can be devoted to MITSC it will probably not be the full amount requested, but

we support the intention to keep MITSC functioning at the high level intended to carry out the purposes identified in the Maine Implementing Act.

Pine Tree Legal Assistance (JUD-29 through JUD-31, with revised justification)

The Judiciary Committee unanimously supports the Governor's proposal to fully fund the baseline budget of Pine Tree Legal Assistance.

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

Attachments:

Worksheets

Amendments

 Maine Human Rights Commission appropriations/allocations

 Judicial Branch, Part HHH amendment

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

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: BASELINE BUDGET

GENERAL FUND	History 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	50,500	50,500	50,500	50,500
Personal Services	\$3,591,164	\$3,546,268	\$4,598,074	\$4,849,625
All Other	\$576,578	\$575,881	\$575,881	\$575,881
GENERAL FUND TOTAL	\$4,167,742	\$4,122,149	\$5,173,955	\$5,425,506

FEDERAL EXPENDITURES FUND	History 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	15,500	15,500	15,500	15,500
Personal Services	\$1,449,672	\$1,508,328	\$1,315,469	\$1,387,882
All Other	\$540,108	\$540,108	\$540,108	\$540,108
FEDERAL EXPENDITURES FUND TOTAL	\$1,989,780	\$2,048,436	\$1,855,577	\$1,927,990

OTHER SPECIAL REVENUE FUNDS	History 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	47,000	47,000	47,000	47,000
Personal Services	\$5,572,121	\$5,869,797	\$5,369,291	\$5,684,414
All Other	\$677,840	\$677,840	\$677,840	\$677,840
OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,249,961	\$6,547,637	\$6,047,131	\$6,362,254

Justification:

The primary mission of the Attorney General's Office is to provide high quality legal services to enforce the law, ensure the effective prosecution of crimes, ensure the safety of people of Maine, collect taxes, protect consumers, protect the environment, and to defend and represent State agencies in their administration of laws within their jurisdiction.

To be accountable to the law and the public interest, the Attorney General seeks to maintain a degree of independence from the Executive agencies it serves. The Office provides defensive legal services for State agencies as required by statute, and strives to provide affirmative litigation, preventative assistance and proactive legal services to the extent that resources are available. The Attorney General's office prosecutes homicide cases and certain other crimes, argues and coordinates appeals to the courts, and provides legal advice to law enforcement agencies.

The Attorney General has organized the Office of the Attorney General into a number of divisions headed by division chiefs. The following briefly describes the responsibilities of each division.

Administrative Services Division. Employees in this division are responsible for budgeting, human resources, accounting, and other administrative functions of the office.

Child Support Enforcement Division. The Child Support Enforcement Division, represents the Department of Health and Human Services ("DHHS") in the area of child support enforcement.

Child Protection Division. The Child Protection Division represents DHHS in the area of child protection.

Health and Human Services Division. The Health and Human Services Division provides legal representation for every other program in DHHS. The Division handles, among other responsibilities, legal work for the MaineCare program, involuntary mental health commitment hearings, 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 health laws, enforcement of adult protective laws, represents DHHS's interest in federal benefits programs such as MaineCare and TANF, and provides legal counsel in the AMHI and Community Consent Decree cases.

Criminal Division. The Criminal Division is exclusively responsible for the prosecution of homicides occurring in the State and concurrently responsible with the District Attorneys for all other criminal matters. This division handles criminal appeals to the Supreme Judicial Court, petitions for post-conviction relief, and federal habeas corpus matters. The Maine Drug Task Force attorneys and the Drug Prosecution Coordinator are also located in the Criminal Division. These attorneys prosecute criminal drug-related cases investigated by the Maine Drug Enforcement Agency (MDEA) and other state, county and municipal police agencies. The Criminal Division also manages the Victims' Compensation Program, which provides reimbursement to victims of violent crime for certain financial losses, and houses and staffs the Sexual Assault Forensic Examiner Advisory Board. In addition, the Criminal Division represents the Department of Public Safety and acts as extradition officer for the Governor.

Financial Crimes and Civil Rights Division. The Financial Crimes and Civil Rights Division oversees the prosecution of white collar and financial crimes, and frauds against State government, which include welfare fraud, Medicaid fraud, tax crimes, and securities violations. The Division also directs enforcement actions under the Maine Civil Rights Act and is responsible for the administration of the Civil Rights Team Project.

General Government Division. The General Government Division advises and represents in administrative and judicial proceedings the Bureau of General Services, the State Board of Property Tax Review, the Bureau of Alcoholic Beverages and Lottery Operations, and the Bureau of Human Resources, all within the Department of Administrative and Financial Services. The Division also provides legal and support services to the Department of Labor, the Department of Corrections, the Department of Education, and the Department of the Secretary of State, which includes the Commission on Governmental and Election Ethics, the Bureau of Corporations, Elections and Commissions, and the Motor Vehicle Division. The Division is actively engaged in matters relating to child labor laws, bankruptcy, unemployment compensation, payment of wages, state and school construction contracts, leases, the Maine Clean Election Act, election recounts, liquor licensing, teacher certification, special education, collections, and property valuation.

Investigation Division. The Investigation Division is responsible for conducting investigations pertaining to fraud against the State pursuant to 5 M.R.S.A. § 200-C, and also provides direct investigative services for other divisions in the Department. The Division is responsible for investigating police-involved fatalities and for investigating allegations of certain crimes against public officials. The Division also serves as a resource for other law enforcement agencies. Some detectives are specifically assigned to investigate hate crimes and to provide training with respect to the Maine Civil Rights Act, to conduct investigations for the Medical Board, the Osteopathic Board and the Tobacco and Substance Abuse programs and to investigate cases of financial exploitation of our vulnerable elders.

Litigation Division. The Litigation Division is responsible for the defense of claims filed against the State under the Maine Tort Claims Act. The Division defends the State and its employees in civil rights actions brought pursuant to 42 U.S.C. § 1983. The Division also defends and provides advice to the State and its employees in employment and discrimination matters. The Litigation Division handles court actions not involving a particular agency and assists with complex litigation matters. The Division represents the Baxter State Park Authority and certain divisions within the Department of Administrative and Financial Services (Division of Risk Management, Bureau of Human Resources and Bureau of Taxation). The Litigation Division oversees civil appeals, sometimes assists with criminal appeals and serves as a resource for litigation issues in other divisions.

Natural Resources Division. The Natural Resources Division represents the following agencies and boards: Department and Board of Environmental Protection; Department of Conservation; Department of Agriculture; Food and Rural Resources; Department of Marine Resources; State Planning Office; Department of Inland Fisheries and Wildlife; Department of Economic and Community Development; Maine Emergency Management Agency; Department of Defense and Veterans' Services; Oil Fund Insurance Review Board; Land Use Regulation Commission; Pesticides Control Board; Maine Milk Commission; Board of Underground Storage Tank Installers; Land for Maine's Future Board; and Outdoor Heritage Fund Board.

Professional and Regulatory Division. The Professional and Regulatory Division represents the Department of Professional and Financial Regulation, which includes the Office of Licensing and Registration (OLR), Bureau of Banking, Bureau of Consumer Credit Protection, and Bureau of Insurance. The OLR includes the following in-house and affiliated boards: accountants, acupuncturists, alcohol and drug counselors, arborists, architects, landscape architects and interior designers, athletic commission, auctioneers, barbers and cosmetologists, boiler installer and operators, chiropractors, counseling professionals, dentists, dieticians, driver education, electricians, elevator and tramway, engineers, foresters, funeral service, geologists, harness racing, hearing aid dealers, land surveyors, manufactured housing, medical doctors, nurses, nursing home administrators, occupational therapists, oil and solid fuel, optometrists, osteopathic doctors, pharmacy, physical therapists, plumbers, podiatrists, propane and natural gas dealers, psychologists, radiologists, real estate appraisers, real estate commission, respiratory care practitioners, social workers, speech pathologists, and veterinarians. The Division also represents the Maine State Retirement System (MSRS) and the Harness Racing Commission (part of the Department of Agriculture).

Consumer Protection Division. The Consumer Protection Division enforces state antitrust and consumer protection laws, including the mini-Sherman Act, the state merger statute and the Unfair Trade Practices Act. The Division also discharges the Attorney General's mandate to oversee charities, and is responsible for the investigation and prosecution of the unauthorized practice of law. Housed within the Division is the Consumer Mediation Program, which uses trained volunteers to mediate consumer complaints, and the Lemon Law Arbitration Program, which administers the State's lemon law.

**ADMINISTRATION - ATTORNEY GENERAL 0310
PROGRAM SUMMARY**

GENERAL FUND	History 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	50.500	50.500	50.500	50.500
Personal Services	\$3,591,164	\$3,546,268	\$4,598,074	\$4,849,625
All Other	\$576,578	\$575,881	\$575,881	\$575,881
GENERAL FUND TOTAL	\$4,167,742	\$4,122,149	\$5,173,955	\$5,425,506
FEDERAL EXPENDITURES FUND	History 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	15.500	15.500	15.500	15.500
Personal Services	\$1,449,672	\$1,508,328	\$1,315,469	\$1,387,882
All Other	\$540,108	\$540,108	\$540,108	\$540,108
FEDERAL EXPENDITURES FUND TOTAL	\$1,989,780	\$2,048,436	\$1,855,577	\$1,927,990
OTHER SPECIAL REVENUE FUNDS	History 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	47.000	47.000	47.000	47.000
Personal Services	\$5,572,121	\$5,869,797	\$5,369,291	\$5,684,414
All Other	\$677,840	\$677,840	\$677,840	\$677,840
OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,249,961	\$6,547,637	\$6,047,131	\$6,362,254

Chief Medical Examiner - Office of 0412

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	9,000	9,000	9,000	9,000
Personal Services	\$904,495	\$885,147	\$939,079	\$969,628
All Other	\$404,073	\$404,073	\$404,073	\$404,073
GENERAL FUND TOTAL	\$1,308,568	\$1,289,220	\$1,343,152	\$1,373,701
	History 2009-10	History 2010-11	2011-12	2012-13
FEDERAL EXPENDITURES FUND				
All Other	\$0	\$75,000	\$75,000	\$75,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$75,000	\$75,000	\$75,000
	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$14,993	\$14,993	\$14,993	\$14,993
OTHER SPECIAL REVENUE FUNDS TOTAL	\$14,993	\$14,993	\$14,993	\$14,993

Justification:

The Chief Medical Examiner's office investigates and makes inquiries into all deaths 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 and support to the judicial system, public health and public safety. The Office should have a budget that allows for supplying timely reports to government agencies, other interested parties and families on the circumstantial and medical factors which caused 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 with 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 the budget demands. Without additional funding the Office will need to scale back the level and types of services provided. There are insufficient funding levels in the baseline budget to continue to purchase the part-time services from two forensic pathologists to perform autopsies, the number of which has markedly increased.

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

GENERAL FUND	History 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	9,000	9,000	9,000	9,000
Personal Services	\$904,495	\$885,147	\$939,079	\$969,628
All Other	\$404,073	\$404,073	\$404,073	\$404,073
GENERAL FUND TOTAL	\$1,308,568	\$1,289,220	\$1,343,152	\$1,373,701
FEDERAL EXPENDITURES FUND	History 2009-10	History 2010-11	2011-12	2012-13
All Other	\$0	\$75,000	\$75,000	\$75,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$75,000	\$75,000	\$75,000
OTHER SPECIAL REVENUE FUNDS	History 2009-10	History 2010-11	2011-12	2012-13
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 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	2.000	2.000	2.000	2.000
Personal Services	\$141,925	\$144,217	\$149,123	\$158,543
All Other	\$103,795	\$79,309	\$99,309	\$99,309
GENERAL FUND TOTAL	\$245,720	\$223,526	\$248,432	\$257,852

Justification:

The mission of the Civil Rights Team Project (CRTP) is to increase the safety of high school, middle school and elementary school students and to reduce the incidence of bias-motivated harassment and violence in schools. The CRTP has established civil rights teams in over 230 Maine schools and provides training and educational opportunities for students, teachers, administrators and parents throughout Maine. The CRTP is supported by one Director and one paralegal.

The projected outcomes for the Civil Rights Teams Project:

*To train, encourage and empower high school, middle school and elementary school student members of Civil Rights Teams to be leaders within their school communities on issues relating to confronting bias, prejudice and harassment.

*To increase the awareness and responsiveness of faculty and administrators to bias, prejudice and harassment by conducting in-service trainings at each of the participating schools.

*To increase the awareness and commitment of schools, parents, and community members to address the problem of bias-motivated harassment.

*To foster constructive relationships between the local school departments, the local police department and the Civil Rights Teams Project.

*To improve the school experience for members of targeted groups (racial, religious, national origin, sexual orientation, etc.) by increasing their feelings of safety within their schools and their understanding that differences will be accepted.

**CIVIL RIGHTS 0039
PROGRAM SUMMARY**

GENERAL FUND	History 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	2.000	2.000	2.000	2.000
Personal Services	\$141,925	\$144,217	\$149,123	\$158,543
All Other	\$103,795	\$79,309	\$99,309	\$99,309
GENERAL FUND TOTAL	\$245,720	\$223,526	\$248,432	\$257,852

District Attorneys Salaries 0409

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	83,000	83,000	83,000	83,000
Personal Services	\$7,975,646	\$7,893,502	\$8,748,711	\$9,239,781
GENERAL FUND TOTAL	\$7,975,646	\$7,893,502	\$8,748,711	\$9,239,781
	History 2009-10	History 2010-11	2011-12	2012-13
FEDERAL EXPENDITURES FUND				
POSITIONS - LEGISLATIVE COUNT	1,000	1,000	1,000	1,000
Personal Services	\$72,723	\$73,875	\$66,161	\$70,072
All Other	\$8,244	\$8,244	\$8,244	\$8,244
FEDERAL EXPENDITURES FUND TOTAL	\$80,967	\$82,119	\$74,405	\$78,316
	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
Personal Services	\$0	\$0	\$0	\$0
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 Superior Court and Law Court, and other cases, each Assistant District Attorney handles very high caseloads.

All eight District Attorney offices are responsible for the prosecution of the majority of all criminal offenses occurring in their district, with the exception of murder, including thousands of traffic infractions and civil violations. It has been estimated that each Assistant District Attorney generates over \$1,000 in fines and fees every day. Each office must supervise its county employees and prosecuting attorneys, while overseeing the prosecution of cases in all courts.

Each District Attorney office spends many hours preparing criminal complaints, motions, memoranda of law, legal briefs, as well as other pleadings. A great deal of time is spent reviewing thousands of police reports in order to determine whether or not sufficient evidence exists for the issuance of criminal complaints. Time consuming activities such as trial preparation and hearings, Grand Jury presentations, meetings with police officers, witnesses and victims, as well as being on call 24-hours-per-day, keep all prosecutors extremely busy. In many prosecutorial districts, District Attorneys cover courts in several distant locations. In addition, all District Attorney Offices sponsor police training classes, offering continuing legal education to law enforcement in order to enhance the quality of investigations, which helps to secure more prosecutions.

As the Baseline Budget request fully funds the positions in the District Attorneys' offices, it will allow them to return to their authorized staffing patterns. The budget recommendations will allow the District Attorneys to continue doing their job, i.e. prosecute OUI offenders, child abusers, thieves, batterers of women, habitual offenders, etc.

**DISTRICT ATTORNEYS SALARIES 0409
PROGRAM SUMMARY**

	History 2009-10	History 2010-11	2011-12	2012-13
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	83.000	83.000	83.000	83.000
Personal Services	\$7,975,646	\$7,893,502	\$8,748,711	\$9,239,781
GENERAL FUND TOTAL	\$7,975,646	\$7,893,502	\$8,748,711	\$9,239,781
	History 2009-10	History 2010-11	2011-12	2012-13
FEDERAL EXPENDITURES FUND				
POSITIONS - LEGISLATIVE COUNT	1.000	1.000	1.000	1.000
Personal Services	\$72,723	\$73,875	\$66,161	\$70,072
All Other	\$8,244	\$8,244	\$8,244	\$8,244
FEDERAL EXPENDITURES FUND TOTAL	\$80,967	\$82,119	\$74,405	\$78,316
	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
Personal Services	\$0	\$0	\$0	\$0
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

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	63,500	63,500	63,500	63,500
Personal Services	\$6,091,137	\$6,412,586	\$5,915,982	\$6,258,480
All Other	\$851,473	\$851,473	\$851,473	\$851,473
OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,942,610	\$7,264,059	\$6,767,455	\$7,109,953

Justification:

The primary mission of this program is to provide legal services for the programs administered by the Department of Health and Human Services.

The program, through positions assigned to the Divisions of Child Protective, Child Support, and Health and Human Services, provides high quality legal services to the Department of Health and Human Services. The Divisions, through interpretation and enforcement of the law, protect and promote the health and well being of the people of Maine, support the Department's provision of basic needed resources and services to people when they cannot provide or care for themselves, and improve the coordination and delivery of services the State provides to children and their families.

The major objectives for the biennium are: to boost child support collections; to improve the efficiency and effectiveness of the child protective system in the courts; to assist the Office of MaineCare Services in bringing to resolution complex licensing and MaineCare reimbursement cases; to increase MaineCare third-party liability collections; to provide more legal assistance in such public health areas as smoking, communicable diseases and drinking water; and to enforce laws protecting children and adults in day care, foster care, boarding homes and nursing homes.

One of the Divisions' most significant responsibilities is handling child protective and child support cases. This work 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.

Additionally, Assistant Attorneys General provide the other Bureaus of DHHS with legal support and representation. These attorneys work with the Office of MaineCare Services, Public Health, Office of Integrated Access and Support, and the Office of Elder Services. Significant work areas include MaineCare, audit, welfare laws, adult protective, licensure of child care homes, foster homes, boarding homes, and nursing homes, the AMHI Consent Decree and the Community Consent Decree, Certificate of Need, and all manner of health-related issues. Recent areas of growth in legal need are found in the areas of significant and complex rule review; appellate work; contract review and RFP appeals from unsuccessful bidders; Human Rights Commission complaints; and more administrative hearings involving licensure of child care facilities and adult assisted living, boarding and nursing homes.

**HUMAN SERVICES DIVISION 0696
PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	History 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	63.500	63.500	63.500	63.500
Personal Services	\$6,091,137	\$6,412,586	\$5,915,982	\$6,258,480
All Other	\$851,473	\$851,473	\$851,473	\$851,473
OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,942,610	\$7,264,059	\$6,767,455	\$7,109,953

Victims' Compensation Board 0711

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
FEDERAL EXPENDITURES FUND				
All Other	\$225,549	\$225,549	\$225,549	\$225,549
FEDERAL EXPENDITURES FUND TOTAL	\$225,549	\$225,549	\$225,549	\$225,549
	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	3.000	3.000	3.000	3.000
Personal Services	\$235,890	\$272,034	\$258,123	\$274,245
All Other	\$476,925	\$453,767	\$453,767	\$453,767
OTHER SPECIAL REVENUE FUNDS TOTAL	\$712,815	\$725,801	\$711,890	\$728,012

Justification:

In recognition of the financial hardship crime victims often suffer, the Maine Legislature in the spring of 1992 created the Victims' Compensation Fund and Victims' Compensation Board. The Victims' Compensation Fund assists innocent victims of violent crime by reimbursing them to a maximum of \$15,000 for the out-of-pocket costs or losses they incur when they suffer physical and emotional trauma as a result of criminal victimization. The Board, which decides claims to be paid from the Fund, is located in the Criminal Division of the Office of the Attorney General, which provides staff to administer the Program. The Board is comprised of three members drawn from Maine's legal, medical and victim services communities.

The Victims' Compensation Program works closely with District Attorneys, Victim Witness Advocates, the Department of Correction, and advocates from domestic violence and sexual assault response agencies in order to reach out and assist victims of violent crime. Training on all aspects of the program is available upon request.

The Baseline Budget recommended funding levels provide sufficient allocation to support the current staffing level and projected award amounts to victims of crimes.

**VICTIMS' COMPENSATION BOARD 0711
PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	History 2009-10	History 2010-11	2011-12	2012-13
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 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	3,000	3,000	3,000	3,000
Personal Services	\$235,890	\$272,034	\$258,123	\$274,245
All Other	\$476,925	\$453,767	\$453,767	\$453,767
OTHER SPECIAL REVENUE FUNDS TOTAL	\$712,815	\$725,801	\$711,890	\$728,012

ATTORNEY GENERAL, DEPARTMENT OF THE

DEPARTMENT TOTALS	2011-12	2012-13
GENERAL FUND	\$15,514,250	\$16,296,840
FEDERAL EXPENDITURES FUND	\$2,230,531	\$2,306,855
OTHER SPECIAL REVENUE FUNDS	\$13,547,614	\$14,221,357
DEPARTMENT TOTAL - ALL FUNDS	\$31,292,395	\$32,825,052

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

	History 2009-10	History 2010-11	2011-12	2012-13
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	7,000	7,000	7,000	7,000
Personal Services	\$468,178	\$468,905	\$493,092	\$513,219
All Other	\$34,760	\$21,611	\$27,268	\$27,268
GENERAL FUND TOTAL	\$502,938	\$490,516	\$520,360	\$540,487
	History 2009-10	History 2010-11	2011-12	2012-13
FEDERAL EXPENDITURES FUND				
POSITIONS - LEGISLATIVE COUNT	5,000	5,000	5,000	5,000
Personal Services	\$338,611	\$367,517	\$333,369	\$350,451
All Other	\$96,075	\$97,282	\$95,337	\$95,337
FEDERAL EXPENDITURES FUND TOTAL	\$434,686	\$464,799	\$428,706	\$445,788
	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$5,698	\$10,698	\$5,698	\$5,698
OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,698	\$10,698	\$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.

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

	History 2009-10	History 2010-11	2011-12	2012-13
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	7.000	7.000	7.000	7.000
Personal Services	\$468,178	\$468,905	\$493,092	\$513,219
All Other	\$34,760	\$21,611	\$27,268	\$27,268
GENERAL FUND TOTAL	\$502,938	\$490,516	\$520,360	\$540,487
FEDERAL EXPENDITURES FUND				
POSITIONS - LEGISLATIVE COUNT	5.000	5.000	5.000	5.000
Personal Services	\$338,611	\$367,517	\$333,369	\$350,451
All Other	\$96,075	\$97,282	\$95,337	\$95,337
FEDERAL EXPENDITURES FUND TOTAL	\$434,686	\$464,799	\$428,706	\$445,788
OTHER SPECIAL REVENUE FUNDS				
All Other	\$5,698	\$10,698	\$5,698	\$5,698
OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,698	\$10,698	\$5,698	\$5,698

HUMAN RIGHTS COMMISSION, MAINE

DEPARTMENT TOTALS	2011-12	2012-13
GENERAL FUND	\$520,360	\$540,487
FEDERAL EXPENDITURES FUND	\$428,706	\$445,788
OTHER SPECIAL REVENUE FUNDS	\$5,698	\$5,698
DEPARTMENT TOTAL - ALL FUNDS	<u>\$954,764</u>	<u>\$991,973</u>

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

	History 2009-10	History 2010-11	2011-12	2012-13
GENERAL FUND				
All Other	\$78,000	\$74,100	\$78,000	\$78,000
GENERAL FUND TOTAL	\$78,000	\$74,100	\$78,000	\$78,000

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

	History 2009-10	History 2010-11	2011-12	2012-13
GENERAL FUND				
All Other	\$78,000	\$74,100	\$78,000	\$78,000
GENERAL FUND TOTAL	\$78,000	\$74,100	\$78,000	\$78,000

INDIAN TRIBAL-STATE COMMISSION, MAINE

DEPARTMENT TOTALS	2011-12	2012-13
GENERAL FUND	\$78,000	\$78,000
DEPARTMENT TOTAL - ALL FUNDS	<u>\$78,000</u>	<u>\$78,000</u>

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

	History 2009-10	History 2010-11	2011-12	2012-13
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	4.000	10.000	10.000	10.000
Personal Services	\$100,872	\$469,203	\$646,564	\$681,963
All Other	\$154,152	\$9,559,996	\$9,358,836	\$9,358,836
GENERAL FUND TOTAL	\$255,024	\$10,029,199	\$10,005,400	\$10,040,799
	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$506,497	\$506,497	\$506,497
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$506,497	\$506,497	\$506,497

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 representation to Maine citizens who are entitled to counsel.

Ref. #: 15360

Committee Vote: IN (unanimous) AFA Vote: _____

	2011-12	2012-13
GENERAL FUND		
All Other	\$300,000	\$400,000
GENERAL FUND TOTAL	\$300,000	\$400,000

Justification:

The Commission 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
PROGRAM SUMMARY**

GENERAL FUND	History 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	4.000	10.000	10.000	10.000
Personal Services	\$100,872	\$469,203	\$646,564	\$681,963
All Other	\$154,152	\$9,559,996	\$9,658,836	\$9,758,836
GENERAL FUND TOTAL	\$255,024	\$10,029,199	\$10,305,400	\$10,440,799
OTHER SPECIAL REVENUE FUNDS	History 2009-10	History 2010-11	2011-12	2012-13
All Other	\$0	\$506,497	\$506,497	\$506,497
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$506,497	\$506,497	\$506,497

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

DEPARTMENT TOTALS	2011-12	2012-13
GENERAL FUND	\$10,305,400	\$10,440,799
OTHER SPECIAL REVENUE FUNDS	\$506,497	\$506,497
DEPARTMENT TOTAL - ALL FUNDS	<u>\$10,811,897</u>	<u>\$10,947,296</u>

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 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	503,000	497,000	493,000	493,000
Personal Services	\$36,813,518	\$34,885,460	\$36,727,983	\$38,524,400
All Other	\$24,204,682	\$15,127,401	\$15,127,401	\$15,127,401
Unallocated	(\$1,000,000)	(\$1,000,000)	\$0	\$0
GENERAL FUND TOTAL	\$60,018,200	\$49,012,861	\$51,855,384	\$53,651,801

FEDERAL EXPENDITURES FUND	History 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	1,500	1,500	1,500	1,500
Personal Services	\$2,183,197	\$2,195,815	\$1,760,438	\$1,856,712
All Other	\$1,090,199	\$1,090,199	\$1,090,199	\$1,090,199
FEDERAL EXPENDITURES FUND TOTAL	\$3,273,396	\$3,286,014	\$2,850,637	\$2,946,911

OTHER SPECIAL REVENUE FUNDS	History 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	7,000	7,000	7,000	7,000
Personal Services	\$544,519	\$566,153	\$507,039	\$532,207
All Other	\$4,124,766	\$3,598,601	\$3,598,601	\$3,598,601
Capital Expenditures	\$300,000	\$300,000	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,969,285	\$4,464,754	\$4,105,640	\$4,130,808

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: Provides funding to support Judicial Branch capital expenditures for courthouse facilities throughout the State.

Ref. #: 16480

Committee Vote: IN (unanimous) AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
Capital Expenditures	\$300,000	\$300,000

OTHER SPECIAL REVENUE FUNDS TOTAL

\$300,000 \$300,000

Justification:

Pursuant to Public Law 2009, chapter 213, 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: Reduces funding for witness fees no longer paid by the Judicial Branch.

Ref. #: 16490

Committee Vote: IN (unanimous) AFA Vote: _____

GENERAL FUND

All Other

2011-12 2012-13
(\$75,000) (\$75,000)

GENERAL FUND TOTAL

(\$75,000) (\$75,000)

Justification:

The Judicial Branch no longer pays for civilian witness fees.

Courts - Supreme, Superior and District 0063

Initiative: Continues one limited-period Project Coordinator position through June 15, 2013. This position was previously authorized by Public Law 2009, chapter 213.

Ref. #: 16500

Committee Vote: IN (unanimous) AFA Vote: _____

FEDERAL EXPENDITURES FUND

Personal Services

2011-12 2012-13
\$84,056 \$90,008

FEDERAL EXPENDITURES FUND TOTAL

\$84,056 \$90,008

Justification:

This position will be funded by the federal Domestic Violence STOP grant and will assist in grant administration.

Courts - Supreme, Superior and District 0063

Initiative: Continues one limited-period Project Coordinator position, one limited-period Court Improvement Program Project Coordinator position and one limited-period Administrative Assistant position through June 15, 2013. These positions were previously authorized in Public Law 2009, chapter 213.

Ref. #: 16510

Committee Vote: IN (unanimous) AFA Vote: _____

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 case volunteers concentrating their efforts on children subject to abuse and neglect.

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

	History 2009-10	History 2010-11	2011-12	2012-13
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	503,000	497,000	493,000	493,000
Personal Services	\$36,813,518	\$34,885,460	\$36,754,478	\$38,556,634
All Other	\$24,204,682	\$15,127,401	\$15,025,906	\$15,020,167
Unallocated	(\$1,000,000)	(\$1,000,000)	\$0	\$0
GENERAL FUND TOTAL	\$60,018,200	\$49,012,861	\$51,780,384	\$53,576,801
	History 2009-10	History 2010-11	2011-12	2012-13
FEDERAL EXPENDITURES FUND				
POSITIONS - LEGISLATIVE COUNT	1,500	1,500	1,500	1,500
Personal Services	\$2,183,197	\$2,195,815	\$2,164,986	\$2,289,545
All Other	\$1,090,199	\$1,090,199	\$1,090,199	\$1,090,199
FEDERAL EXPENDITURES FUND TOTAL	\$3,273,396	\$3,286,014	\$3,255,185	\$3,379,744
	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	7,000	7,000	7,000	7,000
Personal Services	\$544,519	\$566,153	\$556,250	\$580,559
All Other	\$4,124,766	\$3,598,601	\$3,598,601	\$3,598,601
Capital Expenditures	\$300,000	\$300,000	\$300,000	\$300,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,969,285	\$4,464,754	\$4,454,851	\$4,479,160

Judicial - Debt Service Z097

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
GENERAL FUND				
All Other	\$6,740,359	\$6,843,788	\$7,061,446	\$7,061,446
GENERAL FUND TOTAL	\$6,740,359	\$6,843,788	\$7,061,446	\$7,061,446

Justification:

This program funds the debt service costs for securities issued by the Maine Governmental Facilities Authority on behalf of the Judicial Branch.

Judicial - Debt Service Z097

Initiative: Provides funding for the increase in debt service for the Augusta and Machias courthouse projects.

Ref. #: 16600

Committee Vote: 14 (unanimous) AFA Vote: _____

	2011-12	2012-13
GENERAL FUND		
All Other	\$0	\$1,073,764
GENERAL FUND TOTAL	\$0	\$1,073,764

Justification:

These projects are authorized in Public Law 2009, chapter 213. Debt service costs for these projects are being offset by the savings in the Bangor courthouse bond resulting from being under budget for that project.

**JUDICIAL - DEBT SERVICE Z097
PROGRAM SUMMARY**

	History 2009-10	History 2010-11	2011-12	2012-13
GENERAL FUND				
All Other	\$6,740,359	\$6,843,788	\$7,061,446	\$8,135,210
GENERAL FUND TOTAL	\$6,740,359	\$6,843,788	\$7,061,446	\$8,135,210

JUDICIAL DEPARTMENT

DEPARTMENT TOTALS	2011-12	2012-13
GENERAL FUND	\$58,841,830	\$61,712,011
FEDERAL EXPENDITURES FUND	\$3,255,185	\$3,379,744
OTHER SPECIAL REVENUE FUNDS	\$4,454,851	\$4,479,160
DEPARTMENT TOTAL - ALL FUNDS	\$66,551,866	\$69,570,915

Sec. A-57. Appropriations and allocations.

The following appropriations and allocations are made.

PINE TREE LEGAL ASSISTANCE

Legal Assistance 0553

Initiative: BASELINE BUDGET

GENERAL FUND	History 2009-10	History 2010-11	2011-12	2012-13
All Other	\$264,345	\$248,602	\$264,345	\$264,345
GENERAL FUND TOTAL	\$264,345	\$248,602	\$264,345	\$264,345

Justification:

Pine Tree Legal Assistance is currently funded at \$293,717 per year from the General Fund to provide free individual legal services to low-income Maine residents with serious civil legal problems. At present, those services are provided through a network of local field offices (Portland, Lewiston, Augusta, Bangor, Machias and Presque Isle) as well as special statewide projects serving Native Americans, migrant farm workers, and low-income children, as well as the Volunteer Lawyers Project, which leverages over \$2,140,660 million in donated services each year. The proposed reduction would reduce this total by \$29,372 per year. State funding has been used to support direct client services around the State and to leverage other federal and private grants that require matching funds from non-federal sources. In 2009, this group includes grants that support: - legal assistance to low-income taxpayers facing problems with the IRS, - several different funding sources that allow expanded foreclosure advocacy, - support for victims of domestic violence and sexual assault, - enforcement of state and federal housing discrimination laws. Pine Tree already faces an operating deficit of over \$386,970 in fiscal year 2009 - an amount equivalent to 7.7 percent of its total budget for the year. Less than 10 percent of total funding is used for administration and fundraising, allowing 90 percent of all funding to be channeled to direct client services. Because of this streamlined approach, it is not possible to absorb a 10% reduction in State funding without an impact on direct 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. Every dollar of State funding is used carefully by Pine Tree's dedicated staff in providing some form of legal assistance to as many individuals as possible, given limited resources. As a result, Pine Tree's small staff expects to complete work on more than 12,000 requests for legal help in 2009, affecting an estimated 30,000 low-income Mainers. A recent evaluation by Pine Tree's major federal funder found that, "PTLA...ranked tenth among legal services programs in the number of cases closed per 10,000 poor people even though it ranked 55th in total funding." State funding is also essential in maintaining staff and offices in rural Maine, where it has proved harder to get private funds or special grants for program services. Pine Tree remains the only legal aid provider in Maine with local attorneys in Aroostook, Washington, and York Counties, areas of Maine where the need for legal assistance is especially high. 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. Legal assistance has been especially effective in helping low-income Maine residents in the following areas, all of which depend in part on State funding support: - an estimated 450 Maine households who are at risk of foreclosure and will contact Pine Tree seeking help in the coming year; - an estimated 300 Maine households who will need legal advice about job loss, wages or other terms and conditions of employment; - an estimated 60 low-income children whose need for health services can be reduced or eliminated by using legal services to tackle an underlying social or environmental problem; 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,

See review of justification

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 70 detailed legal education pamphlets, complete with interactive forms and other self-help tools at <http://www.ptla.org>. The Pine Tree website, a companion clearinghouse at www.helpmelaw.org, and specialized websites for volunteer attorneys (www.vlp.org) and low-income children (www.kidslegal.org) provide "one stop" access to local, state and federal laws important to Maine residents and are viewed literally thousands of times each week. Nationally recognized for the quality and level of information provided to visitors, a Google search for "legal assistance" consistently includes the Pine Tree website in its top ten listings.

**LEGAL ASSISTANCE 0553
PROGRAM SUMMARY**

GENERAL FUND	History 2009-10	History 2010-11	2011-12	2012-13
All Other	\$264,345	\$248,602	\$264,345	\$264,345
GENERAL FUND TOTAL	\$264,345	\$248,602	\$264,345	\$264,345

PINE TREE LEGAL ASSISTANCE

DEPARTMENT TOTALS	2011-12	2012-13
GENERAL FUND	\$264,345	\$264,345
DEPARTMENT TOTAL - ALL FUNDS	<u>\$264,345</u>	<u>\$264,345</u>

Sec. A-57. Appropriations and allocations.

The following appropriations and allocations are made.

PINE TREE LEGAL ASSISTANCE

Legal Assistance 0553

Initiative: BASELINE BUDGET

GENERAL FUND	History 2009-10	History 2010-11	History 2011-12	History 2012-13
All Other	<u>\$264,345</u>	<u>\$248,602</u>	<u>\$264,345</u>	<u>\$264,345</u>
GENERAL FUND TOTAL	\$264,345	\$248,602	\$264,345	\$264,345

Since 1967, Pine Tree Legal Assistance has provided free individual 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. We currently have a staff of 57 employees, augmented by the equivalent of 9 full-time attorneys and 5 paralegals in donated volunteer services from Maine lawyers, college and law students, and community volunteers. We have lost four staff positions in the past two years as a result of funding cutbacks from various sources.

Pine Tree projects revenue of \$4.5 million for calendar year 2011, which is also our fiscal year. This total also includes an assumption of flat LSC funding for 2011 although HR 1 under consideration in Washington would eliminate \$283,000 in LSC funding for Pine Tree between now and December 31 if approved. The budget includes funding from over 24 different sources, most focused on specific projects that are time-limited in nature.

The proposed increase in our State appropriation level to \$264,345/year will stabilize our statewide delivery system, representing 10% of our general legal services funding for the year. State funding also helps us draw down other federal and foundation grants that can expand services around the State. In fact, we have used some State funding to draw down over \$800,000 in the past ten years for a statewide taxpayer clinic funded by the federal government and which has returned more than \$2 million to Maine taxpayers.

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.

This is the revised justification

revised

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. Every dollar of State funding is used carefully by Pine Tree's dedicated staff in providing some form of legal assistance to as many individuals as possible, given limited resources. As a result, Pine Tree's small staff expects to complete work on more than 10,000 requests for legal help in 2011, affecting more than 20,000 low-income Mainers.

Pine Tree remains the only legal aid provider in Maine with local attorneys in Washington and York Counties, areas of Maine where the need for legal assistance is especially high. 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.

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>. 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

This is the revised justification

LEGAL ASSISTANCE 0553

PROGRAM SUMMARY

GENERAL FUND	History 2009-10	History 2010-11	History 2011-12	History 2012-13
All Other	<u>\$264,345</u>	<u>\$248,602</u>	<u>\$264,345</u>	<u>\$264,345</u>
GENERAL FUND TOTAL	\$264,345	\$248,602	\$264,345	\$264,345

revised

Sec. B-1. Appropriations and allocations.

The following appropriations and allocations are made.

HUMAN RIGHTS COMMISSION, MAINE

Human Rights Commission - Regulation 0150

Initiative: RECLASSIFICATIONS

Ref. #: 11390

Committee Vote: IN (urban) AFA Vote: _____

	2011-12	2012-13
FEDERAL EXPENDITURES FUND		
Personal Services	\$12,789	\$15,012
FEDERAL EXPENDITURES FUND TOTAL	<u>\$12,789</u>	<u>\$15,012</u>

HUMAN RIGHTS COMMISSION, MAINE

DEPARTMENT TOTALS	2011-12	2012-13
FEDERAL EXPENDITURES FUND	\$12,789	\$15,012
DEPARTMENT TOTAL - ALL FUNDS	<u>\$12,789</u>	<u>\$15,012</u>

See additional

PART HHH

See revision

Sec. HHH-1. 4 MRSA §28, as enacted by PL 2009, c. 213, Pt. QQ, §2, is amended to read:

§ 28. Additional fee revenue dedicated

The judicial branch may credit up to \$300,000 per fiscal year of fee revenue collected pursuant to administrative orders of the court to a nonlapsing Other Special Revenue Funds account to support the capital expenses of the judicial branch only after the judicial branch has collected and deposited all fee revenue budgeted as undedicated revenue to the General Fund.

**SUMMARY
PART HHH**

This Part allows the judicial branch to transfer up to \$300,000 of fee revenue to support the branch's capital expenses only after it has collected and deposited all fee revenue budgeted as undedicated revenue to the General Fund in each fiscal year.

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

ATTORNEY GENERAL, DEPARTMENT OF THE

FHM - Attorney General 0947

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
FUND FOR A HEALTHY MAINE				
POSITIONS - LEGISLATIVE COUNT	1.500	1.500	1.500	1.500
Personal Services	\$141,832	\$149,729	\$123,482	\$131,168
All Other	\$27,114	\$26,046	\$24,102	\$24,263
FUND FOR A HEALTHY MAINE TOTAL	\$168,946	\$175,775	\$147,584	\$155,431

Justification:

This program provides funding for one and a half attorney positions and related All Other to enforce the Tobacco Manufacturer's Act and the Tobacco Distributor's Act. The positions are critical to the diligent enforcement requirement to secure Maine's roughly \$52 million annual MSA Settlement Payment.

FHM - ATTORNEY GENERAL 0947

PROGRAM SUMMARY

	History 2009-10	History 2010-11	2011-12	2012-13
FUND FOR A HEALTHY MAINE				
POSITIONS - LEGISLATIVE COUNT	1.500	1.500	1.500	1.500
Personal Services	\$141,832	\$149,729	\$123,482	\$131,168
All Other	\$27,114	\$26,046	\$24,102	\$24,263
FUND FOR A HEALTHY MAINE TOTAL	\$168,946	\$175,775	\$147,584	\$155,431

ATTORNEY GENERAL, DEPARTMENT OF THE

DEPARTMENT TOTALS	2011-12	2012-13
FUND FOR A HEALTHY MAINE	\$147,584	\$155,431
DEPARTMENT TOTAL - ALL FUNDS	<u>\$147,584</u>	<u>\$155,431</u>

Sec. A-44. Appropriations and allocations.

The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

FHM - Judicial Department 0963

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
FUND FOR A HEALTHY MAINE				
POSITIONS - LEGISLATIVE COUNT	1,000	1,000	1,000	1,000
Personal Services	\$117,803	\$116,782	\$113,200	\$116,053
All Other	\$2,605	\$2,471	\$2,334	\$2,334
FUND FOR A HEALTHY MAINE TOTAL	\$120,408	\$119,253	\$115,534	\$118,387

Justification:

The Judicial Branch has the authority to establish alcohol and drug treatment programs in the Superior and District Courts per Maine Revised Statutes, Title 4, section 421. This program funds the salary of a Coordinator of Diversion and Rehabilitation Programs to assist the Judicial Branch to establish, staff, coordinate, operate and evaluate diversion and rehabilitation programs throughout the courts.

FHM - Judicial Department 0963

Initiative: Eliminates one Diversion and Rehabilitation Coordinator position and related All Other to reflect the redistribution of funding and the reduction of revenue available in the Fund for a Healthy Maine.

Ref. #: 16570

Committee Vote: OUT (unanim) AFA Vote: _____

		2011-12	2012-13
FUND FOR A HEALTHY MAINE			
POSITIONS - LEGISLATIVE COUNT	<i>restore full funding</i>	(1,000)	(1,000)
Personal Services		(\$113,200)	(\$116,053)
All Other		(\$2,334)	(\$2,334)
FUND FOR A HEALTHY MAINE TOTAL		(\$115,534)	(\$118,387)

Justification:

Downward projections of revenue available in the 2012-2013 biennium and the redirection of resources among the various programs previously funded have resulted in the elimination of resources for this Fund for a Healthy Maine program.

**FHM - JUDICIAL DEPARTMENT 0963
PROGRAM SUMMARY**

FUND FOR A HEALTHY MAINE	History 2009-10	History 2010-11	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	1.000	1.000	0.000	0.000
Personal Services	\$117,803	\$116,782	\$0	\$0
All Other	\$2,605	\$2,471	\$0	\$0
FUND FOR A HEALTHY MAINE TOTAL	\$120,408	\$119,253	\$0	\$0

JUDICIAL DEPARTMENT

DEPARTMENT TOTALS

2011-12 **2012-13**

FUND FOR A HEALTHY MAINE

\$0 **\$0**

DEPARTMENT TOTAL - ALL FUNDS

\$0 **\$0**