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STATE OF MAINE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY

January 16, 2009

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

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

Re: Supplemental Budget, LD 45 and Change Package

Thank you for the opportunity to report the conclusions of our supplemental budget discussions about the Office of the Attorney General, the Maine Human Rights Commission and the Judicial Branch. We finalized our recommendations in a work session on January 15th. Our report to you consists of this memo, the worksheet and the amendment proposed by the County Commissioners Association and distributed at the public hearing.

**Office of the Attorney General**

Ref. #: 170 - P17

We support the recommended reduction of (\$180,649), to be realized through the management of vacancies.

Ref. #: 171 - P18

We support the elimination of one Secretary Legal position. We understand the savings will be used to offset collective bargaining costs in fiscal year 2008-2009.

PART O (P168)

We support the transfer of \$600,000 from the Victims Compensation Fund to the General Fund. We understand that the remaining balance will be sufficient to cover the expected claims through the end of the fiscal year.

**Maine Human Rights Commission**

Ref.# 427 - P102

We support the reduction of (\$32,280) in All Other, which reduces funding for professional services, travel, rents, repairs, insurance, general operations, technology and office and other supplies.

Ref. # 724 - P157

We support the reclassification of a position, which requires the reduction of All Other by (\$4,033) and increasing Personal Services by \$4,033.

**Judicial Branch**

Ref. #: 591 - P116

We support the additional \$7,935 in Personal Services to fund the projected shortfall due to collective bargaining.

PART J + amendment (P166)

We support the statutory amendment in Sec. J-1 to 4 MRSA §115 to clarify that District Court functions can take place in those facilities provided to the Judicial Branch by the Counties for the use of the Supreme Judicial Court and the Superior Court. We support the friendly amendment offered by the County Commissioners Association to clarify that this change does not affect the provision of facilities by the counties for the District Court on January 1, 1976, for which the Judicial Branch currently pays.

We support the unallocated language in Sec. J-2 that allows the Judicial Branch to directly benefit from any salary savings by permitting the transfer of savings in Personal Services to All Other to cover the continuing shortfall in funding indigent legal services.

We support the Change Package proposal to authorize the Judicial Branch to make use of the federal Court Improvement Grant for the remainder of the fiscal year. The grant includes funding through June 18, 2011. The amount authorized is \$18,932.

Thank you for the opportunity to provide our recommendations. Please feel free to contact us if you have questions or need additional information.

Attachments:

Work sheet

Amendment prepared by the County Commissioners Association

# JUDICIARY COMMITTEE

Sec. A-1. Appropriations and allocations. The following appropriations and allocations are made.

## ATTORNEY GENERAL, DEPARTMENT OF THE

### Administration - Attorney General 0310

Initiative: Reduces funding by managing vacancies. This initiative relates to the curtailments ordered in Financial Order 004576 F9.

Ref. #: 170 - P17

Committee Vote: approve (13-0) AFA Vote: \_\_\_\_\_

GENERAL FUND	2008-09	2009-10	2010-11
Personal Services	(\$180,649)	\$0	\$0
GENERAL FUND TOTAL	(\$180,649)	\$0	\$0

#### Justification:

The imposition of stricter constraints on hiring will result in one-time savings in fiscal year 2008-09 from four vacant positions.

### Administration - Attorney General 0310

Initiative: Eliminates one Secretary Legal position. Savings will be used to offset collective bargaining costs in fiscal year 2008-09.

Ref. #: 171 - P18

Committee Vote: approve (13-0) AFA Vote: \_\_\_\_\_

OTHER SPECIAL REVENUE FUNDS	2008-09	2009-10	2010-11
POSITIONS - LEGISLATIVE COUNT	(1,000)	0.000	0.000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$0

#### Justification:

None provided.

## ATTORNEY GENERAL, DEPARTMENT OF THE DEPARTMENT TOTALS

	2008-09	2009-10	2010-11
GENERAL FUND	(\$180,649)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$180,649)	\$0	\$0

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## HUMAN RIGHTS COMMISSION, MAINE

### Human Rights Commission - Regulation 0150

Initiative: Reduces funding for professional services, travel, rents, repairs, insurance, general operations, technology and office and other supplies. This initiative relates to the curtailments ordered in Financial Order 004576 F9.

Ref. #: 427 - P102

Committee Vote: approve (13-0) AFA Vote: \_\_\_\_\_

GENERAL FUND	2008-09	2009-10	2010-11
All Other	(\$32,280)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>(\$32,280)</b>	<b>\$0</b>	<b>\$0</b>

**Justification:**

These expenditures will be paid from alternative funding sources to maintain costs within available resources.

**HUMAN RIGHTS COMMISSION, MAINE  
DEPARTMENT TOTALS**

	2008-09	2009-10	2010-11
GENERAL FUND	(\$32,280)	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>(\$32,280)</b>	<b>\$0</b>	<b>\$0</b>

**JUDICIAL DEPARTMENT**

**FHM - Judicial Department 0963**

Initiative: Provides funding to cover the projected shortfall in Personal Services in fiscal year 2008-09 due to collective bargaining.

Ref. #: 591 - P116

Committee Vote: approve (13-0) AFA Vote: \_\_\_\_\_

FUND FOR A HEALTHY MAINE	2008-09	2009-10	2010-11
Personal Services	\$7,935	\$0	\$0
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$7,935</b>	<b>\$0</b>	<b>\$0</b>

**Justification:**

Funds are transferred from the Fund for Healthy Maine to cover projected shortfalls due to collective bargaining.

**JUDICIAL DEPARTMENT  
DEPARTMENT TOTALS**

	2008-09	2009-10	2010-11
FUND FOR A HEALTHY MAINE	\$7,935	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$7,935</b>	<b>\$0</b>	<b>\$0</b>

SECTION TOTALS	2008-09	2009-10	2010-11
GENERAL FUND	(\$212,929)	\$0	\$0
FUND FOR A HEALTHY MAINE	\$7,935	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0	\$0
SECTION TOTAL - ALL FUNDS	(\$204,994)	\$0	\$0

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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. #: 724

Committee Vote: approve (13-0) AFA Vote: \_\_\_\_\_

GENERAL FUND	2008-09	2009-10	2010-11
Personal Services	\$4,033	\$0	\$0
All Other	(\$4,033)	\$0	\$0
GENERAL FUND TOTAL	\$0	\$0	\$0

HUMAN RIGHTS COMMISSION, MAINE

DEPARTMENT TOTALS	2008-09	2009-10	2010-11
GENERAL FUND	\$0	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0

## PART J

**Sec. J-1. 4 MRSA §115**, as amended by PL 1981, c. 647, §1, is further amended to read:

### **§ 115. Place for holding court; suitable quarters**

In each county, the place for holding court ~~shall be~~ is located in a building designated by the Chief Justice of the Supreme Judicial Court or ~~his~~ the Chief Justice's designee, who, with the advice and approval of the Bureau of ~~Public Improvements~~ General Services, is empowered to negotiate, on behalf of the State, the leases, contracts and other arrangements ~~he~~ the Chief Justice considers necessary, within the limits of appropriations and other funds available to the Supreme Judicial ~~and~~, Superior ~~and~~ District Courts, to provide suitable quarters, adequately furnished and equipped, for the Supreme Judicial ~~or~~, Superior ~~or~~ District Court in each county. The county commissioners in each county shall continue to provide for the use of the Supreme Judicial ~~and~~, Superior ~~and~~ District Courts such quarters, facilities, furnishings and equipment in existing county buildings as were in use by the Supreme Judicial and Superior Courts on January 1, 1976, without charge. The county commissioners shall not be required to provide without charge such quarters, facilities, furnishings and equipment in existing county buildings as were in use by the District Courts subject to a charge prior to January 1, 1976.

The facilities of the ~~Superior Court~~ courts in each county, when ~~that~~ court is not in session, ~~shall~~ must be available for other purposes. Arrangements for such use ~~shall~~ must be made by the Chief Justice or ~~his~~ the Chief Justice's designee. If the Chief Justice or ~~his~~ the Chief Justice's designee is unable to negotiate the leases, contracts and other arrangements as provided in ~~the preceding paragraph~~ this section, ~~he~~ the Chief Justice may, with the advice and approval of the Bureau of ~~Public Improvements~~ General Services, negotiate on behalf of the State the leases, contracts and other arrangements ~~he~~ the Chief Justice considers necessary, within the limits of the budget and funds available to such court, to provide suitable quarters, adequately furnished and equipped for the Supreme Judicial ~~or~~, Superior ~~or~~ District Court in privately owned buildings.

### Summary

Historically, the law has required the county commissioners to provide without charge quarters, facilities, furnishings and equipment in county courthouses for use by the Supreme Judicial and Superior Courts that was used by those courts prior to January 1, 1976, when operation of those courts became a state responsibility. The language of the bill is intended to permit the District Courts to utilize that same space, without charge.

Separately, some counties have rented for a charge quarters, facilities, furnishings and equipment for use by the District Courts since prior to January 1, 1976, and this amendment clarifies that nothing in this bill is intended to require the county commissioners to eliminate charges for such use.