

MAINE STATE LEGISLATURE

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**JOINT STANDING COMMITTEE ON
JUDICIARY**

LD 1614 PART 2 BUDGET BILL

FY 04 - 05

THIS FILE CONTAINS THE FOLLOWING:

**Departmental Impact Forms
Testimony
Committee Recommendations**

2004-2005 "Part 2" Budget Bill
Departmental Impact Form
Joint Standing Committee on Appropriations and Financial Affairs

Department/Agency Name: Attorney General

Program Name: Administration-Attorney General

Account Number(s): 010-26A-0310-01, 013-26A-0310-01, 013-26A-0310-02, 013-26A-0310-05, 014-26A-0310-01, 014-26A-0310-02, 014-26A-0310-03, 014-26A-0310-07, 014-26A-0310-08, 014-26A-0310-10

Page # in Bill: C-6

FY 2003-04

FY 2004-05

Position or FTE Increase [i.e. (0.000)] / Decrease [i.e.(-0.000)]:

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Appropriation or Allocation Increase / (Decrease):

<u>General Fund</u>		247,449
<u>Federal Funds</u>		71,541
<u>Other Special Revenue funds</u>		413,325
<u>Other (please specify)</u>		

Revenue or Balance Transfer Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Description of Initiative:

Restores merit increases for fiscal year 2004-2005.

Description of Impact on Program(s) – BE SPECIFIC:

This initiative would provide a merit increase for all unclassified positions in FY05. Unclassified personnel make up 82% of our budget; in staff numbers that is 229 of the total 278 positions in the Office. Merit increases for these positions have been frozen in FY03 and FY04. The ability to grant merit increases will have a significant positive impact on the Office by both boosting morale and aiding in our personnel retention efforts.

Does this Initiative have an impact on the 2006-2007 Biennium?

YES

(please explain below)

It will increase the future biennium's starting base budget for the Personal Services line category.

**2004-2005 "Part 2" Budget Bill
Departmental Impact Form
Joint Standing Committee on Appropriations and Financial Affairs**

Department/Agency Name: Attorney General

Program Name: Human Services Division

Account Number(s): 010-26A-0696-01; 013-26A-0696-01; 014-26A-0696-01; 015-26A-0696-01

Page # in Bill: C-7

FY 2003-04

FY 2004-05

Position or FTE Increase [i.e. (0.000)] / Decrease [i.e.(-0.000)]:

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Appropriation or Allocation Increase / (Decrease):

<u>General Fund</u>		81,334
<u>Federal Funds</u>		101,844
<u>Other Special Revenue funds</u>		31,910
<u>Other (please specify)Federal Block Grant</u>		54,411

Revenue or Balance Transfer Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Description of Initiative:

Restores merit increases for fiscal year 2004-2005.

Description of Impact on Program(s) – BE SPECIFIC:

This initiative would provide a merit increase for all unclassified positions in FY05. Unclassified personnel make up 82% of our budget; in staff numbers that is 229 of the total 278 positions in the Office. Merit increases for these positions have been frozen in FY03 and FY04. The ability to grant merit increases will have a significant positive impact on the Office by both boosting morale and aiding in our personnel retention efforts.

Does this Initiative have an impact on the 2006-2007 Biennium?

YES

(please explain below)

It will increase the future biennium's starting base budget for the Personal Services line category.

2004-2005 "Part 2" Budget Bill
Departmental Impact Form
Joint Standing Committee on Appropriations and Financial Affairs

Department/Agency Name: Attorney General

Program Name: Chief Medical Examiner

Account Number(s): 010-26A-0412-01;

Page # in Bill: C-7

FY 2003-04

FY 2004-05

Position or FTE Increase [i.e. (0.000)] / Decrease [i.e.(-0.000)]:

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Appropriation or Allocation Increase / (Decrease):

<u>General Fund</u>		10,256
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u> <u>Federal Block Grant</u>		

Revenue or Balance Transfer Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Description of Initiative:

Restores merit increases for fiscal year 2004-2005.

Description of Impact on Program(s) – BE SPECIFIC:

This initiative would provide a merit increase for all unclassified positions in FY05. Unclassified personnel make up 82% of our budget; in staff numbers that is 229 of the total 278 positions in the Office. Merit increases for these positions have been frozen in FY03 and FY04. The ability to grant merit increases will have a significant positive impact on the Office by both boosting morale and aiding in our personnel retention efforts.

Does this Initiative have an impact on the 2006-2007 Biennium? YES

(please explain below)

It will increase the future biennium's starting base budget for the Personal Services line category.

2004-2005 "Part 2" Budget Bill
Departmental Impact Form
Joint Standing Committee on Appropriations and Financial Affairs

Department/Agency Name: Attorney General

Program Name: District Attorneys Salaries

Account Number(s): 010-26A-0409-01;) 013-26A-0409-02; 014-26A-0409-02

Page # in Bill: C-7

FY 2003-04

FY 2004-05

Position or FTE Increase [i.e. (0.000)] / Decrease [i.e.(-0.000)]:

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Appropriation or Allocation Increase / (Decrease):

<u>General Fund</u>		455,741
<u>Federal Funds</u>		13,161
<u>Other Special Revenue funds</u>		36,080
<u>Other (please specify)</u>		

Revenue or Balance Transfer Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Description of Initiative:

Restores merit increases for fiscal year 2004-2005.

Description of Impact on Program(s) – BE SPECIFIC:

This initiative would provide a merit increase for all unclassified positions in FY05. Unclassified personnel make up 82% of our budget; in staff numbers that is 229 of the total 278 positions in the Office. Merit increases for these positions have been frozen in FY03 and FY04. The ability to grant merit increases will have a significant positive impact on the Office by both boosting morale and aiding in our personnel retention efforts.

Does this Initiative have an impact on the 2006-2007 Biennium?

YES

(please explain below)

It will increase the future biennium's starting base budget for the Personal Services line category.

2004-2005 "Part 2" Budget Bill
 Departmental Impact Form
 Joint Standing Committee on Appropriations and Financial Affairs

Department/Agency Name: Attorney General

Program Name: Civil Rights

Account Number(s): 010-26A-0039-01;

Page # in Bill: C-7

FY 2003-04

FY 2004-05

Position or FTE Increase [i.e. (0.000)] / Decrease [i.e.(-0.000)]:

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Appropriation or Allocation Increase / (Decrease):

<u>General Fund</u>		5,242
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u> <u>Federal Block Grant</u>		

Revenue or Balance Transfer Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Description of Initiative:

Restores merit increases for fiscal year 2004-2005.

Description of Impact on Program(s) – BE SPECIFIC:

This initiative would provide a merit increase for all unclassified positions in FY05. Unclassified personnel make up 82% of our budget; in staff numbers that is 229 of the total 278 positions in the Office. Merit increases for these positions have been frozen in FY03 and FY04. The ability to grant merit increases will have a significant positive impact on the Office by both boosting morale and aiding in our personnel retention efforts.

Does this Initiative have an impact on the 2006-2007 Biennium?

YES

(please explain below)

It will increase the future biennium's starting base budget for the Personal Services line category.

2004-2005 "Part 2" Budget Bill
Departmental Impact Form
Joint Standing Committee on Appropriations and Financial Affairs

Department/Agency Name: Attorney General

Program Name: Administration-Attorney General

Account Number(s): 010-26A-0310-01,

Page # in Bill: Part B pg. 72

FY 2003-04

FY 2004-05

Position or FTE Increase [i.e. (0.000)] / Decrease [i.e.(-0.000)]:

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Appropriation or Allocation Increase / (Decrease):

<u>General Fund</u>	0	0
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Revenue or Balance Transfer Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Description of Initiative:

As part of the Unit clarification process initiated by MSEA before the Maine Labor Relations Board, MLRB, The Office of the Attorney General agreed that the position of Director of Investigations should not be in a union bargaining unit.

Description of Impact on Program(s) – BE SPECIFIC:

Through this agreement the classified position would be transferred from Bargaining Unit D to Bargaining Unit X (non-union). As a consequence, whereas previously the employee paid 7.65% towards retirement, the State will now pay 6.5% as State Paid Retirement and the employee will pay 1.15%. The Office of the Attorney General will fund this cost through All Other savings within the same account.

Does this Initiative have an impact on the 2006-2007 Biennium? No _____

(please explain below)

The All Other savings will continue into the next Biennium thus it will continue to offset the cost of the position change.

**The following items
do not impact the General Fund
and are not scheduled for the Public Hearing.**

2004-2005 "Part 2" Budget Bill
Departmental Impact Form
Joint Standing Committee on Appropriations and Financial Affairs

Department/Agency Name: Attorney General

Program Name: Victims' Compensation Board

Account Number(s): 014-26A-0711-01;

Page # in Bill: C-7

FY 2003-04

FY 2004-05

Position or FTE Increase [i.e. (0.000)] / Decrease [i.e.(-0.000)]:

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Appropriation or Allocation Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		10,565
<u>Other (please specify)</u> Federal Block Grant		

Revenue or Balance Transfer Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Description of Initiative:

Restores merit increases for fiscal year 2004-2005.

Description of Impact on Program(s) – BE SPECIFIC:

This initiative would provide a merit increase for all unclassified positions in FY05. Unclassified personnel make up 82% of our budget; in staff numbers that is 229 of the total 278 positions in the Office. Merit increases for these positions have been frozen in FY03 and FY04. The ability to grant merit increases will have a significant positive impact on the Office by both boosting morale and aiding in our personnel retention efforts.

Does this Initiative have an impact on the 2006-2007 Biennium?

YES

(please explain below)

It will increase the future biennium's starting base budget for the Personal Services line category.

2004-2005 "Part 2" Budget Bill
Departmental Impact Form
Joint Standing Committee on Appropriations and Financial Affairs

Department/Agency Name: Pine Tree Legal Assistance, Inc.

Program Name: Pine Tree Legal Assistance

Account Number(s): 01099P055301 Page # in Bill: _____

FY 2003-04

FY 2004-05

Position or FTE Increase [i.e. (0.000)] / Decrease [i.e.(-0.000)]:

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Appropriation or Allocation Increase / (Decrease):

<u>General Fund</u>	(2,664)	(2,591)
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Revenue or Balance Transfer Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Description of Initiative:

Provides for a deappropriation in this program

Description of Impact on Program(s) – BE SPECIFIC:

The most recent proposed cuts, in combination with other losses of general funds at Pine Tree, will further reduce our ability to provide extended representation services and will mean that 25 fewer families are able to access those services in each year.

Does this Initiative have an impact on the 2006-2007 Biennium? (Yes) _____ (No) _____
(please explain below)

State funding is especially critical at the present time, as Pine Tree's general funding sources have been reduced or failed to keep pace with inflation. Further loss of funding may require staff reductions and reduced services for general legal services for low-income families around the State.

2004-2005 "Part 2" Budget Bill
Departmental Impact Form
Joint Standing Committee on Appropriations and Financial Affairs

Department/Agency Name: Judicial Branch

Program Name: Courts-Supreme, Superior & District

Account Number(s): 010-40A-0063-01 Page # in Bill:

FY 2003-04

FY 2004-05

Position or FTE Increase [i.e. (0.000)] / Decrease [i.e.(-0.000)]:

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Appropriation or Allocation Increase / (Decrease):

<u>General Fund</u>		(100,000)
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Revenue or Balance Transfer Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Description of Initiative:

Provides for the deappropriation of All Other funds from savings achieved through a reorganization of program activities.

Description of Impact on Program(s) – BE SPECIFIC:

The Judicial Branch is reviewing the organizational structure and scheduling procedures for the courts to create efficiencies where possible. As a result of this effort, the Judicial Branch anticipates a savings of \$100,000 from changes that will be made.

Does this Initiative have an impact on the 2006-2007 Biennium?

(Yes) _____ (No) X
(please explain below)

2004-2005 "Part 2" Budget Bill
Departmental Impact Form
Joint Standing Committee on Appropriations and Financial Affairs

Department/Agency Name: Judicial Branch

Program Name: Courts-Supreme, Superior & District

Account Number(s): 010-40A-0063-01 Page # in Bill:

FY 2003-04

FY 2004-05

Position or FTE Increase [i.e. (0.000)] / Decrease [i.e.(-0.000)]:

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Appropriation or Allocation Increase / (Decrease):

<u>General Fund</u>		141,000
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Revenue or Balance Transfer Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Description of Initiative:

Provides for the appropriation of funds to implement in fiscal year 2004-05 merit increases which were not implemented in fiscal year 2003-04.

Description of Impact on Program(s) – BE SPECIFIC:

This appropriation reinstates the merit increases for fiscal year 2004-05.

Does this Initiative have an impact on the 2006-2007 Biennium? (Yes) X (No)

(please explain below)

This initiative will increase the amount required for Personal Services in the 2006-2007 biennium.

2004-2005 "Part 2" Budget Bill
Departmental Impact Form
Joint Standing Committee on Appropriations and Financial Affairs

Department/Agency Name: Judicial Branch

Program Name: Courts-Supreme, Superior & District

Account Number(s): 014-40a-0063-05 Page # in Bill: Part BB

FY 2003-04

FY 2004-05

Position or FTE Increase [i.e. (0.000)] / Decrease [i.e.(-0.000)]:

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Appropriation or Allocation Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Revenue or Balance Transfer Increase / (Decrease):

<u>General Fund</u>	180,000	
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>	(180,000)	
<u>Other (please specify)</u>		

Description of Initiative:

Transfer of funds from the Other Special Revenue account to the General Fund.

Description of Impact on Program(s) – BE SPECIFIC:

This represents funding from the other special revenue account that is no longer required and is proposed to be deposited into the general fund.

Does this Initiative have an impact on the 2006-2007 Biennium?

(Yes) _____ (No) X
(please explain below)

2004-2005 "Part 2" Budget Bill
Departmental Impact Form
Joint Standing Committee on Appropriations and Financial Affairs

Department/Agency Name: Judicial Branch

Program Name: Courts-Supreme, Superior and District

Account Number(s): 013-40A-0063-01, 014-40A-0063-05 Page # in Bill:

FY 2003-04

FY 2004-05

Position or FTE Increase [i.e. (0.000)] / Decrease [i.e.(-0.000)]:

<u>General Fund</u>		
<u>Federal Funds</u>	(1.000)	(1.000)
<u>Other Special Revenue funds</u>	(-1.000)	(-1.000)
<u>Other (please specify)</u>		

Appropriation or Allocation Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>	54,826	56,856
<u>Other Special Revenue funds</u>	(55,846)	(57,896)
<u>Other (please specify)</u>		

Revenue or Balance Transfer Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Description of Initiative:

To reallocate the allotment and position to the federal account from the special revenue account.

Description of Impact on Program(s) -- BE SPECIFIC:

The allotment for this account was approved in the Special Revenue Account and should be adjusted to the Federal Account since the funds are received from the federal government and passed through another agency to Judicial. This adjustment allocates the monies and position properly.

Does this Initiative have an impact on the 2006-2007 Biennium? (Yes) (No) X
(please explain below)

**The following items
do not impact the General Fund
and are not scheduled for the Public Hearing.**

2004-2005 "Part 2" Budget Bill
Departmental Impact Form
Joint Standing Committee on Appropriations and Financial Affairs

Department/Agency Name: Judicial Branch

Program Name: Courts-Supreme, Superior and District

Account Number(s): 014-40A-0063-19

Page # in Bill:

FY 2003-04

FY 2004-05

Position or FTE Increase [i.e. (0.000)] / Decrease [i.e.(-0.000)]:

General Fund		
Federal Funds		
Other Special Revenue funds	(1.000)	(1.000)
Other (please specify)		

Appropriation or Allocation Increase / (Decrease):

General Fund		
Federal Funds		
Other Special Revenue funds	70,773	76,784
Other (please specify)		

Revenue or Balance Transfer Increase / (Decrease):

General Fund		
Federal Funds		
Other Special Revenue funds		
Other (please specify)		

Description of Initiative:

Provides allotment to continue the Court Appointed Special Advocate (CASA) limited period position through June 30, 2005.

Description of Impact on Program(s) – BE SPECIFIC:

Maine law requires that the court appoint a Guardian ad Litem (GAL) for every child in a child protection proceeding. CASA volunteers accept appointment by the Court on a volunteer basis. When no CASA volunteer is available the court must appoint a paid GAL at a cost of \$443 for each step of the proceeding. The CASA program staff is responsible for recruiting, screening, training and supervising the volunteer GALs. The volunteers perform all of the functions of the other GALs including full participation in all court proceedings. The Maine CASA program is currently staffed by one full time director and one temporary grant funded position. They are responsible for guiding close to 200 volunteers throughout the state. The national standards for CASA programs prescribe a minimum of one full time supervisor for every 30 volunteers. Extending this grant funded position will allow for the recruitment of more volunteers to replace paid GALs and enhance the quality of supervision.

Does this Initiative have an impact on the 2006-2007 Biennium? (Yes) _____ (No) X
(please explain below)

2004-2005 "Part 2" Budget Bill
Departmental Impact Form
Joint Standing Committee on Appropriations and Financial Affairs

Department/Agency Name: Judicial Branch

Program Name: Courts-Supreme, Superior & District

Account Number(s): 014-40A-0063-01 Page # in Bill:

FY 2003-04

FY 2004-05

Position or FTE Increase [i.e. (0.000)] / Decrease [i.e.(-0.000)]:

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		(1.000)
<u>Other (please specify)</u>		

Appropriation or Allocation Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		82,496
<u>Other (please specify)</u>		

Revenue or Balance Transfer Increase / (Decrease):

<u>General Fund</u>		
<u>Federal Funds</u>		
<u>Other Special Revenue funds</u>		
<u>Other (please specify)</u>		

Description of Initiative:

To continue the Worker's Compensation Staff Attorney position that currently handles worker's compensation cases in the Supreme Judicial Court.

Description of Impact on Program(s) – BE SPECIFIC:

This position was necessitated by the change in the law that eliminated the Appellate Division of the Worker's Compensation Board and allowed petitions to be filed directly with the Supreme Judicial Court. The position was eliminated from the Judicial Branch's Part I Current Services Budget due to insufficient funding from the Worker's Compensation Board in FY'05. In Fiscal Year 2002, the court disposed of 227 petitions, of which 18 were accepted for full appellate review. If this position is not reinstated, we assume that there exists a substantive proposal to return to a Worker's Compensation Appellate Division. If not, and the Supreme Judicial Court is expected to address 200 or more petitions each year without staff, the petition process will be slowed so far as to be almost meaningless.

Does this Initiative have an impact on the 2006-2007 Biennium? (Yes) X (No)

(please explain below)

If approved, the position will continue to be funded in the 2006-2007 biennium by the Worker's Compensation Board.

TESTIMONY SIGN IN SHEET

COMMITTEE ON Appropriations and Financial Affairs

L.D. # OR CONFIRMATION: _____ LD 1614 Part 2 Budget Bill

DATE: _____ 8-May-03

PLEASE PRINT!!

Judiciary

	NAME	TOWN/AFFILIATION	PROPONENT	OPPONENT	NEITHER FOR NOR AGAINST
1.	Sandy Harper	Attorney General's Office			
2.	Jack Komart	Pine Tree Legal			
3.	Ted Glessner	Judicial Department			
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					



5/6/03

EVERT N. FOWLE
District Attorney

ALAN P. KELLEY
Deputy District Attorney



KENNEBEC COUNTY COURTHOUSE
State Street, Augusta, ME 04330
623-1156 or 623-1157

SOMERSET COUNTY COURTHOUSE
Court Street, Skowhegan, ME 04976
474-2423 or 474-5517

STATE OF MAINE
OFFICE OF THE DISTRICT ATTORNEY
PROSECUTORIAL DISTRICT IV

To: Members of the Judiciary Committee

From: Evert N. Fowle, District Attorney Kennebec/Somerset Counties

RE: Funding (keeping) six Assistant District Attorney Positions
Proposed public safety package regarding Operating Under the Influence
Operating After Suspension
Operating After Revocation

The fines for each of these offenses have not been raised since 1995. This proposal has the backing of the Attorney General and each of the Eight District Attorneys. We believe that this proposal stands on its own merits irrespective of where the increased revenues are spent. The following is our proposal

Offense	Current Minimum Fine	Proposed Fine	Revenue
OUI 1 ST OFFENSE	\$ 400.00	\$500.00	
OUI 2 ND OFFENSE	\$ 600.00	\$700.00	
OUI 3 RD OFFENSE	\$1000.00	\$1100.00	

TOTAL OUI OFFENSES 2001 6,214

TOTAL REVENUE TO BE RAISED WITH PROPOSED FINE SCHEDULE \$621,400

OAS SECOND OFFENSE	\$200.00	300.00
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TOTAL OAS OFFENSES 2001	6,864
SECOND OR MORE OFFENSES	2,370.

PREVIOUS REVENUE ESTIMATE W/RAISING SECOND OFFENSE FINE \$118,500

OPERATING AFTER REVOCATION CLASS C OR D	\$500.00
--	----------

TOTAL OPERATING AFTER
REVOCATION OFFENSES 2001 666

Many Operating after Revocation sentences do not currently include fines. These individuals are sentenced to jail, prison or probation, particularly those charged and convicted of Felony Class C offenses. A conservative assumption is that 50 percent of people convicted for these offenses receive no fine. This is ironic as these offenses are more serious than second offense OAS offenses and they currently have a minimum fine of \$200.00 dollars.

Based upon this assumption $666 \times .50 = 333 \times \$500.00 = \$166,500$

SUMMARY

CHARGE	CURRENT	PROPOSED	REVENUE
OAS SECOND OFFENSE	\$200.00	\$300.00	\$118,500
OAR CLASS C AND D	\$ 0.00	\$500.00	\$166,500
OUI ALL OFFENSES		\$100.00 INCREASE	\$621,400
REVENUE ESTIMATES AVAILABLE FROM TRAFFIC FINES			\$272,000*
TOTAL REVENUES FISCAL YEAR 04			\$1,178,400
TOTAL REVENUES FISCAL YEAR 05			\$1,247,400

This proposal targets the class of people who kill innocent motorists on our highways. The drunk drivers, and the people who drive repeatedly after being ordered not to. The fines for these offenses have not been raised in eight years, and the fine increase proposed here is significantly less in percentage terms than the fine increases recently imposed by the judiciary on waiver offenses.

With respect to the revenue estimates available from traffic infraction fines, initial assumptions used by the Judicial branch contained an 8 % cushion. There is universal consensus that this estimate was unduly conservative. The Office of Fiscal Program Review has reviewed this and agreed that the cushion should be reduced from 8% to 0%. With this estimate, an additional \$272,000 dollars in revenues is generated.* In Fiscal year 05, an additional \$341,000 is generated with these increased waiver fines.

Attached to this memorandum is a posting of traffic fines, which take effect on May 1, 2003. These fines put our proposal in appropriate context. It is respectfully submitted that a second offense OAS is more grave than a speeding case. That an OUI is more serious than speeding in a construction zone. Our proposal stands on its own merits and restores some balance and proportion between these serious motor vehicle crimes and the waiver fine traffic violations.

1601		FT produce evidence of ins	159.00
1768	7	FT disp a current and valid cert of insp	122.00
157		FT obey traffic control device	97.00
2057	1C	FT stop for flashing red light	120.00
2057	1C	FT stop for red light	120.00
2057	1C	FT stop on red before rt turn	120.00
2057	1C	FT yield after flashing red light	120.00
2057	1C	Turning rt on red w/out yielding	120.00
2057	1C	Turning rt on red where prohibited	120.00
2057	1C	Violation of red arrow signal	120.00
2057	7	FT stop at stop sign	120.00
2057	7	FT yield at stop sign	120.00
2073	3	Speeding 1 - 9 mph over limit	109.00
2073	3	Speeding 10 - 14 mph over limit	126.00
2073	3	Speeding 15 - 19 mph over limit	172.00
2073	3	Speeding 20 - 24 mph over limit	201.00
2073	3	Speeding 25 - 29 mph over limit	247.00
2074		Imprudent Speed	109.00
2074	1A	Speeding 1 - 9 mph over limit in school zone	213.00
2074	1A	Speeding 10 - 14 mph over limit in school zone	247.00
2074	1A	Speeding 15 - 19 mph over limit in school zone	339.00
2074	1A	Speeding 20 - 24 mph over limit in school zone	397.00
2074	1A	Speeding 25 - 29 mph over limit in school zone	487.00
2075	2	Speeding 1 - 9 mph over limit in construction zone	213.00
2075	2	Speeding 10 - 14 mph over limit in construction zone	247.00
2075	2	Speeding 15 - 19 mph over limit in construction zone	339.00
2075	2	Speeding 20 - 24 mph over limit in construction zone	397.00
2075	2	Speeding 25 - 29 mph over limit in construction zone	487.00

PEGGY A. PENDLETON, DISTRICT 31, CHAIR
 MARY R. CATHCART, DISTRICT 7
 CHANDLER E. WOODCOCK, DISTRICT 17

MARGARET J. REINSCH, LEGISLATIVE ANALYST
 SUSAN M. PINETTE, COMMITTEE CLERK



STATE OF MAINE

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

COMMITTEE ON JUDICIARY

WILLIAM S. NORBERT, PORTLAND, CHAIR
 THOMAS D. BULL, FREEPORT
 DEBORAH L. SIMPSON, AUBURN
 STAN GERZOFKY, BRUNSWICK
 PHILIP R. BENNETT, JR., CARIBOU
 JANET T. MILLS, FARMINGTON
 ROGER L. SHERMAN, HODGDON
 RODERICK W. CARR, LINCOLN
 BRIAN M. DUPREY, HAMPDEN
 JOAN BRYANT-DESCHENES, TURNER
 DONNA M. LORING, PENOBSCOT NATION

May 9, 2003

TO: Mary R. Cathcart, Senate Chair
 Joseph C. Brannigan, House Chair
 Joint Standing Committee on Appropriations and Financial Affairs

FROM: Peggy A. Pendleton, Senate Chair
 William S. Norbert, House Chair
 Joint Standing Committee on Judiciary

Re: Judiciary Committee review of Governor's Part 2 Budget

The Joint Standing Committee on Judiciary is pleased to report its recommendations on the Governor's Draft 2004-2005 Part 2 Budget. The Judiciary Committee's jurisdiction includes the following entities included in the draft: the Judicial Branch, the Department of the Attorney General, the Maine Human Rights Commission (no General Fund impact), and Pine Tree Legal Assistance.

DEPARTMENT OF THE ATTORNEY GENERAL

1. The Judiciary Committee strongly supports the restoration of the 6 Assistant District Attorney positions that were eliminated in PL 2001, c. 20. District Attorneys and their Assistant District Attorneys are the people on the front line who shoulder an incredible amount of work to protect the public and the integrity of the laws we pass by prosecuting crimes and other violations. Even if funding is not identified for all 6 positions, we strongly support the restoration of the position count to give the Attorney General and the District Attorneys the greatest flexibility possible to take advantage of any funding that becomes available. (11-0: Sen. Pendleton; Rep.s Norbert, Bull, Simpson, Richardson, Bennett, Mills, Sherman, Carr, Duprey, Bryant-Deschenes)

2. The Judiciary Committee unanimously supports the Governor's proposed budget for the Department of the Attorney General except for the merit increases. We support redirecting any funding for the merit increases to fund the 6 ADA positions. Because the merit increases are proposed for FY05 only, we support bringing forward half of that amount for FY04. (11-0: Sen. Pendleton; Rep.s Norbert, Bull, Simpson, Richardson, Bennett, Mills, Sherman, Carr, Duprey, Bryant-Deschenes)

3. Recognizing that the money identified for the merit increases will not fully cover the costs of the 6 ADAs, a majority of the Judiciary Committee supports the following:

- A. Increasing the fine for second and subsequent offenses of operating after suspension (OAS) by \$100 (from \$200 to \$300); and
- B. Including a \$500 minimum fine for operating after habitual offender revocation.

The undedicated revenue generated from these two measures is anticipated to be \$285,000 per year.

(9-1: Support: Sen. Pendleton; Rep.s Norbert, Bull, Simpson, Richardson, Bennett, Mills, Duprey, Bryant-Deschenes. Oppose: Rep. Carr)

Please see the attached memo from the District Attorneys outlining these costs and funding sources. Please note that the Judiciary Committee does not at this time propose increasing OUI fines to fund these positions, even though such increases are included in the attached memo.

PINE TREE LEGAL ASSISTANCE

A majority of the Judiciary Committee supports the Governor's proposed budget. The minority opposes the cuts and supports retaining the funding to provide legal services for indigent families. (9-2: Support: Sen. Pendleton; Rep.s Norbert, Bull, Richardson, Bennett, Mills, Sherman, Carr, Duprey. Oppose: Rep.s Simpson, Bryant-Deschenes)

MAINE HUMAN RIGHTS COMMISSION

The Judiciary Committee unanimously supports the Governor's proposed budget. (11-0: Sen. Pendleton; Rep.s Norbert, Bull, Simpson, Richardson, Bennett, Mills, Sherman, Carr, Duprey, Bryant-Deschenes)

JUDICIAL BRANCH

The Judiciary Committee unanimously supports the Governor's proposed budget except for the merit increases, preferring to direct any funding available for merit increases to essential programs. (11-0: Sen. Pendleton; Rep.s Norbert, Bull, Simpson, Richardson, Bennett, Mills, Sherman, Carr, Duprey, Bryant-Deschenes)

Thank you for considering our recommendations. We are happy to answer any questions you may have.

attachment

OFFICE OF THE ATTORNEY GENERAL

Breakdown of Attorney Positions by Fund and Division

Headcount per PL.2003 c.20

Attorney positions (except DHS related) Division

	GF total current	Fed & OSR	Total
Natural Resources	1.5	7.5	9
General Government	1.3	7.7	9
Criminal	6	8	14
Professional Regulatory	0	9	9
Financial Crimes and Civil Rights	2	2	4
Litigation	2.3	9.2	11.5
Consumer Protection	3.6	1.9	5.5
Community and Institutional Services	1	2.6	3.6
Child Support	0	0	0
Child Protective	0	0	0
Total	17.7	47.9	65.6

* contains positions linked to generation of Undedicated General Fund revenue

AAG assigned to and paid for by DHS only Division

Community and Institutional Services	4.7	5.7	10.4
Child Support	2.5	5.75	8.25
Child Protective	4	14.75	18.75
Financial Crimes and Civil Rights	0	2	2
Sutotal- DHS related	11.2	28.2	39.4

GRAND TOTAL ALL AAG'S

28.9	76.1	105
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O.F.P.R.
2003 MAY 22 AM 11:17

SENATE

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MARY R. CATHCART, DISTRICT 7
CHANDLER E. WOODCOCK, DISTRICT 17

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STATE OF MAINE

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

COMMITTEE ON JUDICIARY

June 3, 2003

TO: Mary R. Cathcart, Senate Chair
Joseph C. Brannigan, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Peggy A. Pendleton, Senate Chair
William S. Norbert, House Chair
Joint Standing Committee on Judiciary

Re: Priority of bills with potential fiscal impact

The Joint Standing Committee on Judiciary has one bill that has potential fiscal impact; it is therefore our highest priority.

- **LD 1567, An Act To Implement Recommendations of the MCJUSTIS Policy Board Concerning the Drafting of Crimes and Civil Violations Pursuant to Resolve 1997, Chapter 105, as Amended.** The committee has voted OTPA (the bill has not yet been reported out). The amendment includes a Mandate Preamble in response to the identification of additional programming costs to the District Attorneys. The Judicial Branch has also identified a potential cost of \$30,000 for reprogramming if other funding sources for the upgrading of the Violations Bureau are not realized as planned.

Please let us know if you have any questions.