

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Seventeenth Legislature
OF THE
State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives
January 3, 1996 to April 3, 1996

Senate
January 3, 1996 to March 13, 1996

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
13th Legislative Day
Tuesday, February 13, 1996

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend James L. Gill of East Winthrop (retired).

National Anthem by Brunswick High School Band.

Physician for the day, Mark D. Earnshaw, M.D., Maine Medical Center, Portland.

At this point, a message came from the Senate, borne by Senator Kieffer of that Body, proposing a Joint Convention of both Branches to be held in the Hall of the House at 11:00 o'clock in the morning for the purpose of extending to the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court, and members of the Judiciary an invitation to attend the Joint Convention and to make such communication as pleases them.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 11:00 o'clock in the morning and the Speaker appointed Representative MITCHELL of Vassalboro to convey this message to the Senate.

Subsequently, Representative MITCHELL of Vassalboro reported that she had delivered the message with which she was charged.

The Journal of Thursday, February 8, 1996 was read and approved.

SENATE PAPERS

The following Communication: (H.C. 327)

Maine State Senate
State House Station 3
Augusta, Maine 04333

February 8, 1996

The Honorable Dan A. Gwadosky
Speaker of the House
117th Legislature
Augusta, Maine 04333
Dear Speaker Gwadosky:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:

Upon the recommendation of the Joint Standing Committee on Business and Economic Development:

Elsie B. Morris of Bath for reappointment as a member of the Maine State Housing Authority, and Nathan Smith of Portland for appointment as a member of the Maine State Housing Authority;

Upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs:

Ryan K. Witham of Farmington for appointment as the student member of the University of Maine Board of Trustees,
William M. Cohen of Bangor for appointment as a member of the Maine Technical College System Board of Trustees, and

Alfred W. Kany, Jr. of Saco for reappointment as a member of the Maine Technical College System Board of Trustees;

Upon the recommendation of the Joint Standing Committee on Judiciary:

The Honorable Jane S. Bradley of Freeport for reappointment as a Judge of the Maine District Court,

The Honorable Peter J. Goranites of Cumberland for reappointment as a Judge of the Maine District Court,

The Honorable David B. Griffiths of Presque Isle for reappointment as a Judge of the Maine District Court, and

The Honorable Bernard C. Staples of Bar Harbor for reappointment as a Judge of the Maine District Court;

Upon the recommendation of the Joint Standing Committee on Natural Resources:

Richard A. Fortier of Caribou for appointment as a member of the Maine Outdoor Heritage Fund Board,

The Honorable Horace A. Hildreth, Jr. of Falmouth for appointment as a member of the Maine Outdoor Heritage Fund Board,

George A. Smith of Mount Vernon for appointment as a member of the Maine Outdoor Heritage Fund Board, and

Sally Stockwell of Cumberland Center for appointment as a member of the Maine Outdoor Heritage Fund Board.

Sincerely,

S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

Refer to the Committee on Banking and Insurance

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services by Providing Mandatory Reimbursement to Counseling Professionals who are Licensed to Assess and Treat Intrapersonal and Interpersonal Problems" (S.P. 38) (L.D. 68) reporting that it be referred to the Committee on Banking and Insurance.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Banking and Insurance.

Report was read and accepted and the Bill referred to the Committee on Banking and Insurance in concurrence.

COMMUNICATIONS

The following Communication: (H.C. 328)

PUBLIC UTILITIES COMMISSION

242 STATE STREET

18 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0018

February 8, 1996

The Honorable Angus S. King, Jr.

Governor

State House Station #1

Augusta, ME 04333-0001

The Honorable Jeffrey H. Butland

President of the Senate

State House Station 3

Augusta, ME 04333-0003

The Honorable Dan A. Gwadosky

Speaker of the House
State House Station 2
Augusta, Maine 04333-0002

Re: P.L. 1993, ch. 662, An Act to Establish the
Maine Surplus Energy Auction Program
Dear Governor King, Senate President Butland, House
Speaker Gwadodsky:

In 1994, the Legislature enacted P.L. 1993, ch. 662, An Act to Establish the Maine Surplus Energy Auction Program (attached). The act created sections 4401-4404 of Title 35-A and required¹ that

[t]he commission shall report annually to the Governor and the Legislature on the status of the Maine Surplus Energy Auction Program.

The purpose of this letter is to provide the Commission's first annual report to the Governor and the Legislature.

I. THE SURPLUS ENERGY PROGRAM

P.L. 1993, ch. 662, required all electric utilities with more than \$35,000,000 in annual revenues to hold an auction for their surplus electricity, and to make such surplus energy available to all commercial and industrial customers within each utility's service area. Three Maine electric utilities, Central Maine Power, Bangor Hydro-Electric Company, and Maine Public Service Company, have annual revenues greater than \$35,000,000 and were, therefore, subject to the requirements of this program.

The Commission was required by this legislation to estimate by October 14, 1994 the total amount of surplus electricity that each eligible electric utility was likely to have available and the periods during which these surpluses would be available. After the Commission assessed the quantity and duration of available surplus electricity, each eligible electric utility was required to provide notice of the program to all its industrial and commercial customers.

II. PROGRAM RESULTS

The Commission determined in October of 1994 that neither Bangor Hydro-Electric nor Maine Public Service had surplus electricity sufficient to require an auction. At that same time, the Commission estimated Central Maine Power's surplus electricity at between 0 GWh and 109 GWh from 1994 through 2010, with most of this surplus occurring in off-peak hours. The Commission determined that it was in the public interest for Central Maine Power to proceed with an auction of 15% of this amount. A bid deadline of February 15, 1995 was established by the Commission (see attached Commission Order in Docket No. 94-235).

Central Maine Power issued notice of the energy auction in December 1994. Bid packages were subsequently mailed to seven persons who requested additional information. In June of 1995, Central Maine Power notified the Commission that no bids had been received in response to the surplus electricity auction.

III. CONCLUSION

There is no way, short of polling potential bidders, to determine exactly why there was such limited interest in this program. However, the Commission has reviewed the operation of the program and believes the following factors may have contributed to this lack of interest:

- 1) the availability of the surplus electricity is sporadic and uncertain;

- 2) the surplus electricity is generally available only during off-peak times, such as the very early morning hours;

- 3) with the approval of Central Maine Power's Alternative Rate Plan in January of 1995, many large industrial customers received discounted rate contracts. Therefore, the customers that could have most likely benefited from lower cost, off-peak power were already receiving a discount.

These three conditions are not expected to change in the near future. In addition, since the time the Commission performed its original analysis of available surpluses, Central Maine Power has reduced the amount of surplus energy on its system by improving its mix of generating units.

IV. COMMISSION RECOMMENDATION

The Commission does not believe surplus electricity will be available in the quantities that would make future energy auctions viable. Having satisfied the requirements of P.L. 1993, chapter 662, the Commission recommends repeal of Chapter 44 of Title 35-A M.R.S.A., entitled Maine Surplus Energy Auction Program. If in the future, the amount of surplus electricity increases or the availability of such surplus improves significantly, the Commission will re-evaluate the feasibility of holding a future auction and provide its recommendations to the Legislature.

Respectfully submitted,

S/Thomas L. Welch

Chairman

S/William M. Nugent

Commissioner

S/Heather F. Hunt

Commissioner

¹ 35-A M.R.S.A. §4404.
Was read and with accompanying report ordered placed on file.

The following item was taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Extend Certain Reporting Deadlines" (EMERGENCY) (S.P. 698) (L.D. 1779)

Came from the Senate, under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Under suspension of the rules and without reference to a Committee, the Bill was read twice and passed to be engrossed in concurrence. Ordered sent forthwith.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Improve and Expand the Functions of the Department of Audit" (H.P. 1292) (L.D. 1774)

(Presented by Representative DUNN of Gray) (Cosponsored by Representative TUTTLE of Sanford, Senator KIEFFER of Aroostook and Representatives: AIKMAN of Poland, BAILEY of Township 27, BARTH of Bethel, BIGL of Bucksport, BIRNEY of Paris, BUCK of Yarmouth, CAMERON of Rumford, CAMPBELL of Holden, CHICK of Lebanon, CROSS of Dover-Foxcroft, DAGGETT of Augusta, DAMREN of Belgrade, DEXTER of Kingfield, DiPIETRO of South Portland, DONNELLY of Presque Isle, FARNUM of South Berwick, GERRY of Auburn, GIERINGER of Portland, GOOLEY of Farmington, GREEN of Monmouth, HARTNETT of Freeport, JACQUES of Waterville, JONES of Pittsfield, JOY of Crystal, JOYCE of Biddeford, JOYNER of Hollis, KEANE of Old Town, KERR of Old Orchard Beach, KILKELLY of Wiscasset, KNEELAND of Easton, LABRECQUE of Gorham, LANE of Enfield, LAYTON of Cherryfield, LEMONT of Kittery, LIBBY of Kennebunk, LIBBY of Buxton, LINDAHL of Northport, LOOK of Jonesboro, LOVETT of Scarborough, LUMBRA of Bangor, MARSHALL of Eliot, MARVIN of Cape Elizabeth, MAYO of Bath, McALEVEY of Waterboro, MERES of Norridgewock, MURPHY of Berwick, NASS of Acton, OTT of York, PEAVEY of Woolwich, PINKHAM of Lamoine, PLOWMAN of Hampden, POIRIER of Saco, REED of Falmouth, REED of Dexter, RICE of South Bristol, ROBICHAUD of Caribou, SAVAGE of Union, SIMONEAU of Thomaston, SPEAR of Nobleboro, STEDMAN of Hartland, TAYLOR of Cumberland, TRIPP of Topsham, TRUE of Fryeburg, TUFTS of Stockton Springs, UNDERWOOD of Oxford, VIGUE of Winslow, WATERHOUSE of Bridgton, WHITCOMB of Waldo, WINGLASS of Auburn, WINSOR of Norway, Senators: ABROMSON of Cumberland, AMERO of Cumberland, BEGLEY of Lincoln, BENOIT of Franklin, BERUBE of Androscoggin, BUTLAND of Cumberland, CAREY of Kennebec, CARPENTER of York, CASSIDY of Washington, FERGUSON of Oxford, GOLDTHWAIT of Hancock, HALL of Piscataquis, HANLEY of Oxford, HARRIMAN of Cumberland, HATHAWAY of York, LONGLEY of Waldo, LORD of York, MILLS of Somerset, STEVENS of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Human Resources

Bill "An Act to Ensure the Continued Stability of Services for Persons with Mental Retardation" (EMERGENCY) (H.P. 1291) (L.D. 1773) (Presented by Representative FITZPATRICK of Durham) (Cosponsored by Representatives: BRENNAN of Portland, DAGGETT of Augusta, DORE of Auburn, ETNIER of Harpswell, GOULD of Greenville, MAYO of Bath, MITCHELL of Portland, POVICH of Ellsworth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Natural Resources

Bill "An Act to Support Abatement of Uncontrolled Tire Stockpiles" (H.P. 1298) (L.D. 1781) (Presented by Representative GOULD of Greenville) (Cosponsored by Representative: SPEAR of Nobleboro) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Reported Pursuant to Public Law

Representative FITZPATRICK for the Maine Health Care Reform Commission pursuant to Public Law 1993, chapter 707, Part AA, section 5 asks leave to submit

its findings and to report that the accompanying Bill "An Act to Create a Uniform Health Information System" (H.P. 1289) (L.D. 1772) be referred to the Joint Standing Committee on Human Resources for Public Hearing and printed pursuant to Joint Rule 20. Report was read and accepted, and the Bill referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative LEMKE for the study committee on motor carrier training pursuant to Public Law 1995, chapter 376, section 5 asks leave to submit its findings and to report that the accompanying Bill "An Act to Create the Motor Carrier Training Advisory Board" (H.P. 1299) (L.D. 1782) be referred to the Joint Standing Committee on Transportation for Public Hearing and printed pursuant to Joint Rule 20. Report was read and accepted, and the Bill referred to the Committee on Transportation, ordered printed and sent up for concurrence.

Reported Pursuant to Resolve

Representative SPEAR for the Commission to Study Options for Preserving the Dairy Industry in the State pursuant to Resolve 1995, chapter 35, section 6 asks leave to submit its findings and to report that the accompanying Resolve, to Require Additional Promotion of the Maine Quality Seal (EMERGENCY) (H.P. 1294) (L.D. 1776) be referred to the Joint Standing Committee on Agriculture, Conservation and Forestry for Public Hearing and printed pursuant to Joint Rule 20. Report was read and accepted, and the Resolve referred to the Committee on Agriculture, Conservation and Forestry, ordered printed and sent up for concurrence.

Reported Pursuant to Resolve

Representative SPEAR for the Commission to Study Options for Preserving the Dairy Industry in the State pursuant to Resolve 1995, chapter 35, section 6 asks leave to submit its findings and to report that the accompanying Resolve, to Require the Department of Agriculture, Food and Rural Resources to Take Various Actions in Support of the Dairy Industry (EMERGENCY) (H.P. 1296) (L.D. 1778) be referred to the Joint Standing Committee on Agriculture, Conservation and Forestry for Public Hearing and printed pursuant to Joint Rule 20. Report was read and accepted, and the Resolve referred to the Committee on Agriculture, Conservation and Forestry, ordered printed and sent up for concurrence.

Reported Pursuant to Resolve

Representative SPEAR for the Commission to Study Options for Preserving the Dairy Industry in the State pursuant to Resolve 1995, chapter 35, section 6 asks leave to submit its findings and to report that the accompanying Bill "An Act to Exempt Farms from the Sales Tax on Electricity" (H.P. 1293) (L.D. 1775) be referred to the Joint Standing Committee on Taxation for Public Hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the Bill referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Reported Pursuant to Resolve

Representative SPEAR for the Commission to Study Options for Preserving the Dairy Industry in the State pursuant to Resolve 1995, chapter 35, section 6 asks leave to submit its findings and to report that the accompanying Bill "An Act to Lessen the Penalty for Withdrawal of Farms from the Farm and Open Space Tax Law" (H.P. 1295) (L.D. 1777) be referred to the Joint Standing Committee on Taxation for Public Hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the Bill referred to the Committee on Taxation, ordered printed and sent up for concurrence.

ORDERS

On motion of Representative DAGGETT of Augusta, the following Joint Order (H.P. 1290)

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as is necessary to revise the salaries of county officers and lay the county taxes for the year 1996.

Was read and passed and sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative STROUT from the Committee on Transportation on Bill "An Act Concerning Portable Scale Tolerances on the Interstate Highway System" (H.P. 1227) (L.D. 1680) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-695)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-695) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, February 15, 1996.

Ought to Pass Pursuant to Resolve

Representative AULT from the Committee on Education and Cultural Affairs on Resolve, to Establish a Tuition Rate for the Town of Dennyville and to Review the Provision of Education Services in the Unorganized Territory (H.P. 1297) (L.D. 1780) reporting "Ought to Pass" Pursuant to Resolve 1995, chapter 33.

Report was read and accepted. The Bill read once and assigned for second reading Thursday, February 15, 1996.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 608) (L.D. 1612) Bill "An Act to Repeal the Requirement that Disbursement Warrants Receive an Affirmative Vote by Municipal Officers" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-421)

(S.P. 611) (L.D. 1615) Bill "An Act to Amend the Piscataquis County Budget Process" Committee on

State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-423)

(H.P. 1175) (L.D. 1607) Resolve, to Extend Deadlines Relating to the Task Force to Review the Beverage Container Deposit Laws (EMERGENCY) Committee on Business and Economic Development reporting "Ought to Pass"

(H.P. 1247) (L.D. 1709) Bill "An Act to Describe Property Posting under the Criminal Trespass and Trespass by Motor Vehicle Laws" Committee on Criminal Justice reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, February 15, 1996 under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 619) (L.D. 1624) Bill "An Act to Update and Clarify the Corporate Laws" (C. "A" S-417)

(H.P. 1228) (L.D. 1681) Bill "An Act Pertaining to the Northern New England Passenger Rail Authority"

(H.P. 1235) (L.D. 1695) Bill "An Act to Amend the Laws Regarding Drag Limits in South Bay"

(H.P. 1168) (L.D. 1600) Bill "An Act to Amend the Charter of Milbridge Water District" (C. "A" H-690)

(H.P. 1170) (L.D. 1602) Bill "An Act to Amend the Bowdoinham Water District Charter to Remove the Debt Limit" (EMERGENCY) (C. "A" H-691)

(H.P. 1173) (L.D. 1605) Bill "An Act to Amend the Charter of the East Pittston Water District" (C. "A" H-692)

(H.P. 1206) (L.D. 1656) Bill "An Act to Provide for Confidential Treatment of State and Federal Regulatory Information in the Application Process for Financial Institutions" (C. "A" H-694)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Exempt All Individuals Engaged in Fishing from Unemployment Insurance Requirements" (EMERGENCY) (S.P. 696) (L.D. 1770)

Came from the Senate, referred to the Committee on Labor and Ordered Printed.

Was referred to the Committee on Labor in concurrence.

Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY) (S.P. 697) (L.D. 1771)

Came from the Senate, referred to the Committee on Taxation and Ordered Printed.

Was referred to the Committee on Taxation in concurrence.

ENACTOR

Emergency Measure

An Act to Extend Certain Reporting Deadlines (S.P. 698) (L.D. 1779)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

ORDERS

On motion of Representative LOOK of Jonesboro, the following Joint Order (H.P. 1300)

ORDERED, the Senate concurring, that the Joint Standing Committee on Marine Resources report out legislation regarding the assets of the Maine Sardine Council to the House.

Was read and passed and sent up for concurrence.

On motion of Representative CLARK of Millinocket, the following Joint Order (H.P. 1301)

ORDERED, the Senate concurring, that the Joint Standing Committee on Criminal Justice report out a bill to the House incorporating recommendations for changes in the law to make the requirements for correctional system impact statements consistent with the requirements for judicial system impact statements.

Was read and passed and sent up for concurrence.

By unanimous consent, Joint Orders (H.P. 1300) and (H.P. 1301) having been acted upon were ordered sent forthwith.

IN CONVENTION

The President of the Senate, the Honorable Jeffrey H. Butland, in the Chair.

On motion of Senator Amero of Cumberland, it was **ORDERED**, that a committee be appointed to wait upon the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court, the Associate Justices of the Supreme Judicial Court and members of the Judiciary and inform them that the two branches of the Legislature are in convention assembled, ready to receive such communication as pleases them.

The Order was read and passed.

The Chairman appointed:

Senators:	MILLS of Somerset PENDEXTER of Cumberland FAIRCLOTH of Penobscot
Representatives:	TREAT of Gardiner LEMKE of Westbrook RICHARDSON of Portland JONES of Bar Harbor LaFOUNTAIN of Biddeford WATSON of Farmingdale PLOWMAN of Hampden HARTNETT of FREEPORT MADORE of Augusta

NASS of Acton
MOORE of
Passamaquoddy Tribe

Whereupon the Chairman welcomed in the House Gallery: Judy Wathen, Wife of Chief Justice Wathen. Julianne Wathen Gilbert and Emily Gilbert, Daughter and Granddaughter of the Chief Justice. Wilda P. Wathen, Mother of the Chief Justice. Clementina Clifford, Wife of Justice Clifford. Susan Dana, Wife of Justice Dana. Nancy Zeigler, wife of Justice Lipez.

Subsequently, Senator Mills of Somerset, for the Committee, reported that the Committee had delivered the message with which it was charged and were pleased to report that the Honorable members of the Judiciary will attend forthwith.

Whereupon, the Chairman welcomed the members of the Maine Supreme Judicial Court: Associate Justice Caroline D. Glassman, Associate Justice Robert W. Clifford, Associate Justice Paul L. Rudman, Associate Justice Howard H. Dana, Jr. and Associate Justice Kermit V. Lipez.

The Maine Superior Court: Chief Justice Roland D. Cole.

The Maine District Court:
Chief Judge S. Kirk Studstrup

At this point, the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court entered the Convention Hall amid prolonged applause, the audience rising.

Chief Justice Wathen then addressed the Convention as follows:

Mr. President, Mr. Speaker, members of the Legislature, and friends:

I am honored to report to this Legislature once again to the 117th Legislature and the people of Maine. This is my fourth State of the Judiciary address and I believe I could sum up the situation of the court in just four words— "still stressed but improving." If I stopped right here, I am sure I would be met with a tremendous round of applause and you would happily go back to your legislative duties. I am sort of reminded of the fellow who was being hung down in Georgia and the sheriff said to him on the gallows, you are entitled to a few final words. He thought about it and he said, "I guess I don't want to say anything." A voice rang out in the crowd and said, "Could I use your time, I am running for Congress." The fellow said, "I guess I don't object as long as you wait until after I am hung before you speak." Well, I don't want anybody using my time today.

I do have a few more thoughts however, and I want you to know that I have been influenced by two questions. A couple of weeks ago I came through the tunnel from the state office building and met a group of legislators. One of them greeted me and said, "When are you coming over to give us the dickens again?" Well, Representative Kneeland and I know that from Easton that being given the dickens is not an easy thing. I was impressed. I can't remember who it was that spoke to me, I know Representative

Jackson was there and maybe someday he will tell me who it was, but I assured him that, if invited, I would have something good to say.

The second question was asked a year ago at a press conference right after my last address. One of the reporters said, "You made a big pitch for computers and the need to modernize the courts. You probably are not going to get it, so what are you going to say next year when you are back asking for the same thing?" Well, I have worried all year about that question. So here I am.

Let me begin. Compared to other states, the courts in Maine are still underfunded, but performing at a very high level. I have to thank the women and men who work in the judicial system. They work competently and diligently in the face of increasing demands and decreasing resources. They keep us afloat.

Today I want to report on three major challenges, and tell you about some of our plans for improvement. There are two related social problems straining our limited resources, domestic violence and the abuse and neglect of children. I won't repeat all of the statistics, I know you have read them, but they are really staggering.

National figures reflect over half of all couples experienced at least one violent incident. Although violence is inflicted on both sexes, it falls most heavily on women, and battering is the single major cause of injury to women. One third of all women using hospital emergency rooms are there because of battering.

Well, how are things in Maine? In one word — worse. Nationally 20% of all homicides arise out of domestic situations, here in Maine the average has approached 60% in each of the recent years. Our District Court handles 5500 petitions for protection from abuse a year and the Annual Report of the courts that we distributed to you last week reflects the fact that domestic cases of all types are the fastest growing part of the civil docket in the District Court.

Let's not use the term domestic violence, it is too polite. We must admit that we are a violent society and that in Maine people beat and kill those they claim to love and they do it at an alarming rate. As a state, we need to address that problem comprehensively.

The news from the courts on child abuse and neglect is equally grim. An official from DHS wrote me recently and asked for more judge time in one of our rural courts. In that particular court 2 1/2 of the 12 available days per month are scheduled exclusively for child protection cases. That sounds like a lot, but they had 12 cases scheduled for the next half day and a new petition could not be scheduled for a minimum of 2 1/2 to 3 months. A final order in a contested matter might take a year. In the meantime, the child remains in foster care and legal limbo. If we double the amount of judge time, we would barely make a dent in the DHS backlog. Since I have written those remarks, I am meeting with DHS this afternoon to see if we can't make a dent in that backlog.

A second cause of strain on the court system is drug and alcohol abuse. A year ago I attended a conference that included teams of students from twenty-five teens from high schools in Maine, some of you folks were there, and the teams reported on the problems that interfered most with their educational

environment. Leading every list was drug and alcohol abuse, petty theft, and violence. It sounds like our society.

That situation has serious implications for our criminal justice system. Today's violent juvenile with a substance abuse problem is too often tomorrow's violent felon, sex offender, mental patient, or batterer. Serious criminal cases in the Superior Court increase every year and the trend is bound to continue until we keep children in school and remove drugs and alcohol from school.

With scarce court resources increasingly devoted to the pressing problems of domestic violence, child protection, and crime, there isn't much time left for the 35 to 40 thousand civil disputes filed each year by Maine businesses and injured Maine people. The little time that is left is diminished by the fact that more and more people in Maine are forced to represent themselves in court.

Since the 12th Century in England, our legal system has operated on the premise that most people will be represented by trained lawyers. Human affairs are complicated, court procedures are complex, and although I probably shouldn't say it before this audience, the laws enacted by Congress and the Legislature remain a mystery to many. I know you won't believe this, but some people even claim to have difficulty reading our law court opinions. Fortunately, most of these folks are lawyers. But in any event, the law is a mystery.

Until today if you were poor and needed legal help in Maine, there were four sources of help: the Volunteers Lawyers Project, Cumberland Legal Aid Clinic, Pine Tree Legal Services, and Legal Services for the Elderly. Unfortunately, these programs have been set back in just the last few months, and the very existence of some of them is threatened by changes in the federal budget.

Pine Tree Legal's staff has dropped from 25 lawyers to fewer than 7—a ratio now of one attorney for every 34,000 clients in need. Legal Services for the Elderly has one attorney for every 16,000 clients. These two important agencies deserve your support and need some "safety valve" assistance from you. I use the term "safety valve" because timely legal help for the poor often avoids a home foreclosure, an unlawful eviction from an apartment or a nursing home, a new welfare case, or the escalation of a domestic case into costly criminal proceedings.

Maine lawyers do more than their fair share, and they have responded to our cry for help in this time of crisis. Some of you received an annual report of the Maine Bar Foundation and it says it all. I refer you to that report. But they cannot do it alone.

I raise the plight of those who cannot afford legal representation, first, because the protection of the law is too often an illusion for those who are without counsel. But I also speak out for the courts. When people are without a lawyer they are forced to come to the courthouse and ask for help at the window. For many people this is one of their few contacts with their government and it is not a positive experience. Clerks do the best they can but they have neither the time nor the training to give legal advice. It is usually impossible for the judge to help the unrepresented litigant and at the same time maintain the appearance and the reality of impartiality and fairness. We must find another way to help those without legal representation.

These are just a few of the pressures bearing down on the court system. They could all be remedied by more staff, more judges, and more resources. Let us hope that in the near future this Legislature can consider major improvements in funding Maine's justice system, but in the meantime, how are we going to continue to provide justice today?

Technology is a big part of the answer and you may recall my impassioned plea last year. One minor breakthrough will occur this week when we distribute 11 new laptop computers to trial judges, bringing our total number to 17. These popular little boxes save a lot of paper and do a lot of things. One example, they provide instant electronic access to every law book in the United States, probably five or six times more than is downstairs in the Law Library. Seventeen of our forty-three traveling trial judges will now be able to perform sophisticated legal research anywhere in Maine automatically, instantly, and with less expense.

This is just a hint of the promise that technology offers. But today I can also report progress on the more important task of computerizing all clerical functions and scheduling in Maine's courts. Just two weeks ago, we opened bids on the software package for a modern court management system, and we have much of the money to pay for it in the bank.

Our total technology plan is priced at \$2.1 million. This past summer with the help of Gov. King, law enforcement, the corrections department, DHS, and family violence projects, we obtained federal grants and cleaned out our cupboards — raising a total of \$1.4 million. Just another \$300,000 to \$400,000 will give us a fully functional system and we have a rare opportunity to hit that goal this year by allocating that sum from the technology funds you made available through the Productivity Task Force.

The courthouses are wired, we are connected by a network, and the computer hardware is permanently installed at the Maine Judicial Center here in Augusta. I am pleased to announce that we will have pilot courts on line as early as June, and all courts will be fully automated within 18 months. You will all be pleased to know I will quit talking about it then.

I mentioned the Judicial Center where I am housed along with the court computers at 65 Stone Street. It is a wonderful facility. It was given to the State of Maine by Elsie P. Viles, and last session you helped clear the final hurdle to our moving in. We still have to finish the parking lot and signs. We will have you over in the spring, but the Center has already become the focal point for court training, conferences, and technology. For the first time in our state's history, the judicial branch of government has a headquarters, and we thank Mrs. Viles for her singular act of generosity and you for your help. She is here today with us.

With your help, the courts of Maine are about to discard the quill pen, unhook the rotary phone, we really do have rotary phones, and plug in the computer. Technology is not a panacea, but when you put it in the hands of our people, everyone in Maine will benefit.

What else can we do to meet expanding caseloads and serve the growing number of people who are forced to represent themselves? If you have ever been involved in litigation, you know everyone needs a friend in court. For years we have benefitted from

the services of volunteers and those who work for nominal pay.

Think of the thousands, and I do mean thousands, of jurors, mediators, neutrals, consultants, and lay volunteers who help us out every day. For example, Maine's first lady, Mary Herman, now serves on a committee studying ways to improve the courts' ability to protect children. Volunteer effort has too often gone largely unrecognized, and we have not been very energetic in expanding the opportunities for one neighbor to help another. That is going to change today.

I am pleased to announce what I deem a significant initiative in citizen involvement and courthouse assistance. This initiative bears the name of "The Dirigo Project: Leadership for Justice" and will be guided by a committee of twelve representative civic leaders. As its chair, we have been fortunate in enlisting the services of a man of recognized competence and dedication to Maine, Duane "Buzz" Fitzgerald, President and CEO of Bath Iron Works. He is here somewhere up there as well.

This Committee will review the spectrum of needs of the courts and the needs of citizens for justice to see how each can best serve the other. They will explore new opportunities for citizen involvement in providing court services. This mission is not lightly undertaken. It will involve careful study, thoughtful deliberation, public meetings, the creation of practical programs of training and communication, and it will receive professional staff support.

Let me anticipate your anxiety and assure you that we are not asking for money, this will involve no expense to the state. Because we occupy the unenviable position of being the state judicial system that has been hit the hardest, we received a \$100,000 grant from the Culpeper Foundation through the Governance Institute to see if we could once again demonstrate Yankee ingenuity and do what we do best — lead the nation in tough times. I take no credit for this ambitious project, it is the brainchild of a colleague from the federal bench—our friend, my mentor, and one of Maine's treasures, Senior Circuit Judge Frank M. Coffin. He also is here today.

Judge Coffin, Buzzy Fitzgerald, and I believe, and you know, that courts and justice are just too important to leave to lawyers, litigants and judges. This Committee will open up opportunities for citizen involvement and foster a number of innovative court house assistance projects. What potential does this effort have? Could one volunteer, or a hundred, make a real difference? Let me offer Exhibit A.

Seated in the gallery today is Dana Mayo. He lives down in York County in Lyman and in his spare time he volunteers as a court-appointed special advocate. He currently represents 19 children involved in 17 child protection proceedings. Since 1991, he has handled 31 cases involving 42 children. This is a man who provides justice — one child at a time — and he asks for nothing in return. Dana, you are a remarkable example of the best that Maine has to offer and I applaud you. Raise your hand, Dana, so we know who you are.

More important for us, Dana is not alone. Since the Court Appointed Special Advocates program began in 1985, there have been 650 volunteers. Currently, 233 active volunteers are helping 903 children involved in 711 child protection cases. On average,

a volunteer devotes anywhere from 6 to 20 hours per month on each case. They investigate, they advocate, they monitor, they report, unfortunately they sit in court and wait, and most importantly they protect young children. I don't exaggerate when I say that CASA volunteers save the State of Maine \$800,000 per year in guardian's fees alone. That is just the tip of the iceberg. The real value of their contributions cannot be estimated. We all are indebted to Mary Gay Kennedy and Herb Pierce who staff CASA and to Dana Mayo and countless others like him. May we all have friends like these in court.

I know that you want me to go on at length and talk about the long list of problems that we face, but I'm not going to be accused of giving you the dickens today. Besides, I want to go out and find that reporter and remind her that I didn't ask for the same thing again. We are making progress in Maine. We have a long way to go. But if we can continue to work together and involve Maine's people, we can modernize and streamline Maine's court system so that it protects us all.

Improving court services has never been easy. In part, the need for better courts caused us to separate from Massachusetts in 1820. Court reform is not a 50-yard dash, it is a marathon. But as we face the next century, and the new millennium, it is imperative that we strengthen Maine's courts and renew the promise set forth in the Maine Constitution of prompt and affordable justice for all — whether rich, poor, or in between — justice for all Maine citizens.

Let me close with the words that have rung out for the last 176 years at the end of every court day—GOD SAVE THIS HONORABLE COURT AND GOD SAVE THIS GREAT STATE OF MAINE. Thank you.

(Applause)

At the conclusion of the address, the Chief Justice withdrew amid the applause of the Convention, the audience rising.

The purpose for which the convention was assembled, having been accomplished, the Chairman declares the same dissolved.

IN THE HOUSE

The House was called to order by the Speaker.

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Encourage Job Creation by Exempting Small Businesses from the Current Workers' Compensation System" (H.P. 664) (L.D. 887) (C. "B" H-689)

Bill "An Act to Amend the Laws Regarding the Apportionment of Costs of the Mount Desert Island Regional School District among Member Towns" (S.P. 632) (L.D. 1640) (S. "A" S-422)

Bill "An Act to Repeal an Insurance Law Relating to Motor Vehicle Damage Appraisal" (H.P. 1207) (L.D. 1657) (C. "A" H-693)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was Passed to be Engrossed as Amended in

concurrence and the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

On motion of Representative DAGGETT of Augusta, the House adjourned at 12:05 p.m., until 10:00 a.m., Thursday, February 15, 1996.