

# MAINE STATE LEGISLATURE

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Report A

L.D. 1811

Date: 4/4/14

(Filing No. S-498 )

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 725, L.D. 1811, Bill, "An Act To Appropriate and Allocate Funds To Strengthen the State's Efforts To Investigate, Prosecute and Punish Persons Committing Drug Crimes"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 4 MRSA §157, sub-§1, ¶A, as amended by PL 2005, c. 519, Pt. III, §2, is further amended to read:

A. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, shall appoint to the District Court 36 38 judges. At least one judge must be appointed from each district who is a resident of a county in which the district lies, except that in District 3 there must be 2 judges appointed who are residents of a county in which the district lies; in District 6 there must be 2 judges appointed who are residents of a county in which the district lies; and in District 9 there must be 2 judges appointed who are residents of a county in which the district lies. Two judges must be appointed to the District Court and assigned in a manner that ensures geographic distribution and the ability of the court to address drug-related criminal matters expeditiously. Each District Court Judge has a term of office of 7 years.

To be eligible for appointment as a District Judge, a person must be a member of the bar of the State. The term "District Judge" includes the Chief Judge and Deputy Chief Judge.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: Provides ongoing funding for 2 Assistant Attorney General positions that will be dedicated to prosecuting drug crimes.

COMMITTEE AMENDMENT

|   |                               |                |                  |
|---|-------------------------------|----------------|------------------|
| 1 | <b>GENERAL FUND</b>           | <b>2013-14</b> | <b>2014-15</b>   |
| 2 | POSITIONS - LEGISLATIVE COUNT | 0.000          | 2.000            |
| 3 | Personal Services             | \$0            | \$163,590        |
| 4 | All Other                     | \$0            | \$9,882          |
| 5 |                               |                |                  |
| 6 | <b>GENERAL FUND TOTAL</b>     | <u>\$0</u>     | <u>\$173,472</u> |

|    |  |                |                  |
|----|--|----------------|------------------|
| 7  | <b>ATTORNEY GENERAL, DEPARTMENT OF</b> |                |                  |
| 8  | <b>THE</b>                             |                |                  |
| 9  | <b>DEPARTMENT TOTALS</b>               | <b>2013-14</b> | <b>2014-15</b>   |
| 10 |  |                |                  |
| 11 | GENERAL FUND                           | \$0            | \$173,472        |
| 12 |  |                |                  |
| 13 | <b>DEPARTMENT TOTAL - ALL FUNDS</b>    | <u>\$0</u>     | <u>\$173,472</u> |

14 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)**  
 15 **Office of Substance Abuse and Mental Health Services 0679**  
 16 Initiative: Provides funds for substance abuse treatment programs.

|    |                           |                |                  |
|----|---------------------------|----------------|------------------|
| 17 | <b>GENERAL FUND</b>       | <b>2013-14</b> | <b>2014-15</b>   |
| 18 | All Other                 | \$0            | \$750,000        |
| 19 |                           |                |                  |
| 20 | <b>GENERAL FUND TOTAL</b> | <u>\$0</u>     | <u>\$750,000</u> |

|    |                                     |                |                  |
|----|-------------------------------------|----------------|------------------|
| 21 | <b>HEALTH AND HUMAN SERVICES,</b>   |                |                  |
| 22 | <b>DEPARTMENT OF (FORMERLY BDS)</b> |                |                  |
| 23 | <b>DEPARTMENT TOTALS</b>            | <b>2013-14</b> | <b>2014-15</b>   |
| 24 |                                     |                |                  |
| 25 | GENERAL FUND                        | \$0            | \$750,000        |
| 26 |                                     |                |                  |
| 27 | <b>DEPARTMENT TOTAL - ALL FUNDS</b> | <u>\$0</u>     | <u>\$750,000</u> |

28 **JUDICIAL DEPARTMENT**  
 29 **Courts - Supreme, Superior and District 0063**  
 30 Initiative: Provides funding for 2 District Court Judge positions, 2 Deputy Marshal  
 31 positions and 2 Assistant Clerk positions and related costs to address drug-related  
 32 criminal matters.

11/11/11

|    |  |                |                    |
|----|--|----------------|--------------------|
| 1  | <b>GENERAL FUND</b>  | <b>2013-14</b> | <b>2014-15</b>     |
| 2  | POSITIONS - LEGISLATIVE COUNT                                      | 0.000          | 6.000              |
| 3  | Personal Services  | \$0            | \$583,566          |
| 4  | All Other  | \$0            | \$55,500           |
| 5  |  |                |                    |
| 6  | <b>GENERAL FUND TOTAL</b>  | <u>\$0</u>     | <u>\$639,066</u>   |
| 7  | <b>JUDICIAL DEPARTMENT</b>   |                |                    |
| 8  | <b>DEPARTMENT TOTALS</b>   | <b>2013-14</b> | <b>2014-15</b>     |
| 9  |  |                |                    |
| 10 | GENERAL FUND   | \$0            | \$639,066          |
| 11 |  |                |                    |
| 12 | <b>DEPARTMENT TOTAL - ALL FUNDS</b>                                | <u>\$0</u>     | <u>\$639,066</u>   |
| 13 | <b>PUBLIC SAFETY, DEPARTMENT OF</b>                                |                |                    |
| 14 | <b>Drug Enforcement Agency 0388</b>                                |                |                    |
| 15 | Initiative: Provides funds to support drug enforcement activities. |                |                    |
| 16 | <b>GENERAL FUND</b>  | <b>2013-14</b> | <b>2014-15</b>     |
| 17 | All Other  | \$0            | \$920,812          |
| 18 |  |                |                    |
| 19 | <b>GENERAL FUND TOTAL</b>  | <u>\$0</u>     | <u>\$920,812</u>   |
| 20 | <b>PUBLIC SAFETY, DEPARTMENT OF</b>                                |                |                    |
| 21 | <b>DEPARTMENT TOTALS</b>   | <b>2013-14</b> | <b>2014-15</b>     |
| 22 |  |                |                    |
| 23 | GENERAL FUND   | \$0            | \$920,812          |
| 24 |  |                |                    |
| 25 | <b>DEPARTMENT TOTAL - ALL FUNDS</b>                                | <u>\$0</u>     | <u>\$920,812</u>   |
| 26 | <b>SECTION TOTALS</b>  | <b>2013-14</b> | <b>2014-15</b>     |
| 27 |  |                |                    |
| 28 | GENERAL FUND   | \$0            | \$2,483,350        |
| 29 |  |                |                    |
| 30 | <b>SECTION TOTAL - ALL FUNDS</b>                                   | <u>\$0</u>     | <u>\$2,483,350</u> |
| 31 |  |                |                    |

**SUMMARY**

This amendment is the majority report. It creates 2 new District Court Judge positions within the Judicial Department instead of 4 as proposed in the bill. These judges are appointed to the District Court in a manner that ensures geographic

**COMMITTEE AMENDMENT**

1 distribution and the ability of the court to address drug-related criminal matters  
2 expeditiously.

3 This amendment provides ongoing funding for 2 Assistant Attorney General  
4 positions in the Department of the Attorney General dedicated to prosecuting drug crimes  
5 instead of 4 as proposed in the bill.

6 This amendment reduces the ongoing General Fund appropriation to the Department  
7 of Public Safety to support drug enforcement activities from \$1,692,123 to \$920,812.

8 Finally, this amendment also provides an ongoing General Fund appropriation of  
9 \$750,000 to the Department of Health and Human Services for substance abuse treatment  
10 programs.

11 **FISCAL NOTE REQUIRED**

12 **(See attached)**



# 126th MAINE LEGISLATURE

LD 1811

LR 2762(02)

**An Act To Appropriate and Allocate Funds To Strengthen the State's Efforts To Investigate, Prosecute and Punish Persons Committing Drug Crimes**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S-498)**

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

## Fiscal Note

|                                   | FY 2013-14 | FY 2014-15  | Projections<br>FY 2015-16 | Projections<br>FY 2016-17 |
|-----------------------------------|------------|-------------|---------------------------|---------------------------|
| <b>Net Cost (Savings)</b>         |            |             |                           |                           |
| General Fund                      | \$0        | \$2,483,350 | \$2,470,515               | \$2,493,602               |
| <b>Appropriations/Allocations</b> |            |             |                           |                           |
| General Fund                      | \$0        | \$2,483,350 | \$2,470,515               | \$2,493,602               |

### Fiscal Detail and Notes

This bill includes General Fund appropriations totaling \$2,483,350 in fiscal year 2014-15 for the Judicial Department, the Department of Public Safety, the Department of the Attorney General and the Department of Health and Human Services. \$618,816 is appropriated for 2 Judge positions and related staff. \$920,812 is appropriated to the Department of Public Safety in fiscal year 2014-15 for drug enforcement activities. \$173,472 is appropriated to the Department of the Attorney General for drug crime prosecuting costs. \$750,000 is appropriated for substance abuse treatment. Additional funds will also be required by the Maine Commission on Indigent Legal Services beginning in fiscal year 2014-15. Another significant cost of this bill is the cost of incarceration. It is possible the number of sentences imposed will require additional staffing. The exact amount required by fiscal year cannot be estimated at this time.