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STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON JUDICIARY

January 26, 2017

TO: Senator James M. Hamper, Senate Chair
Representative Drew Gattine, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Lisa Keim, Senate Chair
Representative Matt Moonen, House Chair
Joint Standing Committee on Judiciary

Re: Judiciary Committee report on Emergency Supplemental Budget

The Judiciary Committee respectfully submits our recommendations with regard to the Emergency Supplemental Budget, LR 2174 "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2017", for the Department of the Attorney General, the Maine Human Rights Commission, the Judicial Branch and the Maine Commission on Indigent Legal Services.

- Department of the Attorney General
The Judiciary Committee supports (11-0) all four General Fund initiatives proposed in LR 2174 for the Office of the Chief Medical Examiner. In addition, we support (11-0) the language change proposed in Part F which designates all dedicated revenue in an account within the Office of the Chief Medical Examiner as funds that carry forward in that account. We believe that this change will allow the Chief Medical Examiner to take the actions necessary to move toward and achieve national accreditation of the Office, an important factor in recruiting and retaining Medical Examiners as well as ensuring that the work of the Office is accepted and relied on in court proceedings.
- Maine Human Rights Commission
The Judiciary Committee supports (11-0) all five initiatives proposed in LR 2174 for the Maine Human Rights Commission. These initiatives propose General Fund appropriations, but also allocations of Federal Expenditure Fund (being paid by federal EEOC and HUD pursuant to worksharing agreements) and Other Special Revenue Funds (mediation fees collected from parties and then paid to mediators).

- **Judicial Branch**

The Judiciary Committee supports (10-0) the reorganization of the 9 positions included in the one initiative of the Judicial Branch but recommends an amendment. The Judicial Branch explained that the Personal Services savings have accumulated throughout the Branch to support the reorganization of those positions without additional General Fund appropriations for this Fiscal Year. Our recommendation is therefore to strike the initiative on page A-17 and instead add new unallocated language, perhaps a new Part K, Section K-4 to carry out the reorganization. Our suggested language is as follows:

Sec. K-4. Judicial Department; reorganization of positions. The Judicial Department is authorized to reorganize one Division Supervisor I position to a Division Supervisor II position, one Assistant Clerk position to a Financial Clerk position, 5 Deputy Marshal positions to Corporal positions, one Administrative Clerk position to a Division Supervisor I position and one Senior Service Center Association position to a Service Center Supervisor position.

The Judiciary Committee also supports the proposed language contained in Part K. Section K-1 authorizes the Judicial Branch to transfer unused Personal Services funds into the Capital Expenditures account for the remainder of FY17. Section K-2 authorizes the Judicial Branch to transfer any Personal Services balance, as of the end of FY17, to the Capital Expenditures account in FY18. Section K-3 authorizes the Judicial Branch to transfer any Capital Expenditures balance, as of the end of FY17, to the Capital Expenditures account in FY18.

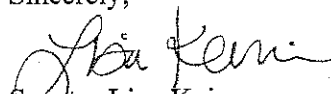
- **Maine Commission on Indigent Legal Services**

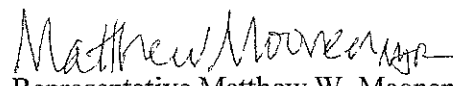
LR 2174 does not include additional General Fund appropriations for the Maine Commission on Indigent Legal Services for the remainder of FY17. Executive Director John Pelletier requested that an additional amount of \$2,831,041 be appropriated from the General Fund to allow the Commission to pay for the constitutionally-required legal services rendered by the attorneys appointed by courts to represent indigent criminal defendants, indigent parents in child protection cases and indigent subjects of mental health commitment proceedings. When the 2016-2017 budget was considered, the Commission had projected a need for \$4,278,341 for FY17 in additional funds, but the funds were not included in the enacted budget. The Commission has more detailed information and has revised the estimated gap in funding for the rest of this fiscal year, thus the request for \$2,831,041.

The Judiciary Committee was divided on the proposal, with 7 members voting in support of the full request, and 6 members voting to provide no additional funds. (Voting in favor: Senator Hill, Representative Moonen, Representative McCreight, Representative Babbidge, Representative Bailey, Representative Cardone, Representative Reckitt. Voting against: Senator Keim, Senator Whittmore, Representative Guerin, Representative Sherman, Representative Bradstreet, Representative Johansen)

Thank you for the opportunity to provide our recommendations. Please contact us if you have any questions.

Sincerely,


Senator Lisa Keim
Senator Chair


Representative Matthew W. Moonen
House Chair