

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twentieth Legislature
State of Maine

Volume II

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May 18, 2001 – June 22, 2001

Second Regular Session

January 2, 2002 – March 6, 2002

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ONE HUNDRED AND TWENTIETH LEGISLATURE
SECOND REGULAR SESSION
17th Legislative Day
Tuesday, February 19, 2002

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

Prayer by Reverend Carl Geores, Monmouth (retired).

Colors presented by the Cumberland County Sheriff's Office Honor Guard.

National Anthem by Windham High School Winds.

Pledge of Allegiance.

Doctor of the day, Edgar Caldwell, M.D., Portland.

The Journal of Thursday, February 14, 2002 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 773)

ORDERED, the House concurring, that the Joint Standing Committee on Education and Cultural Affairs report out, to the Senate, a bill concerning school governance.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

Non-Concurrent Matter

Bill "An Act to Further Protect the Nesting Habitat of Endangered and Threatened Species"

(H.P. 1603) (L.D. 2104)

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in the House on February 13, 2002.

Came from the Senate with the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Resolve, to Extend the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security (EMERGENCY)

(H.P. 1428) (L.D. 1925)

PASSED TO BE ENGROSSED in the House on February 12, 2002.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-423)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act to Amend the Election Laws"

(H.P. 1519) (L.D. 2023)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-776) in the House on February 12, 2002.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-776) AS AMENDED BY SENATE AMENDMENT "A" (S-422)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 378)

STATE OF MAINE

120TH MAINE LEGISLATURE

January 16, 2002

Leigh Ingalls Saufley, Chief Justice

Maine Supreme Court

Cumberland County Courthouse

P.O. Box 368

Portland, ME 04112

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 120th Maine Legislature on Tuesday, February 19, 2002 at 10:30 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Richard A. Bennett

President of the Senate

S/Michael V. Saxl

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 379)

STATE OF MAINE

SUPREME JUDICIAL COURT

February 13, 2002

Senator Richard A. Bennett

President of the Senate

3 State House Station

Augusta, Maine 04333

Representative Michael V. Saxl

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

I am pleased to accept your invitation to address a Joint Session of the 120th Maine Legislature on Tuesday, February 19, 2002. I consider this occasion as one of the most important duties that I perform, and I appreciate the courtesy of the legislative branch of government in permitting me to address the cause of justice in Maine.

I look forward to seeing you on Tuesday.

Sincerely yours,

S/Leigh I. Saufley

Chief Justice

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.P. 774)

STATE OF MAINE

120TH MAINE LEGISLATURE

February 13, 2002

Hon. Betty Lou Mitchell

Senate Chair, Joint Standing Committee on Education and Cultural Affairs

Hon. Shirley K. Richard

House Chair, Joint Standing Committee on Education and Cultural Affairs

120th Legislature

Augusta, ME 04333

Dear Senator Mitchell and Representative Richard:

Please be advised that Governor Angus S. King, Jr. has nominated Elinor Multer of Orr's Island and Joyce McPhetres of

Waterville for reappointment as members of the State Board of Education.

Pursuant to Title 20-A, M.R.S.A., §401, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Richard A. Bennett
President of the Senate
S/Michael V. Saxl
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

The Following Communication: (S.C. 571)

STATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003

February 14, 2002

The Honorable Michael V. Saxl
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear Speaker Saxl:

In accordance with Joint Rule 506 of the 120th Legislature, please be advised that the Senate today has confirmed the following nomination:

Upon the recommendation of the Joint Standing Committee on Judiciary, the nomination of Michael M. Hastings of Hampden, for reappointment to the Maine Indian Tribal-State Commission.

Sincerely,

S/Pamela L. Cahill
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 for concurrence:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act to Authorize County Extension Building Associations to Borrow Money"

(H.P. 1614) (L.D. 2111)

Sponsored by Representative SKOGLUND of St. George.

Cosponsored by Senator KILKELLY of Lincoln and Representatives: CRABTREE of Hope, HALL of Bristol, McNEIL of Rockland, TRAHAN of Waldoboro, Senator: SAVAGE of Knox. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

STATE AND LOCAL GOVERNMENT

Bill "An Act to Provide Full Utility of Retired School Buildings" (EMERGENCY)

(H.P. 1615) (L.D. 2114)

Sponsored by Representative DUNLAP of Old Town.

Cosponsored by Senator CATHCART of Penobscot and Representatives: BERRY of Livermore, FISHER of Brewer, PERRY of Bangor, RICHARD of Madison, ROSEN of Bucksport,

Speaker SAXL of Portland, THOMAS of Orono, WATERHOUSE of Bridgton.

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

Pursuant to Resolve

Joint Standing Committee on Natural Resources

Representative COWGER for the **Joint Standing Committee on Natural Resources** pursuant to Resolve 2001, chapter 23 asks leave to report that the accompanying Bill "An Act to Establish the Maine Public Library of Geographic Information"

(H.P. 1617) (L.D. 2116)

Be **REFERRED** to the Committee on **NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Richard A. Gibson, of Lewiston, former assistant principal of Lewiston High School and member of the Auburn-Lewiston Hall of Fame. Mr. Gibson was a veteran of World War II and received the Silver Star for his efforts in the Battle of the Bulge. He excelled in athletics in school, taught at St. Dominic's and coached football, basketball and baseball. He played for the Portland Sagamoses semi-pro football team. Mr. Gibson was a member of the Lewiston Lodge of Elks and was a committee member for the Maine Hall of Fame. He will be missed by his loving family and many friends;

(HLS 883)

Presented by Representative BOUFFARD of Lewiston.

Cosponsored by Senator ROTUNDO of Androscoggin, Senator DOUGLASS of Androscoggin, Representative COTE of Lewiston, Representative O'BRIEN of Lewiston, Representative MENDROS of Lewiston, Representative MAILHOT of Lewiston.

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

READ.

The House paused in a moment of silence.

ADOPTED and sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Statute

Representative RICHARD for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Abolish the Educational Leave Advisory Board"

(H.P. 1616) (L.D. 2115)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and **TOMORROW ASSIGNED FOR SECOND READING**.

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Amend the Calculation for Annual County Tax Assessments" (H.P. 904) (L.D. 1218)

Signed:

Senators:

PENDLETON of Cumberland
YOUNGBLOOD of Penobscot

Representatives:

BAGLEY of Machias
HATCH of Skowhegan
McLAUGHLIN of Cape Elizabeth
KASPRZAK of Newport
MURPHY of Berwick
CHASE of Levant
HASKELL of Milford
CRESSEY of Baldwin

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-803)** on same Bill.

Signed:

Representative:

LESSARD of Topsham

READ.

On motion of Representative McDONOUGH of Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 658) (L.D. 1850) Bill "An Act to Improve the Juvenile Drug Court Program" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 1419) (L.D. 1863) Bill "An Act to Clarify the Overweight Fine Violation for Trucks Carrying Certain Designated Commodities and Registered for 100,000 Pounds" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-806)**

(H.P. 1477) (L.D. 1978) Bill "An Act to Allow Maine to Participate in the Federal Pilot Program for Drivers Delivering Home Heating Oil" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-807)**

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

(S.P. 705) (L.D. 1907) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow for Loans to be Repaid With Federal Transportation Funds Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-419)**

On motion of Representative FISHER of Brewer, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

CONSENT CALENDAR

Second Day

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

(S.P. 681) (L.D. 1883) Bill "An Act to Clarify the On-premise Liquor License Application Process"

(S.P. 717) (L.D. 1919) Bill "An Act to Allow Approval of Internet-based Alcohol Server Education Courses"

(S.P. 499) (L.D. 1586) Bill "An Act to Separate Territory from the Town of Falmouth and Annex it to the City of Portland" (C. "A" S-416)

(S.P. 673) (L.D. 1876) Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services to Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56 (C. "A" S-414)

(S.P. 706) (L.D. 1908) Bill "An Act to Prohibit the Consumption of Liquor by Minors on a Brewery Premises" (C. "A" S-418)

(S.P. 716) (L.D. 1918) Bill "An Act to Amend the Integrated Pest Management Laws" (C. "A" S-413)

(S.P. 726) (L.D. 1967) Bill "An Act to Assist Municipalities of Sagadahoc County with the Change in the County Budget Year" (EMERGENCY) (C. "A" S-417)

(H.P. 1476) (L.D. 1977) Bill "An Act to Designate Department of Education Chapter 180 Rules as Major Substantive Rules"

(H.P. 1444) (L.D. 1941) Bill "An Act to Modify the Time of Constituent Service Allowance Payments" (C. "A" H-802)

(H.P. 1455) (L.D. 1952) Resolve, Authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to Convey a Crossing Easement (C. "A" H-804)

(H.P. 1483) (L.D. 1984) Bill "An Act to Modernize the Procurement Practices at the Department of Transportation" (C. "A" H-798)

(H.P. 1488) (L.D. 1991) Resolve, to Establish a Commission to Erect a Memorial in Capitol Park to the Victims and Heroes of the September 11, 2001 Tragedy (C. "A" H-801)

(H.P. 1508) (L.D. 2011) Bill "An Act to Restructure the Advisory Council on Tax-deferred Arrangements" (C. "A" H-800)

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 Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

(H.P. 1456) (L.D. 1953) Bill "An Act to Amend the Laws Governing Pesticide Control to Increase the Pesticide Product Registration Fee" (C. "A" H-797)

On motion of Representative KASPRZAK of Newport, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ**.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Unanimous Committee Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Members of the House. Could someone please stand up and explain this bill, maybe a committee chair or someone like that? Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. This bill simply increases by \$5 the annual registration of pesticide products fee. Every pesticide product in the state has to be registered and there is a fee per product, not per quantity of product, but simply per product. If there are 10 products in the state, they each pay this fee. If there are 1,000 products in the state, they each pay this fee. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Unanimous Committee Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 475

YEA - Ash, Baker, Belanger, Berry RL, Bliss, Bouffard, Bowles, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dudley, Dugay, Dunlap, Estes, Etnier, Fisher, Foster, Gagne, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jodrey, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Norbert, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Simpson, Skoglund, Smith, Stanley, Tarazewich, Thomas, Tuttle, Twomey, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Berry DP, Blanchette, Chase, Clough, Collins, Crabtree, Cressey, Davis, Duncan, Duprey, Glynn, Goodwin, Heidrich, Kasprzak, Labrecque, Lovett, MacDougall, McKenney, McNeil, Mendros, Muse K, Nass, Nutting, Perkins, Pinkham, Sherman, Snowe-Mello, Stedman, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Brannigan, Buck, Canavan, Dorr, Duplessie, Fuller, Haskell, Jones, Landry, Marley, Marrache, Matthews, Michael, Morrison, Norton, Shields, Sullivan, Usher, Wheeler GJ.

Yes, 90; No, 41; Absent, 20; Excused, 0.

90 having voted in the affirmative and 41 voted in the negative, with 20 being absent, and accordingly the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-797)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-797)** and sent for concurrence.

BILLS IN THE SECOND READING

Senate

Bill "An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs"

(S.P. 714) (L.D. 1916)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence.

ENACTORS

Emergency Measure

An Act Authorizing the Town of Waldoboro to Refinance Certain Temporary Bond Anticipation Notes Issued for its Water Project

(H.P. 1407) (L.D. 1845)
(C. "A" H-772)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative **SAVAGE** of Buxton, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-810)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Buxton, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. This amendment simply makes a drafting change to the emergency preamble to make it consistent with the text of the bill as considered by the committee. I appreciate your support. Thanks.

House Amendment "A" (H-810) was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-772)** and **House Amendment "A" (H-810)** in **NON-CONCURRENCE** and sent for concurrence.

Emergency Measure

An Act to Amend the Laws Governing the Washington County Emergency Medical Services Authority

(H.P. 1490) (L.D. 1993)
(C. "A" H-792)

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. 115 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Create the Transit Bonus Payment Program

(H.P. 386) (L.D. 507)
(C. "A" H-780)

An Act to Require that Temporary Nurse Agencies Verify Certified Nursing Assistants' Eligibility Before Hiring Certified Nursing Assistants

(H.P. 1405) (L.D. 1843)

An Act to Clarify the Method of Sale for Heating Oil and Retail Motor Fuels

(H.P. 1451) (L.D. 1948)
(C. "A" H-777)

An Act to Clarify Roles and Positions within the Department of Behavioral and Developmental Services

(H.P. 1452) (L.D. 1949)

An Act to Extend the Period During Which the Passamaquoddy Tribe May Acquire Land in the City of Calais
(H.P. 1479) (L.D. 1980)

An Act to Increase Home Ownership
(H.P. 1533) (L.D. 2036)
(C. "A" H-763)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Reduce Unnecessary Paperwork in State Government
(H.P. 846) (L.D. 1118)
(C. "A" H-790)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative COLWELL of Gardiner, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 476

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duprey, Estes, Etnier, Foster, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Mayo, McDonough, McGlocklin, McGowan, McKenney, McLaughlin, McNeil, Mendros, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bagley, Brannigan, Buck, Dorr, Duplessie, Fisher, Fuller, Haskell, Jones, Landry, Marley, Marrache, Matthews, McKee, Michael, Morrison, Norton, Shields, Sullivan, Usher.

Yes, 131; No, 0; Absent, 20; Excused, 0.

131 having voted in the affirmative and 0 voted in the negative, with 20 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

At this point, a message came from the Senate, borne by Senator Michaud of Penobscot of that Body, proposing a Joint Convention to be held in the Hall of the House at 10:30 in the morning for the purpose of extending to the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court, an

invitation to attend the Joint Convention and to make such communication as pleases her.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 10:30 in the morning and the Speaker appointed Representative COLWELL of Gardiner to convey this message to the Senate.

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

An Act to Create the Adult Education Outreach Grant Program

(H.P. 1530) (L.D. 2033)
(C. "A" H-774)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative BERRY of Livermore, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-808)** on Bill "An Act to Adopt the Canadian Highway Weight Standards"

(H.P. 400) (L.D. 521)

Signed:

Senators:

SAVAGE of Knox

O'GARA of Cumberland

GAGNON of Kennebec

Representatives:

FISHER of Brewer

BOUFFARD of Lewiston

WHEELER of Eliot

BUNKER of Kossuth Township

MARLEY of Portland

PARADIS of Frenchville

WHEELER of Bridgewater

COLLINS of Wells

McKENNEY of Cumberland

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

Signed:

Representative:

McNEIL of Rockland

READ.

On motion of Representative FISHER of Brewer, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-808)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills** in the **Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-808)** and sent for concurrence.

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

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

ENACTORS
Acts

An Act to Provide Enhancements to the Small Enterprise Growth Program

(H.P. 1420) (L.D. 1868)
(C. "A" H-778)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative COLWELL of Gardiner, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 477

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duprey, Estes, Etnier, Foster, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jodrey, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Mayo, McDonough, McKee, McKenney, McLaughlin, McNeil, Mendros, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Nutting, O'Brien JA, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Volenik, Waterhouse, Watson, Weston, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bagley, Brannigan, Buck, Dorr, Duplessie, Fisher, Fuller, Goodwin, Haskell, Honey, Jones, Landry, Marley, Marrache, Matthews, McGlocklin, McGowan, Michael, Morrison, Norton, O'Brien LL, Povich, Shields, Sullivan, Usher, Wheeler EM.

Yes, 125; No, 0; Absent, 26; Excused, 0.

125 having voted in the affirmative and 0 voted in the negative, with 26 being absent, 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**.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Prevent Price Gouging During Abnormal Market Disruptions"

(H.P. 1612) (L.D. 2109)

(Committee on **JUDICIARY** suggested)

TABLED - February 14, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - REFERENCE.

On motion of Representative LaVERDIERE of Wilton, the Bill was **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, ordered printed and sent for concurrence.

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

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

IN CONVENTION

The President of the Senate, the Honorable Richard A. Bennett, in the Chair.

The Convention was called to order by the Chair.

On motion of President Pro Tem from Penobscot, Senator Michaud, it was

ORDERED, that a message be sent to the Honorable Associate Justices of the Supreme Judicial Court and members of the Judiciary inviting them to attend the Joint Convention of the Legislature now assembled in the Hall of the House for the purpose of extending to the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court an invitation to make such communication as pleases her.

The Order was Read and Passed.

The Chair will appoint the following:

- The Sen. from York, Senator McAlevey
- The Sen. from Cumberland, Senator O'Gara
- The Sen. from Piscataquis, Senator Davis
- The Rep. from Ellsworth, Rep. Povich
- The Rep. from Portland, Rep. Quint
- The Rep. from Vassalboro, Rep. Mitchell
- The Rep. from Lewiston, Rep. O'Brien
- The Rep. from Bangor, Rep. Blanchette
- The Rep. from Brunswick, Rep. Gerzofsky
- The Rep. from Woolwich, Rep. Peavey
- The Rep. from Bridgewater, Rep. Wheeler
- The Rep. from Dexter, Rep. Tobin
- The Rep. from Poland, Rep. Snowe-Mello

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

The Chair is pleased to introduce to you Associate Justice of the Supreme Judicial Court, Robert W. Clifford; Associate Justice of the Supreme Judicial Court, Paul L. Rudman; Associate Justice of the Supreme Judicial Court, Donald G. Alexander; Chief Justice of the District Court, John Levy and Associate Justice of the Superior Court, Nancy Mills.

On motion of the Senator from Sagadahoc, Senator Small, it was

ORDERED, that a message be sent to the Honorable Angus S. King, Jr., Governor of the State of Maine and the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court inviting them to attend the Joint Convention of the two branches of the Legislature now assembled in the Hall of the House for the purpose of extending to the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court, an invitation to attend the Convention and make such communication as pleases her.

The Order was Read and Passed.

The Chair will appoint the following:

The Sen. from Cumberland, Senator Rand

The Sen. from York, Senator McAlevey

The Sen. from Oxford, Senator Ferguson

The Rep. from Wilton, Rep. LaVerdiere

The Rep. from Freeport, Rep. Bull

The Rep. from Turner, Rep. Jacobs

The Rep. from Vassalboro, Rep. Mitchell

The Rep. from So. Portland, Rep. Muse

The Rep. from Auburn, Rep. Simpson

The Rep. from Augusta, Rep. Madore

The Rep. from Bridgton, Rep. Waterhouse

The Rep. from Lewiston, Rep. Mendros

The Rep. from Hodgdon, Rep. Sherman

The Rep. from the Penobscot Nation, Rep. Loring

Subsequently, Senator Ferguson of Oxford, for the Committee, reported that the Honorable Angus S. King, Jr., Governor of the State of Maine and the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court and will attend forthwith.

The Chair is pleased to welcome the Honorable Angus S. King, Jr., Governor of the State of Maine and the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court.

Governor King, President Bennett, Speaker Saxl, President Pro Tem Michaud, members of the 120th Legislature, judicial colleagues, family, friends and fellow Mainers: It is my honor and privilege to stand before you today to describe to you the State of Maine's judiciary.

The events of the past six months have occurred so quickly that I have barely had the opportunity for reflection. The devastating events of September 11 were still weighing heavily on all of us when, on October 3rd, Chief Justice Daniel Wathen submitted his resignation to the Governor.

Immediately following Chief Justice Wathen's resignation, Senior Justice Robert Clifford took over as the guiding hand of the court. He did so without notice or an opportunity to prepare and did a wonderful job keeping the Judicial Branch on an even keel. His calm leadership and willingness to dig right in during preparations for the legislative session were invaluable.

Two months later, on December 6th, I raised my right hand, and the Governor swore me in as Chief Justice. And I cannot help but repeat to you today the sense of pride in Maine government and Maine people that I experienced on the day that I was sworn in. That day, in the Senate, a peaceful, solemn, and respectful transfer of power between political parties was accomplished with dignity and grace. In the weeks following that event, the sad death of one of our beloved colleagues, Joel Abromson, caused members of the public to wonder aloud whether the transfer of power arranged over a year ago, at a time of total numeric balance in the Senate, would hold. Again, we saw the strength and resolve of Maine character. In your actions you have assured that the legislative branch of Maine's government stands as a beacon to other governments both within and outside of this great country of ours as "The Way Life Should Be."

And speaking of the way life should be, I cannot address you today without acknowledging an interesting point of history. The very first address by a Chief Justice to a joint session of the Maine Legislature occurred only 25 years ago, in 1977. In that year, I entered law school. And in that year, no woman had ever sat on the Supreme Court in the State of Maine or at the national level. That situation remained the same as I graduated from Law School in 1980, and, in fact, in that year only two women ever held office as judges anywhere in the Maine's state courts.

But the last twenty years have brought many changes, with women now comprising 21 percent of the judges on the state bench. Today is then an historic occasion, reflecting the gender diversity that now exists on the Maine bench.

I cannot ignore the fact that I am the first woman to have the opportunity to address you as Chief Justice. But I hasten to add that the Governor assures me he did not nominate me for this position because I am a woman and given my natural charm and aplomb, I absolutely take him at his word.

However, and this is crucial, what is most important is that the Governor was *not prevented* from nominating me because I am a woman. We must not as a society undervalue that point. We have but to look across the ocean to see societies and civilizations where women are not only unwelcomed in the halls of power but also prevented from such basic enjoyment of life as obtaining an education. As you know, my family is here today. And my daughter, Jenny, has been invited by President Bennett to spend a day with him observing our Legislature and learning about our government, while in other countries, there are mothers who must plead for a rudimentary education for their daughters.

In Maine, it is no longer unusual for women to participate actively and fully in our government. Thus, my presence before you today is most remarkable for the fact that it is really unremarkable.

But it would be unseemly for me to go on extolling the virtues of our government in Maine. It is important, however, for you to understand what this pride means to me and to my expectation of the future of Maine courts. Our three branches of government are, and must always be, separate and fiercely independent. That said, we must never forget that we are, from our citizens' perspective THE government. It has been the great tradition of this government to work together to address the needs of our citizens. The thoughtfulness and creativity with which we undertake collaboration must continue if we are to address the very pressing needs of Maine today.

Before I address with you some of the specifics of the State of our Judiciary. I want to set a few ground rules. Justice Wathen served as Chief Justice for 10 years. He served with great distinction. He was a role model and an extraordinary leader and much of what we have accomplished is due to his vision and his

perseverance. I, on the other hand, have filled this role for 10 short weeks. So, here are the ground rules. For those things that the Judicial Branch is doing well, I intend to blatantly claim full credit. In those areas where we have problems, I think we can safely say that it is all Dan Wathen's fault. For those of you who are doubting how much the world has changed, I just want to give you one small example of the improvement that we have seen just over the last several weeks. Chief Justice Wathen resigned on October 3, 2001. In the week that he resigned, the New England Patriots had lost more games than they had won. Two weeks ago, just eight weeks into my term, well, you may think that is coincidence, I leave that up to you, but if you are expecting similar success with the Red Sox, we are going to need a lot more help with the budget.

Some Basics

To understand the nature of the challenges facing the court system today, it is important to have a grasp of its vital statistics. The Judicial Branch comprises 452 people. That includes fifty-six judges, seven of whom are Supreme Court Justices, and forty-nine of whom are trial judges with sixteen designated to the Superior Court and thirty-three to the District Court. All totaled we handle over a quarter of a million cases each year.

The Judicial Branch is present in forty-six buildings throughout this state. Many of those buildings are, to put it simply, falling apart or stretched beyond any reasonable capacity. Your attention and assistance has resulted in improvements in several of our facilities, and we will be working with delegations from Piscataquis, Penobscot, and Washington counties in the near future to address their needs. In addition, we are working on an accessibility evaluation and are about mid-way through an assessment of every building for compliance with the American with Disabilities Act to assure that our courts are accessible to every member of the public.

Our budget, which currently runs at approximately fifty million dollars a year, consumes less than two percent of the state's total budget. If you net out the actual income from fines and assessments, almost all of which is returned to the general fund or other dedicated, nonjudicial branch pockets, the net cost to state government of the Judicial Branch is approximately eighteen million dollars, or less than one percent of the state's budget. Given the budget difficulties you are experiencing this year, I assume this would be a bad time to ask for one more percent of the state budget, but I may try that in future years.

Judicial Resource Allocation

Because of the intensity of use of the courts today, our judges are stretched very thin. We cannot afford duplicative or wasteful scheduling practices. In recent years, and through two separate studies of the courts, the Future of Maine's Courts and the Court Unification Task Force, it has become clear that it is not always efficient to run two separate and occasionally overlapping trial courts. Therefore, responding to the suggestions of those committees, and legislation from this Legislature, many aspects of the Maine courts are undergoing an evolution. The result of these changes will be, we hope, faster more focused access to justice. I expect to be reporting more on these changes next year.

In addition, I have undertaken several initiatives to assure that our judges are being used where they are most needed. With the assistance of Chief Justice Mills of the Superior Court and Chief Judge Levy of the District Court, we are taking a new look at the case loads of all of our trial courts. We are no longer looking at simple filing statistics. As you know, a small claims case, which requires one trial, does not require nearly the amount of judicial time as a child protective case, which requires multiple hearings, case management conferences and expedited scheduling. Yet each of those types of cases have appeared to be identical in our

previous statistics — one complaint is filed in each case. Similarly, a manslaughter case, with its attendant need for priority scheduling and motion hearings has been treated the same as a shoplifting case for statistical purposes. As a result, our judicial resources have not always been allocated where they are most needed. We hope to change this with a more thorough approach to evaluating caseloads.

Elimination of Unnecessary Committees

Another of our efforts to increase efficiency relates to judicial committees. Over the years, the judicial branch, like all businesses and governments, has established a number of committees to respond to problems. We have had, however, no central point for authorizing the creation or use of time for committee work. Unfortunately, we have noticed that the number of hours that members of the Judicial Branch, including judges, were spending in committee meetings seemed out of proportion to the benefits from those committees. Now you may be asking how this relates to time pressures in the court system. And there's a simple answer. For every committee meeting that a clerk, a judge, another staff member must attend, the needs of the litigants must wait.

Therefore I asked Justice Alexander to gather in one place a list of all current committees existing within the Judicial Branch so that we could determine whether there were economies of time that could be accomplished with elimination of duplicate or obsolete committees.

Big mistake. We were all shocked when we learned that there are currently 81 committees existing in the Judicial Branch. Now some of these are dormant and others may have come to the end of their work, but clearly something needs to be done when the number of committees exceeds the total number of judges throughout the State. We are hopeful that we will free up quite a bit of judge and staff time by addressing this problem.

Ongoing and New Projects

I want to give you a brief update on some of the most exciting court initiatives currently being undertaken in the court today and then I will talk to you about two very urgent but very different matters: domestic violence and technology.

As I review some of the most exciting initiatives in the court system today, I must stress, and you have heard this before, that the Maine court system does more with less than almost any other court in the country. While we struggle to make the courts accessible to an ever increasing number of self-represented litigants, our case per clerk and case per judge ratios are off the charts when compared to most court systems. To the our west, our neighbors New Hampshire and Vermont have resources far beyond those available to our judges and clerks. We have, and I must be blunt here, too few clerks and judges, too few security resources, and too little time to do the important work you have given us.

I am well aware that in this economic climate additional resources may not be available, but I would be shirking my responsibilities if I did not tell you clearly that, even with efficiencies and reallocation of judicial resources, our total resources are insufficient to the task at hand. Therefore, if the Governor is correct and the economy rebounds, expect to see me instantly.

Now let me update you on some of our ongoing and new initiatives.

Family Division

I begin with the Family Division. Last year, you heard Chief Justice Wathen report on the success of the Family Division, and the addition of CMOs to the court system. These changes have been quite successful. The District Courts now have responsibility for all family matters including child protective

proceedings, protection from abuse proceedings, juvenile proceedings, divorce proceedings, paternity proceedings, support proceedings, as well as all of its traditional dockets, and each of these matters is far more complex and time consuming than just a few years ago.

Matters involving families in turmoil are and should be extremely time intensive. But they are straining our system to its limits. Therefore, we are working toward a clear set of priorities for the trial courts so that the family cases get the time that they deserve.

Drug Treatment Courts

Next, Drug Treatment Courts are beginning to revolutionize our approaches to many criminal matters. With their focus on demonstrated sobriety, individual responsibility and real rehabilitation, drug courts are the most exciting innovations ever to be attempted in the criminal courts.

Our Juvenile and Adult Drug Treatment Courts may, when combined with emerging concepts of restorative justice, fundamentally change our response to crime in a way that recognizes the humanity of those struggling with substance abuse and at the same time protects the public from the actions of those who have not changed. The potential for making real and lasting changes through Drug Courts is enormous. And the need for focused courts has never been greater. If we are to stem the tide of increasing tragedies related to abuse of Oxycontin, heroin, and other debilitating drugs, we must continue our efforts.

But the Drug Courts must be run carefully. They cannot be allowed to become a substitute for responsible sentencing. And they must require absolute accountability from defendants in the program. We still have a way to go to assure that our drug courts are have the authority and the resources to assure sufficient supervision and the availability of frequent, random, reliable drug and alcohol testing. But the beginnings are very promising, and we are doing everything we can in the Judicial Branch to strengthen these efforts and carefully expand the concept throughout the state.

Single Justice Assignments

Next, the Superior Court has expanded its Single Justice Assignments so that five of the largest Superior Courts now assign each civil case to one judge. This process helps keep cases such as business, contract, zoning, and personal injury matters moving quickly and on track. Added to this process is a new program mandating alternative dispute resolution as well as an effort at judicially assisted settlements. We are all well aware that business and economic development may become mired in litigation if the courts cannot respond promptly to disputes. These programs are designed to directly address those concerns.

First Collaborative Effort with Child Protective Attorneys

And finally, I want to tell you about some basic changes in the way the court interacts with attorneys representing parents in child protective proceedings. As you know, judges have, in the past, received judicial education on child protective matters through the Department of Human Services. This spring, for the first time, the courts will undertake a collaborative educational effort with those representing a different perspective — attorneys representing parents in child protective proceedings. To accommodate this self-initiated educational conference, we have assisted with funding from our federal grant monies, and the District Court judges will join the attorneys for parts of the conference. Following the conference, we hope to be setting up regional meetings between judges and all attorneys involved in child protective proceedings to air the problems and concerns of

all participants and to develop plans to address those concerns directly at the local level.

Pressing Issues

Now, let me turn to two major issues facing the courts today: Technology and Domestic Violence.

Technology

I know this will come as a surprise to you, but, we in the Judicial Branch have a bit of a problem with our technology. Recently, it has become an increasing struggle to make technology work for us, not against us. And many of you are well aware that there have been serious questions raised about our current approach to our information system.

Therefore, one of my first acts as Chief was to seek the assistance of the National Center for State Courts. Given the urgency of our situation, they were able to provide us, without charge, one of their foremost experts on court technology on very short notice. He spent three days in Maine in the first week of February, learning our system, talking to clerks, judges, and others affected by the system, and reviewing all of the resources at our disposal.

We have his preliminary report, not the final report, and not surprisingly, there is very good news and very bad news. The very good news is that the foundation of our system, a data base called Oracle, is as good as it gets. It is powerful, expandable, and supported into the future. There is no off-the-shelf program that could do what we need better than our current program. The folks who have been working in the backroom at the Judicial Center on a shoestring have done an extraordinary job. Therefore, and here's more good news, I'm not going to be asking for new money to change the MEJIS foundation.

But here's the bad news: our infrastructure of wiring, lines, network, and hardware is so outdated as it now exists that it cannot support the Oracle based system, and it cannot do the work that we need done. This explains much of our current delays and frustrations. No amount of patches will cure the problem. This issue is stark. We must substantially rebuild our network with concurrent changes to our entire hardware system.

Now I understand that many of us go into a coma when the word technology comes up. I often have to take no-doze when my 16-year-old son begins explaining his latest web page design. And so you may be wondering why I would use this very special occasion to discuss something as mundane as technology.

Here's why. We simply will not be able to do our job without a dramatic improvement in our network. And I don't just mean it is harder for our clerks to type in the work. I mean, we will have increasing difficulty in assuring that protection from abuse orders get to the switch for use by law enforcement; that bail conditions will find their way reliably into the public safety system; that warrant information will get to the repositories. If we are to protect our citizens from violence, we cannot leave law enforcement, jails, and other courts with inadequate information.

So here's the good news/bad news again. We have only begun to assess the full scope of our needs, and therefore, I am not this session asking for additional resources. We need a thoughtful and thorough plan of attack. And the preliminary information indicates that we will need capital, but we may not need many new positions, to fix the system. However, I do expect to be here before the 121st Legislature with very specific requests.

Domestic Violence

And now I want to address an issue that permeates much of what we do and has demanded much of your attention this year — Domestic Violence. Violence within families and violence directed at partners takes an extraordinary human toll in Maine. Domestic violence murders are the only growing area of crime. It

effects children as well as adults, tears families apart, brings fear into the workplace, and begets new generations of violence if unchecked.

Now do not mistake my concern for pre-judgment. All parties are entitled to have a full and fair trial on allegations of violence. But I know that I do not have to tell you the serious nature of this very real problem in Maine. And I do not pretend to have an answer. But there are several areas where we can effect a positive change.

Advocates for Children

The first area where we could make an immediate difference is in providing advocates for children. Indeed, children should have well-trained, experienced advocates whenever they are one of the focuses of a judge's decision. As you know, in child protective cases, every child has an advocate, paid for by the court. Unfortunately, in protection from abuse cases, and in divorce matters and other family matters, unlike child protection cases, there is no legal entitlement to advocates for children and there are no funds for the court to pay for advocates.

Yet the benefits of involving children's advocates is becoming clearer all the time. A recent study undertaken by the Muskie Fellowship for Legal Services has confirmed this understanding. In a report entitled "A Voice for Low Income Children" the evaluators found that the presence of highly skilled children's advocates helped to reduce parental conflict, assisted the judges in a broader understanding of the child's needs, and connected families with much needed community resources. We need to follow up on these findings.

I recently had the pleasure of working with Commissioner Albanese on a very promising project related to adolescent ethics. And I know that you and the Governor have worked hard this session to prevent cuts to Maine's education budget. But we have to remember that children whose lives are in turmoil at home have a very hard time taking advantage of the educational opportunities offered them. Properly trained advocates may help resolve that turmoil faster and with better results for families and children.

I will, therefore, be asking the Bar Association, the Justice Action Group, and involved advocacy groups to work creatively and collaboratively over the next year to consider ways to implement a statewide system for providing advocates for children. And — once again good news — I am asking for your moral support, but no financial assistance at this time.

Security

The second domestic violence related matter, however, may not be the same. Let me be blunt: Our courthouses are flatly unsafe. We are all well aware of our vulnerability to random acts of terrorism, but our problem goes beyond that.

By definition, courthouses bring together people who are often angry, emotionally distraught, and occasionally out of control. We require litigants to stand together in packed hallways where we are unable to provide consistent security. More fundamentally, we do not have the resources to assure that weapons are not brought into the courthouse.

Think of it this way. During other parts of their lives, people who are threatened by others can make efforts never to be where that dangerous person may get near them. But on their court date, they have no choice. They must come to court, and they must do so at a time that has been announced in advance to the very person who has threatened them.

Right now, the message to the vulnerable is this: you must come to this courthouse in order to keep that protection order in place. But we haven't taken the very basic steps to assure that you won't be hurt while you're here. And if you decide that it is safest not to be at court at a time when that dangerous person

knows you're required to, then the order keeping him or her away from you will be dismissed.

Try to imagine the terror you would feel when the person who has hurt and threatened you appears in the hallway of the courthouse on the day you are required to be there to continue to keep that person away from you. When you look around for help, the only officer is in the courtroom dealing with many other cases, and no one stopped your stalker from bringing a weapon into the building.

We can do better than this.

Let's be clear, all of your work in strengthening the laws regarding protection from abuse orders, and in clarifying bail conditions and probation restrictions, will be for naught if the true victims of domestic violence are too afraid to come into the courthouse.

We cannot let this continue. Therefore, with Ted Glessner and John Deeds' assistance, we are making every effort to find nongeneral fund resources to acquire metal detectors and x-ray machines for courthouse entries. But even if we can beg, or borrow, the necessary machines, we need manpower to run that equipment. So make no mistake about it. I will continue to implore you to find the limited resources necessary to provide entry screening in our courthouses.

The "Stop" Grant

But the news is not all grim. We have several projects underway aimed at providing a more cohesive response to problems of domestic violence. In three courthouses we have gained the capacity for the judges to hold a video hearing for the initial petition, thus precluding the need for the petitioner to come personally to the courthouse during the first, emergency request for protection. In addition, the Judicial Branch has received a federal grant, through the Violence Against Women grant program, which will allow us to undertake pilot projects in two different Maine District Court locations to develop new protocols for coordinating the judicial and community responses to violence. The projects will focus on coordinating information from civil and criminal proceedings, coordinating law enforcement involvement, and creating a post-adjudicatory role for judges to assure that offenders have fulfilled the requirements of the courts' orders and are held accountable. We are very excited about these pilot projects.

Conclusion

And so in conclusion, Maine's courts are actively involved in responding to the needs of our citizens. The innovations at work in the courts today will have profound effects upon the people of this great state. Efforts to increase efficiency and access to justice are in full swing.

But if we are going to do our work in the increasingly intense and interactive fashion that you have asked us to and expect us to, we must have the resources to do the job right. Our courts must be safe and accessible and they must provide meaningful justice.

I pledge to continue our efforts to find efficiencies and to eliminate waste and duplication, and to work toward full accessibility to justice.

At the same time, I ask three things from you:

First, I ask for your patience and support as we undergo the changes that are necessary to respond to public need, and I ask that you not increase the responsibilities of an already strained court system without providing the necessary resources to do the job.

Second, as the final economic figures come in this session, I harken to my Governor, I ask again that you help us find the money to make our courthouses safe.

And finally, I invite you to come and see the courts in action. You have extended many courtesies to me in my few short weeks in this role, and I invite each one of you to come see how Judicial Branch does its job. We would welcome your presence in the courts as you have welcomed us here.

I thank you for your warm welcome, I thank you for providing the exemplary government that this state deserves, and I thank you for your time this morning. If you would like me to do something about those Red Sox, give me a buzz.

The Chief Justice withdrew amid the applause of the Convention, the audience rising.

The purpose for with 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 BOUFFARD of Lewiston, the House adjourned at 11:27 a.m., until 9:30 a.m., Wednesday, February 20, 2002 in honor and lasting tribute to Richard A. Gibson, of Lewiston.