

MAINE STATE LEGISLATURE

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State of Maine

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ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
SECOND REGULAR SESSION
7th Legislative Day
Tuesday, January 26, 2010

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

Prayer by Reverend Robin E. Honaker, Sr., Second Congregational Church, Warren.

National Anthem by Albert Hirst, Westbrook.

Pledge of Allegiance.

Doctor of the day, Elisabeth Fowlie-Mock, MD, MPH, FFAFP, Holden.

The Journal of Thursday, January 21, 2010 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 263)

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

January 26, 2010

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Pingree:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass":

Agriculture, Conservation and Forestry

L.D. 628 An Act To Allocate Prospective Federal Funding To Support Maine's Dairy Industry (EMERGENCY)

L.D. 1182 An Act To Prevent Price Gouging in the Sale of Milk

Appropriations and Financial Affairs

L.D. 1387 An Act To Strengthen Maine's Financial Future in Perpetuity

L.D. 1481 An Act To Authorize a General Fund Bond Issue To Fund Energy Efficiency Investments for Maine's Future

Health and Human Services

L.D. 637 An Act To Ensure Services for Adults with Developmental Disabilities

L.D. 757 An Act To Improve the Transparency of Certain Hospitals

L.D. 1281 An Act To Increase the Efficiency and Effectiveness of Licensing Behavioral Health Care Providers

Inland Fisheries and Wildlife

L.D. 807 An Act To Improve and Promote Maine's Landlocked Salmon Resources

Insurance and Financial Services

L.D. 1365 An Act To Establish a Single-payer Health Care System

Judiciary

L.D. 529 An Act To Create a Traffic Court

L.D. 1378 An Act To Adopt Portions of the Uniform Mediation Act

Taxation

L.D. 588 An Act To Amend the Excise Tax on Motor Vehicles To Reflect Depreciation

L.D. 662 An Act To Phase Out the Distribution of the Disproportionate Tax Burden Fund under the State-municipal Revenue Sharing Program over a 5-year Period

L.D. 1273 An Act To Simplify the Application for Benefits under the Circuitbreaker Program

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

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

The Following Communication: (S.C. 579)

**MAINE SENATE
124TH MAINE LEGISLATURE
OFFICE OF THE SECRETARY**

January 21, 2010

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Pingree:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 124th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Victoria M. Larson of Windham for reappointment to the Maine Maritime Academy Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of John F. Shipway of Bath for appointment to the Maine Maritime Academy Board of Trustees.

Upon the recommendation of the Committee on Labor, the nomination of Robert L. Piccone of Portland for reappointment to the Maine Labor Relations Board.

Upon the recommendation of the Committee on Transportation, the nomination of Martin I. Eisenstein of Auburn for reappointment to the Northern New England Passenger Rail Authority.

Upon the recommendation of the Committee on Transportation, the nomination of James F. Cloutier of Portland for appointment to the Maine Turnpike Authority.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

At this point, a message came from the Senate borne by Senator BARTLETT of Cumberland of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to the Honorable Leigh I. Sauffley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend the Joint Convention and to make such communication as pleases the Chief Justice.

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

Subsequently, Representative PIOTTI of Unity reported that he had delivered the message with which he was charged.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Bates Outing Club, at Bates College in Lewiston, on its 90th Anniversary. The Bates Outing Club was founded in 1920, the second oldest collegiate outing club in the country, and the first to include both men and women as members. From its beginning, all members of the college community, and all alumni, have been considered members. It is one of the few remaining completely student-run organizations of its kind. The club provides outdoor opportunities and access to necessary equipment to all its participants, introducing generations to core activities such as hiking, skiing, canoeing, snowshoeing, rock-climbing and camping and pursuits such as ice climbing, kayaking, surfing, sailing and snowboarding. Involvement with the Bates Outing Club continues to inspire Bates students toward careers in the fields of outdoor and experiential education, exploration, the natural and environmental sciences and other adventurous pursuits. We extend our congratulations to the Bates Outing Club on the occasion of this anniversary and send the members our best wishes for future success;

(HLS 849)

Presented by Representative ROTUNDO of Lewiston. Cosponsored by Senator CRAVEN of Androscoggin, Representative WAGNER of Lewiston, Representative CAREY of Lewiston, Representative BICKFORD of Auburn, Representative LAJOIE of Lewiston.

On **OBJECTION** of Representative ROTUNDO of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would like to add my congratulations to the Bates Outing Club on its 90th Anniversary. For 90 years the club has been introducing Bates students from around the world to the glorious beauty of our state.

There is a story about the club which I would like to share because of its relevance to Maine's history. The Bates Outing Club played a critical role in the extension of the Appalachian Trail to Maine. By 1933 most of the Appalachian Trail was nearly completed, but Maine still presented a challenge because of the areas of seemingly impenetrable wilderness. In fact so daunting was the section yet to be penetrated that some Appalachian Trail conference leaders were suggesting Mount Washington as the trail's northern terminus instead of Katahdin. Myron H. Avery, Chair of the Appalachian Trail Conference, resisted efforts to abandon the Maine section and its highest point and requested help from the Bates Outing Club.

Dr. William Hayes Sawyer Jr., Bates alumnus, Bates Outing Club advisor and a Bates faculty member, assembled a crew of three students—Samuel Fuller, Class of '35, Harold Bailey, Class of '36, and Edward Aldrich, Class of '35—to scout and mark the

last remaining section of the trail's route between Frye Brook and the base of Baldpate Mountain and Long Pond and Rangeley. After an arduous seven day trip, the two segments of the trail were joined on June 29, 1934.

For many years the Bates Outing Club maintained multiple sections totaling over 40 miles of the trail. In recent years, changes in the college's academic year combine with more individuals wanting to maintain a section of the trail has reduced the Bates Outing Club section to a smaller and more manageable length. I recently learned that the Appalachian Trail is a National Scenic Trail, which means that, because of the Bates Outing Club, Maine has another significant national park service unit in addition to Acadia.

On behalf of the people of Maine, I want to thank the Bates Outing Club for its role in opening up the beauty of Maine not only to its students but to the rest of the world. Thank you.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Join the Interstate Compact on the National Popular Vote" (H.P. 49) (L.D. 56)

Signed:

Senators:

SULLIVAN of York
GOODALL of Sagadahoc

Representatives:

CORNELL du HOUX of Brunswick
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston
RUSSELL of Portland

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

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
PINKHAM of Lexington Township
VALENTINO of Saco
FITTS of Pittsfield
NASS of Acton

READ.

On motion of Representative TRINWARD of Waterville, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 580) (L.D. 1502) Resolve, To Name Route 16/27 in the Town of Stratton the Caleb Dalton Stevens Memorial Highway Committee on **TRANSPORTATION** reporting **Ought to Pass** (H.P. 1076) (L.D. 1526) Resolve, Regarding Legislative Review of Portions of Chapter 700: Wellhead Protection: Siting

of Facilities That Pose a Significant Threat to Drinking Water, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 1077) (L.D. 1527) Resolve, Regarding Legislative Review of Portions of Chapter 692: Siting of Oil Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 1087) (L.D. 1543) Bill "An Act To Make Maine Laws Consistent with Recent Amendments to the United States Trade Act of 1974" Committee on **LABOR** reporting **Ought to Pass**

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. 621) (L.D. 1656) Resolve, To Transfer the Ownership of the Bath Armory to the City of Bath (C. "A" S-351)

(H.P. 1133) (L.D. 1606) Resolve, To Name a Bridge in North Berwick the North Berwick Veterans Memorial Bridge (EMERGENCY)

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 Paper was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**BILLS IN THE SECOND READING
House as Amended**

Bill "An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan"

(H.P. 484) (L.D. 701)
(C. "B" H-588)

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 for concurrence.

**ENACTORS
Emergency Measure**

An Act To Authorize Maine Media College To Confer the Degree of Master of Fine Arts

(H.P. 1055) (L.D. 1506)

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. 135 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Adjust the Milk Handling Fee

(H.P. 1247) (L.D. 1753)

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. 138 voted in favor of the same and

0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Required Number of Signatures for a Direct Initiative or a People's Veto and To Limit a Direct Initiative to One Subject

(H.P. 946) (L.D. 1345)

Signed:

Senators:

PLOWMAN of Penobscot
GOODALL of Sagadahoc

Representatives:

BEAULIEU of Auburn
PINKHAM of Lexington Township
FITTS of Pittsfield
VALENTINO of Saco
RUSSELL of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-589)** on same RESOLUTION.

Signed:

Senator:

SULLIVAN of York

Representatives:

CORNELL du HOUX of Brunswick
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston

READ.

On motion of Representative TUTTLE of Sanford, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

At this point, the Senate came and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Elizabeth H. Mitchell, in the Chair.

The Convention was called to order by the Chair.

On a motion by Senator BARTLETT from Cumberland, it was **ORDERED**, that a Committee be appointed to wait upon the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court, the Honorable John E. Baldacci, Governor of the State of Maine, the 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 the Chief Justice.

The Order was READ and PASSED.

The Chair will appoint the following:

The Sen. from Cumberland, Sen. Bliss
 The Sen. from York, Sen. Hobbins
 The Sen. from Oxford, Sen. Hastings
 The Rep. from Brunswick, Rep. Priest
 The Rep. from Windham, Rep. Bryant
 The Rep. from Houlton, Rep. Cleary
 The Rep. from Cape Elizabeth, Rep. Dill
 The Rep. from York, Rep. Hill
 The Rep. from Thomaston, Rep. Kruger
 The Rep. from Bangor, Rep. Stevens
 The Rep. from Auburn, Rep. Beaulieu
 The Rep. from Bethel, Rep. Crockett
 The Rep. from Acton, Rep. Nass
 The Rep. from Penobscot Nation, Rep. Mitchell

Subsequently, Representative NASS from Acton, for the Committee reported that the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, the Honorable John E. Baldacci, Governor of the State of Maine, and the Honorable members of the Judiciary will attend forthwith.

The Chair recognized in the House Gallery the First Lady of the State of Maine, the Honorable Karen Baldacci. The Chair also recognized in the House Gallery, the Honorable Janet Mills, the Attorney General of the State of Maine.

The Chair welcomed to the Convention the Honorable members of the Judiciary.

The Chair recognized the Justices of the Maine Supreme Judicial Court: Senior Associate Justice Donald G. Alexander, Associate Justice Warren Silver, Associate Justice Andrew Mead, Associate Justice Jon D. Levy, Associate Justice Joseph Jabar, and Associate Justice Ellen A. Gorman. The Chair also recognized the Chief Justice of the Superior Court, the Honorable Thomas E. Humphrey; the Chief Judge of the District Court, the Honorable Ann M. Murray; and Deputy Chief Judge of the District Court, the Honorable Charles C. LaVerdiere.

The Chair welcomed to the Convention the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, accompanied by Governor John E. Baldacci.

The Chair recognized in the House Gallery: William E. Saufley, Esq, husband of Chief Justice Saufley; Chief Judge Rebecca Irving, Passamaquoddy Tribal Court; Chief Judge Sarah E. Leclair, Houlton Band of Maliseet Indians; Chief Judge Eric M. Mehnert, Penobscot Tribal Court; and Stephen Brimley, Court Administrator, Houlton Band of Maliseet Indians.

The Chair requested the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, to please step forward and address the Joint Convention.

Chief Justice SAUFLEY: Thank you all. You don't know what I'm going to say yet, I don't know that that enthusiasm is

earned. I want to note that it does seem like we were just here. Doesn't it, Governor? Here is one of the issues that has been a constant problem for me, and now it's not going to work so I'm just going to move forward. When the Governor does his presentation, he is younger than me which I have found to be incredibly annoying, and he is able to use teleprompters and they are out there, and these are trifocals, so each year the text for my presentation to you gets bigger and bigger. You will see it's an entire notebook to go through two paragraphs this morning. We thought about some other props but, so far, it's not working, so forgive me as I attempt to do this with these old eyes.

Governor Baldacci, President Mitchell, Speaker Pingree, members of the 124th Maine Legislature; members of the Court; colleagues from Tribal, Probate, and Federal Courts; friends and family, and my daughter Jenny is here with me today and I'm just delighted to have her in the audience, it is an honor to present this report on the State of Maine's Judiciary.

This has been a challenging year. Last year, I told you that the state of the Judiciary was precarious, and that, if Justice fails, Democracy fails.

We are not alone in this concern. Recently, the President of the National Conference of Chief Justices, Margaret Marshall, said: "Our state courts are in crisis. A perfect storm of circumstances threatens much that we know, or think we know, about our American system of justice." As you all know, the Maine judiciary has struggled more than many states, and has made national headlines because of the lack of court security.

But we have something in Maine that many states do not: a willingness to collaborate across branches of government, and a Maine work ethic that carries us through the toughest of times.

Today, the state of the Maine Judiciary remains precarious, but with your support, with the support of Governor Baldacci, and with the incredible talent and hard work of our dedicated court employees and judges, there is hope. Today, I will give you some bad news, I will give you some encouraging news, and, most important, I bring you some very good news.

First, though, the bad news. Like the other two branches of government, we face a serious shortfall. The Judicial Branch is made up of buildings and people to resolve society's disputes. There are no programs to cut. You have worked with us to avert the closing of courthouses, and we have already worked extensively to cut expenses to the bone—in fact this year, we have not even brought you paper copies of this speech. For those you who will want to read it, memorize lyrical portions of it, it will be on our website by noon today.

Because of these hard facts, when there is a shortfall in the budget, we have no option but to maintain vacancies. The current shortfall requires us to maintain 30 to 40 positions vacant, out of a total, including judges, that's only about 500 people. In a system that was understaffed at the start of this recession, these vacancies have a direct impact on our ability to get the job done.

- Security equipment goes unstaffed.
- Courthouses have regularly suffered reduced public hours.
- The Business and Consumer Docket remains at half strength.
- Requests for information or documents meet extended delays.
- With civil cases on the rise, small claims and landlord/tenant cases may wait months for judicial attention.

That is the bad news, plain and simple. We do not have sufficient people to keep up with all of the work that justice demands. Daily, we feel public frustration mounting.

But there is encouraging news: through innovation and consolidation, we are endeavoring to do more with less. We are acutely aware of the challenges that you face, and we are well aware that a fiscal solution to the problems in the court system is not on the immediate horizon. We have therefore focused on two overarching goals:

- First, we must preserve limited resources for the core mission of the Judicial Branch: providing safe, accessible, efficient, and impartial dispute resolution. That core mission guides us as we make tough choices regarding what we should do and what we cannot do.
- Second, we must streamline and consolidate resources to allow us to provide those core functions within limited resources. This often requires changes to systems that have existed for decades. I will talk to you today about some of those important changes.

But first, as always, I report to you on courthouse safety. Despite budget cuts, we have not lost our focus on preventing guns from reaching our courtrooms. A good example of the critical importance of entry screening occurred recently in Nevada when an unhappy litigant sought to kill those involved in his adjudication. The incident ended tragically with the death of a security officer. But the tragedy would have been immensely worse had the litigant not been met at the courthouse door by the brave entry screening team who stopped his rampage.

At the same time, the number of dangerous events in Maine's courthouses is on the rise. The professional work of our Marshals and Sheriffs in defusing tense situations has been effective in preventing tragedies, but we have been lucky. We must improve our capacity to stop weapons at the doors of Maine's courthouses.

The vacancies we must carry present a serious barrier to improving security. We have, therefore, wherever possible, taken dollars saved from vacancies in other positions and applied them to security staffing. We have made the conscious decision to leave other vacancies in place, while we slowly fill the security positions. By shifting resources and maintaining vacancies, we have restored some marshal positions.

We anticipate that the court's entry screening capacity will soon rebound from a low of less than 5% to almost 25% of all court days. It should be 100%, but 25% will mark a significant improvement. Unless there are further cuts in the Judicial Branch budget, the shifting of critical resources will allow us to improve courthouse safety.

There is, of course, a trade-off from the loss of other important staff. These vacant positions have a very real affect on our ability to get the work done: they will reduce the effectiveness of Bail Commissioner services, limit our ability to work with the jails and prisons to improve video conferencing capacities, and reduce our ability to respond quickly to public needs and your requests for information. So we ask for your patience while we prioritize safety in our courthouses, and wait for economic recovery.

I have just a bit more difficult news before we move to more hopeful topics. During Fiscal Year 2009, more than 292,000 new cases were filed. That represents more filings than the courts have seen in recent memory, and the new filings had to be processed by a clerk staff that is suffering significant vacancies. The increases are primarily in civil cases: mental health commitments, foreclosures, small claims, and traffic infractions. We can't reach all of the cases. Backlogs are increasing, and we are straining good staff to the brink.

Notwithstanding the increasing caseloads and decreasing staff, our trial courts and Violation Bureau resolved 288,000

cases last year. Every one of those cases was important to the people involved, and many have profound effects on your communities.

- Attorney General Mills reports there were 31 homicides in Maine in 2008, the highest in 30 years, 60% of which were related to domestic violence, and that, of the 26 new Homicide cases that were filed in 2009, ten are alleged to have involved domestic violence. And a growing number of homicides are related to the violence that accompanies illegal drug use.
- Fully one-thousand new mental health commitment petitions were filed last year. That number is up 36% over the last 5 years.
- Criminal cases have become more complex, as our citizens struggle with drug addiction, sexual assault, and domestic violence.
- 6,100 people in Maine sought protection from abuse.
- Despite the improvements brought about by the Adult Drug Treatment Courts and the Co-occurring Disorders Courts, the Attorney General reports that 464 babies were born drug-affected last year—464 Maine babies were born drug-affected.
- At the same time, businesses and individuals are struggling just to stay afloat. Small claims, collections, and foreclosure cases reached an all time high.

If our citizens are going to find the courthouse doors open when they need justice the most, we must continue to work together to avoid further reductions.

Now moving then to the more encouraging news. There are two areas of consolidation that have been highly successful and help us make the very best use of the few dollars that are available.

As of today, we have consolidated 26 separate clerks offices into 13 streamlined and efficient offices. Our clerks are the backbone of the court system. They constitute more than half of the 500 people who make up the court system. Clerks' office consolidations have been critical to our ability to run a system that has so many clerk vacancies. It doesn't solve the shortage, but it allows a more flexible use of human resources, and it has improved our capacity to provide public service.

The second type of consolidation has occurred in the Criminal Dockets. The historic design of the District and Superior Courts has resulted in a substantial overlap of work, complete with frequent re-keying, transfers of paper and delays in scheduling. It has created an unproductive duplication of work. By 2007, fully half of the criminal cases in the Superior Courts had originated in the District Courts and were forced through this duplicative, and time-consuming process. I won't detail all of the problems, although, I can see by your expressions you would like many more details about that process. It is, however, hard to imagine a less efficient and less public service oriented process than the one we have.

Enter the incredibly creative judicial team of Justices Roland Cole and Robert Crowley. I asked them to bring together the necessary stakeholders, and to create a unified process for criminal cases. Portland was chosen as the location of the pilot because District Attorney Stephanie Anderson was supportive of the concept, not withstanding the enormous changes it would bring.

In January 2009, the first Unified Criminal Docket in Maine was launched as a pilot project in Cumberland County. All of the clerks in the District and Superior criminal courts were combined into a single unit. Duplicative work was eliminated. Defendants know from the first day they appear in court when their trials will

occur. Victims have the same information. Law enforcement appearances have been substantially reduced, and the strained resources in the District Attorney's office can be diverted to the most serious crimes. Defense attorneys are involved early with immediate access to information. And best of all, the resolution of the combined criminal cases in the Portland Unified Criminal Docket is accomplished more promptly than in any other Region in the State.

The Unified Criminal Docket represents a major change for all involved, requiring a constant balancing of constitutional rights and the public's interests. It was done without new dollars, and is one of the most significant improvements in the court system in decades. As the concepts expand to other areas of the State, we have launched a Unified Criminal Docket in Penobscot County this month.

The Team that came together to create the new process had to build the plane while it was in the air. I would like the members of that Team who were able to join us today to stand and be recognized. I will ask you to hold your applause until I have identified all of them.

- First, Justice Ellen Gorman from the Supreme Judicial Court. See how well she responded to my request that she stand?
- Justice Roland Cole from the Superior Court,
- Judge Paul Eggert from the District Court,
- District Attorney Stephanie Anderson, who had to completely reorganize her own staff,
- Attorney Sarah Churchill representing a wonderful group of defense attorneys in Portland—Thank you all for your efforts.

Another area of encouraging progress assists Maine's low-income people. Last year at this time, the provision of legal services for criminal defense and child protection matters were in the control of judges who selected the lawyers and paid the bills. The appearance of a conflict of interest was intolerable. Justice Clifford and I spoke to you about the importance of creating an independent system. Despite all of the pressing issues competing for your attention, you responded wisely by creating the Maine Commission on Indigent Legal Services. By July 1, the transition will be complete. The Maine Legislature's approach to ending this conflict of interest and creating independent oversight will be one of the lasting achievements of the 124th Legislature.

Finding attorneys to assist the poor in critical civil cases requires a very different approach. When our citizens are faced with losing their homes, losing medical care, or losing their children to someone other than the State, they are not entitled to government funds for legal help. The mortgage foreclosure crisis is an excellent example of the desperate need for help.

This is where Maine's legal community is critical. The Justice Action Group is designing a multitude of ways to help litigants who can't afford an attorney. And Maine lawyers and legal services providers continue to help those in need. Despite the terrible economy, Maine lawyers gave more than \$350,000 last year to the fund that helps low-income Mainers with legal services. They gave even more of their time, donating more than 13,000 hours of free legal services, and those are just the hours that are recorded. In January, Bangor attorneys opened a free Saturday legal clinic, staffed by lawyers volunteering their weekend time, and in Portland attorneys stepped up to provide help to low-income litigants caught up in the complexities of appeals. And we should not forget that the work of Maine's trial attorneys on behalf of injured people returns millions of dollars to Maine's Medicaid accounts every year.

Don't believe what you see on T.V. Maine lawyers are a key part of their communities, and I am personally grateful for their tireless support for people in need.

Last session also brought about lasting achievements in Maine's courthouses. The Tri-Branch Courthouse Advisory Committee helped us create an effective plan for addressing critical facilities needs while making the best use of scarce dollars. Legislators, members of the Governor's office, county officials, law enforcement, and attorneys all came together to design long-term, state-wide solutions. And last year, you provided bi-partisan support for their recommendations.

- You passed a budget that supports rural courthouses.
- You created a small but important capital budget for critical repairs.
- And you helped us plan for consolidating courthouses that are down the street from each other, or even across a parking lot, into single efficient buildings.

The newly renovated Houlton Courthouse provides an excellent example of the benefits of this planning process. In Bangor, the consolidated, energy efficient, safer courthouse will serve the citizens of Penobscot County for centuries. Soon Piscataquis County, Kennebec County, and Washington County will have greatly improved facilities.

All of it was accomplished in a fiscally responsible way, and none of it could have been accomplished without the support of Legislative leadership—President Mitchell, Senator Raye, Speaker Pingree, Representative Tardy, and so many of you who worked on the committees that oversee the Branch and the budget that we must oversee. Thank you.

Also in the category of encouraging news, the Chief Justices of Maine, New Hampshire, and Vermont are working together to determine whether the resources and talents of the three states can be shared. One example is an effort to leverage the purchasing power of three states regarding essential court services, such as interpreters and electronic research.

At the national level, responding to our request, Congresswoman Chellie Pingree has co-sponsored a bill to allow a federal tax offset for unpaid state fines. As you know, revenues from fines are down for the first time in many years. We've had success with the tax offset program for state government, and we hope to achieve similar success with federal tax offsets.

Here in Maine, Foreclosure Mediation is now available. The willingness of Maine attorneys and the community service providers to offer their time at no cost was invaluable to getting this started. Implementing the judicial aspects of your innovative legislation statewide has required tremendous efforts to develop materials for judges and clerks, educate parties and attorneys about the process, and recruit, select, and train foreclosure mediators. Again, judges, particularly Judge Andre Janelle, and our terrific staff have risen to the challenge. Sixty-seven mediators have been trained. We will be back to you next year with information on the accomplishments of Foreclosure Mediation in Maine.

I turn now to two areas of very good news: A pending dramatic upgrade in technology, and transformative changes in Juvenile Justice.

During the last year, First Lady Karen Baldacci, representing the Executive Branch agencies that work with children and families, and Dean Peter Pitegoff of the University of Maine School of Law, joined me in leading a unique coalition of stakeholders to consider how to better serve Maine's youth both in and out of the juvenile justice system.

The problem? Although Longcreek and Mountainview had improved dramatically through the last decade, community,

educational, and judicial responses to our youth were in desperate need of a similar overhaul.

- Too many of Maine's youth were leaving school, and losing their way.
- Too many resources were being spent in ways that were not effective.
- And too many of our kids were consigned to lives of hopelessness, homelessness, violence and despair.

The Task Force set out to create the blueprint to substantially improve our response to juvenile problems, without new dollars. This extraordinary collaborative, including many legislators has generated 10 recommendations. I'm not going to read you those 10 recommendations if you will promise to read the report when it is issued in April. All in favor? Very good, very good. I think I could do this. I know it's not as easy as it seems.

- Some of the recommendations will require legislation, and Representative Haskell and Senator Alford have taken the lead on that legislation;
- Some require a focus on improved coordination of resources, and communication. The Courts and the Children's Cabinet will take the lead there;
- Others require real human commitment and the sharing of resources at the community level.

If we follow through, many more of our youth will graduate from high school, fewer will spend the days of their adolescence behind bars, and local leaders and volunteers will strengthen the very foundation of our communities.

The second area of exciting news affects technology. In the past several years, I have talked to you about the need to bring the Maine courts into the 21st century. General fund dollars have simply not become available. In the last year, with the support of the Department of Public Safety and Commissioner Jordan, the Judicial Branch has sought and received almost 2 million dollars in various grant funds, all aimed at dramatically improving the State's technology in criminal matters.

As the new system develops, the technology that supports law enforcement, prosecutors, defense attorneys, clerks and judges will be one seamless electronic flow of information. I'm not actually sure what that means, but I am assured it is exactly what we need. Judgments will automatically reach the jails and prisons without re-keying, eliminating human error. Arrest warrants will be centralized and immediately available out in the field. The public will have prompt access to information, public safety will be improved, and I am incredibly proud of the accomplishments of our technology staff and judges. With the grant funds in hand, we hope to change the world of criminal justice information in Maine.

In the end, although serious understaffing continues to hurt the public, working with all of you, we have taken several significant steps forward. Please help us meet our goals by supporting the Governor's budget proposal and avoiding further cuts in the judicial branch budget.

As the economy recovers, we will be ready with a court system that is focused on its core mission, with safer, more efficient courthouses, greater staffing efficiencies, and dramatically improved technology.

In these very difficult times, none of this would have been possible without the support and hard work of many people. I would like to take just a few minutes to thank just a few who have made such a huge difference.

First, I want to thank my colleagues, on the Supreme Judicial Court and in the Trial Court Chiefs Unit, who spend more of their time administering and supporting the system than anyone can imagine. I am going to make them stand again, we'll see if that

works. I'm going to ask you to hold your applause until the end and with that:

- The Senior Associate Justice, without whose help I could not do the job, Justice Donald G. Alexander, of Winthrop;
- Justice Jon Levy, of Portland, leader of the Justice Action Group;
- Justice Warren Silver, of Bangor, whose hard work helped create the first fully consolidated Judicial Center in Maine;
- Justice Andrew Mead, of Bangor, our technology guru;
- Justice Ellen Gorman, of Falmouth, the leader of the new Unified Criminal Docket success; and
- Our newest colleague, Justice Joe Jabar, of Waterville, formerly a member of the 118th and 119th Legislatures.
- And the Trial Court Chiefs who work tirelessly to keep a strained system moving and do their day job: Chief Justice Tom Humphrey, from York County; Chief Judge Ann Murray, from Penobscot County; and Deputy Chief Judge Charlie LaVerdiere, from Franklin County. They are an extraordinary team.

Next, I want to thank Governor John Baldacci and First Lady Karen Baldacci. Governor, this is the last time you and I will appear in this room together. I know, however, it is not the last time we will meet to find ways to consolidate, save the taxpayers' dollars, and support the foundations of justice. Karen, your personal commitment to families and children of this State has made a tremendous difference. It has been an honor and a pleasure to work with both of you.

Last but not least, I want to thank all of you. This year, the Supreme Court traveled to Fort Kent, Fryeburg, and Thomaston, just quick trips everywhere. We were hosted by Representative John Martin, Senator David Hastings, and Representative Chuck Kruger.

So many of you have visited courthouses and worked with us to avoid decimating justice in these challenging times. You have given your personal time and attention to the fundamental aspects of justice.

A former President once said: "The law is not the private property of lawyers, nor is justice the exclusive province of judges and juries. In the final analysis, true justice is not a matter of courts and law books, but of a commitment in each of us to liberty and mutual respect."

On behalf of the entire Court, I want to thank all of you for your commitment to liberty, mutual respect, and justice in these challenging budget times. Thank you.

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 Chair declared the same dissolved.

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

(After the Joint Convention)

The House was called to order by the Speaker.

On motion of Representative CLARK of Millinocket, the House adjourned at 11:48 a.m., until 10:00 January 28, 2010 in honor and lasting tribute to Donald S. Cobb, of Brownville Junction, Donald W. Smith, of North Yarmouth and Warren R. Dwyer, of Brunswick.