

MAINE STATE LEGISLATURE

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Date: 5/10/24

(Filing No. S- 788)

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STATE OF MAINE
SENATE
131ST LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 248,
L.D. 580, "An Act to Improve Family Court Procedure"

Amend the amendment by inserting after the title the following:

'Amend the bill by striking out the title and substituting the following:

'An Act to Improve Family Court Procedure and to Provide Drug Treatment Court Funding'

Amend the amendment by inserting after the first instructional paragraph the following:

'Sec. 1. 4 MRSA §157, sub-§1, ¶A, as amended by PL 2023, c. 412, Pt. ZZZZ, §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 42 judges, except that, beginning July 1, 2024, 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 44 45 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. 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.'

Amend the amendment by striking out all of sections 4 and 5 and inserting the following:

'Sec. 4. Transfer to Department of Health and Human Services, Office of Substance Abuse and Mental Health Services, Other Special Revenue Funds account. Notwithstanding any provision of law to the contrary, on or before June 30,

SENATE AMENDMENT

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1 2025, the State Controller shall transfer \$561,283 from the Department of Health and
2 Human Services, Opioid Use Disorder Prevention and Treatment Fund, Other Special
3 Revenue Funds account to the Department of Health and Human Services, Office of
4 Substance Abuse and Mental Health Services, Other Special Revenue Funds account.

5 **Sec. 5. Transfer to unappropriated surplus of General Fund.**
6 Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State
7 Controller shall transfer \$411,836 from the Department of Health and Human Services,
8 Opioid Use Disorder Prevention and Treatment Fund, Other Special Revenue Funds
9 account to the unappropriated surplus of the General Fund.

10 **Sec. 6. Appropriations and allocations.** The following appropriations and
11 allocations are made.

12 **ATTORNEY GENERAL, DEPARTMENT OF THE**

13 **District Attorneys Salaries 0409**

14 Initiative: Appropriates one-time funds to establish one limited-period Assistant District
15 Attorney position to facilitate the creation of a drug treatment court in Aroostook County.

16	GENERAL FUND	2023-24	2024-25
17	Personal Services	\$0	\$140,500
18			
19	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$140,500</u>

20

21 **ATTORNEY GENERAL, DEPARTMENT OF THE**

22 **DEPARTMENT TOTALS**

22		2023-24	2024-25
23			
24	GENERAL FUND	\$0	\$140,500
25			
26	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$140,500</u>

27 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

28 **Office of Substance Abuse and Mental Health Services Z199**

29 Initiative: Provides a one-time allocation for the Department of Health and Human
30 Services, Office of Behavioral Health to contract with an entity to provide the required
31 pretrial services for the new drug court in Aroostook County.

32	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
33	All Other	\$0	\$561,283
34			
35	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$561,283</u>

36

37 **HEALTH AND HUMAN SERVICES,**

38 **DEPARTMENT OF**

39 **DEPARTMENT TOTALS**

39		2023-24	2024-25
40			
41	OTHER SPECIAL REVENUE FUNDS	\$0	\$561,283
42			

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SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 248, L.D. 580 (S-788)

1	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$561,283
2	INDIGENT LEGAL SERVICES, MAINE COMMISSION ON		
3	Maine Commission on Indigent Legal Services Z112		
4	Initiative: Appropriates one-time funds to provide legal representation to participants in the		
5	new drug court in Aroostook County.		
6	GENERAL FUND	2023-24	2024-25
7	All Other	\$0	\$39,000
8			
9	GENERAL FUND TOTAL	\$0	\$39,000
10			
11	INDIGENT LEGAL SERVICES, MAINE		
12	COMMISSION ON		
13	DEPARTMENT TOTALS	2023-24	2024-25
14			
15	GENERAL FUND	\$0	\$39,000
16			
17	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$39,000
18	JUDICIAL DEPARTMENT		
19	Courts - Supreme, Superior and District 0063		
20	Initiative: Provides one-time funding for printing costs to update A Guide to Family		
21	Separation in Maine.		
22	GENERAL FUND	2023-24	2024-25
23	All Other	\$0	\$10,000
24			
25	GENERAL FUND TOTAL	\$0	\$10,000
26	Courts - Supreme, Superior and District 0063		
27	Initiative: Establishes one Judge position, one Deputy Marshal position and one Assistant		
28	Clerk position effective January 1, 2025 and provides funding for related All Other costs.		
29	GENERAL FUND	2023-24	2024-25
30	POSITIONS - LEGISLATIVE COUNT	0.000	3.000
31	Personal Services	\$0	\$190,476
32	All Other	\$0	\$31,860
33			
34	GENERAL FUND TOTAL	\$0	\$222,336
35			
36	JUDICIAL DEPARTMENT		
37	DEPARTMENT TOTALS	2023-24	2024-25
38			
39	GENERAL FUND	\$0	\$232,336
40			
41	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$232,336

SENATE AMENDMENT

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SECTION TOTALS	2023-24	2024-25
GENERAL FUND	\$0	\$411,836
OTHER SPECIAL REVENUE FUNDS	\$0	\$561,283
SECTION TOTAL - ALL FUNDS	\$0	\$973,119

Sec. 7. Effective date. This Act takes effect January 1, 2025.'

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

SUMMARY

This amendment amends Committee Amendment "A" by changing the title and requiring the State Controller to transfer \$561,283 from the Department of Health and Human Services, Opioid Use Disorder Prevention and Treatment Fund, Other Special Revenue Funds account to the Department of Health and Human Services, Office of Substance Abuse and Mental Health Services, Other Special Revenue Funds account on or before June 30, 2025.

The amendment requires the State Controller to transfer \$411,836 from the Department of Health and Human Services, Opioid Use Disorder Prevention and Treatment Fund, Other Special Revenue Funds account to the unappropriated surplus of the General Fund on or before June 30, 2025.

The amendment increases the number of District Court Judges to 45.

The amendment also changes the effective date to January 1, 2025 and replaces the appropriations and allocations section.

SPONSORED BY: 

(Senator BAILEY, D.)

COUNTY: York

FISCAL NOTE REQUIRED
(See attached)



131st MAINE LEGISLATURE

LD 580

LR 792(07)

An Act to Improve Family Court Procedure

Fiscal Note for Senate Amendment "B" to Committee Amendment "A" (S-788)

Sponsor: Sen. Bailey of York

Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	(\$224,415)	(\$396,881)	\$0	\$0
Appropriations/Allocations				
General Fund	(\$224,415)	\$14,955	\$0	\$0
Other Special Revenue Funds	\$0	\$561,283	\$0	\$0
Transfers				
General Fund	\$0	\$411,836	\$0	\$0
Other Special Revenue Funds	\$0	(\$411,836)	\$0	\$0

Fiscal Detail and Notes

This amendment delays the effective date from January 1, 2024 to January 1, 2025 for the one Judge position, one Deputy Marshal position and one Assistant Clerk position within the Judicial Department to implement the new family court process.

This amendment adds a one-time General Fund appropriation of \$140,500 in fiscal year 2024-25 to the Office of the Attorney General for one limited period Assistant District Attorney position to serve the drug treatment court in Aroostook County and a one-time General Fund appropriation of \$39,000 in the same year to the Maine Commission on Public Defense Services to provide legal representation services for that drug treatment court.

The amendment also includes a transfer from the Department of Health and Human Services, Opioid Use Disorder Prevention and Treatment Fund, Other Special Revenue Funds account to the unappropriated surplus of the General Fund to offset the fiscal year 2024-25 General Fund costs to the Judicial Department related to the new family court process and to the Office of the Attorney General and the Maine Commission on Public Defense Services related to the drug treatment court.

SB (5-788)

This amendment adds a one-time Other Special Revenue Funds allocation to the Department of Health and Human Services of \$561,283 in fiscal year 2024-25 for the Office of Behavioral Health to contract with an entity to provide required pretrial services for the drug treatment court in Aroostook County.

This amendment also includes a transfer from the Department of Health and Human Services, Opioid Use Disorder Prevention and Treatment Fund, Other Special Revenue Funds account to the Department of Health and Human Services, Office of Substance Abuse and Mental Health Services, Other Special Revenue Funds account to fund this contract.