

# MAINE STATE LEGISLATURE

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# Report C

L.D. 1811

Date: 4/7/14

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## CRIMINAL JUSTICE AND PUBLIC SAFETY

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### STATE OF MAINE

### SENATE

### 126TH LEGISLATURE

### SECOND REGULAR SESSION

COMMITTEE AMENDMENT "C" 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~~ 40 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. Four 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 4 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	4,000
3	Personal Services	\$0	\$327,180
4	All Other	\$0	\$19,764
5			
6	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$346,944</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	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$346,944</b>
12			
13	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$0</u>	<u>\$346,944</u>

14 **JUDICIAL DEPARTMENT**

15 **Courts - Supreme, Superior and District 0063**

16 Initiative: Provides funding for 4 District Court Judge positions, 4 Deputy Marshal  
 17 positions and 4 Assistant Clerk positions and related costs to address drug-related  
 18 criminal matters.

19	<b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
20	POSITIONS - LEGISLATIVE COUNT	0.000	12,000
21	Personal Services	\$0	\$1,167,132
22	All Other	\$0	\$111,000
23			
24	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$1,278,132</u>

25	<b>JUDICIAL DEPARTMENT</b>		
26	<b>DEPARTMENT TOTALS</b>	<b>2013-14</b>	<b>2014-15</b>
27			
28	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$1,278,132</b>
29			
30	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$0</u>	<u>\$1,278,132</u>

31 **PUBLIC SAFETY, DEPARTMENT OF**

32 **Drug Enforcement Agency 0388**

33 Initiative: Provides funding for 14 Investigative Agent positions from the General Fund  
 34 and funding for training and costs associated with conducting investigations from Other  
 35 Special Revenue Funds.

1	<b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
2	All Other	\$0	\$1,465,090
3			
4	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$1,465,090</u>
5	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
6	All Other	\$0	\$227,033
7			
8	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$0</u>	<u>\$227,033</u>
9	<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
10	<b>DEPARTMENT TOTALS</b>	<b>2013-14</b>	<b>2014-15</b>
11			
12	<b>GENERAL FUND</b>	\$0	\$1,465,090
13	<b>OTHER SPECIAL REVENUE FUNDS</b>	\$0	\$227,033
14			
15	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$0</u>	<u>\$1,692,123</u>
16	<b>SECTION TOTALS</b>	<b>2013-14</b>	<b>2014-15</b>
17			
18	<b>GENERAL FUND</b>	\$0	\$3,090,166
19	<b>OTHER SPECIAL REVENUE FUNDS</b>	\$0	\$227,033
20			
21	<b>SECTION TOTAL - ALL FUNDS</b>	<u>\$0</u>	<u>\$3,317,199</u>
22			

23 **SUMMARY**

24 This amendment is a minority report. It provides that the 4 new judge positions are  
 25 appointed to the District Court and assigned in a manner that ensures geographic  
 26 distribution and the ability of the court to address drug-related criminal matters  
 27 expeditiously.

28 The amendment also adds a General Fund appropriation for the appointment of the 4  
 29 new judges and their support staff.

30 **FISCAL NOTE REQUIRED**

31 (See attached)



# 126th MAINE LEGISLATURE

LD 1811

LR 2762(03)

## 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 "C" (*\$-500*)  
Committee: Criminal Justice and Public Safety  
Fiscal Note Required: Yes

### Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$3,090,166	\$3,094,496	\$3,140,671
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$3,090,166	\$3,094,496	\$3,140,671
Other Special Revenue Funds	\$0	\$227,033	\$227,033	\$227,033

### Fiscal Detail and Notes

This bill includes General Fund appropriations totaling \$3,090,166 in fiscal year 2014-15 for the Judicial Department, the Department of Public Safety and the Department of the Attorney General. \$1,278,132 is appropriated for 4 Judge positions and related staff. \$1,465,090 is appropriated to the Department of Public Safety for drug enforcement activities. \$346,944 is appropriated to the Department of the Attorney General for drug crime prosecuting costs. This bill also includes an Other Special Revenue Funds allocation of \$227,033 to the Department of Public Safety in fiscal year 2014-15, however, no funding has been given for this allocation. 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.