

MAINE STATE LEGISLATURE

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JOINT STANDING COMMITTEE
ON
JUDICIARY

LD 499
BIENNIAL BUDGET
2008 - 2009



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Baxter Compensation Authority

	<u>Actual</u>	<u>Current</u>	<u>Budgeted</u>	<u>Budgeted</u>
	2005-06	2006-07	2007-08	2008-09
Department Summary - All Funds				
Personal Services	254,516	54,917		
All Other	7,533,249	19,802		
Total	7,787,765	74,719	0	0
Department Summary - GENERAL FUND				
All Other	7,425,549			
Total	7,425,549	0	0	0
Department Summary - OTHER SPECIAL REVENUE FUNDS				
Personal Services	254,516	54,917		
All Other	107,700	19,802		
Total	362,216	74,719	0	0

Baxter Compensation Authority

BAXTER COMPENSATION AUTHORITY 0117

What the Budget purchases:

The Baxter Compensation Authority exists to determine eligibility and provide compensation to former students who suffered abuse as the result of state action/inaction while at the Maine School for the Deaf or the Governor Baxter School for the Deaf.

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Program Summary - GENERAL FUND				
All Other	7,425,549			
Total	7,425,549	0	0	0

Program Summary - OTHER SPECIAL REVENUE FUNDS

Personal Services	254,516	54,917		
All Other	107,700	19,802	19,802	19,802
Total	362,216	74,719	19,802	19,802

Initiative: Reduces funding for this program since it has ended.

OTHER SPECIAL REVENUE FUNDS

All Other			(19,802)	(19,802)
Total			(19,802)	(19,802)

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Revised Program Summary - GENERAL FUND				
All Other	7,425,549			
Total	7,425,549	0	0	0

Revised Program Summary - OTHER SPECIAL REVENUE FUNDS

Personal Services	254,516	54,917		
All Other	107,700	19,802		
Total	362,216	74,719	0	0

BAXTER COMPENSATION AUTHORITY

0117 Baxter Compensation Authority

Initiative:

BASELINE BUDGET

	<u>2007-08</u>	<u>2008-09</u>
Other Special Revenue Funds	\$19,802	\$19,802

Justification:

Initiative:

Reduces funding for this program since it has ended.

	<u>2007-08</u>	<u>2008-09</u>
Other Special Revenue Funds	\$(19,802)	\$(19,802)

Justification:

Program has ended and allocation is not required for fiscal year 2008-09 biennium.

Indian Tribal-State Commission, Maine

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Department Summary - All Funds				
All Other	34,277	34,277	34,277	34,277
Total	34,277	34,277	34,277	34,277
Department Summary - GENERAL FUND				
All Other	34,277	34,277	34,277	34,277
Total	34,277	34,277	34,277	34,277

MAINE INDIAN TRIBAL-STATE COMMISSION 0554

What the Budget purchases:

The purpose of the Maine Indian Tribal-State Commission, as stated in the Maine Indian Claims Settlement Act, is to review the effectiveness of the act and the social, economic and legal relationship between the State of Maine, the Passamaquoddy Tribe, and the Penobscot Nation. The commission makes legislative and other policy recommendations to the State and Tribal Governments based on its ongoing review. It sponsors the Annual Assembly of Governors and Chiefs, Wabanaki Day at the Legislature, and other meetings and workshops to explore tribal-state issues. The commission also regulates fishing on certain inland waters within Indian Territory and engages in a variety of educational activities to increase understanding of the Wabanaki People.

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Program Summary - GENERAL FUND				
All Other	34,277	34,277	34,277	34,277
Total	34,277	34,277	34,277	34,277

Initiative: NONE

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Revised Program Summary - GENERAL FUND				
All Other	34,277	34,277	34,277	34,277
Total	34,277	34,277	34,277	34,277

MAINE INDIAN TRIBAL-STATE COMMISSION

0554 Maine Indian Tribal-state Commission

Initiative:

BASELINE BUDGET

General Fund

2007-08

\$34,277

2008-09

\$34,277

Justification:

1. Settlement Act. The Maine Indian land claims case had tremendous social, legal, and economic implications for Maine and its people as well as for the Wabanaki. The claim covered 60% of the State with 350,000 people living in the disputed area. After four years of negotiations, the Maine Indian Claims Settlement Act of 1980 was reached. This was the largest settlement of its kind in the country and the first to include provisions for the tribal reacquisition of land. The settlement, which cannot be amended unilaterally by any of the parties, defined a special relationship between the State of Maine and the Passamaquoddy Tribe, Penobscot Indian Nation and Houlton Band of Maliseet Indians.

2. The Commission. The Maine Indian Tribal-State Commission is a 9-member inter-governmental entity created by the Maine Implementing Act, Maine's codification of the agreement. Four members are appointed by the State, two by the Passamaquoddy Tribe, and two by the Penobscot Indian Nation. The eight appointees select the ninth member, who is the chairperson. The parties to the settlement anticipated that there would be ongoing tribal-state issues requiring attention, and the Commission was created to provide a forum to defuse and to resolve issues. Since the beginning, the Commission has operated on a part-time basis yet current demands placed upon it by the parties to the Settlement Act justify increased staff time. Revenues to cover the Commission's basic operations have been provided not only by the State, but also by the Passamaquoddy Tribe and the Penobscot Nation. In addition, the Commission has raised additional funds from public and private sources to help support educational activities (e.g. the Wabanaki Studies Commission, Wabanaki Awareness Days, and a video about the Tribes described in section 4.)

3. Responsibilities. Under the Settlement, the Commission is required to: ==> Effectiveness of Act. Continually review the effectiveness of the Act and the social, economic, and legal relationship between the Passamaquoddy Tribe, the Penobscot Indian Nation, and the State. ==> Indian Territory. Make recommendations about the addition of certain lands to Indian Territory. ==> Fishing Rules. Promulgate fishing rules for certain ponds, rivers, and streams adjacent to or within Indian Territory. ==> Studies. Make recommendations about fish and wildlife management policies on non-Indian lands in order to protect fish and wildlife stocks on lands and water subject to regulation by the Passamaquoddy Tribe, the Penobscot Indian Nation, or the Commission. ==> Extended Reservations. Review petitions by the Tribes for designation as an "extended reservation." Since the Commission is the only place connected to State Government available to respond to questions about the Settlement and the Wabanaki, it also performs an informal information and referral function.

4. Accomplishments and Activities. The Commission has been involved in many activities and can cite a number of accomplishments: ==> Tribal-State Work Group. The Commission staffs and chairs the Tribal-State Work Group created by EO 19 FY 06/07 ==> Assemblies. Since 1997, the Commission has organized and facilitated seven assemblies of state and tribal Governors and Chiefs to provide them with an opportunity to identify and address issues of mutual concern. ==> Tribal College. At the initial request of Governor Baldacci in 2006, the Commission helped the Wabanaki and State of Maine examine the possibilities of creating a Tribal College located in Maine. The Commission convened a September 2006 meeting of national and state experts to present information to interested parties. ==> Wabanaki Studies Commission. PL 2001, c. 403 requires Maine's public schools (K-12) to teach about the Wabanaki people as part of Maine Studies. The Maine Indian Tribal-State Commission staffed the Wabanaki Studies Commission, a 15-member body created to identify materials and resources that can support school systems and educators in implementing the new law. ==> Wabanaki Awareness Days. The Commission has coordinated Wabanaki Awareness Days at the State House to honor and celebrate Wabanaki culture and contributions. ==> Offensive Place Names. The Commission played a major role in the enactment of legislation relating to offensive place names (PL 1999, c. 613.) MITSC's research and analysis relating to the use of the word "squaw" and its hurtful impact on native people helped to make the case at the Legislature to eliminate this word from place names in Maine. ==> Fish and Wildlife. The Commission has adopted fishing rules for the Passamaquoddy and Penobscot waters under its jurisdiction. The Commission serves as a forum to resolve questions and conflicts that arise between the State and the Tribes regarding inland fish and wildlife issues, most recently with the Atlantic Salmon Cooperative Agreement. ==> Natural Resources and Environment. Over the years, the Commission has facilitated and participated in many discussions between tribal and state representatives about issues relating to land use, surface water use, and environmental activities and regulations. ==> Child Welfare and Tribal Courts. The Commission has worked with representatives of the State and the Tribes to address concerns about child welfare services for Wabanaki children and tribal court jurisdiction. ==> Task Force. In 1996, the Commission appointed and staffed the legislatively created Task Force on Tribal-State Relations. The Commission wrote *At Loggerheads-the State of Maine and the Wabanaki*, the January 1997 report of the Task Force. ==> Educational Efforts. The Commission has produced a video entitled *Wabanaki: A New Dawn* about the quest for cultural survival by the native peoples of Maine. The Commission provides ongoing education as it responds to almost daily inquiries about the Tribes in Maine.

Pine Tree Legal Assistance

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Department Summary - All Funds				
All Other	304,448	304,448	304,448	304,448
Total	304,448	304,448	304,448	304,448
Department Summary - GENERAL FUND				
All Other	304,448	304,448	304,448	304,448
Total	304,448	304,448	304,448	304,448

Pine Tree Legal Assistance

LEGAL ASSISTANCE 0553

What the Budget purchases:

Provides legal services for low-income residents of the State of Maine.

Program Summary - GENERAL FUND

All Other

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
	304,448	304,448	304,448	304,448
Total	304,448	304,448	304,448	304,448

Initiative: NONE

Revised Program Summary - GENERAL FUND

All Other

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
	304,448	304,448	304,448	304,448
Total	304,448	304,448	304,448	304,448

PINE TREE LEGAL ASSISTANCE

0553 Legal Assistance

Initiative:

BASELINE BUDGET

General Fund

2007-08
\$304,448

2008-09
\$304,448

Justification:

The budget includes flat funding for Pine Tree Legal Assistance at \$304,448 for each year of the biennium to support legal services to low-income Maine residents with serious civil legal problems. Services are provided from local offices around the State (Portland, Lewiston, Augusta, Bangor, Machias and Presque Isle), a special homeless advocacy project in York County, and four special statewide projects (the Native American and Migrant Farmworker Units, KIDS LEGAL, and the Maine Volunteer Lawyers Project, which leverages over \$1.5 million in donated services each year.) Celebrating its 40th anniversary this year, Pine Tree has provided free, high quality legal services to thousands of Maine residents since its doors first opened. Pine Tree services are limited to poor Mainers, generally those individuals whose household incomes are at or below 125% of the federal poverty guidelines. Because its resources have never been sufficient to meet the volume of demand, the Pine Tree Board of Directors prioritizes its services according to several important goals, described in detail at <http://www.ptla.org>: -Maintaining, enhancing and protecting income and economic security; -Preservation of housing and related needs; -Promoting the safety, stability and well-being of low-income Mainers; -Improving outcomes for children; -Meeting the legal needs of populations with special vulnerabilities; -Improving the delivery of legal services and access to justice for low-income Mainers statewide. 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. As Pine Tree has become more dependent on discretionary grants and special projects, State funding is essential in insuring services to low-income Mainers in greatest need of legal assistance. Its original funding source, the Legal Services Corporation, has remained flat or actually decreased in support since 2004. In calendar year 2007, Pine Tree projects a \$163,000 reduction in LSC funding adjusted for inflation based on a continuing resolution; the actual funding level will not be resolved until mid-February at the earliest. 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. 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. Only 13% of total funding is used for administration and fundraising purposes. As a result, Pine Tree's small staff expects to complete work on more than 10,000 requests for legal help in 2006, affecting an estimated 25,000 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." In addition to handling cases for Maine's general client population, Pine Tree has developed special systems to provide targeted help to some of the State's most vulnerable populations: a special unit helping migrant farmworkers who work in Maine each year, a unit serving low-income members of our four tribes, and a new project serving low-income children, Kids Legal Aid of Maine. To support access to services by people with limited English proficiency, Pine Tree used volunteers to develop a multilingual voicemail system and to translate its most popular legal education materials. Thanks to a fundraising partnership between the ME Center on Deafness and granges around the State, all of our offices are also equipped with TTY phones. A new partnership with the Maine State Housing Authority involves a courthouse-based project in 8 District Court locations around the State, using Pine Tree staff as "lawyers of the day" to fight homelessness, an effort also supported by United Way funds in Bangor. State money has also helped Pine Tree leverage over \$1 million/year in federal grants and other funding. Pine Tree operates the only Maine program funded by the National Taxpayer Advocate providing free legal assistance to low-income taxpayers with IRS problems, a program that requires a dollar for dollar match. HUD is funding Pine Tree to provide housing counseling assistance, including efforts to assist victims of predatory lending, a project which requires a one-third match. An innovative partnership with pediatricians at The Barbara Bush Children's Hospital uses legal interventions to tackle problems that contribute to health concerns among low-income child patients, but this project requires a 2:1 match in funds. 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 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.

Human Rights Commission, Maine

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Department Summary - All Funds				
Positions - LEGISLATIVE COUNT	11,000	12,000	13,000	13,000
Personal Services	747,517	821,582	863,971	889,133
All Other	184,266	212,298	194,169	195,275
Total	931,783	1,033,880	1,058,140	1,084,408
Department Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	7,000	8,000	8,000	8,000
Personal Services	449,927	511,990	548,169	564,924
All Other	46,525	57,754	57,754	57,754
Total	496,452	569,744	605,923	622,678
Department Summary - FEDERAL EXPENDITURES FUND				
Positions - LEGISLATIVE COUNT	4,000	4,000	5,000	5,000
Personal Services	297,590	309,592	315,802	324,209
All Other	113,545	148,392	130,717	131,823
Total	411,135	457,984	446,519	456,032
Department Summary - OTHER SPECIAL REVENUE FUNDS				
All Other	24,196	6,152	5,698	5,698
Total	24,196	6,152	5,698	5,698

HUMAN RIGHTS COMMISSION - REGULATION 0150

What the Budget purchases:

Provides a process of reviewing/investigating charges of unlawful discrimination; resolves complaints by informal methods of persuasion, conciliation, and negotiations prior to a determination of whether or not reasonable grounds exist to believe unlawful discrimination occurred; pursues court remedy when alternative solutions fail; provides speakers, develops and distributes educational materials for the purpose of educating Maine's citizens about provision and remedies under the Maine Human Rights Act.

	<u>Actual</u>	<u>Current</u>	<u>Budgeted</u>	<u>Budgeted</u>
	<u>2005-06</u>	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u>
Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	7,000	8,000	8,000	8,000
Personal Services	449,927	511,990	548,169	564,924
All Other	46,525	57,754	57,754	57,754
Total	496,452	569,744	605,923	622,678

Program Summary - FEDERAL EXPENDITURES FUND

Positions - LEGISLATIVE COUNT	4,000	4,000	4,000	4,000
Personal Services	297,590	309,592	245,869	252,964
All Other	113,545	148,392	148,392	148,392
Total	411,135	457,984	394,261	401,356

Program Summary - OTHER SPECIAL REVENUE FUNDS

All Other	24,196	6,152	6,152	6,152
Total	24,196	6,152	6,152	8,152

Initiative: Continues one Field Investigator position authorized in Public Law 2005, chapter 386 for the purpose of investigating housing discrimination.

FEDERAL EXPENDITURES FUND

Positions - LEGISLATIVE COUNT	1,000	1,000
Personal Services	69,933	71,245
Total	69,933	71,245

Initiative: Reduces funding of general operating expenses due to decreased revenues in Other Special Revenue Funds in order to maintain services within available resources.

OTHER SPECIAL REVENUE FUNDS

All Other	(300)	(300)
Total	(300)	(300)

Initiative: Reduces funding due to estimated reduction in STA-CAP rates.

FEDERAL EXPENDITURES FUND

All Other	(17,675)	(16,569)
Total	(17,675)	(16,569)

OTHER SPECIAL REVENUE FUNDS

All Other	(154)	(154)
Total	(154)	(154)

Human Rights Commission, Maine

	<u>Actual</u>	<u>Current</u>	<u>Budgeted</u>	<u>Budgeted</u>
	2005-06	2006-07	2007-08	2008-09
Revised Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	7,000	8,000	8,000	8,000
Personal Services	449,927	511,990	548,169	564,924
All Other	46,525	57,754	57,754	57,754
Total	496,452	569,744	605,923	622,678
Revised Program Summary - FEDERAL EXPENDITURES FUND				
Positions - LEGISLATIVE COUNT	4,000	4,000	5,000	5,000
Personal Services	297,590	309,592	315,802	324,209
All Other	113,545	148,392	130,717	131,823
Total	411,135	457,984	446,519	456,032
Revised Program Summary - OTHER SPECIAL REVENUE FUNDS				
All Other	24,196	6,152	5,698	5,698
Total	24,196	6,152	5,698	5,698

MAINE HUMAN RIGHTS COMMISSION

0150 Human Rights Commission - Regulation

Initiative:**BASELINE BUDGET**

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$605,923	\$622,678
Federal Expenditures Fund	\$394,261	\$401,356
Other Special Revenue Funds	\$6,152	\$6,152

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.

Initiative:

Continues one Field Investigator position authorized in Public Law 2005, chapter 386 for the purpose of investigating housing discrimination.

	<u>2007-08</u>	<u>2008-09</u>
Federal Expenditures Fund	\$69,933	\$71,245

Justification:

The United States Department of Housing and Urban Development has provided sufficient funds to continue one Field Investigator.

Initiative:

Transfers one Office Assistant II position within the same federal program.

	<u>2007-08</u>	<u>2008-09</u>
Federal Expenditures Fund	\$-	\$-

Justification:

Reassigns one Office Assistant II position within the same federal program from Human Rights Commission account to the Human Rights Commission Part II account.

Initiative:

Transfers one Field Investigator position from 25% Federal Expenditures Fund (Equal Employment Opportunity Commission) to be funded 25% Federal Expenditures Fund (United States Department of Housing and Urban Development) and 75% General Fund.

	<u>2007-08</u>	<u>2008-09</u>
Federal Expenditures Fund	\$-	\$-

Justification:

Reassigns 25% of Field Investigator position within the same federal program from Human Rights Commission account to the Human Rights Commission Part II account, and 75% General Fund. This action reflects reassignment of duties from employment discrimination cases to housing discrimination cases.

Initiative:

Reduces funding of general operating expenses due to decreased revenues in Other Special Revenue Funds in order to maintain services within available resources.

	<u>2007-08</u>	<u>2008-09</u>
Other Special Revenue Funds	\$(300)	\$(300)

Justification:

Reflects reduction in the sales of publications due to the availability of this information on the Human Rights Commission's web site.

Initiative:

Reduces funding due to estimated reduction in STA-CAP rates.

	<u>2007-08</u>	<u>2008-09</u>
Federal Expenditures Fund	\$(17,675)	\$(16,569)
Other Special Revenue Funds	\$(154)	\$(154)

Justification:

The projected STA-CAP rate is 12.250%.

Judicial Department

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Department Summary - All Funds				
Positions - LEGISLATIVE COUNT	482,500	504,500	503,500	503,500
Personal Services	32,229,996	34,322,146	35,930,978	37,358,978
All Other	28,983,006	29,816,849	31,518,911	34,039,036
Capital Expenditures	200,000	200,000		
Total	61,413,002	64,338,995	67,449,889	71,398,014
Department Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	473,000	499,000	499,000	499,000
Personal Services	29,498,642	31,695,495	33,994,149	35,329,980
All Other	25,116,935	25,857,168	27,321,043	29,841,168
Capital Expenditures	200,000	200,000		
Total	54,815,577	57,752,663	61,315,192	65,171,148
Department Summary - FEDERAL EXPENDITURES FUND				
Positions - LEGISLATIVE COUNT	5,500	1,500	1,500	1,500
Personal Services	2,364,423	2,249,408	1,670,820	1,753,113
All Other	1,065,322	1,090,199	1,090,199	1,090,199
Total	3,429,745	3,339,607	2,761,019	2,843,312
Department Summary - OTHER SPECIAL REVENUE FUNDS				
Positions - LEGISLATIVE COUNT	3,000	3,000	2,000	2,000
Personal Services	271,345	276,394	171,201	175,860
All Other	2,798,089	2,866,756	3,104,943	3,104,943
Total	3,069,434	3,143,150	3,276,144	3,280,803
Department Summary - FUND FOR HEALTHY MAINE				
Positions - LEGISLATIVE COUNT	1,000	1,000	1,000	1,000
Personal Services	95,586	100,849	94,808	100,025
All Other	2,660	2,726	2,726	2,726
Total	98,246	103,575	97,534	102,751

COURTS - SUPREME, SUPERIOR, DISTRICT AND ADMINISTRATIVE 0063

What the Budget purchases:

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 fringe benefits for judges and non-judicial employees, operational expenses for 46 court locations throughout the state and expenses for other activities such as the indigent defense program, the Court Appointed Special Advocates program, prosecution expenses in the District Court and juror costs in the Superior Courts.

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	473,000	499,000	499,000	499,000
Personal Services	29,498,642	31,695,495	33,922,031	35,257,862
All Other	25,116,935	25,857,168	25,857,168	25,857,168
Capital Expenditures	200,000	200,000		
Total	54,815,577	57,752,663	59,779,199	61,115,030
Program Summary - FEDERAL EXPENDITURES FUND				
Positions - LEGISLATIVE COUNT	5,500	1,500	1,500	1,500
Personal Services	2,364,423	2,249,408	1,670,820	1,753,113
All Other	1,065,322	1,090,199	1,090,199	1,090,199
Total	3,429,745	3,339,607	2,761,019	2,843,312
Program Summary - OTHER SPECIAL REVENUE FUNDS				
Positions - LEGISLATIVE COUNT	3,000	3,000	3,000	3,000
Personal Services	271,345	276,394	219,772	227,376
All Other	2,798,089	2,866,756	2,866,756	2,866,756
Total	3,069,434	3,143,150	3,086,528	3,094,132

Initiative: Provides funding for electronic data lines to provide for video court hearings.

GENERAL FUND

All Other		2007-08	2008-09
		76,500	76,500
Total		76,500	76,500

Initiative: Provides funding to reflect additional revenue collected from the sale of publications in accordance with Maine Revised Statutes, Title 4, section 17-A, paragraph 2.

OTHER SPECIAL REVENUE FUNDS

All Other		2007-08	2008-09
		238,514	238,514
Total		238,514	238,514

Initiative: Eliminates one Assistant Clerk position due to the change in distribution of funding from tobacco license revenue.

OTHER SPECIAL REVENUE FUNDS

Positions - LEGISLATIVE COUNT		2007-08	2008-09
		-1,000	-1,000
Personal Services		(48,571)	(51,516)
All Other		(327)	(327)
Total		(48,898)	(51,843)

Judicial Department

	2007-08	2008-09
Initiative: Provides funding for per diem costs required for an increased use of active retired judges to process cases in the courts.		
GENERAL FUND		
Personal Services	72,118	72,118
Total	72,118	72,118

	2007-08	2008-09
Initiative: Provides funding for the increase in debt service costs resulting from issuing bonds to construct the new Bangor courthouse.		
GENERAL FUND		
All Other	1,283,750	3,806,625
Total	1,283,750	3,806,625

	2007-08	2008-09
Initiative: Provides funding for the increase in debt service costs resulting from issuing bonds to upgrade court facilities to comply with the federal American with Disabilities Act.		
GENERAL FUND		
All Other	103,625	100,875
Total	103,625	100,875

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Revised Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	473,000	499,000	499,000	499,000
Personal Services	29,498,642	31,695,495	33,994,149	35,329,980
All Other	25,116,935	25,857,168	27,321,043	29,841,168
Capital Expenditures	200,000	200,000		
Total	54,815,577	57,752,663	61,315,192	65,171,148

Revised Program Summary - FEDERAL EXPENDITURES FUND				
Positions - LEGISLATIVE COUNT	5,500	1,500	1,500	1,500
Personal Services	2,364,423	2,249,408	1,670,820	1,753,113
All Other	1,065,322	1,090,199	1,090,199	1,090,199
Total	3,429,745	3,339,607	2,761,019	2,843,312

Revised Program Summary - OTHER SPECIAL REVENUE FUNDS				
Positions - LEGISLATIVE COUNT	3,000	3,000	2,000	2,000
Personal Services	271,345	276,394	171,201	175,860
All Other	2,798,089	2,866,756	3,104,943	3,104,943
Total	3,069,434	3,143,150	3,276,144	3,280,603

JUDICIAL DEPARTMENT

0063 Courts - Supreme, Superior, District and Administrative

Initiative:**BASELINE BUDGET**

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$59,779,199	\$61,115,030
Federal Expenditures Fund	\$2,761,019	\$2,843,312
Other Special Revenue Funds	\$3,086,528	\$3,094,132

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 almost 50 court locations throughout the state and other expenses for such activities as: indigent legal services, the State Library system, the CASA program, prosecution expenses in the District Court, juror costs, administration costs, travel and pensions for judges and widows retired prior to 1984.

Initiative:

Provides funding for electronic data lines to provide for video court hearings.

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$76,500	\$76,500

Justification:

This represents the cost of the data lines to provide for video arraignments, video mental health hearings and administrative hubs.

Initiative:

Provides funding to reflect additional revenue collected from the sale of publications in accordance with the Maine Revised Statutes, Title 4, section 17-A, subsection 2.

	<u>2007-08</u>	<u>2008-09</u>
Other Special Revenue Funds	\$238,514	\$238,514

Justification:

This initiative brings the expenditure level in line with the biennial revenue projections. Fees collected by this program must be used to replace and update existing publications or fund new publications.

Initiative:

Eliminates one Assistant Clerk position due to the change in distribution of funding from tobacco license revenue.

	<u>2007-08</u>	<u>2008-09</u>
Other Special Revenue Funds	\$(48,898)	\$(51,843)

Justification:

The Assistant Clerk position established in Public Law 1995, chapter 470 was funded by the sale of tobacco licenses. Public Law 2003, chapter 673, part CC, section 4 revised tobacco license fee revenue to be deposited into the General Fund thus eliminating the funding for this position.

Initiative:

Provides funding for per diem costs required for an increased use of active retired judges to process cases in the courts.

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$72,118	\$72,118

Justification:

The pool of retired judges that the Judicial Branch can utilize to process cases in the courts will be expanding in fiscal years 2007-08 and 2008-09. As a result, additional appropriations to pay the per diem costs of the active retired judges will be required.

Initiative:

Provides funding for the increase in debt service costs resulting from issuing bonds to construct the new Bangor courthouse.

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$1,283,750	\$3,806,625

Justification:

The approved bond issuance of \$37.0 million for the Bangor courthouse as authorized by PL 2005, chapter 460, section 2 will occur in the spring of 2007.

Initiative:

Provides funding for the increase in debt service costs resulting from issuing bonds to upgrade court facilities to comply with the federal Americans with Disabilities Act.

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$103,625	\$100,875

Justification:

This bond issuance is authorized by Public Law 2005, chapter 463, section 2.

Judicial Department

FHM - JUDICIAL DEPARTMENT 0963

What the Budget purchases:

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.

	<u>Actual</u>	<u>Current</u>	<u>Budgeted</u>	<u>Budgeted</u>
	2005-06	2006-07	2007-08	2008-09
Program Summary - FUND FOR HEALTHY MAINE				
Positions - LEGISLATIVE COUNT	1,000	1,000	1,000	1,000
Personal Services	95,586	100,849	94,808	100,025
All Other	2,660	2,726	2,726	2,726
Total	98,246	103,575	97,534	102,751

Initiative: NONE

	<u>Actual</u>	<u>Current</u>	<u>Budgeted</u>	<u>Budgeted</u>
	2005-06	2006-07	2007-08	2008-09
Revised Program Summary - FUND FOR HEALTHY MAINE				
Positions - LEGISLATIVE COUNT	1,000	1,000	1,000	1,000
Personal Services	95,586	100,849	94,808	100,025
All Other	2,660	2,726	2,726	2,726
Total	98,246	103,575	97,534	102,751

JUDICIAL DEPARTMENT

0963 FHM - Judicial Department

Initiative:

BASELINE BUDGET

Fund for a Healthy Maine

2007-08

\$97,534

2008-09

\$102,751

Justification:

This program includes funds allocated from the Fund for a Healthy Maine to cover payroll and related all other costs for the Adult Drug Court Coordinator position.

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Department Summary - All Funds				
Positions - LEGISLATIVE COUNT	277,000	277,000	277,500	277,500
Personal Services	24,669,301	25,563,847	26,269,567	27,565,075
All Other	3,875,936	4,037,284	4,110,633	4,113,467
Capital Expenditures	10,000	20,000		
Total	28,555,237	29,621,131	30,380,200	31,678,542
Department Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	155,000	155,000	145,500	145,500
Personal Services	13,486,749	13,532,734	13,803,568	14,424,129
All Other	1,204,704	1,238,003	1,160,952	1,160,952
Capital Expenditures	10,000			
Total	14,701,453	14,770,737	14,954,530	15,585,091
Department Summary - FEDERAL EXPENDITURES FUND				
Positions - LEGISLATIVE COUNT	38,500	38,500	17,000	17,000
Personal Services	3,120,787	3,324,948	1,494,018	1,561,367
All Other	1,227,211	1,287,837	825,528	825,528
Capital Expenditures		20,000		
Total	4,347,998	4,632,785	2,319,546	2,386,895
Department Summary - OTHER SPECIAL REVENUE FUNDS				
Positions - LEGISLATIVE COUNT	74,500	74,500	113,500	113,500
Personal Services	7,222,980	7,812,871	10,812,365	11,410,464
All Other	1,365,181	1,424,917	2,094,714	2,097,408
Total	8,588,161	9,237,788	12,907,079	13,507,872
Department Summary - FUND FOR HEALTHY MAINE				
Positions - LEGISLATIVE COUNT			1,500	1,500
Personal Services	62,382	66,054	159,616	169,115
All Other	6,169	6,553	29,429	29,569
Total	68,551	72,607	189,045	198,684
Department Summary - FEDERAL BLOCK GRANT FUND				
Positions - LEGISLATIVE COUNT	9,000	9,000		
Personal Services	776,403	827,240		
All Other	72,671	79,974		
Total	849,074	907,214	0	0

ADMINISTRATION - ATTORNEY GENERAL 0310

What the Budget purchases:

The Office of the Attorney General provides legal services to defend and represent the State and its agencies, and provides investigative and legal services to enforce the laws and prosecute crime. The office maintains a centralized staff of attorneys, paralegals and investigators. The attorneys are focused in the following areas: consumer protection, criminal prosecution, general government, litigation, licensing and regulatory boards, and natural resources.

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	54,500	54,500	54,500	54,500
Personal Services	4,288,912	4,328,504	4,778,863	5,028,138
All Other	577,861	581,936	581,936	581,936
Total	4,866,773	4,910,440	5,360,799	5,610,074

Program Summary - FEDERAL EXPENDITURES FUND

Positions - LEGISLATIVE COUNT	16,000	16,000	16,000	16,000
Personal Services	1,392,758	1,481,673	1,431,589	1,495,727
All Other	574,766	591,735	591,735	591,735
Total	1,967,524	2,073,408	2,023,324	2,087,462

Program Summary - OTHER SPECIAL REVENUE FUNDS

Positions - LEGISLATIVE COUNT	58,500	58,500	58,500	58,500
Personal Services	6,189,438	6,617,654	6,210,791	6,566,172
All Other	769,567	806,739	806,739	806,739
Total	6,959,005	7,424,393	7,017,530	7,372,911

2007-08 2008-09

Initiative: Transfers 7 Assistant Attorney General positions, 3 part-time Assistant Attorney General positions, 3 Research Assistant positions and 30% funding of one Assistant Attorney General position and associated All Other from the Administration - Attorney General program to the Human Services Division program.

OTHER SPECIAL REVENUE FUNDS

Positions - LEGISLATIVE COUNT	-11,500	-11,500
Personal Services	(1,171,187)	(1,242,369)
All Other	(126,242)	(128,899)
Total	(1,297,429)	(1,371,268)

2007-08 2008-09

Initiative: Transfers one Assistant Attorney General position and remaining 30% of allocation from the Administration - Attorney General program, General Fund to the Fund for a Healthy Maine - Attorney General program, Other Special Revenue Funds, and establishes one part-time Assistant Attorney General position in the Fund for a Healthy Maine - Attorney General program and provides funding for All Other to enforce the Tobacco Manufacturer's Act and the Tobacco Distributor's Act.

GENERAL FUND

Positions - LEGISLATIVE COUNT	-1,000	-1,000
Personal Services	(31,732)	(33,624)
Total	(31,732)	(33,624)

2007-08 2008-09

Initiative: Reduces funding in Personal Services by eliminating merit pay increases for certain unclassified positions.

GENERAL FUND

Personal Services

(49,594) (113,300)

Total (49,594) (113,300)

OTHER SPECIAL REVENUE FUNDS

Personal Services

(1,599) (8,813)

Total (1,599) (8,813)

Actual

Current

Budgeted

Budgeted

2005-06

2006-07

2007-08

2008-09

Revised Program Summary - GENERAL FUND

Positions - LEGISLATIVE COUNT

54,500

54,500

53,500

53,500

Personal Services

4,288,912

4,328,504

4,697,537

4,881,214

All Other

577,861

581,936

581,936

581,936

Total

4,866,773

4,910,440

5,279,473

5,463,150

Revised Program Summary - FEDERAL EXPENDITURES FUND

Positions - LEGISLATIVE COUNT

18,000

16,000

16,000

16,000

Personal Services

1,392,758

1,481,673

1,431,589

1,495,727

All Other

574,766

591,735

591,735

591,735

Total

1,967,524

2,073,408

2,023,324

2,087,462

Revised Program Summary - OTHER SPECIAL REVENUE FUNDS

Positions - LEGISLATIVE COUNT

58,500

58,500

47,000

47,000

Personal Services

6,189,438

6,617,654

5,038,005

5,314,990

All Other

769,567

806,739

680,497

677,840

Total

6,959,005

7,424,393

5,718,502

5,992,830

DEPARTMENT OF THE ATTORNEY GENERAL

0310 Administration - Attorney General

Initiative:

BASELINE BUDGET

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$5,360,799	\$5,610,074
Federal Expenditures Fund	\$2,023,324	\$2,087,462
Other Special Revenue Funds	\$7,017,530	\$7,372,911

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 Health Care Crimes Unit includes a team of four detectives, an auditor and two AAGs. 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.

Initiative:

Transfers 7 Assistant Attorney General positions, 3 part-time Assistant Attorney General positions, 3 Research Assistant positions and 30% funding of one Assistant Attorney General position and associated All Other from the Administration - Attorney General program to the Human Services Division program.

Other Special Revenue Funds

2007-08
\$(1,297,429)

2008-09
\$(1,371,268)

Justification:

Consolidates all positions working for the Department of Health and Human Services into a single Other Special Revenue Funds program to restructure the billing process.

Initiative:

Transfers one Assistant Attorney General position and remaining 30% of allocation from the Administration - Attorney General program, General Fund to the Fund for a Healthy Maine - Attorney General program, Other Special Revenue Funds, and establishes one part-time Assistant Attorney General position in the Fund for a Healthy Maine - Attorney General program and provides funding for All Other to enforce the laws regarding Tobacco Manufacturers and Distributors, Maine Revised Statutes, Title 22, Chapter 263, Subchapters 3 and 4.

General Fund

2007-08
\$(31,732)

2008-09
\$(33,624)

Justification:

In 1997, Maine brought suit against several tobacco companies seeking reimbursement for Medicaid expenses caused by cigarette smoking. In 1998, Maine settled its case against several tobacco companies and memorialized the settlement in a document called the Master Settlement Agreement. ("MSA") Under the terms of the agreement the companies that participated in the settlement ("Participating Manufacturers") agreed to make an annual payment to Maine of approximately \$50 million. In 2008, this figure will increase by several million dollars. However, the tobacco companies claim they are entitled to the so-called Non-Participating Manufacturers ("NPM") downward adjustment in the amount they have to pay each year. In 2006, the tobacco companies paid only \$44.5 million. This money may not be withheld if Maine proves that it diligently enforced laws requiring tobacco companies that did not participate in the settlement to pay into escrow accounts. Maine has brought suit against the tobacco companies seeking full annual payment, and Assistant Attorney General Peter LaFond is representing Maine. Generally, AAG LaFond spends almost all his time diligently enforcing Maine's laws, so that the tobacco companies may not withhold some or all of their annual payment. However, given the demands of the ongoing litigation, and the need to continue our substantial diligent enforcement efforts at the high level achieved before the litigation, the assistance of a half time position would be advisable.

Initiative:

Reduces funding in Personal Services by eliminating merit pay increases for certain unclassified positions.

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$(49,594)	\$(113,300)
Other Special Revenue Funds	\$(1,599)	\$(8,813)

Justification:

Eliminating merit pay increases for 16 unclassified positions in order to maintain program costs within available resources.

CHIEF MEDICAL EXAMINER - OFFICE OF 0412

What the Budget purchases:

The Office of the Chief Medical Examiner (OCME) provides comprehensive modern death investigation for the citizens of Maine. The office investigates all sudden, unexpected, and violent deaths occurring in the State.

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	8,000	8,000	8,000	8,000
Personal Services	784,403	791,111	852,332	872,111
All Other	371,832	401,051	401,051	401,051
Capital Expenditures	10,000			
Total	1,166,235	1,192,162	1,253,383	1,273,162

Program Summary - OTHER SPECIAL REVENUE FUNDS

All Other	14,627	14,993	14,993	14,993
Total	14,627	14,993	14,993	14,993

Initiative: Reduces funding in Personal Services by eliminating merit pay increases for certain unclassified positions.

GENERAL FUND

Personal Services

	(5,290)	(10,931)
Total	(5,290)	(10,931)

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Revised Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	8,000	8,000	8,000	8,000
Personal Services	784,403	791,111	847,042	861,180
All Other	371,832	401,051	401,051	401,051
Capital Expenditures	10,000			
Total	1,166,235	1,192,162	1,248,093	1,262,231

Revised Program Summary - OTHER SPECIAL REVENUE FUNDS

All Other	14,627	14,993	14,993	14,993
Total	14,627	14,993	14,993	14,993

DEPARTMENT OF THE ATTORNEY GENERAL

0412 Chief Medical Examiner - Office of

Initiative:

BASELINE BUDGET

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$1,253,383	\$1,273,162
Other Special Revenue Funds	\$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. Discretionary spending relates only to two areas-toxicology and body transport. The office cannot continue to provide efficient and effective emergency 24-hour, seven-day-a-week operation at the Baseline Budget levels. The Office will continue to perform the autopsy function in-house while contracting out for toxicology services. The Office has struggled for some time to try to maintain reasonable response times while staying within the budget demands. However, because of the workload, we are below the level which is considered acceptable in the field for timely supply of reports. We are also well below the national guidelines on number of cases accepted per total deaths and numbers of autopsies performed. Without additional funding, the Office will need to scale back the level and types of service provided.

Initiative:

Reduces funding in Personal Services by eliminating merit pay increases for certain unclassified positions.

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$(5,290)	\$(10,931)

Justification:

Eliminating merit pay increases for 16 unclassified positions in order to maintain program costs within available resources.

CIVIL RIGHTS 0039

What the Budget purchases:

The Civil Rights Team Project promotes civil rights education to high school, middle school and elementary school students to increase the safety of students and to reduce the incidence of bias-motivated harassment and violence in schools.

	<u>Actual</u>	<u>Current</u>	<u>Budgeted</u>	<u>Budgeted</u>
	2005-06	2006-07	2007-08	2008-09
Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	1,000	1,000	1,000	1,000
Personal Services	62,503	63,461	71,447	75,667
All Other	177,408	177,975	177,975	177,975
Total	239,911	241,436	249,422	253,642

			2007-08	2008-09
Initiative: NONE				

	<u>Actual</u>	<u>Current</u>	<u>Budgeted</u>	<u>Budgeted</u>
	2005-06	2006-07	2007-08	2008-09
Revised Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	1,000	1,000	1,000	1,000
Personal Services	62,503	63,461	71,447	75,667
All Other	177,408	177,975	177,975	177,975
Total	239,911	241,436	249,422	253,642

DEPARTMENT OF THE ATTORNEY GENERAL

0039 Civil Rights

Initiative:

BASELINE BUDGET

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$249,422	\$253,642

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 200 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.

DISTRICT ATTORNEYS SALARIES 0409**What the Budget purchases:**

The Offices of the District Attorneys, divided into 8 districts, provide prosecutorial legal services in criminal proceedings, civil violations and traffic infractions, assistance to crime victims and legal representatives to counties. Only District Attorney and Assistant District Attorney positions are funded through this account.

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	76,000	76,000	76,000	76,000
Personal Services	7,275,977	7,259,723	8,061,470	8,490,974
Total	7,275,977	7,259,723	8,061,470	8,490,974
Program Summary - FEDERAL EXPENDITURES FUND				
Positions - LEGISLATIVE COUNT	1,000	1,000	1,000	1,000
Personal Services	156,389	167,146	62,429	65,640
All Other	7,713	8,244	8,244	8,244
Total	164,102	175,390	70,673	73,884
Program Summary - OTHER SPECIAL REVENUE FUNDS				
Positions - LEGISLATIVE COUNT	7,000	7,000	7,000	7,000
Personal Services	363,549	479,908	262,966	277,496
All Other	29,037	30,708	30,708	30,708
Total	392,586	510,616	293,674	308,204

Initiative: Transfers positions and 30% allocation of the 7 Assistant District Attorney positions specializing in prosecutorial services related to juvenile offenders from Other Special Revenue Funds to the General Fund within the same program.

GENERAL FUND

Positions - LEGISLATIVE COUNT	7,000	7,000
Personal Services	144,083	152,049
Total	144,083	152,049

OTHER SPECIAL REVENUE FUNDS

Positions - LEGISLATIVE COUNT	-7,000	-7,000
Personal Services	(144,083)	(152,049)
Total	(144,083)	(152,049)

Initiative: Reduces funding in Personal Services by eliminating merit pay increases for certain unclassified positions.

GENERAL FUND

Personal Services	(18,011)	(36,955)
Total	(18,011)	(36,955)

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Revised Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	76,000	76,000	83,000	83,000
Personal Services	7,275,977	7,259,723	8,187,542	8,606,068
Total	7,275,977	7,259,723	8,187,542	8,606,068

Revised Program Summary - FEDERAL EXPENDITURES FUND

	<u>Actual</u>	<u>Current</u>	<u>Budgeted</u>	<u>Budgeted</u>
	2005-06	2006-07	2007-08	2008-09
Positions - LEGISLATIVE COUNT	1,000	1,000	1,000	1,000
Personal Services	156,389	167,146	62,429	65,640
All Other	7,713	8,244	8,244	8,244
Total	164,102	175,390	70,673	73,884

Revised Program Summary - OTHER SPECIAL REVENUE FUNDS

Positions - LEGISLATIVE COUNT	7,000	7,000		
Personal Services	363,549	479,908	118,883	125,447
All Other	29,037	30,708	30,708	30,708
Total	392,586	510,616	149,591	156,155

DEPARTMENT OF THE ATTORNEY GENERAL

0409 District Attorneys Salaries

Initiative:

BASELINE BUDGET

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$8,061,470	\$8,490,974
Federal Expenditures Fund	\$70,673	\$73,884
Other Special Revenue Funds	\$293,674	\$308,204

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. The Baseline Budget recommendation will allow the District Attorneys to continue doing their job at current levels, i.e. prosecute OUI offenders, child abusers, thieves, batterers of women, habitual offenders, etc. It does not, however, fully address the funding issues of the seven Assistant District Attorney positions specializing in the prosecutorial services related to juvenile offenders. With that exception the Baseline Budget request keeps staffing patterns of District Attorneys at a level which allows local prosecutors to deliver services to the people of Maine.

Initiative:

Transfers positions and 30% allocation of the 7 Assistant District Attorney positions specializing in prosecutorial services related to juvenile offenders from Other Special Revenue Funds to the General Fund within the same program.

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$144,083	\$152,049
Other Special Revenue Funds	\$(144,083)	\$(152,049)

Justification:

The Office of the Attorney General requests an additional 30% General Fund funding for 7 Assistant District Attorney positions. Currently these positions are allocated 45% General Fund and 55% Other Special Revenue Funds. The purpose of this program is to continue to provide specialized prosecutorial services related to juvenile offenders. Having special juvenile prosecutors reduces the time required to process juvenile cases and enhances appropriate treatment of juveniles. The specialized prosecutors also educate law enforcement officers and other juvenile justice professionals on juvenile procedures and policies. Specialized juvenile prosecutors are assigned as follows: 2 in District 1, York County; 2 in District 2, Cumberland County; 1 in District 3, Oxford, Franklin, Androscoggin Counties; 1 in District 4, Kennebec, Somerset Counties; and 1 in District 6, Sagadahoc, Knox, Lincoln, Waldo Counties. These positions are currently partially funded by the Juvenile Accountability Block Grant (JABG) and a Federal earmark through a memorandum of agreement with the Department of Corrections. The current Presidential budget does not support continued funding for JABG.

Initiative:

Reduces funding in Personal Services by eliminating merit pay increases for certain unclassified positions.

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$(18,011)	\$(36,955)

Justification:

Eliminating merit pay increases for 16 unclassified positions in order to maintain program costs within available resources.

FHM - ATTORNEY GENERAL 0947**What the Budget purchases:**

This program provides funding to enforce the Tobacco Manufacturer's Act and the Tobacco Distributor's Act.

	<u>Actual</u>	<u>Current</u>	<u>Budgeted</u>	<u>Budgeted</u>
	2005-06	2006-07	2007-08	2008-09
Program Summary - FUND FOR HEALTHY MAINE				
Personal Services	62,382	66,054	74,037	78,459
All Other	6,169	6,553	6,699	6,707
Total	68,551	72,607	80,736	85,166

Initiative: Transfers one Assistant Attorney General position and remaining 30% of allocation from the Administration - Attorney General program, General Fund to the Fund for a Healthy Maine - Attorney General program, Other Special Revenue Funds, and establishes one part-time Assistant Attorney General position in the Fund for a Healthy Maine - Attorney General program and provides funding for All Other to enforce the Tobacco Manufacturer's Act and the Tobacco Distributor's Act.

FUND FOR HEALTHY MAINE**Positions - LEGISLATIVE COUNT**

Personal Services

All Other

	2007-08	2008-09
Positions - LEGISLATIVE COUNT	1,500	1,500
Personal Services	85,579	90,656
All Other	22,730	22,862
Total	108,309	113,518

	<u>Actual</u>	<u>Current</u>	<u>Budgeted</u>	<u>Budgeted</u>
	2005-06	2006-07	2007-08	2008-09

Revised Program Summary - FUND FOR HEALTHY MAINE**Positions - LEGISLATIVE COUNT**

Personal Services

All Other

	2007-08	2008-09
Positions - LEGISLATIVE COUNT	1,500	1,500
Personal Services	159,616	169,115
All Other	29,429	29,569
Total	189,045	198,684

DEPARTMENT OF THE ATTORNEY GENERAL

0947 FHM - Attorney General

Initiative:

BASELINE BUDGET

	<u>2007-08</u>	<u>2008-09</u>
Fund for a Healthy Maine	\$80,736	\$85,166

Justification:

This program provides funding to enforce the Tobacco Manufacturer's Act and the Tobacco Distributor's Act.

Initiative:

Transfers one Assistant Attorney General position and remaining 30% of allocation from the Administration - Attorney General program, General Fund to the Fund for a Healthy Maine - Attorney General program, Other Special Revenue Funds, and establishes one part-time Assistant Attorney General position in the Fund for a Healthy Maine - Attorney General program and provides funding for All Other to enforce the laws regarding Tobacco Manufacturers and Distributors, Maine Revised Statutes, Title 22, Chapter 263, subchapters 3 and 4.

	<u>2007-08</u>	<u>2008-09</u>
Fund for a Healthy Maine	\$108,309	\$113,518

Justification:

In 1997, Maine brought suit against several tobacco companies seeking reimbursement for Medicaid expenses caused by cigarette smoking. In 1998, Maine settled its case against several tobacco companies and memorialized the settlement in a document called the Master Settlement Agreement. ("MSA") Under the terms of the agreement the companies that participated in the settlement ("Participating Manufacturers") agreed to make an annual payment to Maine of approximately \$50 million. In 2008, this figure will increase by several million dollars. However, the tobacco companies claim they are entitled to the so-called Non-Participating Manufacturers ("NPM") downward adjustment in the amount they have to pay each year. In 2006, the tobacco companies paid only \$44.5 million. This money may not be withheld if Maine proves that it diligently enforced laws requiring tobacco companies that did not participate in the settlement to pay into escrow accounts. Maine has brought suit against the tobacco companies seeking full annual payment, and Assistant Attorney General Peter LaFond is representing Maine. Generally, AAG LaFond spends almost all his time diligently enforcing Maine's laws, so that the tobacco companies may not withhold some or all of their annual payment. However, given the demands of the ongoing litigation, and the need to continue our substantial diligent enforcement efforts at the high level achieved before the litigation, the assistance of a half time position would be advisable.

HUMAN SERVICES DIVISION 0696

What the Budget purchases:

Represent the Department of Health and Human Services (DHHS) in child abuse and neglect cases, prosecute child support cases and provide legal assistance and representation to programs administered by DHHS.

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	15,500	15,500	15,500	15,500
Personal Services	1,074,954	1,089,935	1,224,121	1,293,640
All Other	77,603	77,041	77,041	77,041
Total	1,152,557	1,166,976	1,301,162	1,370,681

Program Summary - FEDERAL EXPENDITURES FUND

Positions - LEGISLATIVE COUNT	21,500	21,500	21,500	21,500
Personal Services	1,571,640	1,676,129	1,737,182	1,830,558
All Other	419,633	462,309	462,309	462,309
Capital Expenditures		20,000		
Total	1,991,273	2,158,438	2,199,491	2,292,867

Program Summary - OTHER SPECIAL REVENUE FUNDS

Positions - LEGISLATIVE COUNT	6,000	6,000	6,000	6,000
Personal Services	489,458	524,526	516,929	545,354
All Other	42,644	50,083	50,083	50,083
Total	532,102	574,609	567,012	595,437

Program Summary - FEDERAL BLOCK GRANT FUND

Positions - LEGISLATIVE COUNT	9,000	9,000	9,000	9,000
Personal Services	776,403	827,240	812,284	854,534
All Other	72,671	79,974	79,974	79,974
Total	849,074	907,214	892,258	934,508

	2007-08	2008-09
Initiative: Transfers 7 Assistant Attorney General positions, 3 part-time Assistant Attorney General positions, 3 Research Assistant positions and 30% funding of one Assistant Attorney General position and associated All Other from the Administration - Attorney General program to the Human Services Division program.		

OTHER SPECIAL REVENUE FUNDS

Positions - LEGISLATIVE COUNT	11,500	11,500
Personal Services	1,168,653	1,237,132
All Other	126,243	128,898
Total	1,294,896	1,366,030

2007-08

2008-09

Initiative: Transfers 2 Secretary Legal positions, one Senior Attorney General position, one Research Assistant position, 11 Assistant Attorney General positions and one part-time Assistant Attorney General position from the General Fund, 3 Secretary Associate Legal positions, 3 Secretary Legal positions, 6 Research Assistant positions, 9 Assistant Attorney General positions and one part-time Assistant Attorney General position from the Federal Expenditures Fund, one Secretary Associate Legal position, one Secretary Legal position and 7 Assistant Attorney General positions from the Federal Block Grant Fund and transfers associated All Other to the Other Special Revenue Funds within the Human Services Division program.

GENERAL FUND

Positions - LEGISLATIVE COUNT

Personal Services

All Other

	-15,500	-15,500
	(1,224,121)	(1,293,640)
	(77,041)	(77,041)
Total	(1,301,162)	(1,370,681)

FEDERAL EXPENDITURES FUND

Positions - LEGISLATIVE COUNT

Personal Services

All Other

	-21,500	-21,500
	(1,737,182)	(1,830,558)
	(462,309)	(462,309)
Total	(2,199,491)	(2,292,867)

OTHER SPECIAL REVENUE FUNDS

Positions - LEGISLATIVE COUNT

Personal Services

All Other

	46,000	46,000
	3,773,587	3,978,732
	669,796	672,492
Total	4,443,383	4,651,224

FEDERAL BLOCK GRANT FUND

Positions - LEGISLATIVE COUNT

Personal Services

All Other

	-9,000	-9,000
	(812,284)	(854,534)
	(79,974)	(79,974)
Total	(892,258)	(934,508)

ActualCurrentBudgetedBudgeted

2005-06

2006-07

2007-08

2008-09

Revised Program Summary - GENERAL FUND

Positions - LEGISLATIVE COUNT

Personal Services

All Other

	15,500	15,500		
	1,074,954	1,089,935		
	77,603	77,041		
Total	1,152,557	1,166,976	0	0

Revised Program Summary - FEDERAL EXPENDITURES FUND

Positions - LEGISLATIVE COUNT

Personal Services

All Other

Capital Expenditures

	21,500	21,500		
	1,571,640	1,676,129		
	419,633	462,309		
		20,000		
Total	1,991,273	2,158,438	0	0

Revised Program Summary - OTHER SPECIAL REVENUE FUNDS

Positions - LEGISLATIVE COUNT

Personal Services

All Other

	6,000	6,000	63,500	63,500
	489,458	524,526	5,459,169	5,761,218
	42,644	50,083	846,122	851,473
Total	532,102	574,609	6,305,291	6,612,591

Revised Program Summary - FEDERAL BLOCK GRANT FUND

Positions - LEGISLATIVE COUNT

Personal Services

	9,000	9,000		
	776,403	827,240		

Revised Program Summary - FEDERAL BLOCK GRANT FUND

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
All Other	72,671	79,974		
Total	849,074	907,214	0	0

DEPARTMENT OF THE ATTORNEY GENERAL

0696 Human Services Division

Initiative:

BASELINE BUDGET

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$1,301,162	\$1,370,681
Federal Expenditures Fund	\$2,199,491	\$2,292,867
Other Special Revenue Funds	\$567,012	\$595,437
Federal Block Grant Fund	\$892,258	\$934,508

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.

Initiative:

Transfers 7 Assistant Attorney General positions, 3 part-time Assistant Attorney General positions, 3 Research Assistant positions and 30% funding of one Assistant Attorney General position and associated All Other from the Administration - Attorney General program to the Human Services Division program.

	<u>2007-08</u>	<u>2008-09</u>
Other Special Revenue Funds	\$1,294,896	\$1,366,030

Justification:

Consolidates all positions working for the Department of Health and Human Services into a single Other Special Revenue Funds program to restructure the billing process.

Initiative:

Transfers 2 Secretary Legal positions, one Senior Attorney General position, one Research Assistant position, 11 Assistant Attorney General positions and one part-time Assistant Attorney General position from the General Fund; 3 Secretary Associate Legal positions, 3 Secretary Legal positions, 6 Research Assistant positions, 9 Assistant Attorney General positions and one part-time Assistant Attorney General position from the Federal Expenditures Fund; and one Secretary Associate Legal position, one Secretary Legal position and 7 Assistant Attorney General positions from the Federal Block Grant Fund; and transfers associated All Other to the Other Special Revenue Funds within the Human Services Division program.

	<u>2007-08</u>	<u>2008-09</u>
General Fund	\$(1,301,162)	\$(1,370,681)
Federal Expenditures Fund	\$(2,199,491)	\$(2,292,867)
Other Special Revenue Funds	\$4,443,383	\$4,651,224
Federal Block Grant Fund	\$(892,258)	\$(934,508)

Justification:

Consolidates all positions working for the Department of Health and Human Services into a single Other Special Revenue Funds program to restructure the billing process.

VICTIMS' COMPENSATION BOARD 0711

What the Budget purchases:

The Victims' Compensation Board program offers financial reimbursement for losses suffered by victims of violent crime and their families.

	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09
Program Summary - FEDERAL EXPENDITURES FUND				
All Other	225,099	225,549	225,549	225,549
Total	225,099	225,549	225,549	225,549

Program Summary - OTHER SPECIAL REVENUE FUNDS

Positions - LEGISLATIVE COUNT	3,000	3,000	3,000	3,000
Personal Services	180,535	190,783	196,308	208,809
All Other	509,306	522,394	522,394	522,394
Total	689,841	713,177	718,702	731,203

			2007-08	2008-09
Initiative: NONE				
	<u>Actual</u> 2005-06	<u>Current</u> 2006-07	<u>Budgeted</u> 2007-08	<u>Budgeted</u> 2008-09

Revised Program Summary - FEDERAL EXPENDITURES FUND

All Other	225,099	225,549	225,549	225,549
Total	225,099	225,549	225,549	225,549

Revised Program Summary - OTHER SPECIAL REVENUE FUNDS

Positions - LEGISLATIVE COUNT	3,000	3,000	3,000	3,000
Personal Services	180,535	190,783	196,308	208,809
All Other	509,306	522,394	522,394	522,394
Total	689,841	713,177	718,702	731,203

DEPARTMENT OF THE ATTORNEY GENERAL

0711 Victims' Compensation Board

Initiative:

BASELINE BUDGET

	<u>2007-08</u>	<u>2008-09</u>
Federal Expenditures Fund	\$225,549	\$225,549
Other Special Revenue Funds	\$718,702	\$731,203

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.



TESTIMONY SIGN UP SHEET

JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS & JOINT STANDING COMMITTEE ON JUDICIARY

DATE: March 5, 2007

PLEASE PRINT

LD: 499

<u>NAME</u>	<u>TOWN/AFFILIATION</u>	<u>FOR</u>	<u>AGAINST</u>	<u>NEITHER FOR NOR AGAINST</u>	<u>EMAIL ADDRESS OR PHONE</u>
Paul Bisulca	Maine Indian Tribal-State Comm,		X		
Tom Bulger	Wilton/ME Public Policy				
Sara Anne Meerse, District Attorney	KIDS LEGAL/Pine Tree Legal				
Pat Ryan	Maine Human Rights Commission	X			
Leigh Saufley, Chief Justice	Maine Supreme Court	X			
Ellen Young, Budget Officer	Judicial Branch	X			
Lois Galgay Reckitt	South Portland/Family Crisis	X			
Sen. Libby Mitchell	Augusta	X			
Roger Katz	Augusta	X			
William J. Kayatta	Cape Elizabeth – PierceAtwood	X			
Leo Delicata, Esq.	Legal Services for the Elderly	X			
Kathryn Pears, Director	Public Policy for ME Alzheimer's	X			
Peter B. LaFond	Falmouth/ MSBA	X			
William Pierce	Augusta	X			
Linda Pisner	Office of Attorney General	X			
Geoff Rushlau	Maine Prosecutor's Assoc.	X			

March 5, 2007



51 STATE HOUSE STATION
AUGUSTA, ME 04333-0051
www.maine.gov/mhrc

**STATEMENT OF
THE MAINE HUMAN RIGHTS COMMISSION
REGARDING APPROPRIATIONS TO THE COMMISSION**

Executive Director
PATRICIA E. RYAN

LD 499

Commission Counsel
JOHN P. GAUSE

Good morning. I am Patricia Ryan, the Executive Director of the Maine Human Rights Commission. As you know, the Maine Human Rights Commission is a small agency charged with enforcing the Maine Human Rights Act, which prohibits discrimination in employment, housing, public accommodations, credit, and education on the basis of race, color, sex, sexual orientation, religion, ancestry, national origin, age, disability, and genetic predisposition. In housing the Act also prohibits discrimination on the basis of familial status and receipt of public assistance. Lenders of credit cannot discriminate on the basis of marital status. The Commission also enforces the Whistleblower's Protection Act which prohibits an employer from retaliating against an employee because that person complained about an unsafe or illegal practice, and the Commission enforces those provisions of the Worker's Compensation law that prohibit retaliation against an employee for filing a worker's comp claim.

During the last fiscal year, 700 new charges were filed; 565 charges were closed. The Commission has a pending inventory of 685 charges. The Commission has 13 employees, including 5 investigators. Eight of the positions are funded through the general fund; 5 with federal funds. One of the general fund positions is funded $\frac{3}{4}$ with general funds and $\frac{1}{4}$ federal funds.

There are 5 budget initiatives contained in the Governor's budget:

- Continues 1 Field Investigator position authorized in Public Law 2005, chapter 386 for the purpose of investigating housing discrimination [in federal expenditures account].

The Commission received \$201,400 from HUD this year to continue to investigate complaints of housing discrimination dual filed with both agencies. Funds from HUD are expected to continue indefinitely.

▪ FY 07-08: \$69,933; FY 08-09: \$71,245

- Transfers one Office Assistant II position within the same federal program.

This change from one federal funding source to another reflects the growing workload in the housing area, and the need to dedicate resources to that work.

- FY 07-08: \$0; FY-08-09: \$0

- Transfers one Field Investigator position from 25% Federal Expenditures Fund (EEOC) to be funded 25% Federal Expenditures Fund (HUD).

Similar to the discussion above, this change in federal funding source reflects that the work of the Investigator with housing cases.

- FY 07-08: \$0; FY-08-09: \$0

- Reduces funding due to estimated reduction in STA-CAP rates.

Federal monies received from the EEOC have decreased, leading to a calculated reduction in STA-CAP rates.

- Federal: FY07-08: (\$17,675); FY08-09: (\$16,569)
 - Other: FY07-08: (\$ 154); FY08-09: (\$ 154)

- Reduces funding of general operating expenses due to decreased revenues in Other Special Revenue Funds in order to maintain services within available resources.

Because all of our publications, including statutes, rules, guidance and brochures, and Commission decisions, are available on line, there are far fewer requests for hard copies, reducing any income generated by copying costs.

- FY07-08: (\$300); FY08-09: (\$300)

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ATTORNEY GENERAL



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STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

March 8, 2007

Senator Margaret Rotundo, Chair
Representative Jeremy R. Fischer, Chair
Joint Standing Committee on Appropriations and Financial Affairs
State House Station #5
Augusta, ME 04333-0005

Senator Barry J. Hobbins, Chair
Representative Deborah L. Simpson, Chair
Joint Standing Committee on Judiciary
State House Station #100
Augusta, ME 04333-0100

Dear Senators Rotundo and Hobbins, Representatives Fischer and Simpson and
Members of the Joint Standing Committees on Appropriations and Financial Affairs
and Judiciary:

During the hearing on the budget for the Office of the Attorney General, several
questions were raised by members of the Committees. This letter and its attachments
provide information responsive to those questions.

Civil Rights Teams. Representative Fischer asked how many schools are
currently participating in this program. There are 28 Elementary Schools, 103 Middle
Schools, and 84 High Schools, a total of 215 schools in the program. Representative
Mills asked whether there is a statutory cite for the teams program. This program is
based on the Attorney General's authority to enforce the Maine Civil Rights Act, which
is found at 5 M.R.S.A. §4681-§4685. While there is no express reference to the teams
program in that statute, there have been references to the program in various budget
documents over the years that the program has been in place.

Sexual Assault Forensic Examiner (SAFE) Program. Senator Martin asked that
we provide language that would require hospitals to train health care providers as sexual
assault forensic examiners. That language is attached. In preparing this language, we
discovered that a requirement that health care providers be trained in the SAFE program
was considered when the program was established by statute in 2001. Due to concern

that defense counsel would use such a requirement to attempt to disqualify expert witnesses trained through other means from testifying in sexual assault cases, that requirement was not incorporated into the law at that time. In light of this concern, if the Legislature determines that the language should be enacted, we suggest that it be accompanied by a provision clarifying that the existence of the SAFE program should not be construed as precluding other qualified experts from testifying in sexual assault cases. That language is incorporated in the attached proposal.

Summary of the DHHS Related Budget Transfers. Representative Valentino asked for a summary of the various provisions that effect the accounting change for the provision of legal services by the Office of the Attorney General to the DHHS. At this time, the funding of the positions working full time on DHHS matters is accomplished primarily by legislative fund transfers and partially by invoicing. Current policy from the Bureau of the Budget and the Controller's Office directs that if an agency is providing services to another agency it should be recorded as an expenditure rather than as a transfer. This set of budget initiatives, designed to achieve compliance with this policy, transfers all positions and their related costs to one account in the Office of the Attorney General, and changes the current system of funding to one in which the DHHS receives internal bills for all the legal services. In addition, this change aligns the budget structure with the accounting processes for collection of FFP.

The biennial budget reflects this proposal in the following way.

LD 499 pgs 82, 83, 84, and 75: This shows the consolidation of the DHHS related legal services into the DHS program 0696 Other Special Revenue account.

LD 499 pg 323: This shows the appropriation of General Fund All Other to DHHS Department wide program 0640. This appropriation is made up of two components:

1) the continuation of the \$1,689,361 appropriated in the FY07 Emergency budget to provide the correct amount of match for the FFP. This annualizes in FY08 at \$1,742,096 and in FY09 \$1,814,301; and

2) the value of the General Fund deappropriation (pg 82) of the Office of the Attorney General match for DHHS of \$1,301,162 in FY08 and \$1,370,681 in FY09. Thus the request for DHHS \$3,043,258 in FY08 and \$3,184,982 in FY09.

Merit Pay History for Unclassified Employees. Representative Millett asked for a summary of the impact of merit pay increases granted and withheld for unclassified employees. The Office of the Attorney General gave up merit increases for unclassified employees in FY 2003 and FY04. In FY05 after two years without merit increases, the Office awarded merit increases again but in a unique way. Ever mindful of the structural gap, the Office sought to find a way to award employees merits but without widening the budget gap. Towards that end in FY05, employees in unclassified positions who earned less than \$70,000 per year were awarded normal merit increases on their anniversary date. Attorneys in unclassified positions who earned greater than \$70,000 per year were

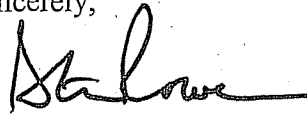
awarded a one-time lump sum payment. Thus, these employees did receive additional compensation in FY05 but their annual salary amount did not change. For FY06 and FY07 the Office again gave up merit increases.

Merits surrendered by the Office of the Attorney General for its unclassified employees were not recovered in subsequent budget years. While creating concern in the areas of morale and retention of personnel, that burden was less significant than the burden of significant layoffs.

Standards Governing When Autopsies Are Performed. Representative Holman asked whether there were written standards governing the decision as to when an autopsy is performed. Attached is a one page narrative with a number of attachments that address this question.

I hope that this information is helpful and responsive to your questions. Please let me know if there is anything further that we can provide.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Rowe", written over a horizontal line.

G. STEVEN ROWE
Attorney General

PROPOSAL REQUIRING HOSPITALS TO HAVE SAFE-TRAINED STAFF

5 MRSA § 3360 – Q is enacted to read:

§ 3360-Q. Hospitals

All hospitals that are licensed under Title 22, chapter 405 as a general hospital, specialty hospital or critical access hospital, shall ensure that sufficient personnel are trained to perform sexual assault forensic examinations. Training must meet the educational standards set by the International Association of Forensic Nurses and adopted by the American Nurses' Association.

NOTE: This requirement was apparently considered when Chapter 316-B was enacted in 2001 and not put into statute out of concern that defense counsel would argue that *only* experts trained under this program were qualified to testify in court. For this reason, if this change is enacted at this time, it would be prudent to clarify that examiners trained according to these standards are not the only persons qualified to testify in a sexual assault case. That change would best be made in 5 MRSA § 3360-P, as follows:

§3360-P. Administration

The Department of the Attorney General shall provide general administrative oversight for the board's policies and responsibilities. When appropriate, the Department of the Attorney General may employ personnel necessary to carry out the purposes of the board; lease, rent or acquire adequate equipment and facilities; accept federal funds or grants that are available to carry out or implement the board's objectives; and provide technical assistance and training to sexual assault forensic examiners.

The establishment of a training program for sexual assault forensic examiners pursuant to this chapter shall not be construed as a determination that only persons trained under this program are qualified to give expert testimony in sexual assault cases.

Office of Chief Medical Examiner Autopsy Policy

The Medical Examiner Statute (Title 22, Chapter 711) defines which cases **MUST** be reported to the Office of Chief Medical Examiner. The Chief Medical Examiner determines whether any individual case that comes under the jurisdiction of the Medical Examiner requires an autopsy, but by statute autopsies may also be ordered by the Attorney General or the District Attorney in the district where the person died. The only exception is the death of a child less than 3 years of age who has no documented natural disease which caused the death where statute requires an autopsy.

Medical Examiner jurisdiction is essentially automatic in any Non-Natural Death. The only place where a policy decision is made as to jurisdiction occurs in the natural death cases. Please note that even though an autopsy is not performed, the Office of Chief Medical Examiner requests that blood is drawn and submitted to Augusta on any case under our jurisdiction. Blood is tested for drugs whenever the cause of death may be drug related. If no tests are performed, the blood is saved in our office for at least 1 year after the death and is available for testing should additional information dictate or should family wish to pay for their own testing.

Briefly once a case is reported to the OCME, one of the following three steps occur. After investigation the case may be:

1. Released back to the primary care physician to sign the death certificate or
2. Examined and certified by the local Medical Examiner who draws blood which is sent to Augusta.
3. Sent to Augusta for an Autopsy.

Attachments:

1. Selected portions of Statutes, Title 22, Chapter 711, Medical Examiner Statute §3025 and §3028
2. Section of Office of Chief Medical Examiner Policy and Procedures, Originally written January 2000; Updated February 2005, pages 17-20 (Note, Natural Deaths still reflects age 55 or less for autopsy).
3. Text of Email sent Jan 3, 2007 changing automatic autopsy age to less than 50 in natural deaths.

Title 22, Chapter 711 §3025. Medical examiner case

1. Circumstances of death that must be reported. A medical examiner case may exist and must be reported as provided in section 3026 when remains are found that may be human and raise suspicion that death has occurred under any of the following circumstances:

A. Death is suspected of having been caused by any type of physical injury, including poisoning, regardless of whether the suspected manner of death is homicide, suicide or accident. This circumstance must be reported irrespective of whether the deceased had been attended by a physician, was a patient in a hospital, survived for a considerable time following the physical injury or died from terminal natural causes consequent to and following the physical injury; [2003, c. 433, §1 (amd).]

B. Suddenly when the person is in apparent good health and has no specific natural disease sufficient to explain death; [1985, c. 611, §6 (rpr).]

C. During diagnostic or therapeutic procedures under circumstances indicating gross negligence or when clearly due to trauma or poisoning unrelated to the ordinary risks of those procedures; [1985, c. 611, §6 (rpr).]

D. Death when the person is in custody pursuant to an arrest, confined in a state correctional facility, county institution, facility or local lockup, unless clearly certifiable by an attending physician as due to specific natural causes; [1985, c. 611, §6 (rpr).]

E. Death while the person is a patient or resident of a facility of the Department of Health and Human Services or residential care facility maintained or licensed by the Department of Health and Human Services, unless clearly certifiable by an attending physician as due to specific natural causes; [1985, c. 611, §6 (rpr); 1995, c. 560, Pt. K, §82 (amd); §83 (aff); 2001, c. 354, §3 (amd); 2003, c. 689, Pt. B, §6 (rev).]

F. Death suspected of being due to a threat to the public health when the authority of the medical examiner is needed to adequately study the case for the protection of the public health; [1985, c. 611, §6 (rpr).]

G. Death suspected of not having been certified, including, but not limited to, bodies brought into the State and any buried remains uncovered other than by legal exhumation; [1985, c. 611, §6 (rpr).]

H. Deaths suspected of being medical examiner cases which may have been improperly certified or inadequately examined, including, but not limited to, bodies brought into the State under those circumstances; [1991, c. 339, §3 (amd).]

I. Sudden infant death syndrome deaths and all other deaths of children under the age of 18 unless clearly certifiable by an attending physician as due to specific natural causes unrelated to abuse or neglect; [1985, c. 611, §6 (rpr).]

J. Whenever human or possibly human remains are discovered not properly interred or disposed of, for which the responsibility to do so cannot be readily determined; or [1985, c. 611, §6 (rpr).]

K. Any cause when there is no attending physician capable of certifying the death as due to natural causes. When a person dies who is under the care of a religious practitioner who uses prayer and spiritual means of healing, the fact that the deceased has been under such religious care does not warrant suspicion of foul play or investigation beyond that warranted by the other facts of the case. [1985, c. 611, §6 (rpr).]

In any case in which the necessity of a report is questionable, a report must be made.

[2003, c. 433, §3 (amd); c. 689, Pt. B, §6 (rev).]

1-A. Medical examiner case determination. Notwithstanding that a case must be reported under subsection 1, the acceptance of any reported death as a medical examiner case is to be determined by the

Chief Medical Examiner unless acceptance is specifically ordered by the Attorney General or district attorney having jurisdiction.

The following deaths that must be reported need not be accepted by the Chief Medical Examiner as a medical examiner case:

- A. Deaths due to the consequences of long-term alcohol use, long-term exposure to environmental or occupational toxins or long-term exposure to carcinogens; [2003, c. 433, §4 (new).]
- B. Deaths in the elderly who have sustained limb or axial fractures, excluding the head, for which they are or have been hospitalized; or [2003, c. 433, §4 (new).]
- C. Sudden natural deaths in the elderly who have not had previous specific symptoms or who were not under treatment by a physician for the specific natural cause that is considered to be the cause of death. [2003, c. 433, §4 (new).]

These reportable deaths may be referred back to the attending physician by the Chief Medical Examiner for certification of the death, even though the attending physician has not treated the patient for the specific natural disease that the attending physician will enter as the physician's diagnosis.

Ordering Autopsy: Title 22, Chap 711 §3028. Investigation; autopsy

8. Autopsy. If, in any medical examiner case, in the opinion of the medical examiner, the Chief Medical Examiner, the district attorney for the district in which the death has occurred or the Attorney General, it is advisable and in the public interest that an autopsy be made, the autopsy must be conducted by the Chief Medical Examiner or by a physician that the medical examiner, with the approval of the Chief Medical Examiner, may designate. The medical examiner, with the approval of the Chief Medical Examiner, may elect to perform the autopsy. The person who performs the autopsy shall make a complete report of the findings of the autopsy and shall transmit the report to the medical examiner and the Office of Chief Medical Examiner, retaining one copy of the report.

[1991, c. 339, §4 (amd).]

9. Autopsy of child. In the case of a child under the age of 3 years, when death occurs without medical attendance or, if attended, without a specific natural cause, the medical examiner shall order an autopsy. The autopsy may be waived by the Chief Medical Examiner, as long as the Chief Medical Examiner includes the reason for the waiver in the record.

[2001, c. 222, §9 (amd).]

POLICY AND PROCEDURE MANUAL, OCME, PGS 16-19
(Sec. V, Death Investigation, cont.)

9. Could there be any possible relationship between this death and the deceased's work or employment?
10. Is this anything other than a natural death where I know that the physician will sign the death certificate as a natural cause and is there any reference or indication of medical misadventure?

E. Case Management Policies

The following pages contain a graph listing the different types of Medical Examiner cases with guidelines for Scene Visits, Drawing Blood (specific Toxicology tests will be ordered by the CME/DCME with oversight for the case) and Autopsy. These guidelines represent an ideal. It is recognized that the current system in which Medical Examiners act as Scene Investigators may, in many cases, preclude the ability for a member of the Office of Chief Medical Examiner to respond to any individual scene. In those instances where the scene visit cannot be arranged, the person taking the call from the Office of Chief Medical Examiner will check with the Chief or Deputy Chief Medical Examiner on call and then ensure that photographs and a written report will be completed by the responsible law enforcement agency and will be available for review by the local Medical Examiner assigned to the case or the Office of Chief Medical Examiner.

<u>CASE TYPE</u>	<u>SCENE VISIT</u>	<u>DRAW BLOOD?</u>	<u>AUTOPSY</u>
AIRPLANE CRASH ^{^^}	YES, may only be waived by CME/DCME	At autopsy	YES
ALCOHOL RELATED	YES, whenever possible	Yes	Refer to CME/DCME
ASPHYXIAL DEATHS (Positional, Mechanical, etc)	YES	Yes	DO NOT Allow Release Without Referral to CME/DCME
ASPIRATION	Not necessary	*Yes, if dies at time of injury	Refer to CME/DCME
BURNS, SCALDS	Yes, if Death at Scene of Injury	*Yes, if dies at time of Injury, **Fire Deaths	Refer to CME/DCME (In all fire deaths, the trachea shall be examined for soot.)
UNDIAGNOSED COMMUNICABLE DISEASE	Depends on investigation; May require assistance	At Autopsy	YES

<u>CASE TYPE</u>	<u>SCENE VISIT</u>	<u>DRAW BLOOD?</u>	<u>AUTOPSY</u>
	of Epidemiology		
DEATH IN ANY CHILD OR TEEN	YES, if dead at Scene. May only be waived by CME/DCME	Yes	Yes, Unless cleared by ME & CME/DCME
DEATH WHILE IN DHS CUSTODY	Depends on Investigation	Depends on Investigation	Depends on Investigation
DROWNING	Not necessary if not at a residence or crime scene.	Yes	Yes, if drowning is unwitnessed or questionable circumstances.
DRUG OVERDOSES, POISONINGS	YES, whenever possible	Yes	YES. Decision for examination can only be made by CME or DCME based on underlying natural disease.
ELECTROCUTION	YES	At Autopsy	YES
EMERGENCY PERSONNEL (POLICE, FIRE, WARDENS, EMTs) ON DUTY	YES, whenever possible.	Yes	Yes, unless clearly documented natural disease.
FALLS (See Hip Fractures and additional notes*** below for fall related injuries in the elderly)	Yes, if Death at Time of Injury	Yes	As needed by ME to determine Accident vs. Natural
GUNSHOT WOUNDS	YES, whenever possible.	Yes	Homicides, Suspicious suicides, accidental GSWs
HANGING	YES, whenever possible.	Yes	Only if Scene is Questionable
HIP FRACTURES (Or other fractures in the elderly***)	NO (These cases are now mostly released)	No, unless suspicion of foul play.	NO

<u>CASE TYPE</u>	<u>SCENE VISIT</u>	<u>DRAW BLOOD?</u>	<u>AUTOPSY</u>
HOMICIDES	Yes (call CME, DCME)	At Autopsy	Yes
INHALATION OF CAR EXHAUST	YES, whenever possible.	Yes **	Not usually required; Refer to CME/DCME for questions.
MEDICAL OR THERAPEUTIC MISADVENTURE (Gross Negligence) NOTE: All these cases must be referred to CME or DCME	NO (Usually hospital death)	At autopsy if necessary. Make sure to ask for and secure hospital specimens.	YES, if accepted as Gross Negligence
MOTOR VEHICLE ACCIDENTS^^ (Include pedestrian, ATV, boating, etc.)	Yes, whenever possible. Should be moved only if danger or by CME/DCME	Yes. Blood is the preferable specimen to allow potential drug testing.	If COD/MOD uncertain or when ordered by DA
NATURAL, NO PHYSICIAN	Depends on Circumstances	Only as Indicated by Scene	<55 Yrs, No History (Hx) Yes 40-55 (+Hx) or >55 (No Hx) Depends on Investigation
POLICE RELATED, IN CUSTODY, JAIL DEATH	YES, if decedent not in hospital.	Per Autopsy or Request Hospital Admission Specimens	Yes, unless clearly natural disease with long term hospitalization. Refer to CME/DCME
SKELETONIZED BODY	YES, CALL CME OR DCME	Per autopsy	YES
SUDDEN DEATH IN INFANTS (SIDS)	YES(State Police CID, Bangor and Portland PD are designated investigators)	Per Autopsy	Yes
WORK RELATED ACCIDENTS****	YES, whenever possible	YES, if no autopsy	Refer to CME/DCME

*These cases may die in hospital many days after admission. Toxicology requires the hospital admission specimens which should be requested.

**Any testing for Carbon Monoxide requires blood. Vitreous is NOT an acceptable specimen.

***Fractures of limbs or torso in the elderly, if caused by a simple fall and documented by hospitalization, may be released as per 22 MRSA §3025 Sec 1-A, subB. Please give the Medical Examiner Case number to the physician or funeral home to put on death certificate.

****Accidental work related deaths should be reported to the Investigative Division of the Office of the Attorney General and to OSHA, if this has not been previously reported by the investigating officer.

^^In any plane crash and/or in any transportation accident (train, boat or other motor vehicle) involving substantial loss of life or considered a disaster or catastrophe, the NTSB must be notified. In airplane crashes, this may be done through the FAA.

TEXT OF EMAIL SENT TO ALL MEDICAL EXAMINERS (for whom we have email) AND OCME STAFF ON JAN 3, 2007

Hello everyone. Happy New Year and thanks to all of you for your help and support last year.

I am writing this email to collectively inform everyone of a change in policy at the OCME. Unfortunately, due to budget considerations and personnel limitations, we are going to change our age range for autopsies. Prior to this email and since I have been Chief Medical Examiner, we have been routinely performing an autopsy on anyone less than 55 years old who has no medical history. This email is to let you know that we will be changing that age to 50. From today onward, for purposes of natural, nonsuspicious or drug related cases, autopsies will only be done if the person is younger than 50.

If there is no medical or drug history and a sudden death, I would ask you, as Medical Examiners, to examine the individual, draw blood and sign the death certificate as ASCVD or Ischemic Cardiovascular Disease or whatever general diagnosis you use. If there is some question as to drug use, please examine, draw the blood and Pend the DC for toxicology. Obviously, if there is medical history or if the deceased is 65-70 years of age, we will be working with the primary care physicians to get them to certify the death where possible.

While I know that this change is frustrating for some families and for many of us, who really would like an autopsy to determine the cause of death, it seems to be at least one way to try to alleviate some of our backup in finalization of cases and maintain our budget. We are working on other ways to increase our budget and improve our efficiency and turn around time for cases. But, until we can make those changes, this policy will be in effect. Thank you all for your support and assistance with all of our cases. If anyone has any questions about this policy, I would be happy to discuss them with you.

Margaret Greenwald, MD

Chief Medical Examiner
#37 State House Station
Augusta, ME 04347
(207) 624-7180

Commission Members

Sandra Featherman, Chair
Edwin Clift
Horace A. Hildreth, Jr.



JUDICIAL COMPENSATION COMMISSION

c/o 5 State House Station
Augusta, Maine 04333-0005
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March 5, 2007

Senator Barry J. Hobbins, Chair
Representative Deborah L. Simpson, Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333-0100

Senator Peggy Rotundo, Chair
Representative Jeremy R. Fischer, Chair
Joint Standing Committee on Appropriations and Financial Affairs
5 State House Station
Augusta, ME 04333-0005

Dear Senator Hobbins, Representative Simpson, Senator Rotundo, Representative Fischer and Members of the Judiciary Committee and Appropriations Committee,

On behalf of the Judicial Compensation Commission, I am pleased to provide you with copies of our 2007 Report on Judicial Salaries. As you may know, the commission has been meeting since early in 2005 to study the broad topic of judicial compensation. After a great deal of deliberation, the commission has formulated recommendations concerning judicial salaries and retirement for the Legislature's consideration. Considering the nature of these recommendations and that they are likely to be reviewed by different policy committees, we have issued separate reports with accompanying pieces of legislation. Both of these reports can also be viewed on-line at the following website address:
<http://www.maine.gov/legis/ofpr/jcc%20folder/JCC%20Report.htm>

In our report, we are recommending what we consider to be modest, but essential, increases in salaries for members of Maine's judiciary. The factors surrounding judicial salaries have changed very little since the commission's first report was sent to the Legislature back in 1996. By almost any measure, judicial salaries in Maine are very low when compared to their counterparts in other states as well as salaries paid to top members of the legal profession in the private sector. The salary report that we are providing to you should be considered in concert with the soon to be published LD, "An Act to Increase Judicial Salaries" (LR 2476).

Speaking for members of the commission, we look forward to testifying at the Public Hearing that will be held regarding the aforementioned LD. Please feel free to contact either myself, other Commission members or staff person Lock Kiermaier with any questions that you may have about our report.

Sincerely,


Sandra Featherman
Chair, Judicial Compensation Commission

c.c. Edwin Clift, Commission member
Horace A. Hildreth, Jr., Commission member



JUDICIAL COMPENSATION COMMISSION

REPORT ON JUDICIAL SALARIES

March 2007

Members:

Sandra Featherman, Chair
Edwin Clift
Horace A. Hildreth, Jr.

Staff:

Lock Kiermaier

JUDICIAL COMPENSATION COMMISSION

(Title 4, chapter 35)

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Appendix A: Survey of Judicial Salaries, National Center for State Courts, July 2006

Appendix B: Current Chief Justice Salaries in New England States, January 2007

JUDICIAL COMPENSATION COMMISSION: 2007 REPORT ON JUDICIAL SALARIES

INTRODUCTION

The Judicial Compensation Commission, established by Title 4, chapter 35, is required to study and make recommendations regarding all aspects of judicial compensation to ensure that the most highly qualified lawyers in this state, drawn from diverse backgrounds, are willing to serve in the State's Judicial Branch of government and to ensure that these judges do not become demoralized during service because of inadequate compensation. The Commission's statutory charge is unchanged since the issuance of its first report in 1996. In preparing this report, the Judicial Compensation Commission was able to build upon the conclusions and recommendations contained in earlier reports issued by the Commission in 1996 and 2000. Current members of the Judicial Compensation Commission, all of whom were newly appointed in 2005, were struck by the relative similarity of the current status of judicial compensation in the state to that of previous years. In brief, the commission has concluded that now, as in the past, members of the Maine judiciary serve the Maine public in an exemplary fashion and do so under a heavy workload with financial resources that compare poorly to other states. Most importantly, despite several past attempts to improve the relative terms of their financial compensation, Maine's judiciary is subject to certain retirement inequities and continues to be significantly underpaid which is the focus of this particular report.

DISCUSSION AND FINDINGS

In its review of the current status of overall judicial compensation, the Commission found that the overall description of Maine's judiciary remains largely unchanged from 1996. Maine's judiciary has continued to maintain a reputation for a tradition of excellence and has done so in spite of an ever increasing workload and a limited set of resources. According to the National Center for State Courts, Maine Judiciary's current case load justifies the creation of 11.6 additional judges across the state. While the Commission commends the improvements in salary and retirement benefits that have been implemented by the Legislature, the Commission also notes an ongoing pattern in which recommendations issued by the Judicial Compensation Commission are significantly reduced in scope prior to final approval by the Legislature. The Commission finds that this pattern of continually reducing the breadth of its past recommendations has resulted in a situation in which, at best, the meager compensation increases for Maine's judiciary have merely preserved the status quo while doing nothing to substantively improve Maine's extremely poor standing when compared both to other New England states and all states overall. For example, the most recent salary survey conducted by the National Center for State Courts (see Appendix A), shows that as of July 1, 2006, Maine ranks 44th among the states for salaries paid to General Jurisdiction Judges.

The Commission has been disappointed to find that the following conclusions from its previous reports going back to 1996 also remain true in the year 2007:

- Minimal Resources: The Judicial Department continues to operate under the constraints of a relatively small support staff along with a budget that is clearly

inadequate to meet the needs of the judiciary as evidenced by reduced court hours, the closing of several courthouses and the lack of overall operational resources. In her State Of the Judiciary report presented to the Legislature on February 1, 2006, Chief Justice Leigh I. Saufley highlighted the Judicial Department's lack of adequate resources by citing the increasing threat of violence inside courthouses, the inability to resolve family court matters in a timely manner, the moratorium on the expansion of specific problem solving courts and the overall lack of enough judges to properly serve the business and consumer communities.

- Workload and Productivity: Maine's judiciary continues to administer a large number of cases, from a large geographic and diverse demographic area, in a reasonably timely fashion under the circumstances. Over the last ten years, there has been an overall 13% increase in civil filings. The Commission notes that the complexity of the caseloads continues to increase. On the District Court level, in the last ten years small claims, which are the simplest cases, requiring less judicial time, declined by 9.6%. On the other hand, protection from abuse cases, which are highly contentious, increased by 9.4%, mental health cases increased by 20.8%, and protection from harassment cases by 69%. Although the number of the more complicated newly filed child protection cases decreased slightly, the number of mandated hearings doubled, and new strict timelines were imposed, adding significant demands to an already overburdened judiciary.
- Compensation: Despite the very modest salary increases that were adopted by the Legislature since 1996, members of Maine's judiciary remain underpaid. Given the crucial importance of the role of Maine's judiciary, salaries for members of Maine's

judiciary remain low when compared to salaries paid to judges in other states (See Appendix A) and to many lawyers practicing in the State of Maine.

The Commission has concluded that the base salary increases established by the Legislature in FY 99 had the effect of maintaining judicial salaries at too low a level, particularly when compared to judicial salaries paid in other states. The Commission also notes that even with the effect of those cost-of-living increases that were actually granted, judicial salaries for fiscal year 2006-07 have only modestly surpassed the base level that the Commission recommended as being appropriate in FY 98. For example, the 1996 Commission originally recommended that the Chief Justice of the Supreme Court be paid a salary of \$115,000 for FY 98 and also recommended that the salary should increase over time with cost of living increases. Instead, the Chief Justice salary was established at \$111,000 and has finally reached a figure of \$129,854 for FY 07 which is still the lowest in the New England states (see Appendix B). Had the Commission's original base salary recommendation been accepted with the full payment of all statutorily authorized cost-of-living increases, the Chief Justice's salary would now be \$136,540 which is an amount that the Commission feels is minimally commensurate with the important role and responsibility of the Chief Justice.

When other levels of judicial salaries are compared, the differential is even more compelling. As mentioned previously, according to the latest salary survey conducted by the National Center for State Courts, as of July 1, 2006 (See Appendix A), Maine ranked 44th among all states for salaries paid to General Jurisdiction Judges; the \$105,300 paid to District and Superior Court judges in Maine compares to the median salary of \$120,000 calculated from all 50 states and the District of Columbia.

Upon its review of the current status of judicial compensation, the Commission was shocked to learn that since FY 98, not all statutorily authorized cost of living increases had been granted by the Legislature. 4 MRSA § 4 sub-§2-A states the following:

“2-A. Cost-of-living adjustment. Effective July 1, 1999 and every July 1st thereafter, the State Court Administrator shall adjust the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges by any percentage change in the Consumer Price Index from January 1st to December 31st of the previous year, but only to a maximum increase of 4%....” (emphasis added)

The Commission notes that the cost-of-living adjustments authorized by this provision of law were totally ignored by the Legislature for FY 04 and FY 05 as “cost saving measures” used to achieve a balanced General Fund budget. While the Commission is cognizant of the significant budget shortfalls that the Legislature has had to contend with in recent years, in the strongest possible terms, the Commission finds that the detrimental impact of denying of previously authorized salary increases to the judiciary far outweighs the relatively minimal savings that were achieved. The Commission strongly recommends that in future years the legislature discontinue this occasional practice of denying the judiciary these incremental salary increases which are crucial to maintaining any semblance of status quo for the levels of judicial compensation.

Retirement - During its review of the many aspects of compensation which currently affect the members of Maine's judiciary, the Commission learned of certain inequities concerning the Maine Judicial Retirement System and addresses those issues separately in an accompanying report.

RECOMMENDATIONS

For this report and the accompanying report on judicial retirement, the Judicial Compensation Commission has formulated a series of recommendations which reiterate and build upon the recommendations made in its first report back in 1996. As in previous reports, the Commission believes that adoption of these recommendations is a crucial step towards providing a more appropriate compensation level for Maine's judiciary. Providing adequate compensation levels is one sure means of attracting and retaining a high quality judiciary. The Commission is recommending that its recommendations become effective July 1, 2007. The Commission is submitting legislation to the First Regular Session of the 123rd Legislature to statutorily accomplish the recommendations contained in this report:

1. Increase the direct compensation for members of the judiciary.

The Judicial Compensation Commission recommends that, as July 1, 2007, base salaries for the judiciary be increased from the current salaries paid in FY 07 in the following manner:

- Chief Justice, Supreme Court from \$129,854 to \$153,588;
- Associate Justice, Supreme Court from \$112,295 to \$133,555;
- Chief Justice, Superior Court from \$109,954 to \$130,884;
- Associate Justice, Superior Court from \$105,292 to \$125,542;
- Chief Judge, District Court from \$109,954 to \$130,884;
- Deputy Chief Judge, District Court from \$107,593 to \$128,213; and
- Judge, District Court from \$105,292 to \$125,542.

These recommended base salaries reflect what current judicial salaries would be if the original base salary recommendations made by the Commission in its 1996 report had been implemented and if all scheduled cost-of-living increases had been granted since FY 98.

In making these recommendations, we applaud the Legislature's past actions which have increased judicial salaries but believe that the Commission's original base salary level recommendations remain appropriate. The Commission once again notes that previously scheduled judicial salary increases have often been forestalled by budgetary decisions during the past 20 years and the recommended increases contained in this report will finally restore judicial salaries to the intended and proper level. **The Commission wishes to emphasize that any final increase to the base salaries which is less than the recommended levels and any future effort to deny previous commitments to cost-of-living increases will be counterproductive to the goal of achieving adequate compensation levels for members of Maine's judiciary.**

IMPLICATIONS

After more than ten years of reviewing the topic of overall judicial compensation, the Commission remains convinced that the costs of providing needed improvements to judicial salaries is crucial towards insuring the continuance of a high quality judiciary. To insure that the most qualified and highly trained individuals are retained as judges, members of Maine's judiciary must be assured of just and equitable levels of compensation. The negative consequences of failing to adequately compensate members of Maine's judiciary far outweigh the relatively small financial impact of providing long

overdue resources to a crucial sector of Maine State government. In compensation for our judiciary, justice forestalled is justice denied.

APPENDIX A

SURVEY OF JUDICIAL SALARIES NATIONAL CENTER FOR STATE COURTS

JULY 1, 2006

GEN JUR. Judges		January 1, 2006		July 1, 2006		Changes in Dollars	% Change	Inflation for the last 6 m
State/Territory	Salary	Rank	Salary	Rank		In 2006	Inflation Adjusted % raises	
Alabama	\$111,973.00	34	\$111,973.00	40		\$0.00	0.00%	-2.60%
Alaska	\$116,076.00	27	\$152,760.00	4	\$36,684.00	31.60%	29.00%	
Arizona	\$120,750.00	21	\$120,750.00	25	\$0.00	0.00%	-2.60%	
Arkansas	\$123,351.00	17	\$126,111.00	17	\$2,760.00	2.24%	-0.36%	
California	\$149,160.00	4	\$150,696.00	5	\$1,536.00	1.03%	-1.57%	
Colorado	\$110,255.00	37	\$113,232.00	37	\$2,977.00	2.70%	0.10%	
Connecticut	\$139,128.00	8	\$139,128.00	9	\$0.00	0.00%	-2.60%	
Delaware	\$163,850.00	2	\$168,100.00	1	\$4,250.00	2.59%	-0.01%	
Florida	\$139,497.00	7	\$139,497.00	8	\$0.00	0.00%	-2.60%	
Georgia	\$113,470.00	30	\$113,470.00	35	\$0.00	0.00%	-2.60%	
Hawaii	\$121,600.00	19	\$125,856.00	19	\$4,256.00	3.50%	0.90%	
Idaho	\$97,632.00	47	\$103,600.00	47	\$5,968.00	6.11%	3.51%	
Illinois	\$152,930.00	3	\$157,824.00	3	\$4,894.00	3.20%	0.60%	
Indiana	\$110,500.00	36	\$115,282.00	32	\$4,782.00	4.33%	1.73%	
Iowa	\$117,040.00	25	\$126,020.00	18	\$8,980.00	7.67%	5.07%	
Kansas	\$105,813.00	41	\$114,813.00	33	\$9,000.00	8.51%	5.91%	
Kentucky	\$121,344.00	20	\$121,744.00	23	\$400.00	0.33%	-2.27%	
Louisiana	\$105,780.47	42	\$110,964.00	41	\$5,183.53	4.90%	2.30%	
Maine	\$101,731.50	45	\$105,300.00	44	\$3,568.50	3.51%	0.91%	
Maryland	\$123,352.00	16	\$128,352.00	15	\$5,000.00	4.05%	1.45%	
Massachusetts	\$112,777.00	32	\$112,777.00	38	\$0.00	0.00%	-2.60%	
Michigan	\$139,919.00	6	\$139,919.00	7	\$0.00	0.00%	-2.60%	
Minnesota	\$119,913.00	23	\$121,712.00	24	\$1,799.00	1.50%	-1.10%	
Mississippi	\$104,170.00	43	\$104,170.00	45	\$0.00	0.00%	-2.60%	
Missouri	\$108,000.00	39	\$108,000.00	42	\$0.00	0.00%	-2.60%	
Montana	\$94,093.00	51	\$94,093.00	51	\$0.00	0.00%	-2.60%	
Nebraska	\$113,639.95	29	\$117,333.25	28	\$3,693.30	3.25%	0.65%	
Nevada	\$130,000.00	12	\$130,000.00	14	\$0.00	0.00%	-2.60%	
New Hampshire	\$120,000.00	22	\$120,000.00	26	\$0.00	0.00%	-2.60%	
New Jersey	\$141,000.00	5	\$141,000.00	6	\$0.00	0.00%	-2.60%	
New Mexico	\$96,531.00	48	\$96,531.00	49	\$0.00	0.00%	-2.60%	
New York	\$136,700.00	10	\$136,700.00	11	\$0.00	0.00%	-2.60%	
North Carolina	\$109,279.00	38	\$115,289.00	31	\$6,010.00	5.50%	2.90%	
North Dakota	\$94,298.00	50	\$98,070.00	48	\$3,772.00	4.00%	1.40%	
Ohio	\$116,100.00	26	\$116,100.00	29	\$0.00	0.00%	-2.60%	
Oklahoma	\$102,529.00	44	\$118,450.00	27	\$15,921.00	15.53%	12.93%	
Oregon	\$95,799.96	49	\$95,799.96	50	\$0.00	0.00%	-2.60%	
Pennsylvania	\$135,293.00	11	\$ 149,132.00	12	\$13,839.00	10.23%	7.63%	

Rhode Island	\$129,336.00	13	\$133,216.00	13
South Carolina	\$121,617.00	18	\$125,265.00	20
South Dakota	\$101,010.00	46	\$104,040.91	46
Tennessee	\$118,548.00	24	\$122,580.00	22
Texas	\$125,000.00	15	\$125,000.00	21
Utah	\$111,050.00	35	\$114,400.00	34
Vermont	\$113,369.00	31	\$113,369.00	36
Virginia	\$138,028.00	9	\$138,028.00	10
Washington	\$128,143.00	14	\$128,143.00	16
West Virginia	\$116,000.00	28	\$116,000.00	30
Wisconsin	\$112,457.00	33	\$112,457.00	39
Wyoming	\$106,100.00	40	\$106,100.00	43
District of Columbia	\$165,200.00	1	\$165,200.00	2
Federal System	\$165,200.00		\$165,200.00	
American Samoa	\$115,000.00		\$0.00	
Guam	\$100,000.00		\$0.00	
Northern Mariana Islands	\$120,000.00		\$120,000.00	
Puerto Rico	\$89,600.00		\$89,600.00	
Virgin Islands	\$135,000.00		\$135,000.00	
Fifty States and Dist. of Columbia				
Median	\$116,100.00		\$120,000.00	
Mean	\$119,630.06		\$122,558.98	
Standard Deviation	\$16,757.38		\$16,932.36	
Mean > 1 Standard Deviation	\$136,387.44		\$139,491.35	
1 Standard Deviation < Mean	\$102,872.68		\$105,626.62	
Maximum Value	\$165,200.00		\$168,100.00	
Minimum Value	\$94,093.00		\$94,093.00	

\$3,880.00	3.00%	0.40%
\$3,648.00	3.00%	0.40%
\$3,030.91	3.00%	0.40%
\$4,032.00	3.40%	0.80%
\$0.00	0.00%	-2.60%
\$3,350.00	3.02%	0.42%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%

Average Raise: \$6,277.47

Inflation from Jan to July 2006 was about 2.6%

to adjust for inflation, simply look at the salary changes minus the rate of inflation

26 States gave raises to judges since January, however, most of these raises do not outpace the uncharacteristically high rate of inflation in the last ye

When you adjust for inflation, only 21 states gave general jurisdiction judges real salary increases

Intermediate Appellate			January 1, 2006		July 1, 2006		Changes in Do % Change		Inflation for the last 6 months= 0.0262228946041351	
State/Territory	Salary	Rank	Salary	Rank		In 2006	Inflation Adjusted	% raises		
Alabama	\$151,027.00	5	\$151,027.00	6	\$0.00	0.00%		-2.60%		
Alaska	\$118,584.00	26	\$156,084.00	4	\$37,500.00	31.62%		29.02%		
Arizona	\$123,900.00	22	\$123,900.00	26	\$0.00	0.00%		-2.60%		
Arkansas	\$127,431.00	17	\$130,253.00	18	\$2,822.00	2.21%		-0.39%		
California	\$170,694.00	1	\$172,452.00	1	\$1,758.00	1.03%		-1.57%		
Colorado	\$114,996.00	33	\$118,101.00	32	\$3,105.00	2.70%		0.10%		
Connecticut	\$144,680.00	9	\$144,680.00	10	\$0.00	0.00%		-2.60%		
Florida	\$148,524.00	8	\$148,524.00	9	\$0.00	0.00%		-2.60%	(New Salary \$153,140 takes effect 10/1/06)	
Georgia	\$156,814.00	3	\$156,814.00	3	\$0.00	0.00%		-2.60%		
Hawaii	\$125,000.00	20	\$129,375.00	20	\$4,375.00	3.50%		0.90%		
Idaho	\$103,168.00	37	\$109,500.00	36	\$6,332.00	6.14%		3.54%		
Illinois	\$166,658.00	2	\$171,991.00	2	\$5,333.00	3.20%		0.60%		
Indiana	\$129,800.00	14	\$134,968.00	14	\$5,168.00	3.98%		1.38%		
Iowa	\$123,120.00	24	\$134,060.00	17	\$10,940.00	8.89%		6.29%		
Kansas	\$116,971.00	28	\$121,310.00	28	\$4,339.00	3.71%		1.11%		
Kentucky	\$126,672.00	18	\$127,072.00	23	\$400.00	0.32%		-2.28%		
Louisiana	\$112,040.90	34	\$117,195.00	34	\$5,154.10	4.60%		2.00%		
Maryland	\$128,302.00	15	\$134,552.00	16	\$6,250.00	4.87%		2.27%		
Massachusetts	\$117,467.00	27	\$117,467.00	33	\$0.00	0.00%		-2.60%	(New Salary \$135,087 takes effect 7/23/06)	
Michigan	\$151,441.00	4	\$151,441.00	5	\$0.00	0.00%		-2.60%		
Minnesota	\$127,740.00	16	\$129,656.00	19	\$1,916.00	1.50%		-1.10%		
Mississippi	\$105,050.00	36	\$105,050.00	37	\$0.00	0.00%		-2.60%		
Missouri	\$115,000.00	32	\$115,000.00	35	\$0.00	0.00%		-2.60%		
Nebraska	\$116,711.30	29	\$120,504.42	29	\$3,793.12	3.25%		0.65%		
New Jersey	\$150,000.00	7	\$150,000.00	8	\$0.00	0.00%		-2.60%		
New Mexico	\$101,612.00	39	\$101,612.00	39	\$0.00	0.00%		-2.60%	(New Salary \$109,288 takes effect 7/15/06)	
New York	\$144,000.00	10	\$144,000.00	11	\$0.00	0.00%		-2.60%		
North Carolina	\$115,559.00	31	\$121,915.00	27	\$6,356.00	5.50%		2.90%		
Ohio	\$126,250.00	19	\$126,250.00	24	\$0.00	0.00%		-2.60%		
Oklahoma	\$108,336.00	35	\$124,200.00	25	\$15,864.00	14.64%		12.04%		
Oregon	\$102,799.92	38	\$102,799.92	38	\$0.00	0.00%		-2.60%		
Pennsylvania	\$150,903.00	6	\$ 150,903.00	7	\$0.00	0.00%		-2.60%		
South Carolina	\$124,817.00	21	\$128,561.00	21	\$3,744.00	3.00%		0.40%		
Tennessee	\$123,888.00	23	\$128,100.00	22	\$4,212.00	3.40%		0.80%		
Texas	\$137,500.00	12	\$137,500.00	13	\$0.00	0.00%		-2.60%		
Utah	\$116,600.00	30	\$120,100.00	30	\$3,500.00	3.00%		0.40%		
Virginia	\$141,248.00	11	\$141,248.00	12	\$0.00	0.00%		-2.60%		
Washington	\$134,598.00	13	\$134,598.00	15	\$0.00	0.00%		-2.60%		
Wisconsin	\$119,205.00	25	\$119,205.00	31	\$0.00	0.00%		-2.60%	(New Salary \$126,782 takes effect 7/25/06)	
Federal System	\$175,100.00		\$175,100.00							
American Samoa	\$0.00		\$0.00							
Guam	\$0.00		\$0.00							
Northern Mariana Islands										
	\$0.00		\$0.00							
Puerto Rico	\$105,000.00		\$105,000.00							
Virgin Islands	\$0.00		\$0.00							

5th State and DC of September		
Median	\$125,000.00	\$129,375.00
Mean	\$128,685.00	\$132,101.75
Standard Deviation	\$17,417.39	\$17,076.97
Mean + 1 Standard Deviation	\$146,112.95	\$149,178.82
-1 Standard Deviation	\$111,277.26	\$115,024.88
Maximum Value	\$170,894.00	\$173,452.00
Minimum Value	\$101,812.00	\$101,812.00

Average Raise: \$6,643.06

Inflation from Jan to July 2006 was about 2.6%

to adjust for inflation, simply look at the salary changes minus the rate of inflation

20 States gave raises to judges, however, most of these raises do not outpace the uncharacteristically high rate of inflation in the last year.

When you adjust for inflation, only 16 states gave appellate Judges real salary increases

COLR Associates		January 1, 2006		July 1, 2006	
State/Territory	Salary	Rank	Salary	Rank	
Alabama	\$152,027.00	11	\$152,027.00	13	
Alaska	\$125,520.00	32	\$165,204.00	5	
Arizona	\$126,525.00	30	\$126,525.00	34	
Arkansas	\$131,509.00	24	\$134,392.00	25	
California	\$182,071.00	1	\$183,946.00	2	
Colorado	\$119,739.00	39	\$122,972.00	40	
Connecticut	\$154,047.00	10	\$154,047.00	12	
Delaware	\$179,670.00	2	\$184,300.00	1	
Florida	\$160,375.00	6	\$160,375.00	8	
Georgia	\$157,779.00	8	\$157,779.00	10	
Hawaii	\$135,000.00	21	\$139,725.00	21	
Idaho	\$104,168.00	49	\$110,500.00	47	
Illinois	\$177,073.00	3	\$182,739.00	3	
Indiana	\$133,600.00	22	\$138,844.00	22	
Iowa	\$128,000.00	27	\$144,000.00	18	
Kansas	\$121,167.00	36	\$123,590.00	38	
Kentucky	\$132,012.00	23	\$132,412.00	27	
Louisiana	\$118,301.34	41	\$123,625.00	37	
Maine	\$108,498.00	45	\$112,300.00	44	
Maryland	\$136,852.00	18	\$144,352.00	17	
Massachusetts	\$126,943.00	29	\$126,943.00	32	
Michigan	\$164,610.00	5	\$164,610.00	6	
Minnesota	\$135,567.00	19	\$137,601.00	23	
Mississippi	\$112,530.00	43	\$112,530.00	43	
Missouri	\$123,000.00	33	\$123,000.00	39	
Montana	\$100,884.00	51	\$100,884.00	51	
Nebraska	\$122,854.00	34	\$126,846.76	33	
Nevada	\$140,000.00	17	\$140,000.00	20	
New Hampshire	\$128,000.00	27	\$128,000.00	30	
New Jersey	\$158,500.00	7	\$158,500.00	9	
New Mexico	\$106,960.00	47	\$106,960.00	49	
New York	\$151,200.00	12	\$151,200.00	14	
North Carolina	\$120,583.00	38	\$127,215.00	31	
North Dakota	\$103,087.00	50	\$107,210.00	48	
Ohio	\$135,450.00	20	\$135,450.00	24	
Oklahoma	\$113,531.00	42	\$131,100.00	29	
Oregon	\$105,199.00	48	\$105,199.00	50	
Pennsylvania	\$155,783.00	9	\$155,783.00	11	
Rhode Island	\$143,654.00	15	\$147,964.00	16	
South Carolina	\$128,018.00	26	\$131,858.00	28	
South Dakota	\$108,145.00	46	\$111,389.42	46	
Tennessee	\$129,948.00	25	\$134,364.00	26	
Texas	\$150,000.00	13	\$150,000.00	15	
Utah	\$122,150.00	35	\$125,850.00	36	
Vermont	\$119,254.00	40	\$119,254.00	42	
Virginia	\$148,682.00	14	\$162,182.00	7	
Washington	\$141,394.00	16	\$141,394.00	19	

Changes in Doll. % Change

Inflation for the last 6 months= 0.0262228946041351

	In 2006	Inflation Adjusted	
		% raises	
\$0.00	0.00%	-2.60%	
\$39,684.00	31.62%	29.02%	
\$0.00	0.00%	-2.60%	
\$2,883.00	2.19%	-0.41%	
\$1,875.00	1.03%	-1.57%	
\$3,233.00	2.70%	0.10%	
\$0.00	0.00%	-2.60%	
\$4,630.00	2.58%	-0.02%	
\$0.00	0.00%	-2.60%	
\$0.00	0.00%	-2.60%	
\$4,725.00	3.50%	0.90%	
\$6,332.00	6.08%	3.48%	
\$5,666.00	3.20%	0.60%	
\$5,244.00	3.93%	1.33%	
\$16,000.00	12.50%	9.90%	
\$2,423.00	2.00%	-0.60%	
\$400.00	0.30%	-2.30%	
\$5,323.66	4.50%	1.90%	
\$3,802.00	3.50%	0.90%	
\$7,500.00	5.48%	2.88%	
\$0.00	0.00%	-2.60%	
\$0.00	0.00%	-2.60%	
\$2,034.00	1.50%	-1.10%	
\$0.00	0.00%	-2.60%	
\$0.00	0.00%	-2.60%	
\$0.00	0.00%	-2.60%	
\$3,992.76	3.25%	0.65%	
\$0.00	0.00%	-2.60%	
\$0.00	0.00%	-2.60%	
\$0.00	0.00%	-2.60%	
\$0.00	0.00%	-2.60%	
\$0.00	0.00%	-2.60%	
\$6,632.00	5.50%	2.90%	
\$4,123.00	4.00%	1.40%	
\$0.00	0.00%	-2.60%	
\$17,569.00	15.48%	12.88%	
\$0.00	0.00%	-2.60%	
\$0.00	0.00%	-2.60%	
\$4,310.00	3.00%	0.40%	
\$3,840.00	3.00%	0.40%	
\$3,244.42	3.00%	0.40%	
\$4,416.00	3.40%	0.80%	
\$0.00	0.00%	-2.60%	
\$3,700.00	3.03%	0.43%	
\$0.00	0.00%	-2.60%	
\$13,500.00	9.08%	6.48%	
\$0.00	0.00%	-2.60%	

(New Salary \$161,200 takes effect 10/1/06)

(New Salary \$145,984 takes effect 7/23/06)

(New Salary \$115,040 effective 7/15/06)

(New Salary \$124000 takes effect 7/9/06)

West Virginia	\$121,000.00	37	\$121,000.00	41
Wisconsin	\$126,358.00	31	\$126,358.00	35
Wyoming	\$111,400.00	44	\$111,400.00	45
District of Columbia	\$175,100.00	4	\$175,100.00	4
Federal System	\$203,000.00		\$203,000.00	
American Samoa	\$115,000.00		\$118,957.00	
Guam	\$126,000.00		\$126,000.00	
Northern Mariana Islands	\$126,000.00		\$126,000.00	
Puerto Rico	\$120,000.00		\$120,000.00	
Virgin Islands	N/A		N/A	
Fifty States and Dist. of Columbia				
Median	\$128,018.00		\$132,135.00	
Mean	\$133,602.30		\$137,074.49	
Standard Deviation	\$20,791.77		\$21,049.23	
Mean + 1 Standard Deviation	\$154,394.07		\$158,123.73	
Mean - 1 Standard Deviation	\$112,810.53		\$116,025.26	
Maximum Value	\$182,071.00		\$184,300.00	
Minimum Value	\$100,884.00		\$100,884.00	

\$0.00
\$0.00
\$0.00
\$0.00

0.00%
0.00%
0.00%
0.00%

-2.60%
-2.60% (New Salary \$134,389 takes effect 7/14/06)
-2.60% (New Salary \$115,300 takes effect 9/12/06)
-2.60%

26 of the states and DC got raises since January.

Average Raise: \$6,810.84

Inflation from Jan to July 2006 was about 2.6%

to adjust for inflation, simply look at the salary changes minus the rate of inflation

MANY States gave raises to judges, however, most of these raises do not outpace the uncharacteristically high rate of inflation in the last year.

When you adjust for inflation, only 20 states gave COLR Justices real salary increases

COLR Chiefs				
January 1, 2006		July 1, 2006		
State/Territory	Salary	Rank	Salary	Rank
Alabama	\$153,027.00	15	\$153,027.00	16
Alaska	\$126,132.00	32	\$165,696.00	7
Arizona	\$129,150.00	31	\$129,150.00	36
Arkansas	\$142,140.00	19	\$145,184.00	20
California	\$198,567.00	1	\$200,613.00	1
Colorado	\$122,352.00	41	\$125,656.00	40
Connecticut	\$166,489.00	5	\$166,489.00	6
Delaware	\$189,240.00	2	\$194,000.00	2
Florida	\$160,375.00	8	\$160,375.00	12
Georgia	\$157,779.00	12	\$157,779.00	14
Hawaii	\$140,000.00	21	\$144,900.00	21
Idaho	\$105,668.00	50	\$112,000.00	46
Illinois	\$177,073.00	3	\$182,739.00	3
Indiana	\$133,600.00	26	\$138,844.00	26
Iowa	\$132,720.00	27	\$150,110.00	19
Kansas	\$124,424.00	36	\$126,912.00	38
Kentucky	\$137,172.00	23	\$137,412.00	28
Louisiana	\$124,216.47	37	\$129,806.00	35
Maine	\$125,463.00	34	\$129,854.00	34
Maryland	\$155,852.00	14	\$163,352.00	10
Massachusetts	\$131,512.00	29	\$131,512.00	32
Michigan	\$164,610.00	6	\$164,610.00	8
Minnesota	\$149,124.00	17	\$151,361.00	18
Mississippi	\$115,390.00	44	\$115,390.00	44
Missouri	\$125,500.00	33	\$125,500.00	41
Montana	\$102,466.00	51	\$102,466.00	51
Nebraska	\$122,854.00	40	\$126,846.76	39
Nevada	\$140,000.00	21	\$140,000.00	24
New Hampshire	\$132,000.00	28	\$132,000.00	31
New Jersey	\$164,250.00	7	\$164,250.00	9
New Mexico	\$108,995.00	47	\$108,995.00	49
New York	\$156,000.00	13	\$156,000.00	15
North Carolina	\$123,819.00	39	\$130,629.00	33
North Dakota	\$106,102.00	49	\$110,346.00	48
Ohio	\$144,300.00	18	\$144,300.00	22
Oklahoma	\$117,571.00	43	\$140,000.00	24
Oregon	\$107,600.00	48	\$107,600.00	50
Pennsylvania	\$160,009.00	9	\$160,009.00	13
Rhode Island	\$158,020.00	11	\$162,761.00	11
South Carolina	\$134,418.00	24	\$138,450.00	27
South Dakota	\$110,145.00	46	\$113,369.42	45
Tennessee	\$129,948.00	30	\$134,364.00	29
Texas	\$152,500.00	16	\$152,500.00	17
Utah	\$124,150.00	38	\$127,850.00	37
Vermont	\$124,952.00	35	\$124,952.00	42
Virginia	\$158,514.00	10	\$172,014.00	5
Washington	\$141,394.00	20	\$141,394.00	23

Changes in Doll: % Change

Inflation for the last 6 months= 0.0262228946041351

	In 2006	Inflation Adjusted % raises
\$0.00	0.00%	-2.60%
\$39,564.00	31.37%	28.77%
\$0.00	0.00%	-2.60%
\$3,044.00	2.14%	-0.46%
\$2,046.00	1.03%	-1.57%
\$3,304.00	2.70%	0.10%
\$0.00	0.00%	-2.60%
\$4,760.00	2.52%	-0.08%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%
\$4,900.00	3.50%	0.90%
\$6,332.00	5.99%	3.39%
\$5,666.00	3.20%	0.60%
\$5,244.00	3.93%	1.33%
\$17,390.00	13.10%	10.50%
\$2,488.00	2.00%	-0.60%
\$240.00	0.17%	-2.43%
\$5,589.53	4.50%	1.90%
\$4,391.00	3.50%	0.90%
\$7,500.00	4.81%	2.21%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%
\$2,237.00	1.50%	-1.10%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%
\$3,992.76	3.25%	0.65%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%
\$6,810.00	5.50%	2.90%
\$4,244.00	4.00%	1.40%
\$0.00	0.00%	-2.60%
\$22,429.00	19.08%	16.48%
\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60%
\$4,741.00	3.00%	0.40%
\$4,032.00	3.00%	0.40%
\$3,244.42	2.95%	0.35%
\$4,416.00	3.40%	0.80%
\$0.00	0.00%	-2.60%
\$3,700.00	2.98%	0.38%
\$0.00	0.00%	-2.60%
\$13,500.00	8.52%	5.92%
\$0.00	0.00%	-2.60%

(New Salary \$161,200 takes effect 10/1/06)

New Salary \$151,239 effective 7/23/2006

(New Salary \$117,040 effective 7/15/06)

(New Salary \$129,925 effective 7/9/06)

West Virginia	\$121,000.00	42	\$121,000.00	43
Wisconsin	\$134,358.00	25	\$134,358.00	30
Wyoming	\$111,400.00	45	\$111,400.00	47
District of Columbia	\$175,600.00	4	\$175,600.00	4
Federal System	\$212,100.00		\$212,100.00	
American Samoa	\$120,000.00		\$125,212.00	
Guam	\$128,000.00		\$128,000.00	
Northern Mariana Islands	\$130,000.00		\$130,000.00	
Puerto Rico	\$125,000.00		\$125,000.00	
Virgin Islands	\$0.00		\$0.00	
Fifty States and Dist. of Columbia				
Median	\$133,600.00		\$137,931.00	
Mean	\$138,234.13		\$141,877.36	
Standard Deviation	\$22,082.87		\$22,359.40	
Mean + 1 Standard Deviation	\$160,316.99		\$164,236.75	
Mean - 1 Standard Deviation	\$116,151.26		\$119,517.96	
Maximum Value	\$198,567.00		\$200,613.00	
Minimum Value	\$102,466.00		\$102,466.00	

\$0.00	0.00%	-2.60%
\$0.00	0.00%	-2.60% (New Salary \$142,389 takes effect 7/14/06)
\$0.00	0.00%	-2.60% (New Salary \$115,300 takes effect 9/12/06)
\$0.00	0.00%	-2.60%

26 of the states and DC got raises since January.

Average Raise: \$7,146.34

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MANY States gave raises to judges, however, most of these raises do not outpace the uncharacteristically high rate of inflation in the last year.

When you adjust for inflation, only 20 states gave COLR Chief Justices real salary increases

APPENDIX B

CURRENT CHIEF JUSTICE SALARIES IN THE NEW ENGLAND STATES

JANUARY 2007

Current Chief Justice Salaries in the New England States

As of January 2007

Connecticut	\$175,465
Maine	\$129,854
Massachusetts	\$151,239
New Hampshire	\$137,730
Rhode Island	\$163,000
Vermont	\$129,925

Source: compiled by the Judicial Department, State of Maine via telephone survey.

March 5, 2007

Testimony in Support of Funding for Courthouse Security

Senator Rotundo, Representative Fisher, Members of the Appropriations and Financial Affairs Committee and esteemed members of the Judiciary Committee.. My name is Kathryn Pears and I am Director of Public Policy for the Maine Alzheimer's Association. The Maine Alzheimer's Association is a member of the Elder Issues Partnership. The Elder Issues Partnership is a coalition of 42 Maine organizations concerned with advocating, educating and communicating the needs of older Maine citizens. It is on their behalf that I testify today in support of funding for courthouse security.

Whether young or old, a trip to one of Maine's courthouses can be a stressful and intimidating experience. Making matters worse is the lack of basic protective measures that would ensure the safety and security of Maine citizens who, regardless of reason, rely on the courts and our system of justice.

Elders are especially vulnerable when it comes to navigating the court system. Mobility impairments, transportation problems, hearing impairments and memory disorders make appearing in court especially challenging. On top of this they must cope with the added stress of knowing that our courts are not adequately screening for dangerous weapons and that their appearance in court may place them in jeopardy.

Maine is currently one of the oldest states in the nation. As the baby boomers begin to enter their retirement years in 2011 Maine's proportion of elderly will begin to rise dramatically. As a result of the September 2006 Blaine House Conference on Aging, Governor Baldacci has expressed his interest in hearing from the Commissioners of all state agencies on how their agencies are preparing for the increase in older Maine residents. Courthouse safety deserves to be placed on the agenda so that Maine seniors can take part in the judicial process in confidence.

The Elder Issues Partnership urges your support of increased funding for courthouse security. Thank you.

Elder Issues Partnership

Purpose

The Elder Issues Partnership is a partnership of Maine organizations concerned with advocating, educating, and communicating the needs of older Maine citizens.

Participant Organizations

- | | |
|---|--|
| ☐ AARP | ☐ Maine Council of Senior Citizens |
| ☐ ALDA-Maine | ☐ Maine Equal Justice Partnership |
| ☐ Alpha-One | ☐ Maine Health Care Association |
| ☐ Community Concepts, Inc. | ☐ MaineHealth's Partnership for Healthy Aging |
| ☐ Community Counseling Center | ☐ Maine Long-term Care Ombudsman Program |
| ☐ Consumers for Affordable Health Care | ☐ Maine Personal Assistance Services Association (PASA) |
| ☐ Disability Rights Center | ☐ Maine State Nurses Association |
| ☐ Eastern Agency on Aging | ☐ Maine Women's Lobby |
| ☐ Eastern Maine Health Care | ☐ Mid-Coast Hospital |
| ☐ Global Wellness and A Woman's Touch | ☐ Moose Ridge |
| ☐ Home Care and Hospice Alliance of Maine | ☐ National Senior Service Corp (NSSC) |
| ☐ Home Care for Maine | ☐ Office of Elder Affairs, Portland Health and Human Services Department |
| ☐ Joint Advisory Committee on Select Services for Older Persons | ☐ PROP (People's Regional Opportunity Program) |
| ☐ Keeping Seniors Home, a program of Western Maine Community Action | ☐ Residential Resources |
| ☐ Legal Services for the Elderly | ☐ Sandy River Home Resources |
| ☐ Maine Adult Day Services Association | ☐ Senior Spectrum |
| ☐ Maine Alzheimer's Association | ☐ SeniorsPlus, Agency on Aging |
| ☐ Maine Assisted Technology Program | ☐ Southern Maine Agency on Aging |
| ☐ Maine Association of Area Agencies on Aging | ☐ Tri-County Mental Health Services |
| ☐ Maine Association of Retirees | ☐ Village Elders |
| ☐ Maine Center for Economic Policy | ☐ Washington Hancock Community Agency |

Secretariat / Contact for more information

Craig Freshley, Good Group Decisions, 98 Maine Street, Brunswick, ME 04011
207-729-5607 ElderIssues@GoodGroupDecisions.com

February 21, 2007

O.F.P.R.

2007 FEB 28 PM 12:27

Baxter Compensation Authority

BCA Board Chair
John Paterson

Executive Director
John Shattuck

March 5, 2007

The Honorable Margaret Rotundo, Senate Chair
The Honorable Jeremy R. Fischer, House Chair
123rd Maine Legislature
5 State House Station
Augusta, Maine 04333-0005

Dear Senator Rotundo, Representative Fischer, and Members of the Joint Standing Committee on Appropriations and Financial Affairs:

It is with great pleasure and appreciation that I provide you with the final report of activities of the Baxter Compensation Authority (BCA). The BCA was established by the 120th Legislature to review and adjudicate claims of physical or sexual abuse suffered by former students of the Governor Baxter School for the Deaf or the older Maine School for the Deaf.

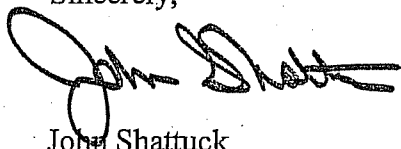
The BCA began accepting claims of abuse in October of 2002. Over the next four and one half years, the BCA Compensation Panel of 3 adjudicators reviewed 361 claims for eligibility and compensation amount. The statutory deadline to file a claim for compensation was March 31, 2006. Most of the claims were from people currently residing in Maine, but through an ambitious outreach effort, we were able to contact many people throughout the country who were able to submit information to be considered by the Panel. Of the 361 claims, 342 people were found to have suffered abuse while a student at the state administered school for the Deaf. A total of \$17,740,000 was awarded in the individual amounts of \$100,000, \$60,000 or \$25,000. A break down of the awards is as follows:

<u>\$100,000</u>	<u>\$60,000</u>	<u>\$57,500</u> (lost appeal)	<u>\$25,000</u>	<u>\$22,500</u> (lost appeal)
63	126	2	147	4

With all claims and appeals decided and awards processed, the BCA was able to officially "close its doors" on June 15, 2006 one year earlier than required by law. Maine's Deaf Community and those associated with the BCA will always be indebted to the Maine Legislature for its commitment in recognizing the State's responsibility in providing a sense of justice to those who suffered as children at the State administered school for the Deaf.

I would be happy to respond to any questions or concerns your Committee may have.

Sincerely,

A handwritten signature in black ink, appearing to read "John Shattuck". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

John Shattuck

cc: Jonathon Connick
Jan VeVinney
John Dunleavey
Jill Duson
Commissioner Wyke

Sexual Assault Forensic Examiner Program

Incidence of Sexual Assault

In Maine a person is raped every 28 hours (Maine DPS, 2005). According to the Maine Department of Public Safety, Crime in Maine Report (2005), there were 321 rapes reported to law enforcement; in 2004, victims reported 313 sexual assaults to Maine law enforcement. It is important to note that hundreds more sexual assault victims do not report to police, but instead seek support from one of ten Sexual Assault Support Centers in Maine, and medical treatment at local hospitals. The Maine Coalition Against Sexual Assault reports that survivors contacted crisis workers at the ten support centers 9,242 times in 2005, and 11,257 times in 2004. Of these victim/survivors, 416 received medical care with the help of the support centers in 2005, up from 334 in 2003. These numbers reflect a much higher incidence of sexual assault than is reported to law enforcement. This number does not include victims who seek medical treatment or help from the police on their own.

Sexual Assault Forensic Examiners (SAFE)

A Sexual Assault Forensic Examiner (SAFE) is a health care provider who has been specially trained to provide comprehensive care for the sexual assault patient, who demonstrates competency in conducting a forensic exam, and has the ability to be an expert or fact witness in court. Training requirements for SAFE state certification are rigorous, taking up to a year to complete. The first step is completion of a 40-hour training followed by clinical components including meeting with members of the county Sexual Assault Response Team, and practice to gain proficiency in performing the sexual assault forensic exam.

There is turnover among forensic examiners similar to turnover in hospital nursing staff. Examiners leave the state, leave the work to raise their children, or become overwhelmed with the nature of the care needed by sexual assault patient. Recruitment and retention of forensic examiners is a high priority for the program; ongoing training and support are key.

Advantages of Sexual Assault Forensic Examiners

For Patients

- Decreases wait
- Patient Seen as Trauma Patient
- Prompt, Compassionate Care
- Quality Medical/Forensic Exam
- Can Identify Injuries
- Great Documentation

For Emergency Departments

- Patient receives timely care
- Staff not called away from other duties
- SAFE has expertise and confidence
- SAFE takes less time for exam
- Credibility in Court

For Law Enforcement

- SAFE helps patient re reporting
- Can discuss options re the legal system
- Offer community support services
- Assist with safety planning
- Can perform suspect exams
- Understands importance of 'chain of custody'

For Prosecutors

- Credible witness
- Available on short notice
- Experiential data indicates increase in pleas
- Aids in the evaluation of evidence

For Advocates

- Partnership on behalf of patient/victim
- Victims get care that crisis/support centers have been advocating for years

Program Training

SAFE Training

The SAFE training starts with a 40-hour program of didactic components in the following areas: meeting the emotional and physical needs of the sexual assault trauma patient; forensic evidence collection; legal considerations; role of law enforcement, crime lab, victim compensation, and advocates. Following the 40-hour training each nurse must complete several clinical components including practice to gain proficiency in performing the sexual assault forensic exam. Each SAFE-in-Training must observe and assist with several exams, and then must be observed by a SAFE or advanced practice provider performing the medical/forensic examination. The exam includes taking a complete history, head to toe assessment for injury, prophylactic treatment for sexually transmitted diseases and hepatitis B, post coital contraception, a thorough exam of the genitalia including a vaginal exam in women, use of the state sex crimes kit for the preservation of forensic evidence, and documentation. Each exam takes an average of four hours to complete.

Simulation Exam Training

This full-day training is done in a clinic setting with live models that play the role of the sexual assault patient and are willing to have a complete exam done. The exams are precepted by state certified SAFEs.

Mock Trial

This two-day training includes a morning reviewing Maine sexual assault laws, mandatory reporting, and how to be a witness. The afternoon of day one and all of day two is the sexual assault 'mock trial' in Superior Court with the focus on SAFE testimony. Planning this realistic trial takes a minimum of six months. Attendance at the mock trial is a requirement for state SAFE certification.

Experiential Testimony Training

This full-day training is offered in eleven sites across the state. At the training, four 'teams', consisting of a SAFE or SAFE-in-training and a police officer, will be given the opportunity to testify using different case problems as a basis for testimony for direct and cross examination.

Pediatric SAFE Training

At this time there is no Pediatric SAFE training and thus, no SAFEs in Maine trained to care for the pediatric population. Currently, SAFEs and SAFE-in-Training are available to assist emergency department physicians and may be called in to care for the pediatric patient because of their expertise in forensic evidence collection. SAFEs are asking for this training.

Health care providers are often the first responders for survivors of sexual assault. By ensuring that trained nurses are available to perform the medical/forensic examination the waiting period to receive care is minimized, trauma from the assault is reduced, the needs of the victim are attended to, and evidence is collected in a manner that meets state standards and promotes successful prosecution.

1. Establishes 1 Field Investigator position in the Chief Medical Examiner's Office to investigate deaths.

Office of the Chief Medical Examiner

	FY08	FY09
Personal Services	61,099	64,198
All Other	<u>13,880</u>	<u>7,380</u>
Total	74,979	71,578

This initiative requests the funding of 1 full-time Field Investigator position to oversee all death investigations and coordinate the follow-up needed in these cases. Specifically the position will take death calls, answer questions, call physicians, hospitals, and police officers and gather the investigative information which the pathologists require to determine jurisdiction and complete the cause and manner of death. As a result of the insufficient staffing, other critical work of the Chief Medical Examiner has been preempted by the need to gather investigative information. As a result, the volume of work being completed and reports being sent out to police, insurance companies and families has increased to a 5-6 month timeframe. With the addition of one trained death investigators we should be able to move the cases along and be more responsive to the needs of the clients we interact with, and the families that need the information to settle insurance claims and estate issues.

2. Provides funding to contract for part-time Forensic Pathologist services.

Office of the Chief Medical Examiner

	FY08	FY09
All Other	52,000	52,000

This initiative requests funding to purchase part-time services equivalent to ¼ full time position from 1 or 2 forensic pathologists to perform autopsies and complete associated reports and other associated work. The addition of 1 or 2 forensic pathologists functioning in an approximate quarter-time capacity, should distribute the case load in a manner that will facilitate more efficient and timely completion of cases. Since 1997, the number of forensic examinations and autopsies has markedly increased. As the expert, the on-call forensic pathologist is needed to perform the autopsies, direct the investigations and attend crime scenes. Other agencies rely on the statistics produced by the office and the expertise of the forensic pathologist to inform and assist with evaluation of policy and responses in injury and death situations. Currently, the 2 full time forensic pathologists are only able to perform the autopsies and provide initial information to families. Finding the time to complete the autopsies, finalize the cases and provide the final cause of death to families, insurance companies, police agencies and others has become increasingly difficult. The office needs the additional help so we can better address the needs of the state when it comes to completing cases in a timely manner and being available to be responsive to the needs of other government agencies.

3. Provides funds to sustain the Sexual Assault Forensic Examiner training program.

Sexual Assault Forensic Examiner Program

	FY08	FY09
All Other	36,300	43,800

In 2001 the Legislature established the Sexual Assault Forensic Examiner Advisory Board. The goal of the Board is to promote and support the statewide creation, growth and sustainability of the Sexual Assault Forensic Examiner (SAFE) Program. Pursuit of this goal is crucial in order to provide for the hundreds of victims seeking medical forensic exams at Maine hospitals. At present, the task of training and certifying forensic examiners is the responsibility of a single staff person, a registered nurse employed by the Office of the Attorney General. The Office is requesting funds to continue the specialized sexual assault forensic examiner training and education provided to health care providers, sexual assault support center advocates and members of the criminal justice system.

4. Transfers the remaining 25% allocation of the 7 Assistant District Attorney positions specializing in prosecutorial services related to juvenile offenders from Other Special Revenue Funds to the General Fund within the same program.

District Attorneys Salaries

	FY08	FY09
Personal Services	118,883	125,447

Currently these positions are allocated 45% General Fund and 55% Other Special Revenue Funds. The Governor's recommendation increases that allocation to 75% General Fund. The Office of the Attorney General requests full General Fund funding for 7 Assistant District Attorney positions. The purpose of this program is to continue to provide specialized prosecutorial services related to juvenile offenders. Having special juvenile prosecutors reduces the time required to process juvenile cases and enhances appropriate treatment of juveniles. The specialized prosecutors also educate law enforcement officers and other juvenile justice professionals on juvenile procedures and policies. Specialized juvenile prosecutors are assigned as follows: 2 in District 1, York County; 2 in District 2, Cumberland County; 1 in District 3, Oxford, Franklin, Androscoggin Counties; 1 in District 4, Kennebec, Somerset Counties; and 1 in District 6, Sagadahoc, Knox, Lincoln, and Waldo Counties. These positions are currently partially funded by the Juvenile Accountability Block Grant (JABG) and a Federal earmark through a memorandum of agreement with the Department of Corrections. The current Presidential budget does not support continued funding for JABG.

**STATE OF MAINE
123rd LEGISLATURE**

**COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
Sen. Margaret Rotundo, Senate Chair**

Re: Maine Indian Tribal-State Commission funding 2008 - 2009

Friends Committee on Maine Public Policy has been following with great interest the development of Maine Indian Tribal-State Commission for many years . With the funding to do their job we expect the current impressive leadership of MITSC to make great progress in resolving problems that have gone on far too long.

Currently, MITSC is playing a pivotal role in the efforts of the Tribal leaders and the Governor to develop new and better relations. The modest increase in the state's contribution proposed here could pay large dividends in the future.

on behalf of Friends Committee on Maine Public Policy,

Edward F. Snyder
15 Otter Cliffs Road
Bar Harbor, ME 04609
207-288-8968

March 5, 2007



51 STATE HOUSE STATION
AUGUSTA, ME 04333-0051
www.maine.gov/mhrc

**STATEMENT OF
THE MAINE HUMAN RIGHTS COMMISSION
REGARDING APPROPRIATIONS TO THE COMMISSION**

Executive Director
PATRICIA E. RYAN

LD 499

Commission Counsel
JOHN P. GAUSE

Good morning. I am Patricia Ryan, the Executive Director of the Maine Human Rights Commission. As you know, the Maine Human Rights Commission is a small agency charged with enforcing the Maine Human Rights Act, which prohibits discrimination in employment, housing, public accommodations, credit, and education on the basis of race, color, sex, sexual orientation, religion, ancestry, national origin, age, disability, and genetic predisposition. In housing the Act also prohibits discrimination on the basis of familial status and receipt of public assistance. Lenders of credit cannot discriminate on the basis of marital status. The Commission also enforces the Whistleblower's Protection Act which prohibits an employer from retaliating against an employee because that person complained about an unsafe or illegal practice, and the Commission enforces those provisions of the Worker's Compensation law that prohibit retaliation against an employee for filing a worker's comp claim.

During the last fiscal year, 700 new charges were filed; 565 charges were closed. The Commission has a pending inventory of 685 charges. The Commission has 13 employees, including 5 investigators. Eight of the positions are funded through the general fund; 5 with federal funds. One of the general fund positions is funded $\frac{3}{4}$ with general funds and $\frac{1}{4}$ federal funds.

There are 5 budget initiatives contained in the Governor's budget:

- Continues 1 Field Investigator position authorized in Public Law 2005, chapter 386 for the purpose of investigating housing discrimination [in federal expenditures account].

The Commission received \$201,400 from HUD this year to continue to investigate complaints of housing discrimination dual filed with both agencies. Funds from HUD are expected to continue indefinitely.

▪ FY 07-08: \$69,933; FY 08-09: \$71,245

- Transfers one Office Assistant II position within the same federal program.

This change from one federal funding source to another reflects the growing workload in the housing area, and the need to dedicate resources to that work.

- FY 07-08: \$0; FY-08-09: \$0

- Transfers one Field Investigator position from 25% Federal Expenditures Fund (EEOC) to be funded 25% Federal Expenditures Fund (HUD).

Similar to the discussion above, this change in federal funding source reflects that the work of the Investigator with housing cases.

- FY 07-08: \$0; FY-08-09: \$0

- Reduces funding due to estimated reduction in STA-CAP rates.

Federal monies received from the EEOC have decreased, leading to a calculated reduction in STA-CAP rates.

- Federal: FY07-08: (\$17,675); FY08-09: (\$16,569)
- Other: FY07-08: (\$ 154); FY08-09: (\$ 154)

- Reduces funding of general operating expenses due to decreased revenues in Other Special Revenue Funds in order to maintain services within available resources.

Because all of our publications, including statutes, rules, guidance and brochures, and Commission decisions, are available on line, there are far fewer requests for hard copies, reducing any income generated by copying costs.

- FY07-08: (\$300); FY08-09: (\$300)