

MAINE STATE LEGISLATURE

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REPORT
OF THE SPECIAL COMMITTEE ON EXPENSE TO STATE
OF ASSUMING COST OF COURT SYSTEM

To the Honorable Members of the 105th Legislature:

This Committee was created pursuant to an Order in the Senate, the House concurring, a copy of which is attached to this report. Its mandate was to "study the impact upon the State of Maine of . . . L.D. 1519." The bill which was the object of the study, L.D. 1519, would have the State assume all the expenses of the Courts now being borne by the counties. The duly appointed members of the Committee were: from the Senate, Senators Tanous and Harding; from the House, Representatives Lund, Shaw and Jalbert; Mr. Bates, as director of the Bureau of Public Improvements and Mr. Garside, as Legislative Finance Officer.

At its first meeting, on November 4, 1971, the Committee organized itself, selected Senator Tanous as its Chairman, and then heard from several guests concerning probable cost to the State of taking over the court expenses now borne by the counties. In particular, the Committee learned that a county-by-county analysis of costs had been prepared which indicated that during calendar year 1970 this expense to the counties had amounted to \$1,170,800 but that statutory increases in witness and jurors' fees would substantially increase this amount in future years. On the basis of the data submitted,

and the discussion thereof, the Committee concluded that the net amount of costs to be transferred from the counties to the State, covering all court expenses exclusive of an allowance for rental of space, would be approximately \$3,194,900 for the 1973-75 biennium. Reference is made to exhibit "A", attached hereto, for a more detailed breakdown of these figures and the basis of computation.

The Committee met again on December 15, 1971, to consider the rental cost for Superior Court facilities, an item as to which no conclusion had been reached at its first meeting.

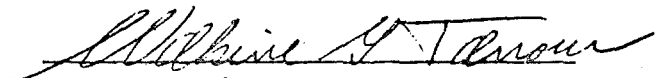
On the basis of the corresponding expense for the District Court System, and considering the differences between the District and the Superior Courts, the Committee concluded that this rental cost item would amount to \$100,000 per year, or \$200,000 per biennium. Reference is made to exhibit "B", attached hereto, for greater detail on the basis for this figure.

Various members of the Committee further expressed the following views: (1) L.D. 1519, or a substitute measure, would contemplate no change in the operation of the Superior Court, of the Clerk of Courts, or of other court-supportive services, but merely a transfer of the expense; (2) the counties are already burdened by the expense of the court system, and this burden will increase to over \$1.5 million dollars per year in the light of the statutory increase in fees; (3) this increasing burden on the counties is reflected in the property tax;

(4) the burden on the counties is even greater because they cannot budget for the great expense of a murder trial or other lengthy court proceedings; (5) assumption of this expense by the State would spread these unpredictable costs equitably over the entire State, and is consistent with the status of the Superior Court as a unified court system; (6) even without an allowance for rentals, the financial relief to the counties, and equitable sharing of the expense, would be significant; (7) a rental allowance is equitable, and would provide further financial relief to the counties and, thus, the property tax burden.

THE COMMITTEE THEREFORE REPORTS that the cost to the State of assuming the expenses of the Superior Court System, through legislation similar to L.D. 1519 introduced in the regular session of the 105th Legislature would be approximately \$3,394,900 for the next biennium.

Respectfully submitted,



Senator Wakine G. Tanous,
Chairman

ORDERED, the House concurring, that there is created a Joint Interim Committee to consist of 2 Senators to be appointed by the President of the Senate, 3 Representatives to be appointed by the Speaker of the House, the Chief Justice of the Supreme Judicial Court, a Justice of the Superior Court to be appointed by the Chief Justice, the Director of the Bureau of Public Improvements and the Legislative Finance Officer; the Committee to elect its own chairman; and be it further

ORDERED, that this Committee is directed to study the financial impact upon the State of Maine of Senate Paper 524, L.D. 1519, "AN ACT Relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State", and be it further

ORDERED, that the Committee shall report the results of its study and any findings it may make to a special session of the 105th Legislature or the 106th Legislature; and be it further

ORDERED, that the members of the Committee shall serve without compensation but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order; such sums to be paid out of the Legislative Account; and be it further

ORDERED, that the Committee shall have the authority to employ professional and clerical assistance within the limits of funds provided; and be it further

ORDERED, that there is allocated to the Committee from the Legislative Account the sum of \$3,000 to carry out the purposes of this Order.

S.P. 566
Berry
Cumberland

In Senate Chamber
Read and Passed
Sent down for concurrence
April 30, 1971

House of Representatives
Read and Passed
May 3, 1971
In concurrence

EXHIBIT "A"

ESTIMATED COSTS TO BE TRANSFERRED
FROM COUNTIES TO STATE BY ASSUMPTION
OF ALL COURT EXPENSES

1970 (Calendar year) county expense

Supreme Judicial Court	\$3,000	
Clerk of Courts	336,600	
Superior Court	770,000	
Law Library	61,200	
	<u>1,170,800</u>	1,170,800

Adjustments

Increased statutory salary of Clerks of Court	13,965	14,000
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Increase in Statutory Jurors
Fees and Mileage (from \$12 to
\$20 per day, and from five cents
to ten cents for 2nd and sub-
sequent day's service)

(1970 Jurors fees and mileage	<u>342,937</u>)	
Est. increased per diem	115,000	
Est. increased mileage	<u>85,000</u>	
Adjustment to 1970		200,000

Increase in Statutory Witness
Fees & mileage (from \$5 to \$10
per day, and from eight cents to
ten cents per mile)

(1970 Witness fees & mileage	<u>51,485</u>)	
Est. increased per diem	26,000	
Est. increased mileage	<u>6,500</u>	
Adjustment to 1970		32,500

1970 total adjusted for statutory increases		<u>1,417,300</u>
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Projection to fiscal 1973-75
(i.e., 7/1/73 to 6/30/75)

Est. 10% annual growth rate		
for 1973-74, add: 25%		1,771,600
for 1974-1975, add: 35%		<u>1,913,300</u>
Est. biennium total		<u>3,684,900</u>

Forward 3,684,900

Offset: General fund revenues

1970 County collection of fines	162,915
Clerks fees	<u>25,527</u>
Total 1970	188,442

Est. 1973-74, 125%

235,500

Est. 1974-75, 135%

254,500

490,000

Net general fund cost transfer from counties

For 1973-1975 biennium

3,194,900

Note 1: There is no allowance in the above figures for "rent" or comparable payments to the counties.

Note 2: The above assumes no changes other than (a) source of financing and (b) normal growth.

EXHIBIT "B"
SPACE LEASED BY DISTRICT COURTS

<u>LESSOR</u>	<u>CITY</u>	<u>SERVICES</u>	<u>TERMIN- ATION DATE</u>	<u>ANNUAL RENTAL</u>
Penobscot County	Bangor	Heat, lights, janit. services	9/1/71	\$6,720
Town of Bar Harbor	Bar Harbor	Heat, lgts, water, janit. serv.	4/1/76	2,800
County of Sagadahoc	Bath	"	2/1/75	2,400
County of Waldo	Belfast	"	5/1/76	3,900
Town of Bridgton	Bridgton	"	5/1/79	1,800
Town of Brunswick	Brunswick	"	4/1/73	1,800
City of Calais	Calais	"	4/15/74	1,800
County of Aroostook	Caribou	"	11/1/75	3,600
Piscataquis County	Dover-Foxcroft	Water, janit. space	4/1/76	1,200
County of Hancock	Ellsworth	Heat, lgts, water, janit. serv.	12/1/73	2,400
County of Franklin	Farmington	"	10/1/70	2,220
County of Aroostook	Ft. Kent	"	7/1/76	3,000
County of Aroostook	Houlton	"	11/1/75	2,400
Town of Kittery	Kittery	"	3/1/75	3,300
City of Lewiston	Lewiston	"	1/4/75	3,900
Penobscot County	Lincoln	"	12/1/73	1,800
Town of Livermore Falls	Livermore Falls	"	6/1/78	3,180
County of Washington	Machias	"	4/15/69	1,800
Town of Madawaska	Madawaska	"	1/1/73	2,100
Town of Millinocket	Millinocket	Heat, lgts, water, janit. serv.	6/1/74	2,400
Newport Trust Co.	Newport	"	6/1/75	2,160
County of Cumberland	Portland	"	9/1/75	9,600
City of Presque Isle	Presque Isle	"	1/1/73	2,100
County of Knox	Rockland	"	4/1/73	2,700
Oxford County	Rumford	"	6/30/73	3,000
City of Saco	Saco	"	12/15/74	1,800
Town of Sanford	Sanford	"	2/1/75	1,800
Oxford County	South Paris	"	6/30/73	3,600
County of Somerset	Skowhegan	"	10/1/70	2,520
Town of Van Buren	Van Buren	"	6/1/72	1,500
City of Waterville	Waterville	"	Monthly Basis	1,200
County of Lincoln	Wiscasset	"	Monthly Basis	2,400
TOTAL				<u>\$ 88,900</u>