

Maine Law Review

Volume 62
Number 2 *Symposium -- Accessing Justice in
Hard Times:
Lessons from the Field, Looking to the Future*

Article 16

June 2010

Funding Justice: The Budget of the Maine Judicial Branch-We Did Get There from Here

Leigh I. Saufley
University of Maine School of Law

Follow this and additional works at: <https://digitalcommons.mainerlaw.maine.edu/mlr>



Part of the [Courts Commons](#)

Recommended Citation

Leigh I. Saufley, *Funding Justice: The Budget of the Maine Judicial Branch-We Did Get There from Here*, 62 Me. L. Rev. 671 (2010).

Available at: <https://digitalcommons.mainerlaw.maine.edu/mlr/vol62/iss2/16>

This Article and Essay is brought to you for free and open access by the Journals at University of Maine School of Law Digital Commons. It has been accepted for inclusion in Maine Law Review by an authorized editor of University of Maine School of Law Digital Commons. For more information, please contact mdecrow@maine.edu.

FUNDING JUSTICE: THE BUDGET OF THE MAINE JUDICIAL BRANCH—WE DID GET THERE FROM HERE

The Honorable Leigh I. Saufley

- I. INTRODUCTION
- II. JUSTICE IN A BRAND-NEW STATE
- III. THE ESTABLISHMENT OF THE SUPERIOR COURT
- IV. CREATION OF THE DISTRICT COURT
- V. REORGANIZATION IN THE 1970S
- VI. INTO THE FUTURE
 - A. *The Futures Commission*
 - B. *Court Unification Task Force*
 - C. *Judicial Resource Team*
- VII. COURT BUDGETING TODAY
- VIII. CHALLENGES

FUNDING JUSTICE: THE BUDGET OF THE MAINE JUDICIAL BRANCH—WE DID GET THERE FROM HERE

*The Honorable Leigh I. Saufley**

I. INTRODUCTION

The budget for the administration of justice in the State of Maine is a study in contrasts. During the last two decades, the lack of sufficient dollars appropriated to Maine Judicial Branch¹ and the impact that this underfunding has had on people seeking access to justice have created consistent concerns for leaders in the Judicial Branch as well as for those in the Executive and Legislative Branches. Despite these challenges, however, the administrative structure of the Maine Judicial Branch stands as a model for states across the country. Understanding the genesis of this contrast will be critical to planning for the continued budget challenges ahead.

The lack of funding for justice in Maine is not a new problem. Issues of courthouse safety, reduced court hours, and the potential for limiting rural access to justice have been the topics of much public conversation, and the lack of funding has affected every aspect of justice in Maine.² For example, the security that is present at the front doors of other states' courthouses, ensuring that weapons are kept out of the courts, is missing in Maine.³ Additionally, many court facilities are

* Leigh I. Saufley is the Chief Justice of the Maine Supreme Judicial Court. She thanks her law clerk, Greg Im, University of Maine School of Law, Class of 2009, for his assistance and endless patience in the creation of this Article.

1. The Maine Constitution distributed governmental power into three "departments," including a Judicial Department. ME. CONST. art. III, § 1. In recent parlance, however, "departments" are units within the Executive Branch (for example, Education, Health and Human Services, and Public Safety). See *Branches of Government*, <http://www.maine.gov/portal/government/branches.html> (last visited Feb. 1, 2010). To be consistent with current usage, this Article refers to the Judicial Department as the "Judicial Branch." See also P.L. 2009, ch. 213, § QQ-1 (effective May 28, 2009) (amending ME. REV. STAT. tit. 4, § 1 by substituting "judicial branch" for "Judicial Department").

2. See, e.g., Gregory D. Kesich, *Make Courts Safer, Justice Urges; More Funding Vital Chief Justice Leigh Saufley Tells Lawmakers*, PORTLAND PRESS HERALD, Jan. 28, 2004, at B1; Judy Harrison, *Chief Justice Cuts Budget Request; Saufley: Additional Reductions Too Drastic*, BANGOR DAILY NEWS, Dec. 19, 2003, at B1; Associated Press, *Chief Justice Makes Budget Plea; In His State of the Judiciary Address, He Asks Maine Lawmakers for an \$11 Million Increase*, PORTLAND PRESS HERALD, Feb. 12, 1999, at B4.

3. See Beth Quimby, *Courthouse Security Equipment Sits Unused; Unlike Most States, Maine Has Never Funded the Personnel to Staff Metal Detectors and Other Tools*, PORTLAND PRESS HERALD, Jan. 14, 2004, at A1. See also MASSACHUSETTS COURT SYSTEM, ANNUAL REPORT FOR FISCAL YEAR 2008, at 18 (2009) (stating courts have focused on improving the security training and equipment provided to court officer staff); TASK FORCE ON COURT SECURITY, REPORT TO THE CHIEF JUDGE AND CHIEF ADMINISTRATIVE JUDGE 5 (2005), available at http://www.courts.state.ny.us/reports/security/SecurityTaskForce_Report.pdf (last visited Mar. 3, 2010) (stating all persons seeking access to New York courts must pass through a security screening device); Andrew Blankstein, *A Hand on the Contraband; L.A. Court Screeners Seized Thousands of Weapons Last Year*, L.A. TIMES, Feb. 20, 2009, at B3 (discussing the thousands of knives, guns, scissors, razors, and other weapons found through the use of screeners at Los Angeles County's forty-eight court buildings).

crumbling from lack of maintenance; many judges type their own opinions late at night to keep up with the caseload; and our clerks of court are exhausted and barely holding on, as a system that was already understaffed has suffered further from forced vacancies. The harm to Maine people and businesses from this chronic underfunding of justice is also evident in the delayed dockets, in the cramped and dangerous court hallways, and in the small businesses and individuals who must wait months to address the simplest of legal problems.⁴

From these problems, one could come away with the impression that Maine government has done a poor job of addressing basic budgetary and administrative

4. In 2002, the Supreme Judicial Court, recognizing that the underfunding of the courts was causing serious problems for children, families, victims of crimes, and those in need of protection from another person, established a prioritization for cases when there are too few judges and clerks to reach them all. ME. SUPREME JUDICIAL COURT, STATEMENT OF JUDICIAL BRANCH PRIORITIES IN LIGHT OF CURRENT FISCAL CONSTRAINTS (Sept. 9, 2002).

The priorities are:

A. Urgent Matters

1. Emergency requests involving personal safety (e.g., Protection from Abuse proceedings, Protection from Harassment proceedings, Preliminary Protection Orders, Motions to Vacate Temporary Protection from Abuse Orders);
2. 48-hour Hearings—first appearance for incarcerated persons (juveniles, adults, probation violations);
3. Preliminary or emergency orders regarding parental rights and responsibilities;
4. Temporary Restraining Orders;
5. Permanent Protection Orders

....

B. Family Matters

1. Child Protection
2. Parental Rights and Responsibilities/Paternity
3. Juvenile
4. All other matters in which a child's welfare is at stake

....

C. Criminal Matters

1. Persons incarcerated pending criminal trial.
2. Cases involving sensitive victim issues.
3. Establishment of bail and consideration of motions to modify bail.
4. This priority includes timely disposition of criminal cases in accordance with constitutional and statutory requirements.

....

D. Other Statutory Mandates

1. In addition to the stated priorities, the Judicial Branch must attend to other matters where deadlines have been established by the Legislature, such as forcible entry and detainer proceedings or Freedom of Access Law actions.
2. Within these priorities, judges, clerks, and administrators must, on a day-to-day basis, make their best judgments in long and short term planning. It may be necessary to make decisions among cases with equal and competing priorities.

....

E. Infrequently Used Statutes

....

JUDICIAL RESOURCE TEAM, REPORT TO THE MAINE SUPREME JUDICIAL COURT: A NEW MODEL FOR SCHEDULING COURTS AND ALLOCATING JUDICIAL RESOURCES, app. 3 (Sept. 19, 2003) [hereinafter JRT REPORT], available at http://www.courts.state.me.us/rules_forms_fees/JRT%20Final%20Report.pdf (last visited Mar. 2, 2010).

structures related to justice. That would be wrong. Although the lack of dollars committed to citizens' access to justice has, in fact, been a consistent problem, there is much about the organization of Maine's system of justice, and the methods of spending on justice, that is to be commended. Over the course of almost two centuries, Maine legislators and governors, with the guidance and encouragement of judicial leaders, have steadily streamlined and improved court operations, placing Maine in the national forefront for its achievement of efficiencies in the Judicial Branch. Those efficiencies have allowed the Supreme Judicial Court and the chiefs of the trial courts⁵ the flexibility to allocate resources where they are most needed and to keep the courthouse doors open (most of the time) despite devastating reductions in total resources available for Maine's courts.

The bottom line is that, in contrast to the common Maine saying,⁶ we *did* get here from there. Much about the administration of justice in Maine is laudable. The purpose of this Article is to put into context the historical development of Maine's state court system to create a better understanding of the current fiscal structure of the Judicial Branch and to provide hope for meeting the justice needs of Maine citizens in the future.

II. JUSTICE IN A BRAND NEW STATE

As always, it is best to begin at the beginning. With Maine's statehood in 1820 came the creation of the Supreme Judicial Court, which comprised the entire three-judge statewide court system.⁷ Although it is hard to believe by today's standards, those three justices of the original Maine Supreme Judicial Court rode on horseback throughout the state and performed both trial and appellate functions.⁸ For their work, the Chief Justice and the two Associate Justices of the Maine court were paid the princely sums of \$1,800 and \$1,500, respectively.⁹ Those salaries were paid from the State Treasury.¹⁰ Thus began a tradition of state-level general fund support for justice. It was a good start.

The Legislature next established a Court of Sessions and a Court of Common Pleas.¹¹ The Court of Common Pleas justices were paid an annual salary of \$1,200

5. The Superior Court has a Chief Justice. ME. REV. STAT. tit 4, § 101-A (2009). The District Court has a Chief Judge and a Deputy Chief Judge. *Id.* § 157(1)(B) (2009).

6. "You can't get there from here." ROBERT BRYAN & MARSHALL DODGE, *Which Way to Millinocket?*, on BERT AND I . . . AND OTHER STORIES FROM DOWN EAST (Islandport Press 2009) (compact disc audio recording).

7. The Maine Constitution states, "The judicial power of this State shall be vested in a Supreme Judicial Court, and such other courts as the Legislature shall from time to time establish." ME. CONST. art. VI, § 1. A Supreme Judicial Court was initially established as a trial and appellate court with a Chief Justice and two Associate Justices. P.L. 1821, ch. LIV, § 1.

8. WILLIAM WILLIS, A HISTORY OF THE LAW, THE COURTS, AND THE LAWYERS OF MAINE, FROM ITS FIRST COLONIZATION TO THE EARLY PART OF THE PRESENT CENTURY 92 (Portland, Brown Thurston 1863).

9. P.L. 1821, ch. CVI, § 1.

10. *Id.*

11. P.L. 1821, ch. LXXIII, § 1; P.L. 1822, ch. 193, § 1. The Probate Court was also established in 1821. P.L. 1821, ch. LI, § 1. It has remained a county court system, with elected judges who serve on the bench for part of their weeks, and who are usually active practitioners of law in their remaining days. See ME. REV. STAT. tit. 4, § 301 (2009). The Probate Court system in Maine has taken on greater

out of the State Treasury.¹² The other justices were paid from county funds.¹³

III. THE ESTABLISHMENT OF THE SUPERIOR COURT

After several varyingly successful attempts to establish other trial court structures,¹⁴ the 84th Legislature created a statewide Superior Court in 1930.¹⁵ Prior individual Superior Courts, having been established in Androscoggin, Cumberland, Kennebec, and Penobscot Counties, were enlarged and consolidated into this statewide system.¹⁶ The Superior Court, now with a court in each county, had original jurisdiction concurrent with the Supreme Judicial Court in all equity cases and proceedings, and original jurisdiction exclusive of the Supreme Judicial Court in all matters of law. The Supreme Judicial Court, however, retained its exclusive jurisdiction as the Law Court, the primary appellate court for the state.¹⁷ Between 1931 and 1933, the State Treasury paid \$181,450 a year to cover the Supreme Judicial Court and certain expenses within the Superior Court.¹⁸ County budgets, however, continued to bear substantial costs of the Superior Court.¹⁹

In fact, following the creation of the Superior Court, county budgets covered a significant amount of the expenses of the state's trial courts. Most facility costs, the salaries of the court "bailiffs," and the salaries of the elected clerks of court were paid from county budgets.²⁰ Although records indicate that the State Treasury reimbursed the counties for Supreme Judicial Court expenses, it was primarily county funds that supported the Superior Court—the statewide trial court system.²¹

IV. CREATION OF THE DISTRICT COURT

Although an initial attempt to create a system of district courts occurred in the

responsibilities in child guardianships and is experiencing an increasing trust and estate caseload that comes with an aging population. *See* ME. REV. STAT. tit. 4, §§ 251, 252 (2009). The organization and successes of the Probate Court would fill another article but will not be further addressed in this Article.

12. P.L. 1822, ch. 199.

13. P.L. 1821, ch. LXXIII, § 4.

14. *See generally* Justice Herbert T. Silsby II, *History of the Maine Superior Court Part I*, 14 ME. B. BULL. 109 (Jul. 1980); Justice Herbert T. Silsby II, *History of the Maine Superior Court Part II*, 14 ME. B. BULL. 149 (Sept. 1980); DAVID Q. WHITTIER, HISTORY OF THE COURT SYSTEM OF THE STATE OF MAINE (Maine State Archives 1971).

15. P.L. 1929, ch. 141, § 5.

16. *Id.*

17. *Id.* §§ 5, 7.

18. P. & S.L. 1931, ch. 87 (listing government expenditures within the Superior Court for salaries, clerks, expenses of justice, stationery, telephones, postage, and one retired Superior Court Justice).

19. For example, in 1932, Cumberland County recorded expenses related to the Superior Court of \$35,341.69. STATEMENT OF THE FINANCIAL CONDITION OF THE COUNTY OF CUMBERLAND—1932, at 16-24 (1933) [hereinafter FINANCIAL CONDITION].

20. *See* P. & S.L. 1931, ch. 87 (making appropriations to fund Superior Courts that did not include these basic expenses, leaving them to be paid by the counties).

21. In Cumberland County, the burden of paying for Supreme Judicial Court expenses fell primarily on the County, with some contributions from the State Treasury, whereas the burden of paying for Superior Court expenses fell solely on the County. *See* FINANCIAL CONDITION, *supra* note 19, at 15-24 (enumerating expenditures of the Supreme Judicial Court and the Superior Court).

early 1800s, that attempt was absorbed into the eventual Superior Court system.²² The need for a District Court resurfaced in 1932 when a committee²³ studying the State's municipal court system²⁴ indicated that the "present municipal court system in this date is archaic, wasteful and inefficient."²⁵ The same committee recommended that the "Chief Justice of the Supreme Judicial Court should have general supervision of the work of the district courts . . ."²⁶

By the late 1950s, it became clear that an uneven patchwork of municipal courts was not serving the state well,²⁷ and by 1957, the Judicial Council²⁸ was urging immediate action. In 1959, the Legislative Research Committee commissioned a study, which resulted in a report detailing the caseloads of the municipal courts and trial judges, as well as the cost of the present court system and a projection of the cost of a statewide district court system.²⁹ After almost four

22. District Courts were established in 1839, and Maine was divided into three districts. P.L. 1839, ch. 373, §§ 1, 2. At the same time, the Legislature abolished the Court of Common Pleas. *Id.* § 12. In 1852, however, the jurisdiction of the Supreme Judicial Court absorbed these District Courts. P.L. 1852, ch. 246, § 1.

23. The committee included Supreme Judicial Court Justice Sidney St. Felix Thaxter, Judge Arthur Chapman, and Judge Wilfred Chapman. 2 Legis. Rec. 2176 (1961) (remarks by Rep. Edwin R. Smith of Bar Harbor).

24. Although municipal judges previously existed, the Legislature established the first municipal court at Portland in 1825 and provided for the governor to appoint municipal judges. *See* WHITTIER, *supra* note 14, at 9; P.L. 1825, ch. CCXCIV, § 1 (establishing a municipal court for the town of Portland). The Legislature created other municipal courts individually over time. *See* WHITTIER, *supra* note 14, at 9-15; *e.g.*, P.L. 1849, ch. 110, § 1 (establishing a municipal court for the town of Saco); P.L. 1837, ch. 260, § 1 (establishing a municipal court for the town of Augusta). Generally, municipal courts had civil jurisdiction over defendants who resided within the county in which the court was established, *see* R.S. ch. 88, § 10 (1916), and criminal jurisdiction to prosecute certain enumerated laws, which were generally violations of local ordinances and offenses that were "not of a high and aggravated nature." *See* R.S. ch. 134, §§ 1-8 (1916).

25. HON. HARRIET P. HENRY, *THE MAINE DISTRICT COURT: A QUARTER CENTURY OF PROGRESS* 3 (1987).

26. *Id.*

27. In 1959, there were fifty municipal courts. INST. OF JUDICIAL ADMIN., *A DISTRICT COURT FOR MAINE: A REPORT TO THE LEGISLATIVE RESEARCH COMMITTEE OF MAINE ON THE DESIRABILITY OF INTEGRATING ACTIVITIES OF MUNICIPAL COURTS AND TRIAL JUSTICES*, LEGISLATIVE RESEARCH COMMITTEE PUBLICATION NO. 100-4, at 3 (Jan. 1961) [hereinafter INST. OF JUDICIAL ADMIN. REPORT]. These courts handled violations of traffic ordinances, fish and game offenses, liquor cases, miscellaneous minor offenses, and juvenile cases. HENRY, *supra* note 25 at 3-4. There had developed a great disparity between the municipal courts with respect to their physical settings, the formality of procedures and record keeping, the abilities of the judges, and the volume of cases. INST. OF JUDICIAL ADMIN. REPORT, *supra* note 27, at 5.

28. The Legislature established the Judicial Council in 1935 "for the continuous study of the organization, rules and methods of procedure and practice of the judicial system of the state, the work accomplished, and the results produced by that system and its various parts." P.L. 1935, ch. 52 § 176 (later codified at R.S. ch. 100, §§ 192-94 (1944); ME. REV. STAT. ANN. tit. 4, § 451-A (Supp. 1996), *repealed by* P.L. 1997 ch. 134, § 3 (effective Oct. 1, 1997)). The Council comprised the Chief Justice of the Supreme Judicial Court, six other judges and justices, two members of the bar, and three lay people. *Id.*

In 1997, the Legislature abolished the Judicial Council because its utility had been obviated by other working groups created within the Judicial Branch, including the Criminal Justice Advisory Committee, the Family Law Advisory Committee, and the Nonadversarial Forum Committee. L.D. 1267 (118th Legis. 1997, summary) (enacted as P.L. 1997, ch. 134).

29. HENRY, *supra* note 25, at 3; INST. OF JUDICIAL ADMIN. REPORT, *supra* note 27.

years of extensive and sometimes contentious discussions of district boundaries and logistics,³⁰ the District Court was finally made official in 1961 with the 100th Legislature's passage of "An Act Creating a District Court to Integrate Activities of Municipal Courts and Trial Justices."³¹

At its birth, the Maine District Court contained thirteen judicial districts,³² which still exist today.³³ To ensure that the local delivery of justice was uninterrupted by the decision to subsume local municipal courts into the District Court, the Act provided for District Courthouses to be established in the same thirty-three locations where the local courts had existed.³⁴ To further ensure a smooth transition between the municipal courts and the new District Court, no District Court was to open in a community until the term of the sitting municipal judge expired.³⁵ Gradually over the course of four years, District Courts opened in each district, and by June 3, 1966, the statewide District Court system was fully operational, with judges appointed in all thirteen districts.³⁶

One unusual aspect of the administration of the new District Court related to its budget. Although the Legislature established an initial appropriation to launch the Court, the District Court was expected to become fully "self-sufficient."³⁷ All fines and fees imposed by the judges went directly into a "District Court Fund."³⁸ That approach may sound fiscally efficient, but it was a troubling arrangement by today's judicial ethics standards. We would now avoid funding courts directly from fines or the imposition of other punishments or sanctions because of the inherent conflict of having judicial salaries funded directly from, and thereby potentially limited by, the number and amount of fines imposed.³⁹ Although funding courts through the imposition of surcharges and user fees that support court services continues to be an accepted practice throughout the country and in Maine, direct funding of courts through the imposition of criminal fines is avoided.

30. HENRY, *supra* note 25, at 5-9. See also INST. OF JUDICIAL ADMIN. REPORT, *supra* note 27, at overleaf, 19, 24-26 (illustrating existing courts and proposed court districts and outlining proposals for a new District Court structure).

31. P.L. 1961, ch. 386; HENRY, *supra* note 25, at 9.

32. P.L. 1961, ch. 386, § 1.

33. See ME. REV. STAT. tit. 4, § 154 (2009).

34. HENRY, *supra* note 25, at 5; P.L. 1961, ch. 386, § 1.

35. HENRY, *supra* note 25, at 13. District Court judges were appointed to seven-year terms in rotating order, as soon as the four-year terms of the prior municipal judges expired. P.L. 1961, ch. 386, §§ 1, 2.

36. HENRY, *supra* note 25, at 15-18. The initial District Court had seventeen judges—the Chief Judge, who was appointed by the Chief Justice of the Supreme Judicial Court, and sixteen judges, who were appointed by the Governor. *Id.* at 5, 20. History should note that, at the time of the creation of the District Court in 1966, every judge on every court in the State of Maine was male. See Jack Montgomery, *Eight Women First in the Law: Portraits by Jack Montgomery*, 22 ME. B.J. 212, 215 (2007).

37. HENRY, *supra* note 25, at 5.

38. *Id.*; P.L. 1961, ch. 386, § 1 (providing that the Treasurer of State would pay expenses out of the District Court Fund according to an annual budget submitted by the Chief Judge of the District Court).

39. *Cf. Tumey v. Ohio*, 273 U.S. 510, 531-32 (1927) (holding that a defendant was denied due process when the mayor-judge had an interest in generating revenue for his village by convicting and fining those before him).

V. REORGANIZATION IN THE 1970S

By the early 1970s, the District, Superior, and Supreme Judicial Courts were fully operational, but they were supported by separate administrations. The lack of a central court authority resulted in inconsistencies in the operational efficiencies and court practices among the three courts.⁴⁰ Funding for the three courts was also administered separately. The Supreme Judicial Court and the Superior Court presented a budget to the Legislature separately from the District Court's budget.⁴¹ Furthermore, each court was funded through different combinations of state general fund dollars, county budgets, and fines and fees.⁴² For example, attorneys assigned to represent the poor in criminal cases and child protection cases were paid through county budgets.⁴³ County courthouses were funded by county budgets, but District Court facilities were supported through fines and fees.⁴⁴ District Court personnel were paid on a statewide uniform salary schedule, whereas Superior Court personnel were paid by the counties.⁴⁵

The Maine Legislature recognized that this uneven funding and decentralized administration of the courts affected the quality of justice and timely access to justice in the state.⁴⁶ In 1973, to address these problems, the Legislature established the Trial Court Revision Commission to propose a merger and reorganization of the trial courts.⁴⁷ At the request of the Commission, the National Center for State Courts prepared a report—Administrative Unification of the Maine State Courts—which recommended a comprehensive streamlining that would reduce duplication of efforts between District and Superior Courts, minimize scheduling delays for trials, and allocate cases among judges more evenly.⁴⁸

The primary impediment to creating a more streamlined and effective system for the administration of justice throughout the state was, not surprisingly, the difficulty of providing centralized funding through the State General Fund. However, the Commission recognized the problems created by overlapping spending, expensive duplication of administrative services, and inefficiencies that delayed the public's access to the courts.⁴⁹ Ultimately, the Commission

40. NAT'L CTR. FOR STATE COURTS, ADMINISTRATIVE UNIFICATION OF THE MAINE STATE COURTS: FINAL REPORT TO THE TRIAL COURT REVISION COMMISSION 52-53 (Jan. 15, 1975) [hereinafter ADMIN. UNIFICATION OF THE ME. STATE COURTS]. The report recognized inefficient operations within the Superior Court due to a lack of administrative coordination; by contrast, the report noted effective administration within the District Court. *Id.*

41. *Id.* at 40-41.

42. *Id.* at 40-46.

43. See P. & S.L. 1975, ch. 147, § C-14 (reassigning funding for court-appointed counsel from "county treasury" to "state appropriation") (codified at ME. REV. STAT. ANN. tit. 15, § 810 (1980)).

44. See ADMIN. UNIFICATION OF THE ME. STATE COURTS, *supra* note 40, at 41-43; HENRY, *supra* note 25, at 18-20.

45. ADMIN. UNIFICATION OF THE ME. STATE COURTS, *supra* note 40, at 40. Salaries in the District Court were generally higher than in the Superior Court. *Id.*

46. P. & S.L. 1973, ch. 139, Emergency preamble; P.L. 1975, ch. 408, Emergency preamble.

47. P. & S.L. 1973, ch. 139, § 1.

48. ADMIN. UNIFICATION OF THE ME. STATE COURTS, *supra* note 40, at 2-5. The recommendations were substantially included in L.D. 1263 and enacted in P.L. 1975, ch. 408. See L.D. 1263 (107th Legis. 1975); P.L. 1975, ch. 408.

49. The Legislative Record reveals that the exigent need for judiciary reform outweighed funding and efficiency concerns. II Legis. Rec. B1358-59 (1975).

recommended centralizing administration and funding for all of the courts.

In 1975, the 107th Maine Legislature followed the Commission's guidance and passed the "Act to Implement the Recommendations of the Trial Court Revision Commission."⁵⁰ The wisdom of the Act has often been overlooked as the State has struggled with the basic funding needs of a statewide system of justice. The Act created the Administrative Office of the Courts, which consolidated the administrative services needed to run all three levels of courts.⁵¹ The Act also provided for the Judicial Branch to be financed through the State General Fund.⁵² Among other administrative changes, the Act established a uniform personnel classification plan, consolidated budgeting, centralized oversight of facilities, and provided for flexible management of judicial resources to respond to the public's changing justice needs.⁵³ The Act also provided for centralized funding of court security.⁵⁴

Unfortunately, in enacting the consolidation, the Legislature was not able to allocate the funds necessary for each of the Commission's recommendations to be effectuated. The Commission proposed that the Judicial Branch would pay rent, out of its State General Fund budget, for all facilities necessary for the courts' business, including the county courthouses.⁵⁵ It also recommended that all District Court hearings should be recorded⁵⁶ and that a "Judicial Center" should be created in or near the capital to provide a permanent home for the Supreme Judicial Court and a centralized administration.⁵⁷

Due to limitations in funding, these recommendations have never been fully effectuated. The counties are still required to provide space for the courts without compensation,⁵⁸ and no courthouse has been built for the Supreme Judicial Court. The Maine Supreme Judicial Court is the only court of highest jurisdiction in the

50. See P.L. 1975, ch. 408. The Act was sponsored by Senator Robert W. Clifford of Androscoggin County. L.D. 1263 (107th Legis. 1975). Clifford later served as a Justice of the Superior Court from 1979 to 1986 and as the first Chief Justice of that court from 1984 to 1986, after which he was appointed as an Associate Justice on the Supreme Judicial Court, where he served from 1986 to 2009 and served as Acting Chief Justice from October 4, 2001, to December 6, 2001. See The Supreme Judicial Court of the State of Maine, 1820 to 2009, <http://cleaves.org/sjcbios1.htm> (last visited Mar. 4, 2010). He is currently an Active Retired Justice sitting regularly in the trial courts. *Id.*

51. P.L. 1975, ch. 408, § 5-A.

52. *Id.* § 7.

53. *Id.* §§ 5-A, 7, 12.

54. See *id.* § 12 (authorizing other expenses necessary for the efficient operation of the courts). The Judicial Branch has, since then, paid the counties for the services of Sheriffs when those Sheriffs have been able to provide court security. At this writing, Sheriffs in eleven of Maine's sixteen counties have withdrawn from providing that service. In the eleven counties that no longer have Sheriff-provided security services, security is provided by State Judicial Marshals, ME. REV. STAT. tit. 25, § 2801-A(2-A) (2009), augmented by short-term contractors. See ME. REV. STAT. tit. 4, § 17(15)(A) (2009) (giving the State Court Administrator the authority to contract for court security services).

55. ADMIN. UNIFICATION OF THE ME. STATE COURTS, *supra* note 40, at 93.

56. *Id.* at 96.

57. *Id.* at 91-92.

58. ME. REV. STAT. tit. 4, § 115 (2009). Because the counties have received no rent from the courts, these beautiful old edifices have, in many counties, been marginally maintained. The earliest county courthouses were built before Maine became a state; in almost all counties, the Superior Court is housed in an historic courthouse. See generally ROBERT K. SLOANE, THE COURTHOUSES OF MAINE (1998) (documenting the history of county courthouses).

country that does not have its own courthouse.⁵⁹

Nonetheless, the implementation of the remaining recommendations of the Commission has had a long-lasting and positive impact on the State's ability to provide justice efficiently and flexibly. The end result of the efforts of the Commission has been a substantial streamlining of the staffing, logistics, and oversight of the State's court system. The benefits of a centralized administration are obvious: resources can be allocated evenly throughout the State, duplication of services has been eliminated, and efficiencies of scale can be implemented through the Administrative Office of the Courts.⁶⁰

VI. INTO THE FUTURE

In the 1970s, 1980s, and 1990s, the demands on courts increased throughout the country and in Maine.⁶¹ Child protection proceedings began to consume a substantial amount of judicial time;⁶² new proceedings to protect victims of domestic violence and stalking were created by the Legislature;⁶³ and family cases required more attention as the efforts to establish consistent child support in separated families gained momentum.⁶⁴

Responding to these changes, the Legislature and the Supreme Judicial Court commissioned several comprehensive reviews to recommend continuous improvements. No discussion of judicial administration in Maine would be complete without addressing the work of the Commission to Study the Future of Maine's Court (the Futures Commission), the Court Unification Task Force, and the Judicial Resource Team.

A. *The Futures Commission*

In 1993, the Futures Commission,⁶⁵ chaired by the inimitable Harriet P.

59. Vincent L. McKusick, *Introduction* to SLOANE, *supra* note 58, at xi.

60. For example, Maine's court system has one small central human resources staff and one centralized technology unit. Underfunded though both may be, the duplication of staffing for such efforts is avoided in an administratively unified system.

61. For example, the number of protection from abuse filings in the District Court rose from 1,574 in 1982 to 5,404 in 1993. STATE OF MAINE JUDICIAL DEPARTMENT, ANNUAL REPORT—FISCAL YEAR 1989, at 137 (1990); STATE OF MAINE JUDICIAL DEPARTMENT, ANNUAL REPORT—FISCAL YEAR 1993, at 41 (1994).

62. *See, e.g.*, An Act to Require Expedient Action in Child Protection Cases, P.L. 1997, ch. 715 (expediting Title 22 child protection actions by shortening many time periods but also providing for summary preliminary hearings, permanency planning hearings, and jeopardy hearings, all of which require judicial resources).

63. For Title 19-A protection from abuse laws, see P.L. 1979, ch. 578, § 5; P.L. 1989, ch. 862, §§ 3, 4; P.L. 1995, ch. 694, § B-2 (requiring full hearing within twenty-one days of the filing of a protection from abuse complaint). For Title 5 protection from harassment laws, see P.L. 1987, ch. 515, § 1; ME. REV. STAT. tit. 5, § 4654(1) (2009) (requiring evidentiary hearings in protection from harassment cases).

64. *See, e.g.*, P.L. 1979, ch. 668, §§ 4-6 (providing for court enforcement of support orders); P.L. 1995, ch. 694, § B-2 (enacting Title 19-A of the Maine Revised Statutes, including comprehensive child support guidelines and enforcement provisions).

65. The Legislature established the Futures Commission in 1989. P.L. 1989, ch. 891, §§ B-1 to B-8.

Henry,⁶⁶ reported to the Chairs of the Joint Standing Committee on the Judiciary in a comprehensive study that addressed continuing improvements for the Maine State Court System.⁶⁷ The report made eight recommendations, related to the now-familiar themes of dispute resolution alternatives, access to justice, public focus, improved technology, and case management improvement.⁶⁸

The Futures Commission made further proposals for streamlining the delivery of judicial services by improving flexibility and coordination in the Superior and District Courts through increased use of judicial cross-assignment, abolition of the resident judge system, equalization of judicial salaries and titles,⁶⁹ cross-assignment of clerks, and further merging and centralization of administration.

Most of these proposals have been accomplished in full. The resident judge system has been abolished, thereby allowing the Chiefs of the trial courts to move judges to the courts where the caseload most needs them.⁷⁰ Trial judges have identical salaries,⁷¹ cross-assignments of clerks occur regularly, and more than one-half of the clerks' offices have now been even further streamlined through consolidation of the District and Superior Court clerks' offices.⁷²

Several other recommendations of the Futures Commission have since been enacted.⁷³ Other recommendations, including the creation of a complete electronic filing system and the improvement of telecommunications, are in various stages of progress at this point.⁷⁴

The Futures Commission report also addressed the separate but equal functions of the three branches of government,⁷⁵ recommending that the Judicial Branch present its budget request directly to the Legislature rather than have the Judicial Branch budget presented through the Governor.⁷⁶ This change has been discussed with the Legislature and Governor on multiple occasions but has not been effectuated. On the other hand, the recommendation that a capital account be

66. Harriet Henry was the first woman judge appointed in Maine. She served on the District Court bench from 1973 to 1990. *See also* Montgomery, *supra* note 36, at 215.

67. COMM'N TO STUDY THE FUTURE OF MAINE'S COURTS, NEW DIMENSIONS FOR JUSTICE: REPORT TO THE JOINT STANDING COMMITTEE ON JUDICIARY AND THE OFFICE OF THE EXECUTIVE DIRECTOR OF THE LEGISLATIVE COUNCIL (1993) [hereinafter FUTURES COMM'N REPORT].

68. *Id.* at ii – vii.

69. *Id.* at 67-68.

70. *See* ME. REV. STAT. tit. 4, §§ 2-A, 120, 121, 157-C (2009); Establishment of Judicial Regions, Admin. Order M.S.J.C. JB-08-1 (effective July 1, 2008) (authorizing trial courts to act on a regional basis and to share responsibilities between trial courts); Authority of Judges/Justices To Sit in Either District of Superior Court, Admin. Order M.S.J.C. JB-07-3 (effective Nov. 1, 2007).

71. *See* ME. REV. STAT. tit. 4, §§ 102, 157 (2009).

72. *See id.* §§ 107, 159, 551 (2009) (allowing clerks of the District Court and Superior Court to serve as clerks in either court).

73. For example, the Legislature created a separate Family Division of the Judicial Branch on the recommendation of the Futures Commission. COURT UNIFICATION TASK FORCE, FINAL REPORT TO THE CHIEF JUSTICE OF THE SUPREME JUDICIAL COURT 3 & n.3 (Dec. 8, 1999) [hereinafter CUTAF FINAL REPORT].

74. *See, e.g.*, TASK FORCE ON ELEC. COURT RECORD ACCESS (TECRA), FINAL REPORT TO THE JUSTICES OF THE MAINE SUPREME JUDICIAL COURT 11-12 (Sept. 16, 2005) (recommending policies for maintaining and disseminating court records, but concluding that a transition to e-filing is not in Maine's foreseeable future due to the enormous investment of effort and expense required).

75. FUTURES COMM'N REPORT, *supra* note 67, at 88-93.

76. *Id.* at 89.

established to permit upgrading of Judicial Branch facilities came to fruition in this last legislative cycle⁷⁷ with the strong support of the Joint Standing Committee on the Judiciary and legislative leadership. Similarly, the Legislature eliminated the requirement of Executive Branch approval of transfers between Judicial Branch accounts.⁷⁸

The separate and laudable recommendation of the Futures Commission to improve communication among the three branches has been addressed by each of the three Chief Justices who have benefited from the work of the Commission,⁷⁹ and the Executive and Legislative Branches have responded positively throughout the last decade. Today, there is an annual Interbranch Forum involving the leadership of all three branches of government.⁸⁰ In addition to this annual meeting, the Governor and the Chief Justice meet on a monthly basis, the leaders of the Legislature meet regularly with the Chief Justice, and legislators routinely visit local courthouses, meet with trial judges, and observe the delivery of justice in person.

B. Court Unification Task Force

Following up on the recommendations of the Futures Commission, the 118th Legislature issued a resolve directing the Judicial Branch to create a task force to develop recommendations for the final unification of the state trial courts—the Superior and District Courts.⁸¹ In 1998, pursuant to that resolve, Chief Justice Daniel E. Wathen of the Supreme Judicial Court appointed the Court Unification Task Force with former Chief Justice Vincent L. McKusick as its chair.⁸² The 119th Legislature later created the Court Unification Oversight Committee to supervise and monitor recommendations of the Task Force.⁸³

The Unification Task Force noted that the Legislature, by following recommendations of the Futures Commission, had already taken substantial steps toward court unification, including cross-assignments for trial judges, equal pay for trial judges, joint participation in judicial education and judicial conferences, and unified court administration.⁸⁴ It also reported that supervisory and rulemaking authority had been fully unified under the Supreme Judicial Court; that a

77. See P.L. 2009, ch. 213, § QQ-4.

78. See *id.* §§ QQ-1, -5 (codified in part at ME. REV. STAT. tit. 4, § 1 (2009)).

79. Hon. Vincent L. McKusick served as Chief Justice from 1977 to 1992; Hon. Daniel Wathen served as Chief Justice from 1992 to 2001; this Author has been Chief Justice since 2001. The Supreme Judicial Court of the State of Maine: 1820 to 2009, <http://cleaves.org/sjcbios1.htm> (last visited Mar. 4, 2010).

80. P.L. 1993, ch. 675, § C-12 (codified at ME. REV. STAT. tit. 5, § 21202 (2009)) (requiring the Chief Justice of the Supreme Judicial Court, the Governor, the President of the Senate, and the Speaker of the House to meet annually).

81. Resolves 1997, ch. 107 (effective June 30, 1998). Previously, in 1979, the Joint Standing Committee of the Judiciary had conducted a study on integrating the activities of the District and Superior Courts. HENRY, *supra* note 25, at 41. It concluded that reorganization into a unified trial court was unwarranted at that time. *Id.*

82. See CUTAF FINAL REPORT, *supra* note 73, at 2, 3.

83. P.L. 1999, ch. 731, § ZZZ-1 (codified at ME. REV. STAT. tit. 4, § 41 (2006), *repealed by* P.L. 2007, ch. 466, § C-1).

84. CUTAF FINAL REPORT, *supra* note 73, at 3 n.3, 8.

centralized budgeting and financial system had been put in place that incorporated a single personnel system, a single judicial discipline system, and unified civil and criminal rules; and that efforts had been made to create a centralized, unified computer system.⁸⁵

The Task Force made eight recommendations to the Chief Justice, including vesting exclusive jurisdiction of family matters in the District Court, eliminating Superior Court appellate review of District Court judgments, establishing rules for uniform treatment of civil non-jury trials in the District and Superior Courts, undertaking a pilot project to create a unified case scheduling and management system, and establishing ongoing goals and oversight of court unification.⁸⁶

The Task Force approached complete unification of the trial courts cautiously and focused its efforts on changes that would streamline procedures.⁸⁷ One substantial improvement resulting from the Task Force recommendations was the consolidation of all family matter cases—including divorces, paternity actions, child protection, and other matters related to families—under the jurisdiction of the District Court,⁸⁸ with appeals of most of those matters taken directly to the Law Court.⁸⁹ The Legislature also expanded the District Court's jurisdiction regarding partition of real property.⁹⁰

C. Judicial Resource Team

Following up on the recommendations of the Futures Commission and the Court Unification Task Force, the Supreme Judicial Court established a Judicial Resource Team (JRT), chaired by Supreme Court Justice Jon Levy, in September 2002 to “assess the workload and judicial resources of Maine’s trial courts and generate a new model for scheduling courts and allocating judicial resources.”⁹¹ Guided by the extensive work of a large committee consisting of trial and appellate judges and court administrators,⁹² the JRT recognized four basic goals for the Judicial Branch: a regionalized structure; the creation of objective measures for scheduling and resource allocation based on established case completion

85. *Id.* at 8-9.

86. *Id.* at 1-2.

87. *Id.* at 2-3.

88. *E.g.*, P.L. 1999, ch. 731, § ZZZ-4 (amending ME. REV. STAT. ANN. tit. 4, § 152 (District Court civil jurisdiction)); see CUTAF FINAL REPORT, *supra* note 73, at 12-17. The Commission recognized that regular cross-assignments of Superior Court Justices to the family docket might be necessary for the District Court to handle the added caseload. CUTAF FINAL REPORT, *supra* note 73, at 12-17.

89. P.L. 1999, ch. 731, §§ ZZZ-7, -15; COURT UNIFICATION OVERSIGHT COMM., REPORT TO THE SUPREME JUDICIAL COURT AND THE JOINT STANDING COMMITTEE OF THE LEGISLATURE HAVING JURISDICTION OVER JUDICIARY MATTERS: THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE COURT UNIFICATION TASK FORCE 11 (Jan. 15, 2001); see CUTAF FINAL REPORT, *supra* note 73, at 17-22.

90. See P.L. 1999, ch. 547, § A-1 (codified at ME. REV. STAT. tit. 4, § 152(5)(O) (2009)); CUTAF FINAL REPORT, *supra* note 73, at 34-35.

91. JRT REPORT, *supra* note 4, app. 1 (Judicial Resource Team Charter).

92. The members of the Judicial Resource Team were: Hon. Jon Levy (Chair), Anita Alexander, Margaret Gardner, James T. Glessner, Hon. Thomas Humphrey, Hon. Jeffery Hjelm, Hon. Andre Janelle, Hon. Nancy Mills, Hon. Robert Mullen, Hon. Ann Murray, Wendy Rau, Esq., and Hon. Vendeau Vafiades. *Id.* at ii.

standards;⁹³ the consolidation and sharing of responsibilities between trial courts within eight judicial regions; and the establishment of event certainty⁹⁴ to enhance public service.⁹⁵

The Maine state court system has been operating under these shared principles for the last six years. The creation of objective case completion standards and the monitoring and reporting of case dockets have allowed the trial court chiefs and the Supreme Judicial Court to determine where resources are insufficient and to attempt to reallocate resources according to public need.

The implementation of the JRT recommendations resulted in a reduction of scheduling conflicts between the trial courts⁹⁶ and the dramatic reduction in case processing times, especially in family matter cases.⁹⁷ For example, the average number of days for courts to dispose of family matter cases decreased from 306 days in 2003 to 177 days in 2007.⁹⁸ Similarly, the average number of days to dispose of juvenile cases fell from 206 days in 2003 to 139 days in 2007.⁹⁹

VII. COURT BUDGETING TODAY

Today, the structure of the Maine Judicial Branch's budgeting and administration actually serves as a model for other states. In Maine, judges, clerks, and court security can be mobilized where necessary to respond to changing public needs. Despite these achievements in efficiency and flexibility, however, the amount of general funds allocated to the Judicial Branch budget continues to be, unfortunately, insufficient to meet the demands of a complex statewide caseload.

The positive aspects of the Judicial Branch budget are clear:

- **Centralized Administration:** There is a single centralized budget and administration for all of Maine's state courts;¹⁰⁰
- **Flexible Judicial Assignments:** The Supreme Judicial Court and the Chief Judges and Chief Justice of the trial courts have the authority to allocate

93. The JRT case completion standards were derived from standards recommended by the American Bar Association, the Conference of Chief Justices, the Conference of State Court Administrators, and other jurisdictions that had adopted standards. JRT REPORT, *supra* note 4, at 9.

94. Event certainty incorporates the basic principle that every scheduled case event will, in fact, occur as scheduled. Although this principle seems self-evident, difficulties in resource allocation in Maine and other court systems have historically resulted in the need for the public to come repeatedly to courthouses only to find that their cases have been postponed, continued, or disrupted by resource difficulties.

95. JRT REPORT, *supra* note 4, at 1.

96. MAINE JUDICIAL BRANCH, 2005 ANNUAL REPORT 1, available at http://www.courts.state.me.us/maine_courts/annual_reports/annualreport/Annualreport2005/annualrptsumm05.pdf (last visited Mar. 4, 2010).

97. See MAINE JUDICIAL BRANCH, 2007 ANNUAL REPORT 1, available at http://www.courts.state.me.us/maine_courts/annual_reports/annualreport/Annualreport2007/annrept-2007.pdf (last visited Mar. 4, 2010).

98. *Id.*

99. *Id.*

100. See P.L. 2009, ch. 213, § QQ-1 (codified in part at ME. REV. STAT. tit. 4, § 1) (charging the Chief Justice of the Supreme Judicial Court with preparation of the Judicial Branch budget); ME. REV. STAT. tit. 4, § 17(7) (2009) (vesting supervision of the Judicial Branch budget in the State Court Administrator).

resources throughout the State's court system as necessary to serve the public;¹⁰¹

- **Budgeting Authority:** The Legislature has recently clarified the authority of the Chief Justice and the Supreme Judicial Court to move funds within the Judicial Branch budget without the separate approval of the Governor, who in years past has been required to approve such routine judicial budgetary allocations;¹⁰²
- **Judicial Cross-Assignments:** With statutory encouragement, the Chief Judges and Chief Justice of the trial courts have created a regional system of judicial resources, incorporating concepts of cross-assignments among judges to respond to the public's needs;¹⁰³
- **Unified Criminal Dockets:** A first-of-its-kind Unified Criminal Docket—eliminating duplication and overlap of paperwork, docketing, and scheduling in criminal matters—was created in Cumberland County (the largest courthouse in the state) in 2009, followed by the next Unified Criminal Docket in Bangor in January 2010;¹⁰⁴
- **Clerks' Office Consolidations:** Twenty-six of the forty-one clerks' offices have been consolidated into thirteen consolidated offices, allowing better scheduling and coordination between Superior and District Courts that are located in the same cities or towns;¹⁰⁵ and
- **Indigent Legal Services Commission:** Most recently, the budget for state-paid legal services for the poor in criminal and child protection cases has been moved to an independent commission, which will have the capacity to find more effective methods for providing those services. The Indigent Legal Services Commission will have the authority to oversee and more fully support and regulate practices involving the allocation of resources for indigent legal services. These efforts will help ensure that those who need the services most have services available to them when they are needed.¹⁰⁶

101. Establishment of Judicial Regions, Admin. Order M.S.J.C. JB-08-1 (effective July 1, 2008) (authorizing trial courts to act on a regional basis and to share responsibilities between trial courts).

102. P.L. 2009, ch. 213, §§ QQ-1, -5 (codified in part at ME. REV. STAT. tit. 4, § 1). Although Maine's Governors have been respectful of the Judicial Branch role in administering justice, and have not declined to authorize such transfers, the Judicial Branch is now able to act more efficiently without this additional step.

103. See ME. REV. STAT. tit. 4, §§ 2-A, 120, 121, 157-C (2009) (allowing justices of the Supreme Judicial Court to sit in Superior or District Courts, and allowing judges and justices on the District and Superior Courts to sit in either court); Authority of Judges/Justices to Sit in Either District or Superior Court, Admin. Order M.S.J.C. JB-07-3 (effective Nov. 1, 2007).

104. See Establishment of the Cumberland County Unified Criminal Docket, Admin. Order M.S.J.C. JB-08-2 (effective Jan. 1, 2009) (establishing a single county pilot project for implementing a new model for processing criminal and certain civil violations); Establishment of the Bangor Unified Criminal Docket, Admin. Order M.S.J.C. JB-10-1 (effective Jan. 4, 2010).

105. See ME. REV. STAT. tit. 4, §§ 107, 159, 551 (2009) (allowing clerks of the District Court and Superior Court to serve as clerks in either court). To date, clerks' offices have been consolidated in the following Superior Court-District Court pairings: Aroostook-Caribou, Cumberland-Portland, Cumberland-UCD, Franklin-Farmington, Hancock-Ellsworth, Kennebec-Augusta, Knox-Rockland, Lincoln-Wiscasset, Penobscot-Bangor, Piscataquis-Dover-Foxcroft, Sagadahoc-West Bath, Waldo-Belfast, and Washington-Machias.

106. See P.L. 2009, ch. 419, § 2 (effective June 17, 2009) (codified at ME. REV. STAT. tit. 4, §§ 1801-05 (2009)). For more background on the development of the Commission, see INDIGENT LEGAL SERVICES COMMISSION, REPORT OF THE INDIGENT LEGAL SERVICES COMMISSION (2009), available at

In addition, the 124th Legislature adopted the proposals of the tri-branch, cross-governmental Courthouse Advisory Commission, which recommended against closing rural courthouses and strongly recommended an ongoing plan for improvement and maintenance of our beautiful but aging county courthouses.¹⁰⁷

All of these efforts throughout the history of Maine have culminated in a judicial administration and court system that are designed to be efficient and responsive to changing public needs.

VIII. CHALLENGES

Notwithstanding the solid administrative foundation of Maine's judicial budget, the actual dollars allocated to facilitate our citizens' access to justice have been, and continue to be, insufficient. There are simply not enough dollars allocated to provide enough clerks and court security personnel to ensure safe and readily responsive courts for Maine citizens. Matters involving families, serious crimes, and allegations of violence have been prioritized.¹⁰⁸ This, however, leaves small claims cases, landlord-tenant cases, and matters involving civil disputes between Maine citizens to wait longer than they should for resolution. Of greatest concern, at least to this Chief Justice, is the fact that our courts cannot be made sufficiently safe for our citizens.

We must continue to make the best use of every dollar allocated for justice in Maine. In fiscal year 2011, beginning July 1, 2010, the General Fund operating budget of the Maine Judicial Branch will total approximately \$50 million.¹⁰⁹ That \$50 million has to support an entire statewide system of justice that encompasses forty courthouses. This allocation of funding will mean that between thirty and forty of the almost five hundred Judicial Branch positions will remain vacant. As a result, many courthouses will not have screening for weapons at their entries, clerks will still be unable to keep up with the caseload, and our citizens will continue to wait for the justice they deserve. Although court systems in other states have also recently endured substantial budget cuts, the reality is that Maine remains ranked near the bottom in the nation for judicial funding.¹¹⁰ Until economic recovery is

[http://www.courts.state.me.us/publications_other/Report%20of%20ILSC%202009%20\(2-13-09\).pdf](http://www.courts.state.me.us/publications_other/Report%20of%20ILSC%202009%20(2-13-09).pdf)
(last visited Mar. 4, 2010).

107. See P.L. 2009, ch. 213, § WWW-2 (authorizing the issue of securities to fund a new courthouse in Augusta, renovation of a courthouse in Dover-Foxcroft, and planning for facility upgrades in Machias). Improvements have been completed in Penobscot and Aroostook Counties, are underway in Piscataquis County, and will soon begin in Kennebec and Washington Counties. Also, the District Courts in Madawaska and Fort Kent have been consolidated into a single clerks' office.

108. See JRT REPORT, *supra* note 4, app. 3 (listing case completion standards sorted by Judicial Branch priorities).

109. See OFFICE OF FISCAL AND PROGRAM REVIEW, SUMMARY OF 2010-2011 BIENNIUM – GENERAL FUND APPROPRIATIONS, available at http://www.maine.gov/legis/ofpr/appropriations_committee/materials/streamlining_initiative/One-pager-2010-2011Approps.pdf (last visited Mar. 4, 2010). A separate fund for payment of debt service, in the amount of approximately six million dollars, remains allocated within General Fund Budget to the Judicial Branch, unlike legislative debt service, which is organized within the Executive Branch's Department of Administration and Financial Services.

110. See DANIEL J. HALL, NAT'L CTR. FOR STATE COURTS, ASSESSMENT AND OVERVIEW OF STATE COURT BUDGET SUMMARIES (2009), available at <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/financial&CISOPTR=147> (last visited Mar. 4, 2010).