

**TESTIMONY
OF
JANET JOYEUX, ASSISTANT TO THE COMMISSIONER
MAINE DEPARTMENT OF PUBLIC SAFETY**

Before the Joint Standing Committees on Appropriations and Financial Affairs and
Transportation

Hearing Date: February 15, 2017

**“An Act Making Unified Appropriations and Allocations for the Expenditures of State
Government, General Fund and Other Funds and Changing Certain Provisions of the Law
Necessary to the Proper Operations of State Government for the Fiscal Years Ending June
30, 2018 and June 30, 2019”**

Senators Hamper and Collins, Representatives Gattine and McLean, and members of the Joint Standing Committees on Appropriations and Financial Affairs, and Transportation, my name is Janet Joyeux and I am the Assistant to the Commissioner of the Department of Public Safety. I am here today to present testimony on the departmental items presented in the Biennial Budget. There are initiatives for three programs that I am presenting to you.

State Police

The first program is State Police and begins on page A-555 of the budget document. The Maine State Police is the state’s largest police agency with a headcount of 450.5 positions - over 320 are sworn personnel ranging from trooper to colonel. The State Police are divided into eight Field Troops, three Major Crimes Units, and other units such as Computer Crimes, the State Bureau of Identification, the Maine Information and Analysis Center, the Crime Laboratory and other specialized support units.

The Maine State Police have a broad range of responsibilities, from patrolling Maine highways, investigating personal and property crime and providing specialized and technological support to Maine’s law enforcement community. Ensuring the safety of Maine highways is a vital task of the Maine State Police. Through strategic use of resources and focused enforcement

efforts, State Police continue to seek to reduce the numbers of crashes that too often result in serious injury or death. One of the greatest risks to motorists are those drivers who continue to operate after suspension, operate while impaired by drugs and alcohol, or operate while distracted. In addition to patrolling Maine highways, the State Police investigated 16 homicides in 2016, as well as numerous other suspicious deaths. The Major Crimes Units are also responsible for investigating child abuse cases and other major crimes throughout the state.

The State Bureau of Identification is responsible for maintaining all criminal history records and the State's Sex Offender Registry. This information is shared with state and federal law enforcement agencies across the country daily and with the public as defined in statute. The Bureau will process close to $\frac{3}{4}$ of a million criminal history record checks each year with roughly half from the public. The Sex Offender Registry is one of the most visited State webpages each year and the registry monitors compliance and shares information with local authorities on roughly 3000 active registrants.

There are 14 initiatives to discuss under the State Police program.

The first initiative on page A-555 provides increased allocation in the Other Special Revenue Funds for the State Bureau of Identification in the State Police program to align allocation with existing resources. The increase is \$388,870 in each year of the biennium. During the last biennial budget, Part SSS of the General Fund budget bill (PL Chp. 267) amended Title 20-A Section 6103 redirecting the fees for fingerprinting teachers from the Department of Education to the Department of Public Safety. This change was made to streamline the process. Rather than have the Department of Education collect the fees and then reimburse the Department of Public Safety, Public Safety now collects the fees. The only problem is that the last budget didn't include an increase in the allocation to go with the increase in revenue. This initiative corrects that.

The next initiative establishes a federal forfeiture account for the State Police program. The request is for \$1,000 of allocation in each year of the biennium as a placeholder. Currently, the Department uses an Other Special Revenue account for this activity; however, the Office of the State Controller has recommended that a Federal Fund account type is more appropriate. Authority to spend these funds is requested through the financial order process as specific, allowable purchases are needed.

The two initiatives at the top of page A-556 both impact the Computer Crimes unit. The first initiative decreases allocation for the Other Special Revenue Funds by \$1,827 in the first year of \$10,686 in the second year. The revenue stream that supports this unit is a surcharge on fines. A decline in that revenue stream requires this budgetary adjustment, as well as the next one, in order to balance revenue and expenditures.

The second initiative transfers and reallocates a Computer Forensic Analyst from 100% Other Special Revenue Funds in the State Police program to 30% Other Special Revenue Funds in the State Police program and 70% General Fund in the Computer Crimes program. This initiative decreases the Other Special Revenue Funds by one headcount and \$63,265 in year one of the biennium and decreases by \$63,728 in the second year of the biennium. The account receiving the headcount is the General Fund Computer Crimes program which appears in the portion of the Public Safety budget that falls under the Criminal Justice Committee. The initiative is on page A-537 and will be discussed this afternoon.

The next initiative provides allocation for the replacement of the Automated Fingerprint Identification System, or AFIS. The initiative requests an increase of \$231,701 in the first year of the biennium for the Federal Expenditures Fund; and an increase of \$55,105 in the first year and \$301,860 in the second year for the Other Special Revenue Funds. The AFIS system is used

by the State Bureau of Identification to positively identify and tie fingerprint supported arrest information to an individual's criminal history. The system is used to collect, store, analyze and share fingerprint information with law enforcement within Maine and with the Federal Bureau of Investigation's NGI (Next Generation Identification) system. Maine is a part of the Tri-State AFIS initiative with New Hampshire and Vermont which allows the sharing of a single system and spreading the cost between the states. The system reached the end of its useful life 5 years ago and required a significant upgrade to remain operational and to allow the states to take advantage of advancements in the technology of fingerprinting. A new contract has been negotiated with the vendor, MorphoTrak, for this upgrade and for 10 years of maintenance and support. This initiative provides allocation to allow use of a federal grant obtained for a portion of Maine's cost as well as funds in the Other Special Revenue account for ongoing maintenance.

The next initiative on page A-556 represents a major change in the funding model for the Bureau of State Police. This initiative eliminates the General Fund/Highway Fund split by reallocating the funding for positions and All Other from 65% General Fund and 35% Highway Fund to 100% General Fund. There is also a language section associated with this initiative, Part NNNNN on page 228 of the language portion of the budget proposal. This initiative increases General Fund by \$19,781,869 in the first year of the biennium and \$20,016,769 in the second year of the biennium. This decreases Highway Fund by \$20,121,891 in year 2017-2018 and decreases by \$20,361,146 in year 2018-2019. This initiative does not eliminate Highway Fund support for other State Police units, such as Motor Vehicle Inspection, Commercial Vehicle Enforcement Unit or Traffic Safety Unit or for the Bureau of Highway Safety.

The next initiative, still on page A-556, provides funding for the replacement and maintenance of the records management system. This system is the backbone for law enforcement investigation, intelligence, reporting, record maintenance and processing activities.

The current system is at the end-of-life, cannot be upgraded and is failing weekly. An RFP was issued to procure a new system that will be shared by the State Police, Marine Patrol, Warden Service, the Fire Marshal's Office, Forest Service and the Maine Drug Enforcement Agency. The State Police funded the development and implementation costs for all 6 agencies through a combination of federal grants, General Funds and Highway Funds. This application also interfaces with dispatched complaints, connecting the Department's Emergency Communications Bureau with officers in the field. The application enables data sharing with Sheriff's Office and local law enforcement agencies. This initiative requests an increase in General Fund of \$235,945 in the second year of the biennium, which is the second year of the maintenance phase, the first year having already been covered during the development and implementation phase. The anticipated go-live date for the new system is May 9, 2017.

The next initiative on page A-556 requests an increase in General Fund for technology costs. The amount of the initiative is \$149,265 in the first year and \$204,095 in the second year.

The next initiative for the State Police program is on page A-557 and is a request for an increase in General Fund for the Uniform Crime Reporting System. The Department of Public Safety is required by State statute and Federal law to collect National Incident Based Records System data from all Maine agencies and transmit that data to the Department of Justice. The data collected includes information on crimes such as homicide, rape, theft, robbery, drug offenses, hate crimes, etc. To date, this has been a tedious, partially manually process, but must be moved to an automated system by 2019 to comply with new federal requirements. The purchase, development and implementation of a new system have been entirely funded with Federal Grant funds. The request is for \$35,219 in each year of the biennium for the on-going maintenance costs.

The next initiative provides funding for a contract to move services for the Maine Telecommunications and Radio Operations system (METRO) from the Office of Information Services to a public vendor, provides a system upgrade and equipment refresh. Metro is a strategic application which serves as the “switch” exchanging query messages from law enforcement agencies across Maine and the nation to various state and federal law enforcement databases. Examples include driver and motor vehicle credentials and history, active protection orders, arrest warrants, criminal history and several intelligence databases such as Homeland Security terrorist watch lists. The contract is a fixed price contract with a 10 year term. The amount of the requested increase is \$63,767 in the first year and \$74,332 in the second year.

The next initiative transfers one Inventory and Property Associate II position from the Other Special Revenue Funds to the General Fund within the same program. The increase to the General Fund is \$65,227 in year one of the biennium and \$65,883 in year two. The decrease to the Other Special Revenue Funds is \$66,446 in year one of the biennium and \$67,063 in year two.

The next initiative on page A-557 provides funding for the approved range change of two Computer Forensic Analyst positions from range 25 to range 27. This initiative increases General Fund by \$5,417 and \$5,425.

The next initiative provides funding for the approved reclassification of one Forensic Technician to a Forensic Chemist Technician position. The increase in General Fund is \$2,095 in year one and \$2,180 in year two.

The last initiative for the State Police program, at the bottom of page A-557, provides overtime pay for Computer Forensic Analysts. The increase in General fund is \$12,101 and \$12,121.

Traffic Safety – Commercial Vehicle Enforcement

The second program to be discussed is the Traffic Safety – Commercial Vehicle Enforcement program is on page A-559. This unit, referred to as CVEU, is responsible for enforcement of the Federal Motor Carrier Safety Regulations, as well as for regulations on commercial vehicle drivers and size and weight restrictions on the trucks they operate.

There are no General Funds associated with this program - it is funded by the Highway Fund and Federal Funds. The one initiative under this program impacts the Highway Fund and is included today for informational purposes only. The initiative requests funding to purchase nine police interceptor sport utility vehicles in each year of the biennium. The increase in the Highway Fund would be \$116,388 in year one of the biennium and \$119,880 in year two of the biennium.

Turnpike Enforcement

The final program I will be presenting today is the Turnpike Enforcement program on page A-560. Turnpike Enforcement (Troop G) patrols the Maine Turnpike 24 hours a day 7 days a week to ensure safety and enforce the laws of the State.

The first initiative provides funding to purchase ten police interceptor sport utility vehicles in each year of the biennium. The increase in Other Special Revenue Funds would be \$314,150 in the first year of the biennium and \$323,580 in the second year of the biennium.

The second initiative establishes one Office Associate II position and transfers All Other to Personal Services to fund the position.

The final initiative provides for the increase in technology costs for the Office of Information Technology. The increase in Other Special Revenue Funds would be \$3,018 in year one of the biennium and \$2,058 in the second year of the biennium.

Language

As I mentioned earlier, Part NNNNN beginning on page 228 of the language materials provides that the State Police program will no longer be funded 65% General Fund and 35% Highway Fund. Instead, the State Police program will be funded 100% by the General Fund.

This concludes my testimony. I would be happy to answer any questions that you may have.



STATE OF MAINE

OFFICE
OF THE
SECRETARY OF STATE

MATTHEW DUNLAP
SECRETARY OF STATE

TESTIMONY OF
Patty Morneault, Deputy Secretary of State
DEPARTMENT OF THE SECRETARY OF STATE

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LD 390 "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019."

Senators Hamper and Collins, Representatives Gattine and McLean, and members of the Joint Standing Committees on Appropriations and Financial Affairs and Transportation, I am Patty Morneault, the Deputy Secretary of State for the Bureau of Motor Vehicles. I am here today to present testimony in support of the Bureau of Motor Vehicle items presented in the Biennial Budget for the Department of the Secretary of State, with the exception of the initiative to transfer the Driver Education & Evaluation Program (DEEP) from the Office of Substance Abuse at DHHS to the Bureau of Motor Vehicles.

The Bureau of Motor Vehicles (BMV) items begin on **page A-572** of the **Budget Document**. There are no General Fund requests for the BMV.

Administration – Motor Vehicle 0077

The Bureau of Motor Vehicles oversees the driver licensing process, provides motor vehicle registration and titling services, commercial vehicle licensing, dealer licensing and provides oversight of driver education schools and instructors. The bureau ensures that applicants applying for operator's licenses have the ability, knowledge and necessary skills for safe vehicle operation; investigates and licenses motor vehicle and trailer dealers; and conducts hearings on violations of motor vehicle laws to determine if an individual's or company's privilege to operate or register a vehicle should be suspended, withheld or revoked and also determines when reinstatement is permissible.

The Baseline Budget for the bureau is **\$36,942,667 in FY18** and **\$37,572,002 in FY19**. There are 367 Highway Fund positions and initiatives for the bureau are included in the Highway Fund budget.

The Federal Expenditure Funds provides funding for grants in the amount of **\$485,423 in FY18** and **\$485,423 in FY19**.

These funds are used for federal grants as they become available. In the past, this program included grants for the Commercial Driver's License Improvement Program which required states to comply with the Commercial Motor Vehicle Safety Act of 1986, the Motor Carrier Safety Improvement Act of 1999, and 49 Code of Federal Regulations, Parts 383 and 384.

There is one Other Special Revenue Funds initiative on **page A-572** related to the Motor Vehicle Franchise Fund. There is 1 Other Special Revenue fund position. The baseline budget for this fund is **\$295,723 in FY18** and **\$296,755 in FY19**.

This initiative reduces funding to align expenditures with anticipated resources in the amount of **\$6,897 in FY18** and **\$7,929 in FY19**.

The fund supports the Maine Motor Vehicle Franchise board which was established to enforce business practices between motor vehicle manufacturers, distributors and dealers. Manufacturers and dealers pay an annual fee to support the work of the board and fees may be adjusted to align revenue with expenditures.

On **page A-575** is a new initiative to transfer the Driver Education & Evaluation Program (DEEP) from the Office of Substance Abuse at DHHS to the Bureau of Motor Vehicles.

The Secretary of State opposes the transfer of the Driver Education and Evaluation Program from the Department of Health and Human Services to the Department of the Secretary of State. Keeping the program where it has resided since 1977 maintains the independence of the office and ensures that the requirements of law are being met with integrity, and maintains accessibility for clients within the program to resources regarding substance abuse, rehabilitation, counseling and treatment which is not an area of policy managed by the Secretary of State.

There is one additional Other Special Revenue Funds initiative on **Page A-577** which provides funding to reimburse municipalities for excise tax collected on motor carriers in the amount of **\$925,000 in FY18** and **\$925,000 in FY19**.

This initiative increases funding for reimbursement to municipalities in the amount of **\$175,000 in FY18** and **\$175,000 in FY19**.

These funds are collected from non-Maine based motor carriers on a prorated basis based on their mileage in Maine. When Maine municipalities register motor carriers, the excise tax collected is based on sales price and not the book price (MSRP). Municipalities can request reimbursement for the difference in excise tax collected.

This concludes my testimony on the items included in LD 390.

I would be happy to answer questions now or at the work session.

