

MAINE STATE LEGISLATURE

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SAK
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A

L.D. 54

Date: 6-16-21

(Filing No. H-715)

REPORT A
JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 20, L.D. 54, "An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Newly Discovered Evidence"

Amend the bill by inserting after section 2 the following:

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**ATTORNEY GENERAL, DEPARTMENT OF THE
Administration - Attorney General 0310**

Initiative: Provides one Assistant Attorney General position and one Research Assistant Paralegal position to handle an increase in litigation and provides funding for All Other costs.

	2021-22	2022-23
GENERAL FUND		
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$210,947	\$221,178
All Other	\$9,849	\$9,849
	\$220,796	\$231,027

District Attorneys Salaries 0409

Initiative: Provides funding for 7.5 Assistant District Attorney positions to handle an increase in litigation.

	2021-22	2022-23
GENERAL FUND		
POSITIONS - LEGISLATIVE COUNT	7.500	7.500
Personal Services	\$878,057	\$920,642
	\$878,057	\$920,642

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COMMITTEE AMENDMENT "A" to H.P. 20, L.D. 54

1	ATTORNEY GENERAL, DEPARTMENT OF THE		
2	DEPARTMENT TOTALS	2021-22	2022-23
3			
4	GENERAL FUND	\$1,098,853	\$1,151,669
5			
6	DEPARTMENT TOTAL - ALL FUNDS	\$1,098,853	\$1,151,669
7	INDIGENT LEGAL SERVICES, MAINE COMMISSION ON		
8	Maine Commission on Indigent Legal Services Z112		
9	Initiative: Provides additional funding for an increase in post-conviction reviews handled		
10	by the commission.		
11	GENERAL FUND	2021-22	2022-23
12	All Other	\$196,493	\$196,493
13			
14	GENERAL FUND TOTAL	\$196,493	\$196,493
15			
16	INDIGENT LEGAL SERVICES, MAINE		
17	COMMISSION ON		
18	DEPARTMENT TOTALS	2021-22	2022-23
19			
20	GENERAL FUND	\$196,493	\$196,493
21			
22	DEPARTMENT TOTAL - ALL FUNDS	\$196,493	\$196,493
23	JUDICIAL DEPARTMENT		
24	Courts - Supreme, Superior and District 0063		
25	Initiative: Provides funding for one Judge, one Deputy Marshal position, one Assistant		
26	Clerk position and one part-time Law Clerk position due to the anticipated increase in post-		
27	conviction reviews.		
28	GENERAL FUND	2021-22	2022-23
29	Personal Services	\$397,452	\$410,170
30			
31	GENERAL FUND TOTAL	\$397,452	\$410,170
32			
33	JUDICIAL DEPARTMENT		
34	DEPARTMENT TOTALS	2021-22	2022-23
35			
36	GENERAL FUND	\$397,452	\$410,170
37			
38	DEPARTMENT TOTAL - ALL FUNDS	\$397,452	\$410,170
39			
40	SECTION TOTALS	2021-22	2022-23
41			
42	GENERAL FUND	\$1,692,798	\$1,758,332

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 20, L.D. 54

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SECTION TOTAL - ALL FUNDS \$1,692,798 \$1,758,332

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the majority report of the committee. It adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



130th MAINE LEGISLATURE

LD 54

LR 197(02)

An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Newly Discovered Evidence

Fiscal Note for Bill as Amended by Committee Amendment *(ACH-715)*

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$1,692,798	\$1,758,332	\$1,807,997	\$1,859,249
Appropriations/Allocations				
General Fund	\$1,692,798	\$1,758,332	\$1,807,997	\$1,859,249

Fiscal Detail and Notes

The bill provides that there is no deadline for filing a petition for post-conviction review based on newly discovered evidence. According to information provided by the Judicial Department, this could increase the total number of post-conviction reviews by 5-10%, or about 80 to 159 new cases per year. As a result of the increased caseload, the bill includes General Fund Appropriations to the Judicial Department of \$397,452 in fiscal year 2021-22 and \$410,170 in fiscal year 2022-23 to establish one additional Judge, one Deputy Marshal position, one Assistant Clerk position and one part-time Law Clerk position.

The bill also includes General Fund appropriations to the Office of the Attorney General of \$1,098,853 in fiscal year 2021-22 and \$1,151,669 in fiscal year 2022-23 for an additional 7.5 Assistant District Attorney positions, one Assistant Attorney General position and one Research Assistant Paralegal position to handle an anticipated increase in litigation.

The Maine Commission on Indigent Legal Services (MCILS) is currently appointed as counsel for about 79% of post conviction reviews at an average cost of \$2,077 per case. The bill includes ongoing General Fund appropriations of \$196,493 to MCILS to handle an additional 95 post conviction reviews as a result of this bill.