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**STATE OF MAINE
ONE HUNDRED AND THIRTIETH LEGISLATURE
COMMITTEE ON JUDICIARY**

February 5, 2021

TO: Senator Cathy Breen, Senator Chair
Representative Teresa Pierce, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Anne M. Carney, Senate Chair *AMC*
Representative Thom Harnett, House Chair *TH*
Joint Standing Committee on Judiciary

re: Judiciary Committee's report on the Supplemental Budget, LD 42

The Judiciary Committee is pleased to present its recommendations concerning the Maine Human Rights Commission, the Department of the Attorney General, the Judicial Branch and the Maine Commission on Indigent Legal Services contained in the Supplemental Budget, LD 42, An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government.

The Judiciary Committee met remotely on Thursday, February 4, 2021 and voted unanimously to support the Governor's proposals, plus unanimously voted to support the immediate addition of two crucial positions as part of the Maine Commission on Indigent Legal Services. These are the positions supported by the 129th Judiciary Committee: an attorney who will focus on training and quality control, and a nonattorney position to provide the necessary audit function. We support the inclusion of these positions in the upcoming Biennial Budget as well. The worksheets, Part S and the new positions and funding information (for three months) are attached.

Please let us know if you have any questions.

attachment

Sec. A-4. Appropriations and allocations.

The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: Reduces funding by freezing one vacant Deputy Attorney General position. This initiative relates to the curtailments ordered in Financial Order 001152 F1.

Ref. #: 76	One Time	Committee Vote: 13-0 (1 absent)	AFA Vote: _____
GENERAL FUND			
Personal Services			
		2020-21	2021-22
		(\$112,865)	\$0
GENERAL FUND TOTAL		(\$112,865)	\$0

Justification:

This initiative freezes one Deputy Attorney General position and may postpone progress on the Office of Attorney General due to increased workloads.

Administration - Attorney General 0310

Initiative: Reduces funding to reflect projected actual expenses by postponing desktop device refreshment. This initiative relates to the curtailments ordered in Financial Order 001152 F1.

Ref. #: 77	One Time	Committee Vote: 13-0 (1 absent)	AFA Vote: _____
GENERAL FUND			
All Other			
		2020-21	2021-22
		(\$30,000)	\$0
GENERAL FUND TOTAL		(\$30,000)	\$0

Justification:

Postponing desktop device refreshment could reduce efficiencies if devices begin to fail.

Chief Medical Examiner - Office of 0412

Initiative: Reduces funding by freezing one vacant Planning & Research Associate I position. This initiative relates to the curtailments ordered in Financial Order 001152 F1.

Ref. #: 79	One Time	Committee Vote: 13-0 (1 absent)	AFA Vote: _____
GENERAL FUND			
Personal Services			
		2020-21	2021-22
		(\$64,570)	\$0
GENERAL FUND TOTAL		(\$64,570)	\$0

JUD - AG - 1 of 4

Justification:

This initiative freezes one vacant OCME Planning & Research Associate I position. This could create inefficiencies and potential delays in Office of Chief Medical Examiner processes/services.

Chief Medical Examiner - Office of 0412

Initiative: Reduces funding to reflect projected actual expenses by postponing desktop device refreshment. This initiative relates to the curtailments ordered in Financial Order 001152 F1.

<u>Ref. #: 80</u>	One Time	Committee Vote: <u>13-0</u> <u>(1 absent)</u>	AFA Vote: _____		
GENERAL FUND				2020-21	2021-22
All Other				(\$10,000)	\$0
GENERAL FUND TOTAL				(\$10,000)	\$0
					2022-23
					\$0

Justification:

Postponing desktop device refreshment could reduce efficiencies if devices begin to fail.

Chief Medical Examiner - Office of 0412

Initiative: Reduces funding to reflect projected actual expenses for contract services by disencumbering a contract for autopsy services. This initiative relates to the curtailments ordered in Financial Order 001152 F1.

<u>Ref. #: 81</u>	One Time	Committee Vote: <u>13-0</u> <u>(1 absent)</u>	AFA Vote: _____		
GENERAL FUND				2020-21	2021-22
All Other				(\$5,000)	\$0
GENERAL FUND TOTAL				(\$5,000)	\$0
					2022-23
					\$0

Justification:

Cary Medical Center is not performing Office of Chief Medical Examiner autopsies during the pandemic, and the pathologist will be retiring. There is no adverse impact is expected due to non-renewal of this contract as the workload will be spread amongst other contracted forensic pathologists.

Chief Medical Examiner - Office of 0412

Initiative: Reduces funding to reflect projected actual expenses for in-state travel. This initiative relates to the curtailments ordered in Financial Order 001152 F1.

<u>Ref. #: 82</u>	One Time	Committee Vote: <u>13-0</u> <u>(1 absent)</u>	AFA Vote: _____		
GENERAL FUND				2020-21	2021-22
All Other				(\$3,500)	\$0
					2022-23
					\$0

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GENERAL FUND TOTAL (\$3,500) \$0 \$0

Justification:
Trials are not occurring as frequently due to COVID-19.

Chief Medical Examiner - Office of 0412

Initiative: Reduces funding to reflect projected actual expenses for cell phones. This initiative relates to the curtailments ordered in Financial Order 001152 F1.

<u>Ref. #: 83</u>	One Time	Committee Vote: <u>13-0</u> <u>(1 absent)</u>	AFA Vote: _____
GENERAL FUND		2020-21	2021-22
All Other		(\$1,058)	\$0
GENERAL FUND TOTAL		2022-23	2022-23
		(\$1,058)	\$0

Justification:
This reduced funding will have minimal impact as staff do not use these phones.

Civil Rights 0039

Initiative: Reduces funding to reflect projected actual expenses for contract services related to a year-end event. This initiative relates to the curtailments ordered in Financial Order 001152 F1.

<u>Ref. #: 72</u>	One Time	Committee Vote: <u>13-0</u> <u>(1 absent)</u>	AFA Vote: _____
GENERAL FUND		2020-21	2021-22
All Other		(\$25,000)	\$0
GENERAL FUND TOTAL		2022-23	2022-23
		(\$25,000)	\$0

Justification:
The fiscal year 2020-21 annual year-end-event is being canceled/postponed.

Civil Rights 0039

Initiative: Reduces funding to reflect projected actual expenses for space rental. This initiative relates to the curtailments ordered in Financial Order 001152 F1.

<u>Ref. #: 73</u>	One Time	Committee Vote: <u>13-0</u> <u>(1 absent)</u>	AFA Vote: _____
GENERAL FUND		2020-21	2021-22
		\$0	\$0
		2022-23	2022-23
		\$0	\$0

JUD - AG - 3 of 4

All Other	(\$7,500)	\$0	\$0
GENERAL FUND TOTAL	(\$7,500)	\$0	\$0

Justification:

The fiscal year 2020-21 communications/events will be online/electronic in nature.

Civil Rights 0039

Initiative: Reduces funding to reflect projected actual expenses for in-state travel. This initiative relates to the curtailments ordered in Financial Order 001152 F1.

Ref. #: 74	One Time	Committee Vote: <u>13-0</u> <u>(1 absent)</u>	AFA Vote: _____		
GENERAL FUND			2020-21	2021-22	2022-23
All Other			(\$3,400)	\$0	\$0
GENERAL FUND TOTAL			(\$3,400)	\$0	\$0

Justification:

The fiscal year 2020-21 communications/events will be online/electronic in nature.

ATTORNEY GENERAL, DEPARTMENT OF THE

DEPARTMENT TOTALS	2020-21	2021-22	2022-23
GENERAL FUND	(\$262,893)	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$262,893)	\$0	\$0

JUD - AG - 4 of 4

Sec. A-19. Appropriations and allocations.

The following appropriations and allocations are made.

HUMAN RIGHTS COMMISSION, MAINE

Human Rights Commission - Regulation 0150

Initiative: Reduces funding by decreasing the hours of one Senior Paralegal position and making the position part-time. This initiative relates to the curtailments ordered in Financial Order 001152 F1.

Ref. #: 226	One Time	Committee Vote: 13-0 (1 absent)	AFA Vote: _____
GENERAL FUND			
Personal Services			
		2020-21	2021-22
		(\$37,550)	\$0
GENERAL FUND TOTAL		(\$37,550)	\$0

Justification:

Reduces Senior Paralegal position to part-time effective 8/19/21. Workload will be shifted to Executive Director and staff.

Human Rights Commission - Regulation 0150

Initiative: Reduces funding to align with projected actual expenditures for rent, security, employee training and professional services. This initiative relates to the curtailments ordered in Financial Order 001152 F1.

Ref. #: 227	One Time	Committee Vote: 13-0 (1 absent)	AFA Vote: _____
GENERAL FUND			
All Other			
		2020-21	2021-22
		(\$12,000)	\$0
GENERAL FUND TOTAL		(\$12,000)	\$0

Justification:

No adverse impact as the MHRC does not anticipate holding physical hearings in the fiscal year 2020-21.

HUMAN RIGHTS COMMISSION, MAINE

DEPARTMENT TOTALS	2020-21	2021-22	2022-23
GENERAL FUND	(\$49,550)	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$49,550)	\$0	\$0

JUD - MHRC - 1 of 1

Sec. A-20. Appropriations and allocations. The following appropriations and allocations are made.

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: Increases allocation due to the cost of indigent legal services.

Ref. #: 420

Committee Vote: 12-0
(2 absent)

AFA Vote: _____

	2020-21	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS			
All Other	\$2,635,396	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,635,396	\$0	\$0

Justification:

This initiative will establish allocation to cover the expected cost of indigent legal services in fiscal year 2020-21. PL 2019, chapter 616 allocated additional resources to the Reserve for Indigent Legal Services. The reduction in court activity due to the pandemic in the last four months of fiscal year 2019-20 resulted in this funding remaining unspent. These funds are necessary for fiscal year 2020-21. The current appropriation is not sufficient to support the program. Establishing allocation in the Maine Commission on Indigent Legal Services program will allow the existing resources to be used.

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

	2020-21	2021-22	2022-23
DEPARTMENT TOTALS			
OTHER SPECIAL REVENUE FUNDS	\$2,635,396	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$2,635,396	\$0	\$0

PART S

Sec. S-1 Transfer balances; Indigent Legal Services. Notwithstanding any provision of law to the contrary, prior to June 30, 2021, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Reserve for Indigent Legal Services account, Other Special Revenue Funds to the Maine Commission on Indigent Legal Services account, Other Special Revenue Funds in the Maine Commission on Indigent Legal Services.

**PART S
SUMMARY**

This Part authorizes the transfer any remaining balance in the Reserve for Indigent Legal Services account, Other Special Revenue Funds to the Maine Commission on Indigent Legal Services account, Other Special Revenue Funds in the Maine Commission on Indigent Legal Services.

JUD $\frac{12-0}{(2 \text{ absent})}$

PS

	FY 21	FY 22	FY 23
Field Examiner II	19,015	78,799	81,636
Public Service Manager II	31,059	128,707	133,341
PS Total	50,074	207,506	214,976

AO

	FY 21	FY 22	FY 23
Monitor, mouse, keyboard, etc*	\$1,200	0	0
Office furniture*	\$4,500	0	0
Office supplies	\$300	\$1,500	\$1,500
OIT/TELCO	\$1,319	\$5,277	\$5,277
TELCO installation costs*	\$640	0	0
Service center (Payroll processing)	\$280	\$1,125	\$1,125
Bar dues	\$0	\$265	\$265
Eye glass reimbursement	\$0	\$150	\$150
Subscriptions (rule and statute book)	\$0	\$70	\$70
AO Total	\$8,239	\$7,902	\$7,902

Total Appropriation	\$58,313	\$215,408	\$222,878
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JUD $\frac{12-0}{(2 \text{ absent})}$

JUD - MCILS - 3 of 3

Sec. A-22. Appropriations and allocations.

The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Reduces funding by managing position vacancies within available resources. This initiative relates to the curtailments ordered in Financial Order 001152 F1.

Ref. #: 439

One Time

Committee Vote:

13-0
(1 absent)

AFA Vote: _____

GENERAL FUND

Personal Services

	2020-21	2021-22	2022-23
Personal Services	(\$100,000)	\$0	\$0

GENERAL FUND TOTAL

GENERAL FUND TOTAL	(\$100,000)	\$0	\$0
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Justification:

This is a one-time adjustment to personal services in fiscal year 2020-21 by holding positions vacant. This may slow down court processing especially since there is a backlog of cases due to Covid-19 shutdowns.

Judicial - Debt Service Z097

Initiative: Reduces funding to reflect projected actual expenses for a one-time adjustment to the debt service account. This initiative relates to the curtailments ordered in Financial Order 001152 F1.

Ref. #: 441

One Time

Committee Vote:

13-0
(1 absent)

AFA Vote: _____

GENERAL FUND

All Other

	2020-21	2021-22	2022-23
All Other	(\$350,000)	\$0	\$0

GENERAL FUND TOTAL

GENERAL FUND TOTAL	(\$350,000)	\$0	\$0
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Justification:

This is a one-time adjustment to the debt service account. There will be no impact due to the availability of funds in the account.

JUDICIAL DEPARTMENT

DEPARTMENT TOTALS

GENERAL FUND

	2020-21	2021-22	2022-23
DEPARTMENT TOTALS			
GENERAL FUND	(\$450,000)	\$0	\$0

DEPARTMENT TOTAL - ALL FUNDS

DEPARTMENT TOTAL - ALL FUNDS	(\$450,000)	\$0	\$0
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