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STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
COMMITTEE ON JUDICIARY

March 25, 2021

TO: Senator Catherine E. Breen, Senate Chair  
Representative Teresa S. Pierce, House Chair  
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Anne M. Carney, Senate Chair  
Representative Thom Harnett, House Chair  
Joint Standing Committee on Judiciary

Re: Judiciary Committee's Report Back on the Governor's Change Package to LD 221

**Introduction**

The Joint Standing Committee on Judiciary met to review the budget items pertaining to entities under our jurisdiction in the Governor's Change Package to LD 221 on Tuesday, May 25, 2021.

Attached, please find a print out of the relevant initiatives and language parts with notations indicating the committee's votes. In addition to the print outs, please find below a summary of the initiatives and recommended amendments that require further information and explanation.

**Specific Changes**

Maine Human Rights Commission

One of the MHRC initiatives (designated initiative "(4)" in the attached materials), revises an initiative that continues the administrative reorganization of a Senior Paralegal position to a Paralegal position and reduces the hours from 80 to 64 biweekly. The Committee understands that this position has already been changed from a Senior Paralegal to a Paralegal position. Recognizing the importance of this position, the Committee voted 9-2 to retain the position as a full time (80 hour) Paralegal position and to reject any reduction in hours.

The initiative designated as "(5)" provides funding for approved range changes of 6 MHRC Investigators from range 24 to 26, retroactive to August of 2018. In its report back on the Biennial budget, the Committee recommended changes to this initiative to reflect the fact that only one position required a retroactive range change, because only one change was employee

initiated. The other range changes were management initiated and therefore not subject to retroactivity. The Committee voted 9-2 to recommend the corrected initiative, which can be found on the page marked as page 14, attached to this letter.

### Maine Commission on Indigent Legal Services

The initiative designated as “(8)” reorganizes one Executive Director position from a range 52 to range 37 in salary specification 2 and funds the position at step 12. The Committee had recommended a similar initiative in its Biennial report back. However, the Committee would like to make clear that its vote of 9-2 reflects its recommendation of the Change Package initiative, rather than its Biennial report back recommendation.

### Judicial Branch

The initiative designated as “(10)” deletes funding for increased GAL costs. The committee voted 11-0 to recommend that this initiative be held pending discussions to increase MCILS attorney pay rates, which could result in increased GAL rates as well.

The initiative designated as “(14)” provides funding for the reclassification of one Windows Administrator position to an IT Enterprise Architect position. The committee voted to recommend the initiative 9-2, with the condition that the fiscal be reexamined, as the included costs appear to be in error (too high).

Thank you for your consideration of our recommendations. We are happy to answer any questions.

### Attachments

- Judiciary print outs with votes
- MCILS revised initiative

JUD  
5.24.21

Please ADD the following to Part A, Section 1 of LD 221 as follows:

Attorney General, Department of the

ADMINISTRATION - ATTORNEY GENERAL 0310

(1) Initiative: Provides funding to continue one limited-period Research Assistant MSEA-B position in the Attorney General program, the Criminal Division. This position was previously continued by Financial Order 001073 F1 and will end on June 10, 2023

FEDERAL EXPENDITURES FUND

Personal Services  
All Other

Committee vote: 9-2

	2021-22	2022-23
Personal Services	131,078	137,456
All Other	7,974	7,974
<b>Total</b>	<b>139,052</b>	<b>146,429</b>

(2) Initiative: Establishes one Assistant Attorney General position dedicated to supporting the Department of Labor in ensuring compliance with the State labor laws and protections for Maine workers and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS

Positions - LEGISLATIVE COUNT  
Personal Services  
All Other

Committee vote: 8-4

	2021-22	2022-23
Positions - LEGISLATIVE COUNT	1,000	1,000
Personal Services	109,682	114,891
All Other	9,470	9,635
<b>Total</b>	<b>119,152</b>	<b>124,526</b>

P. Pearsall OPLA

1

Please AMEND Part A, Section 1 of LD 221 as follows:

Human Rights Commission, Maine

Please amend as follows:

CURRENT

(3)

HUMAN RIGHTS COMMISSION - REGULATION 0150

2021-22                      2022-23

Initiative: Provides funding for increases in technology and general operating costs.

GENERAL FUND

All Other

13,572                      13,572

Total                      13,572                      13,572

FEDERAL EXPENDITURES FUND

All Other

3,823                      4,038

Total                      3,823                      4,038

REVISED

HUMAN RIGHTS COMMISSION - REGULATION 0150

2021-22                      2022-23

Initiative: Provides funding for increases in technology and general operating costs.

GENERAL FUND

All Other

*Committee vote: 9-2*

34,996                      34,996

Total                      34,996                      34,996

CURRENT

(4)

HUMAN RIGHTS COMMISSION - REGULATION 0150

2021-22                      2022-23

Initiative: Continues the administrative reorganization of a Senior Paralegal position to a Paralegal position and reduces the hours from full-time to part-time.

GENERAL FUND

Positions - LEGISLATIVE COUNT

-0.500                      -0.500

Personal Services

(48,915)                      (49,428)

Total                      (48,915)                      (49,428)

REVISED

HUMAN RIGHTS COMMISSION - REGULATION 0150

2021-22                      2022-23

Initiative: Continues the administrative reorganization of a Senior Paralegal position to a Paralegal position and reduces the hours from 80 hours to 64 hours bi-weekly.

GENERAL FUND

Personal Services

(23,340)                      (23,544)

*Committee vote: 9-1*

Total                      (23,340)                      (23,544)

↓  
Majority VOTE is to retain a Full time  
(80hr) paralegal position

CURRENT

HUMAN RIGHTS COMMISSION - REGULATION 0150

2021-22 2022-23

Initiative: Provides funding for the approved range change of 6 Maine Human Rights Investigator positions from range 24 to range 26 retroactive to August of 2018.

(5)

GENERAL FUND  
Personal Services 42,131 24,482

Total 42,131 24,482

FEDERAL EXPENDITURES FUND  
Personal Services 26,726 17,492

Total 26,726 17,492

REVISED

HUMAN RIGHTS COMMISSION - REGULATION 0150

2021-22 2022-23

Initiative: Provides funding for the approved management initiated range change of 6 Maine Human Rights Investigator positions from range 24 to range 26.

GENERAL FUND  
Personal Services 24,008 24,482

Total 24,008 24,482

FEDERAL EXPENDITURES FUND  
Personal Services 17,139 17,492

Total 17,139 17,492

See correction

See revised initiative language on pg 14

Vote 9-2

3

Please ADD the following to Part A, Section 1 of LD 221 as follows:

Human Rights Commission, Maine

HUMAN RIGHTS COMMISSION - REGULATION 0160

2021-22

2022-23

(6) Initiative: Continues one limited-period Management Analyst II position previously established by Financial Order 001238F1 that will end on June 10, 2023; and eliminates one Paralegal position and transfers All Other to Personal Services to fund the position.

FEDERAL EXPENDITURES FUND

Positions - LEGISLATIVE COUNT

Personal Services

All Other

committee vote: 9-2

-1,000

-1,000

10,282

13,788

(10,282)

(13,788)

Total

0

0

2021-22

2022-23

(7) Initiative: Provides funding for the retroactive pay due an employee that has since terminated.

GENERAL FUND

Personal Services

committee vote: 9-2

5,760

Total

5,760

0

Please ADD the following to Part A, Section 1 of LD 221 as follows:

Indigent Legal Services, Maine Commission on

MAINE COMMISSION ON INDIGENT LEGAL SERVICES Z112	2021-22	2022-23
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(4)

Initiative: Reorganizes one Executive Director position from range 62 to range 37 in salary spec 2 and funds the position at step 12 to assist with recruitment and retention of qualified individuals for this position.

GENERAL FUND  
Personal Services

	38,542	31,677
Total	38,542	31,677

Committee vote 9-2  
(for change package language)

(5)

Please ADD the following to Part A, Section 1 of LD 221 as follows:

Indian Tribal-State Commission, Maine

MAINE INDIAN TRIBAL-STATE COMMISSION 0554

2021-22 2022-23

(9)

Initiative: Provides one-time additional funding so support staff at the Maine Indian Tribal-State Commission.

GENERAL FUND  
All Other

Committee vote: 9-2

	55,200	55,200
Total	55,200	55,200

(6)



Please AMEND Part A, Section 1 of LD 221 as follows:

Judicial Department

Please delete the following as follows:

COURTS - SUPREME, SUPERIOR AND DISTRICT 0063	2021-22	2022-23
--	---------	---------

(10)

Initiative: Provides funding for increased guardian ad litem costs due to an increase in child protection case filings.

GENERAL FUND	254,711	254,711
All Other		
Total	254,711	254,711

Committee vote: 14-0  
to HOLD initiative pending  
discussions to increase MCILS  
atty rates, as well as GAL rates

Please ADD the following to Part A, Section 1 of LD 221 as follows:

Judicial Department

COURTS - SUPREME, SUPERIOR AND DISTRICT 0063

(11) Initiative: Establishes 10 Deputy Marshal positions to provide entry screening in the courthouses throughout the state.

	2021-22	2022-23
<b>GENERAL FUND</b>		
Positions - LEGISLATIVE COUNT	10,000	10,000
Personal Services	807,760	848,440
All Other	60,500	36,000
<b>Total</b>	<b>860,260</b>	<b>885,440</b>

*committee vote: 9-2*

(12) Initiative: Provides funding for the reclassification of one IT Field Tech Lead position to an IT Operations Administrator position.

	2021-22	2022-23
<b>GENERAL FUND</b>		
Personal Services	20,289	20,284
<b>Total</b>	<b>20,289</b>	<b>20,284</b>

*committee vote: 9-2*

(13) Initiative: Provides funding for the reclassification of one Division Supervisor I position to a Court Operations Coordinator position.

	2021-22	2022-23
<b>GENERAL FUND</b>		
Personal Services	11,658	12,243
<b>Total</b>	<b>11,658</b>	<b>12,243</b>

*committee vote: 9-2*

(14) Initiative: Provides funding for the reclassification of one Windows Administrator position to an IT Enterprise Architect position.

	2021-22	2022-23
<b>GENERAL FUND</b>		
Personal Services	56,957	56,944
<b>Total</b>	<b>56,957</b>	<b>56,944</b>

*committee vote: 9-2  
with corrected fiscal*

(15) Initiative: Provides funding for the range change of one Revenue Manager position from range 16 to range 17.

	2021-22	2022-23
<b>GENERAL FUND</b>		
Personal Services	8,878	8,877
<b>Total</b>	<b>8,878</b>	<b>8,877</b>

*committee vote: 9-2*

(16) Initiative: Provides funding for the reclassification of one Senior Database Administrator position to a Senior DBA & Security Officer position.

	2021-22	2022-23
<b>OTHER SPECIAL REVENUE FUNDS</b>		
Personal Services	10,578	10,575
<b>Total</b>	<b>10,578</b>	<b>10,575</b>

*committee vote: 9-2*

3

(Add)

COURTS - SUPREME, SUPERIOR AND DISTRICT 0063

2021-22

2022-23

Initiative: Provides funding to move all current Deputy Marshal positions up two steps to align with the new hiring policy and for all new Deputy Marshal's at step 3.

(17)

GENERAL FUND  
Personal Services

	127,334	90,474
Total	127,334	90,474

Committee vote : 9-2

Amend LD 221 Part ~~EEE~~ by deleting the current Part and replacing with the following:

**PART EEE**

Sec. ~~EEE~~-1. 5 MRSA §1591 as amended by PL 2019, c. 343, Pt. YY, §1 is further amended to read:

6. **Maine Commission on Indigent Legal Services.** Any All Other balance remaining in the Maine Commission on Indigent Legal Services program, General Fund account at the end of any fiscal year to be carried forward for use by this program in the next fiscal year.

**PART EEE  
SUMMARY**

This Part carries authorizes remaining All Other balances of in the Maine Commission on Indigent Legal Services program to carry each fiscal year.

*committee vote: 9-2*

Amend LD 221 Part FFF by revise the current as follows:

**Current**

**PART FFF  
SUMMARY**

This Part allows the Maine Indigent Legal Services Commission to establish rates of compensation for assigned counsel and contract counsel through routine technical, rather than major substantive, rulemaking, enabling the Commission to make these changes more quickly and efficiently.

**Revised**

**PART FFF  
SUMMARY**

→ This Part allows the Maine Indigent Legal Services Commission to establish ~~rates of~~ compensation standards and training for assigned counsel and contract counsel through routine technical, rather than major substantive, rulemaking, enabling the Commission to make these changes more quickly and efficiently.

Committee vote: 9-2

11

Amend LD 221 Part GGG by deleting the current Part and replacing with the following:

**PART GGG**

Sec. GGG-1. 2 MRSA §6 as amended by PL 2019, c. 377, §6 is further amended to read:

12. Range 52. ~~The salary of the executive director of the Maine Commission on Indigent Legal Services is within salary range 52.~~

13. Range 37. The salary of the executive director of the Maine Commission on Indigent Legal Services is within salary range 37.

**PART GGG  
SUMMARY**

This Part changes the salary range for the executive director of the Maine Commission on Indigent Legal Services from Range 52 to Range 37.

committee vote: 19-2

**CURRENT**

**HUMAN RIGHTS COMMISSION - REGULATION 0150**

2021-22                      2022-23

**Initiative:** Provides funding for the approved range change of 6 Maine Human Rights Investigator positions from range 24 to range 26 retroactive to August of 2018.

**GENERAL FUND**

Personal Services

42,131                      24,482

Total                      42,131                      24,482

**FEDERAL EXPENDITURES FUND**

Personal Services

26,726                      17,492

Total                      26,726                      17,492

*Revised language for initiative (s) - pg 65/ (3)*

**HUMAN RIGHTS COMMISSION - REGULATION 0160**

**MHRC PROPOSED TO JUD**

2021-22                      2022-23

**Initiative:** Provides funding for the approved management initiated range change of 6 Maine Human Rights Investigator positions from range 24 to range 26.

Reallocates 5% of 4 Human Rights Investigator positions to the General Fund to cover increased costs.

**GENERAL FUND**

Personal Services

41,147                      41,974

Total                      41,147                      41,974

**HUMAN RIGHTS COMMISSION - REGULATION 0150**

**GOVERNORS REVISED (PG 65)**

**Initiative:** Provides funding for the approved management initiated range change of 6 Maine Human Rights Investigator positions from range 24 to range 26.

**GENERAL FUND**

Personal Services

24,008                      24,482

Total                      24,008                      24,482

**FEDERAL EXPENDITURES FUND**

Personal Services

17,439                      17,492

Total                      17,439                      17,492