

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 538

H.P. 403

House of Representatives, February 14, 1995

An Act Relating to the Budget of the Judicial Department.

Reported by Representative TREAT for the Judicial Council pursuant to the Maine Revised Statutes, Title 4, section 451-A.

Reference to the Joint Standing Committee on Judiciary suggested and printing ordered under Joint Rule 20.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

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3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 4 MRSA §24**, as amended by PL 1993, c. 675, Pt. C,
5 §10, is further amended by adding after the 2nd paragraph a new
6 paragraph to read:

7 The operating budget of the Judicial Department may be
8 submitted to the Legislature as one line item and may include the
9 establishment of capital accounts for the purpose of upgrading
10 facilities and major equipment. Transfers of funds among
11 accounts within the Judicial Department do not require approval
12 by the Executive Department or by the Legislature, but
13 notification of any transfer of funds must be given to the joint
14 standing committee of the Legislature having jurisdiction over
15 appropriations and financial affairs within 30 days after the
16 transfer.

17 **Sec. 2. 4 MRSA §26**, as enacted by PL 1985, c. 733, §1, is
18 repealed.

19 **Sec. 3. 5 MRSA §1664**, as amended by PL 1993, c. 675, Pt. C,
20 §11, is further amended by adding after the 3rd paragraph a new
21 paragraph to read:

22 Legislation submitted by the Governor that sets forth
23 appropriations or allocations for the Legislature and the
24 Judicial Department must include the full budget request as
25 submitted to the Governor by each of those branches of State
26 Government, as well as the Governor's recommendation for each.

27 **Sec. 4. 5 MRSA §1664, last ¶**, as enacted by PL 1993, c. 675,
28 Pt. C, §11, is repealed.

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31 **STATEMENT OF FACT**

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36 This bill comprises recommendations concerning the budget of
37 the Judicial Department made by the Commission to Study the
38 Future of Maine's Courts. The Judicial Council is responsible
39 for carrying forward the remainder of the commission's
40 recommendations.

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42 This bill requires that the Judicial Department's operating
43 budget be established as a single line in the state budget
44 legislation, allowing the department to transfer funds among
45 accounts without approval of the Governor or the Legislature. It
46 also requires the Governor, when submitting legislation
47 concerning the judicial or legislative budgets, to include the
48 budgets as proposed by those departments in recognition of their

2 status as independent, equal branches of government. The bill
3 repeals the language added in the 116th Legislature requiring the
4 Governor to submit reports when the Governor's proposed budget
differs from the Judicial Department's proposed budget.