

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**House Legislative Record**  
of the  
**One Hundred and Eighteenth Legislature**  
of the  
**State of Maine**

**Volume II**

**First Special Session**

May 16, 1997 - June 20, 1997

**Second Regular Session**

January 7, 1998 - March 18, 1998

ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
SECOND REGULAR SESSION  
13th Legislative Day  
Tuesday, February 10, 1998

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

Prayer by Reverend Eric Dupee, Wayne United Methodist Church.

National Anthem by Callista Young, Brunswick.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

---

**SENATE PAPERS**

Bill "An Act to Extend the Electric Rate Stabilization Program" (EMERGENCY)

(S.P. 818) (L.D. 2204)

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

**REFERRED** to the Committee on **UTILITIES AND ENERGY** in concurrence.

---

**COMMUNICATIONS**

The Following Communication: (H.C. 367)

**MAINE STATE LEGISLATURE**

**COMMISSION TO STUDY THE RESTRUCTURING OF THE  
STATE'S FISCAL POLICIES TO PROMOTE THE  
DEVELOPMENT OF HIGH-TECHNOLOGY  
INDUSTRY IN MAINE  
AUGUSTA, MAINE 04333**

January 30, 1998

President Mark Lawrence

Maine Senate

State House Station 3

Augusta, Maine 04333

Speaker Elizabeth H. Mitchell

Maine House of Representatives

State House Station 2

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Enclosed is the report of the Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine. The Commission worked diligently to examine the environment for high-technology industry in Maine. The Commission concluded that the high-technology industry provides exciting challenges and opportunities for economic growth in the 21st Century. If Maine is to maintain and improve its ability to attract and retain high-technology industry it must make the commitment:

- To pursue a coordinated strategy for ensuring a technologically skilled workforce,
- Achieve a telecommunications infrastructure that is conductive to high-technology growth
- Maintain a government structure and policy that is responsive to the needs of high-technology businesses

Our report makes the recommendations necessary to move forward that commitment.

We thank you and the other members of the Legislative Council, as well as Governor King, for this opportunity to have a role in shaping the policy of the State in this very important area. If we can be of further assistance, please do not hesitate to contact us.

Sincerely,

S/ Mark B. LeDuc

Co-chair

S/Jeffrey Nathanson

Co-chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 368)

**118TH MAINE LEGISLATURE**

February 2, 1998

Daniel E. Wathen, Chief Justice

Kennebec County Court

65 Stone Street

Augusta, Maine 04330

Dear Chief Justice Wathen:

We are pleased to invite you to address a Joint Session of the 118th Maine Legislature on Tuesday, February 10, 1998, at 9:30 a.m. concerning the State of the Judiciary and any other matter that you may care to bring to our attention.

We look forward to seeing you then. Best wishes.

S/Mark W. Lawrence

President of the Senate

S/Elizabeth H. Mitchell

Speaker of the House

**READ** and **ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 369)

**STATE OF MAINE**

**SUPREME JUDICIAL COURT**

**AUGUSTA, MAINE 04330**

February 6, 1998

Hon. Mark W. Lawrence

President of the Senate

3 State House Station

Augusta, ME 04333

Hon. Elizabeth H. Mitchell

Speaker of the House

2 State House Station

Augusta, ME 04333

Dear President Lawrence and Speaker Mitchell:

I accept your invitation to address a Joint Session of the 118th Maine Legislature on Tuesday, February 10. I consider this occasion as one of the most important duties that I perform in the course of a given year. I appreciate the courtesy of the legislative branch of government in permitting me to address the cause of justice in Maine.

See you on Tuesday.

Sincerely yours,

S/Daniel E. Wathen

Chief Justice

**READ** and **ORDERED PLACED ON FILE.**

---

The Following Communication: (S.P. 817)

**118TH MAINE LEGISLATURE**

February 5, 1998

Senator Susan Longley

Representative Richard Thompson

Chairpersons

Joint Standing Committee on Judiciary

118th Legislature

Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Ian MacInnes of Bangor for reappointment as Superior Court Active Retired Justice pursuant to Article V, Part 1, Section 8 of the Maine Constitution and 4 M.R.S.A. §104, and the Honorable Thomas E. Delahanty II of Lewiston and the Honorable Paul T. Pierson of Stockholm for reappointment as Superior Court Justices pursuant to Article V, Part 1, Section 8 of the Maine Constitution.

These nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,  
S/Mark W. Lawrence  
President of the Senate  
S/Elizabeth H. Mitchell  
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **JUDICIARY**.

**READ** and **REFERRED** to the Committee on **JUDICIARY** in concurrence.

---

The Following Communication: (S.C. 511)

**THE SENATE OF MAINE  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

February 9, 1998  
The Honorable Elizabeth H. Mitchell  
Speaker of the House  
118th Maine Legislature  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs the nomination of Lee "Pete" Pedersen of Vinalhaven Island for appointment as a Member of the Board of Trustees, Maine School of Science and Mathematics.

Thank you for your attention to this matter.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

**READ** and **ORDERED PLACED ON FILE**.

---

The Following Communication: (S.C. 512)

**THE SENATE OF MAINE  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

February 9, 1998  
The Honorable Elizabeth H. Mitchell  
Speaker of the House  
118th Maine Legislature  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Business and Economic Development the nominations of David J. Ott of Cumberland and Janis B. Cohen of Cape Elizabeth for reappointment and Joy Bishop Blood of Cape Elizabeth for appointment as members of the Finance Authority of Maine, and the nomination of Roland "Dan" Martin of Caribou for reappointment as a member of the Loring Development Authority.

Thank you for your attention to this matter.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

**READ** and **ORDERED PLACED ON FILE**.

---

The Following Communication: (S.C. 513)

**THE SENATE OF MAINE  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

February 9, 1998  
The Honorable Elizabeth H. Mitchell  
Speaker of the House  
118th Maine Legislature  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Natural Resources the nomination of Jean T. Wilkinson of Cumberland Foreside for reappointment as a Member of the Board of Environmental Protection.

Thank you for your attention to this matter.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

**READ** and **ORDERED PLACED ON FILE**.

---

**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

The following Bills 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 Assist Municipalities with Ice Storm-related Cleanup and Reduce Unemployment" (EMERGENCY)

(H.P. 1572) (L.D. 2206)

Presented by Representative GOODWIN of Pembroke.  
Cosponsored by Senator CATHCART of Penobscot and Representatives: CLARK of Millinocket, DUNLAP of Old Town, HATCH of Skowhegan, LEMAIRE of Lewiston, McKEE of Wayne, SAXL of Portland, STANLEY of Medway, Senator: RAND of Cumberland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

---

**HEALTH AND HUMAN SERVICES**

Bill "An Act to Establish the Office of Mental Health and Human Services Ombudsman"

(H.P. 1573) (L.D. 2207)

Presented by Representative DONNELLY of Presque Isle.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

---

**UTILITIES AND ENERGY**

Bill "An Act to Encourage the Development of Small Distributed Generation Technologies That Reduce Pollution"

(H.P. 1574) (L.D. 2208)

Presented by Representative KONTOS of Windham.  
 Cosponsored by Representative DONNELLY of Presque Isle.  
 Approved for introduction by a majority of the Legislative Council  
 pursuant to Joint Rule 205.

**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 519 and Joint Rule 213, the following items:

**Recognizing:**

the Nash School building on its 100th Anniversary and also recognize and thank the Maine Humanities Council for its grant that made renovations to the Nash School possible. The Nash School building today is occupied by the Office of the Secretary of State and the Developmental Disabilities Council of Maine. The Nash School building has served the people of Maine well for the past 100 years and we hope that it will serve the people of Maine for many years to come;

(HLS 1073)

Presented by Representative O'BRIEN of Augusta.  
 Cosponsored by Senator DAGGETT of Kennebec,  
 Representative MADORE of Augusta, Speaker MITCHELL of  
 Vassalboro.

On **OBJECTION** of Representative O'BRIEN of Augusta, was **REMOVED** from the Special Sentiment Calendar.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. I would like to take just a moment to speak to you about our little school in the parking lot here, Nash School. As many of you may know, today, the Maine Humanities Council is celebrating many programs down in the hall. The Nash School Revisited is one of those. Nash School is 100 years old. It opened its doors 100 years ago and was named for Charles Nash, a prominent Augusta publisher who served four terms as Mayor. Throughout its existence the school, it served youngsters from kindergarten through grade 3, except for a brief period when classes ran through grade 6.

The school originally, which I think is interesting, had a bell tower with a clock and youngsters were summoned throughout the neighborhood to school with the bell each morning. By the last 1960s, Nash School had become obsolete, in many respects. Without major modifications, it could not meet state and federal requirements. The once densely populated neighborhood had declined dramatically. The City of Augusta decided to close the school despite loud protests from dedicated parents, teachers and former students whose loyalty to the old school had not wavered, despite the passing of the years. Nash School closed the doors of the school in June of 1975. The old building was not finished.

The City of Augusta transferred the Nash School building to the State of Maine with the expectation that it would be torn down. Again, over loud protest from the school's loyal friends, the state deferred any decision about demolition and instead used the empty building for storage until the late 1980s when it was determined that Nash School could be effectively renovated for office space. This was accomplished with sensitivity toward the architectural integrity of the building and employees and visitors alike can still enjoy some of the old school's graceful embellishments, such as the curving staircase and the fireplaces in each classroom.

Today, this building, many of you recognize it, it is occupied by the Office of the Secretary of State and the Developmental Disabilities Council of Maine. We would suggest that you go over and take a look and appreciate this 100 year old building. I

hope you would join me in extending congratulations on the Nash School Committee. Thank you.

**READ** and **PASSED** and sent up for concurrence.

**REPORTS OF COMMITTEE**

**Refer to the Committee on Appropriations and Financial Affairs**

**Pursuant to Joint Order (S.P. 669)**

Report of the **Joint Select Committee on Research and Development** on Bill "An Act to Provide Funds for Applied Research and Development Relevant to the Maine Economy"

(S.P. 816) (L.D. 2200)

Reporting that it be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** pursuant to Joint Order (S.P. 669).

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

**Change of Committee**

Report of the Committee on **NATURAL RESOURCES** on Bill "An Act to Implement the Recommendations of the Great Pond Task Force"

(S.P. 573) (L.D. 1730)

Reporting that it be **REFERRED** to the Committees on **INLAND FISHERIES AND WILDLIFE** and **NATURAL RESOURCES**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committees on **INLAND FISHERIES AND WILDLIFE** and **NATURAL RESOURCES**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committees on **INLAND FISHERIES AND WILDLIFE** and **NATURAL RESOURCES** in concurrence.

**Divided Report**

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-786)** on Bill "An Act to Encourage the Use of Environmental Fines for Environmental Benefits"

(H.P. 1391) (L.D. 1944)

Signed:  
 Senators:

TREAT of Kennebec  
 NUTTING of Androscoggin  
 BUTLAND of Cumberland

Representatives:

ROWE of Portland  
 SHIAH of Bowdoinham  
 BULL of Freeport  
 COWGER of Hallowell  
 McKEE of Wayne  
 BRYANT of Dixfield  
 MERES of Norridgewock  
 FOSTER of Gray

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:  
Representatives:

DEXTER of Kingfield  
NICKERSON of Turner

**READ.**

On motion of Representative ROWE of Portland the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-786)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, February 11, 1998.

At this point, a message came from the Senate, borne by Senator PINGREE of Knox of that Body, proposing a Joint Convention to be held in the Hall of the House at 9:30 in the morning for the purpose of extending an invitation to the Honorable Daniel E. Wathen, Chief Justice of the Maine Supreme Judicial Court, and members of the Judiciary 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 9:30 in the morning and the Speaker appointed Representative KONTOS of Windham to convey this message to the Senate.

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1451) (L.D. 2042) Bill "An Act Relating to the Maine School Administrative District 49 Arts and Technology Center" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1376) (L.D. 1929) Bill "An Act Concerning Notices Given in Connection with Mortgage Foreclosures" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-787)**

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

**CONSENT CALENDAR**

**Second Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 691) (L.D. 1926) Bill "An Act to Provide Additional Time for the Public Utilities Commission to Adopt Certain Rules" (EMERGENCY)

(S.P. 733) (L.D. 2011) Bill "An Act to Correct Certain Inconsistencies in the Marine Resources Laws"

(S.P. 681) (L.D. 1906) Bill "An Act Clarifying the Public Service Corporation Exception" (C. "A" S-450)

(H.P. 1458) (L.D. 2049) Bill "An Act to Restore the Managing General Agents Act" (EMERGENCY)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Paper was **PASSED TO BE ENGROSSED** and sent up for concurrence.

**BILLS IN THE SECOND READING**

**House As Amended**

Bill "An Act to Establish the Maine Disaster Relief Laws"

(H.P. 887) (L.D. 1204)

(C. "A" H-783)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent up for concurrence.

**TABLED AND TODAY ASSIGNED**

The Chair laid before the House the following items which were **TABLED** and today assigned:

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-784)** - Minority (3) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Change the Budgeting Process for York County"

(H.P. 52) (L.D. 77)

**TABLED** - February 9, 1998 by Representative AHEARNE of Madawaska.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

Representative AHEARNE of Madawaska moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative WHEELER of Eliot moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

The **SPEAKER**: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative WHEELER: Madam Speaker, Men and Women of the House. I won't take up a lot of your time on this bill, but this is kind of a split bill between the county caucus. It is a bill that would change the budgeting process that is now in place. There was a problem a couple of years ago. We just went through a budget, the process went fine. We feel that we shouldn't change it. It should stay the same. Why mess around with the county budget when it is going smoothly? All the towns I represent are in favor of doing away with this bill and want to keep the system in place that we have. I know how a lot of you would feel if this was in your county. I urge your support on this. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Madam Speaker, Men and Women of the House. This is an issue that was discussed yesterday by the county delegation. It is split. I would support the motion to Indefinitely Postpone. Although it is an improvement over the previous bill with the amendment, we are still dealing with the issue, if something isn't broken, don't fix it. I met with the Saco City Council last night to discuss this. There is absolutely no question that people would like to give the current process more time to continue to work. If there is any problem that needs to be addressed in this budgeting process, it is the selection of members to the budget committee and I would strongly support us taking a look at that, perhaps another time. Right now we

have a process that is working well. Everybody agrees it is working well and we shouldn't tinker with it. Thank you Madam Speaker.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

A vote of the House was taken. 80 voted in favor of the same and 31 against, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent up for concurrence.

---

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-782)** - Minority (1) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Encourage Regionalization of Municipal Services"

(H.P. 297) (L.D. 361)

TABLED - February 9, 1998 by Representative AHEARNE of Madawaska.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion of Representative AHEARNE of Madawaska, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and specially assigned for Wednesday, February 11, 1998.

---

**IN CONVENTION**

The President of the Senate, the Honorable Mark W. Lawrence, in the Chair.

The Convention was called to order by the Chair.

---

On motion of Senator Pingree of Knox, 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 him.

The Order was Read and Passed.

The Chair will appoint the following:

The Senator from Waldo, Senator LONGLEY  
The Senator from York, Senator LAFOUNTAIN  
The Senator from Franklin, Senator BENOIT  
The Rep. from Naples, Rep. THOMPSON  
The Rep. from Farmingdale, Rep. WATSON  
The Rep. from Harpswell, Rep. ETNIER  
The Rep. from Waterville, Rep. JABAR  
The Rep. from Lewiston, Rep. MAILHOT  
The Rep. from Rockport, Rep. POWERS  
The Rep. from Hampden, Rep. PLOWMAN  
The Rep. from Augusta, Rep. MADORE  
The Rep. from Acton, Rep. NASS  
The Rep. from Bridgton, Rep. WATERHOUSE

---

Subsequently, Senator Longley of Waldo, for the Committee, reported that the Committee had delivered the message with which it was charged and were pleased to report that Chief Justice Daniel E. Wathen and the Honorable members of the Judiciary will attend forthwith.

---

The Chair is pleased to present to you the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court and the

Associate Justices of the Maine Supreme Judicial Court, the Chief Justice of the Maine Superior Court, the Chief Judge of the District Court and the Deputy Chief Judge of the District Court.

---

The Chair recognized on the floor of the House the Honorable David G. Roberts, Associate Justice of the Maine Supreme Judicial Court; the Honorable Robert W. Clifford, Associate Justice of the Maine Supreme Judicial Court; the Honorable Paul L. Rudman, Associate Justice of the Maine Supreme Judicial Court; the Honorable Howard H. Dana, Jr., Associate Justice of the Maine Supreme Judicial Court; the Honorable Kermit V. Lipez, Associate Justice of the Maine Supreme Judicial Court; the Honorable Leigh I. Saufley, Associate Justice of the Maine Supreme Judicial Court; the Honorable Margaret J. Kravchuk, chief Justice of the Maine Superior court; the Honorable Michael N. Westcott, Chief Judge of the Maine District Court; the Honorable Thomas Humphrey, Deputy Chief Judge of the Maine District Court.

---

The Chair recognized in the House Gallery, Mrs. Judy Wathen, wife of the Honorable Daniel E. Wathen, Chief Justice of the Maine Supreme Judicial Court; Wilda Wathen, Mother of Chief Justice; daughter Julie & son-in-law Pat Gilbert and grandchildren Emily & Sam; James T. Glessner, State Court Administrator and Attorney General of the State of Maine, Andrew Ketterer.

---

The Chair is pleased to present to you the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court.

Chief Justice Wathen then addressed the Convention.

Mr. President, Madam Speaker, members of Maine's 118th Legislature and friends.

I am truly honored to stand here and to report on the cause of justice in Maine. Last year on this same occasion, I attempted to paint a picture of where our courts could reasonably be by the year 2002 and I asked you for your help. You responded, and we are busy at work improving our Maine's courts. Today, I would like to report on our progress and the opportunities and challenges that we face in the near future. Court reform is sort of like trying to repair a truck while driving it down the road. If you can't stop, and we can't, then you really have to keep a sharp eye on the road ahead while you work and that is our situation.

Whenever I review the progress, like you, I sort of become frustrated. Why not quit talking and build the modern court system we require? Unfortunately, so far we have been forced to work largely within our existing means, and the fundamental facts about our court system have not changed. Maine courts are marked by minimal resources (46th out of the 50 states for total court expenditures), minimal staff, high productivity, but higher workload and unacceptable delay and expense for litigants.

When you consider the resources made available to us, our efforts compare favorably to other states, and, not surprisingly, despite these fiscal constraints, in some respects we lead. -- Dirigo -- it is more than just a motto, our strength lies in the fact that Maine is small enough to manage and we know each other. We work together every day to take advantage of every opportunity for improvement.

Our court automation project is a good example. Even though it has taken us longer than we would like, we have designed and built the first phase of an integrated state-wide court management system for a small fraction of the cost

experienced in other states. Some states are outspending us on a ratio of 10 to 1, but the end result is comparable. The system has just been installed in Franklin and Penobscot Counties. It will soon be coming to a court near you. We have taken advantage of every available opportunity for federal funding and we rely on the hard work of a small, but amazingly dedicated technical staff in our office of information and technology. This is how we lead.

Representative Jabar recently introduced a resolve that asks us to explore the unification of the trial courts. We welcome this as an opportunity to determine whether we can wring out any additional efficiency by restructuring our small trial bench. We are indeed open to improvement.

Last year, I asked for your help in three critical areas of court operations -- full implementation of the report of the Judicial Compensation Commission, a Civil Legal Services Fund for those who are financially disadvantaged in seeking the protection of the law, and a Family Division in the District Court to better serve Maine's families. You supported all three, but the vital matter of adequate judicial compensation stalled on a crowded appropriations table after being favorably received by a wide margin in both the House and Senate.

Many of you told us last year that the Governor would have to provide funding for the compensation bill in his budget if we were to be successful. The Governor has now done just that, including funds in his supplemental budget to fully implement the recommendations of the Commission. The Governor has explained his position as one of simple fairness and paying an unpaid bill.

The report of the Commission explains fully the importance of ensuring that the most highly qualified people in this state, drawn from diverse backgrounds, are willing to serve, and motivated to excel, in the judicial branch of our government. I ask for your continued support in advancing these important objectives. We will lead only if we maintain a first class judiciary.

The news with respect to the other two building blocks in last year's effort is very exciting. The Civil Legal Services Fund is up and running. The trustees disbursed the first \$75,000 last month. Folks in need of help are now receiving legal assistance. The battle for equal access for Maine's poor is far from over, but your positive response to severe cuts in federal legal services funding has caught everyone's attention. I have been invited to speak at several national gatherings to describe our efforts and our accomplishments. Next month, I will be in North Carolina telling your story -- the story about what you folks did for your neighbors. Once again, let me thank you all.

The long-awaited Family Division is also taking shape. Chief Judge Westcott and Deputy Chief Humphrey are now interviewing with local assistance, a pool of candidates for the important position of Case Management Officer. I am reassured by the quality and competence and experience of the people who seek this opportunity for public service. Judge Westcott will announce his selections soon. Officers and staff will report for training on April 6th, and the doors to the courthouse will open wider to Maine families on Monday, May 4th. That is quite an accomplishment. You are the folks that really deserve the credit for that accomplishment.

As I have said before, we need more people and the Family Division will be the largest single infusion of court personnel that we have ever experienced -- seventeen new people. The financial burden on the state, however, is modest because we seized an opportunity for federal funding. Similarly, in the important area of child protection cases, we are taking advantage of the few available federal funds to add to our small court staff to improve the way we protect children. This session

you will consider a bill that will challenge us to do our very best in expediting child protection cases. If we are to succeed, we need the help of everyone we can get. We have even gone to the Libra Foundation, and they have provided us with funds for a coordinator to expand the pool of volunteers who serve in Maine's courts and there are hundreds of them.

A report on improvements would not be complete without mentioning the two new courthouses in Biddeford and Skowhegan. Both of those courthouses are now open and if you haven't seen them, stop by and visit. Both serve Maine people in dignified and secure surroundings. Both are located right where they should be, right in the middle of the daily life of the communities they serve.

When those projects were first approved back in the financially troubled days of 1993, this Legislature really had the courage and the political will to invest in a better future. Today, we all enjoy the fruits of your decision. Last year you approved a project to replace a totally inadequate courthouse in Springvale, and we are hard at work. This year we will ask you to consider the well known needs of Lewiston. I don't have to belabor this point -- Lewiston needs a new District Court.

So much for improvements, now let me turn quickly to the future -- what are our opportunities? What are our challenges? Where can we take a step forward? It is sort of prophetic that the students filed in just as I reached this point. We have no greater challenge than fairly and effectively dispensing justice to both the victims and perpetrators of juvenile crime. There is no one quicker to detect the bluff and weakness in our present system than teenagers. We have a system wracked with delay and stretched beyond capacity and believe me, they know it. Juveniles will respond to correction only if it is fair, swift, certain and consistent. We must have more sentencing options than a hollow threat and expensive and inadequate jails. I support the need for the Department of Corrections' Capital Facilities Plan. Juvenile justice represents a great challenge. Juvenile crime is intimately related to divorce, domestic violence, child abuse and neglect. Juvenile cases should be the next addition to our Family Division.

But where will the money come from? In Congress, this year's crime bill appears to be the juvenile accountability block grant. It is a bit too early to put it in the bank, but the Senate version of the bill looks like it will help. It may surprise you to learn that, with few exceptions, federal grant programs rarely find their way down to state courts. In this instance, however, the program could fund additional judges as well as prosecutors and corrections programs. I call upon you to urge our Maine delegation to support S-10, and in any event, I call upon you to invest additional state funds across the board in our juvenile system. There is no higher priority. We will either pay now or pay more later.

Looking to the near future, we are going to continue to be challenged with upward pressure on court funding in general. Juror compensation of \$10 a day is woefully inadequate.

Chief Justice Kravchuk and the Superior Court bench are trying to fine tune the way we manage our precious resource of jurors, but inevitably increased funding will be required. On another front, the rate of compensation for attorneys appointed for indigents in child protection and criminal cases has not been increased in fourteen years. The same is true for those who work in our courts as mediators, no increase in fifteen years. We need these people, they do good work, and they must be adequately compensated.

The biggest deferred expense, however, involves courthouses in county buildings, basically Superior Court. The history is complicated. Before 1974, the state budget paid only



for judges' salaries, all other expenses of the Superior Court were paid by the individual counties. In that year, 1974, Maine took a great step forward and adopted a state-funded court system, with the exception of one minor detail -- it left the counties with complete financial responsibility for maintaining the county courthouses. In hindsight, this was a mistake. Because county government, some of them, have found it difficult to raise taxes to meet the needs of a non-paying tenant. In some instances, the building has literally deteriorated around the courtroom. Augusta it is a prime example. The county courthouse here is in dire need of major renovations. Despite the best efforts of the County Commissioners, the citizens have rejected a county bond issue, and what was once a beautiful, dignified, historic and functional building is now a decaying eyesore. The next time you go by take a look at the bell tower. It tells the story of neglect and deferred maintenance.

We really have to support the county courthouses we use. When renovations are required to accommodate the legitimate needs of the public, as for example, in York County, the state must accept its share of the financial burden, either directly or through increased rentals. Even state government doesn't get free rent forever and we have got by since 1974.

To this point in my forecast, I have focused on the reality of justice here in Maine. Budgets, staff, judges, courtrooms, lawyers, jurors, cases, and, most importantly, people with serious problems. We all know that justice must not only be done, it must be seen to be done. The appearance of justice and the public's perception of it are equally as important as the reality. In this area, we have a problem. The public perception of Maine's court system is inevitably shaped and influenced by the media, both local and national. A few celebrated trials in other states have given rise to a new sense of concern about the courts' ability to protect society fairly.

One of our daily newspapers recently observed in an editorial that the jury in the Terry Nichols bombing case seemed to decide the case on "everything but the evidence presented in the courtroom." That conclusion was based upon the remarks of the jury forewoman in a televised interview immediately after the trial. People are legitimately concerned that courts and the media are sometimes at odds in their efforts to serve the public. As a society, we are wired for 24-hour-a-day drama and entertainment, and we are challenged to deliver justice and protect the public. I am not attacking the press or attempting to diminish its importance. I am suggesting, that we in the courts can no longer ignore the critical role that the media plays in shaping the public's perception of our system of justice.

Recently, I wrote a letter to many of the media outlets in Maine inviting them to explore, with the courts, opportunities for improving our relationship. Efforts could include such things as interdisciplinary conferences, local bench-media committees, joint education sessions, and perhaps court visits similar to those that many of you have experienced. Judging by the early response to my letter, there is interest in ensuring that our relationship is marked by mutual understanding, respect, and cooperation.

Maine courts and the Maine media are not rivals for the truth. Today we serve the public and provide information and news without diminishing the protection afforded by the law as you enact. In this era, however, our relationship is far too important to be left to chance. We need to work on it, and we will.

Let me close by emphasizing the critical importance of both the appearance and reality of justice to the State of Maine. James Madison said it well in the Federalist Papers: "Justice is the end, the purpose of government. It is the end and purpose of civil society. It ever has been, and ever will be pursued, until it

be obtained, or until liberty be lost in the pursuit." Together, the three branches of state government in Maine attempt to achieve justice for all through our constitution and the laws that you enact. Courts are a safety net for those who have fallen through all other safety nets.

The recent accidental death of a nephew and last month's ice storm reminded me forcefully of how lucky I am that my family and friends are willing to drop everything to protect me. A friend of mine flew down from Caribou just to stand with me at the funeral home. Many of you folks offered words of consolation and Representative O'Brien's family brought dinner on three successive nights. Somehow it does help just to know that people care. In the ice storm, school children in my hometown of Easton took up a collection and sent \$200 to the Red Cross in Central Maine. Even strangers responded. Think of the linemen flying up here from North Carolina and other states just so that we wouldn't have to sit in the cold and the dark.

It was a tough time last month. I don't think I have ever seen a storm like that even in the county. I hate to say this, but someone is hurt worse than we were every day right here in Maine. Too often they have no friends and are abused by their families. No one flies in to rescue them and stand with them. They have no place else to turn. They look only to the courts for protection, and what do they see? A court without enough people to respond quickly.

Let me tell you about a four year old boy. After being sexually abused by every male member of his family, he had to destroy his mother's security by prosecuting her boyfriend for further acts of sexual abuse. This boy has already spent most of his young life in child protection proceedings and criminal prosecutions.

He asks us today, why are we content to tinker with court improvements while ignoring the obvious fact that Maine courts are stretched too thin? If we love justice, why do we house it in decaying buildings and fund it grudgingly? What should we tell him about the fundamentals of Maine's court system? Are we really protecting him as best we can when we spend less than 2% of the total state budget on this important function? He asks why we leave him in a system that is too slow and sometimes unresponsive? Why do we do that, even though later we may have to spend large sums of money to treat him or even to jail him?

I can only guess that we do it because most of us, you and I, don't see him. We are compassionate people, but we just don't hear his voice. Believe me, he is out there, along with many sisters and brothers. When you sit in these legislative halls and when we sit in court, let us hear their voices. Then we will respond with the same sense of urgency, importance and priority as though they were our own. They are out there, and once we hear their cry, the question arises: are we prepared to drop everything and help them? Justice demands no less. That is the state of your Judiciary. Thank you.

---

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

---

The purpose for which the Convention was assembled, having been accomplished, the Chair declared the same dissolved.

---

The Senate then retired to its Chamber amid the applause of the House, the audience rising.

---

The House was called to order by the Speaker.

---

On motion of Representative TRUE of Fryeburg, the House **RECONSIDERED** its action whereby Expression of Legislative Sentiment in memory of Bernard Parady, of Mount Desert Island (HLS 1075)

was **ADOPTED**.

The **SPEAKER**: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I would have been remiss, certainly, if I had let this pass by. I apologize for being asleep at the switch. I have known Bunny, as he was affectionately called for nearly 50 years and coached against him and much to my chagrin, I cannot say that I ever beat him. However, during those times, I observed that not only was he a coach, but he was as this expresses, a very important person in the lives of those that he coached. After I retired, I spent many mornings and evenings on Bunny's porch and those of you who know where he lives, panorama of the view of the North East Harbor was always magnificent and our friendship made it even better.

We often laughed about our nicknames. They sort of go together, Bunny and Pinkie. We enjoyed that. Mr. Parady's style of leadership as a coach and his love for his players and students, as it is stipulated here, was never more fondly correct, when he showed me, when I could not be at his testimonial, his boat that was given to him by his ex players and friends. Each time that I looked at the picture and I am sure many of you perhaps remember seeing footprints in the sand, Bunny sure left deep footprints in every single child of his players will certainly be taught the skills of the greatest game in the world, basketball. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Madam Speaker, Men and Women of the House. I would like to thank my good colleague from Fryeburg for bringing this to the attention of the House. I grew up in Bar Harbor and that is probably not much of a secret to many of you, nor to some of my friends in Old Town where I have lived for many years now. I grew up under the auspices of the halo of Mt. Desert Island basketball. I have never played myself, but I have often been fond of telling the stories about the hour long bus ride that I used to take to school every day and how the bus driver had a very clever tactic for maintaining complete control over the bus by taping the previous nights basketball game off the radio and then playing it on the stereo system on the bus. We would all hang on the edge of the seats, even though we had all either been to the game or heard it on the radio ourselves, but it would bring about total silence on the bus.

Bunny Parady was a teacher of mine at Mt. Desert Island High School. He did everything within his powers, which were considerable, to try to teach me algebra, without an awful lot of success. He tried driving the quadratic equation into my eyes to the point were I think they fell from my eyelids like metal shavings. I never quite got it, but somehow I did manage to pass his class. He was always very, very encouraging to me and he was the Athletic Director there and I was on the cross country team. He promoted a great deal of team spirit and school loyalty

and everything embodied in him that is good about the academic experience for young people.

When I moved to Old Town, after high school, and went to the university and took up residency there and time went on and it came about that I was going to run for the Legislature and was going around town not knowing what I was doing, a fella up the street from me said, "You ought to get Bunny Parady to write a letter to the editor for you. He knows you." Bunny was from Old Town, but he hadn't lived there for 40 or 50 years and I didn't know if anybody would remember him, but thought I'd give Bunny a call and give it a shot. I called him up and said, Mr. Parady, would you write a letter to the editor, if you think I am okay to run for the Legislature. He said, "I'd be happy to." He did. It was really an interesting, amazing experience because I was out at a mill gate one morning, early, 5 o'clock in the morning, and somebody said to me, are you Matt Dunlap? I said, yes I am. He said, if Bunny Parady says you are okay, you have my vote. That scene was repeated at Shop 'n Save and all over town. If Bunny Parady says you are all right, you should do okay. I think he could probably be credited with getting me a few votes.

That is the sort of respect that that man has in Old Town. He is worshipped in Old Town. He was a star athlete at the university and at Old Town High School. He went to Mt. Desert High School before MDI Regional existed and won several state championships there under the old class, LLL system. He was really an inspiration to many, many people. He was a guiding light for many of my classmates. When I went to his memorial service, there were hundreds and hundreds of people there. They had to have it in the gym. That is how highly thought of he was. I went to school with his children and they are marked at that great man. His legacy lives on in the words of Representative True in my experience and memory. Thank you very much.

Subsequently, was **READ** and **ADOPTED** and sent up for concurrence.

---

Doctor of the day, Erik Steele, D.O., Bangor.

---

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

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(S.P. 812) (L.D. 2191) Bill "An Act to Provide State Matching Funds for Federal Disaster Assistance Relating to the January Ice Storms" (EMERGENCY)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought To Pass**

There being no objections, the above item was ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

---

On motion of Representative JONES of Bar Harbor, the House adjourned at 10:40 a.m., until 9:00 a.m., Wednesday, February 11, 1998 in honor and lasting tribute to Bernard Parady, of Mount Desert Island.