

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Third Legislature**  
**State of Maine**

**Volume II**

**First Regular Session**

June 6, 2007 – June 21, 2007

**Second Regular Session**

January 2, 2008 - March 31, 2008

Pages 682-1357

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
SECOND REGULAR SESSION  
12th Legislative Day  
Tuesday, February 5, 2008

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

Prayer by Reverend Mark D. Wilson, Phippsburg Congregational Church (UCC).

Pledge of Allegiance.

Doctor of the day, Jeffrey Young, MD, Cumberland.

The Journal of Thursday, January 31, 2008 was read and approved.

2 State House Station  
Augusta, Maine 04333-0002

Dear President Edmonds and Speaker Cummings:

I am pleased to accept your invitation to address a Joint Session of the 123rd Maine Legislature on Tuesday, February 5, 2008, at 11:00 a.m. 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 February 5, 2008.

Sincerely,

S/Leigh I. Saufley

Chief Justice

**READ and ORDERED PLACED ON FILE.**

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Improve Employment Opportunities for Persons with Disabilities in Maine"  
(S.P. 349) (L.D. 1032)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-395)** in the House on January 29, 2008.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill **FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-395)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

The Following Communication: (H.C. 437)

**UNIVERSITY OF MAINE**

**MARGARET CHASE SMITH POLICY CENTER**

**5784 YORK COMPLEX, BLDG. #4**

**ORONO, MAINE 04469-5784**

January 25, 2008

Honorable Millicent M. MacFarland

Clerk of the House of Representatives

2 State House Station

Augusta, ME 04333-0002

Re: Maine State Government Summer Internship Program

Dear Clerk MacFarland:

In accordance with 1967 Public Law, Chapter 493, Section 294, Item 8, I am enclosing copies of the 2007 Maine State Government Summer Internship Report for distribution to the Members of the Maine House of Representatives.

The Maine State Government Summer Internship Program is a full-time, 12-week, paid work experience in a state agency. The Program combines work experience with an educational program designed to provide talented Maine college students the opportunity to participate in and contribute to Maine State Government. We are now accepting all applications through our website at <http://www.umaine.edu/mcsc/MeSGIP.htm>.

Thank you for your assistance in making this report available to the Members of the House.

Yours truly,

S/Charles E. Morris, Director

Maine State Government Summer Internship Program

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

**COMMUNICATIONS**

The Following Communication: (H.C. 435)

**STATE OF MAINE**

**123RD MAINE LEGISLATURE**

January 17, 2008

Chief Justice Leigh I. Saufley

Maine Supreme Judicial Court

P. O. Box 368

Portland, ME 04112

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 123rd Maine Legislature on Tuesday, February 5, 2008 at 11:00 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/Beth Edmonds

President of the Senate

S/Glenn Cummings

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 436)

**STATE OF MAINE**

**SUPREME JUDICIAL COURT**

**PORTLAND, MAINE 04112**

January 22, 2008

The Honorable Beth Edmonds

President of the Senate

3 State House Station

Augusta, Maine 04333-0003

The Honorable Glenn Cummings

Speaker of the House

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act Regarding the Operations of the Greater Portland Public Development Commission"

(H.P. 1556) (L.D. 2186)

Sponsored by Speaker CUMMINGS of Portland.

Cosponsored by Representatives: BLISS of South Portland, EBERLE of South Portland, Senators: BARTLETT of Cumberland, BROMLEY of Cumberland.

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

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

**REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent for concurrence.

Bill "An Act To Allow Limited Charitable Solicitations by Law Enforcement Associations"  
(H.P. 1557) (L.D. 2187)

Sponsored by Representative TARDY of Newport.  
Cosponsored by Representative: Speaker CUMMINGS of Portland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent for concurrence.

Bill "An Act To Protect Homeowners from Equity Stripping during Foreclosure"  
(H.P. 1559) (L.D. 2189)

Sponsored by Representative PRIEST of Brunswick.  
Cosponsored by Senator SULLIVAN of York and Representatives: BRAUTIGAM of Falmouth, CONOVER of Oakland, Speaker CUMMINGS of Portland, FAIRCLOTH of Bangor, PINGREE of North Haven, RICHARDSON of Warren, TREAT of Hallowell, Senator: SNOWE-MELLO of Androscoggin.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

**REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act To Amend the Municipal Boundary between the Town of Old Orchard Beach and the City of Saco"  
(H.P. 1558) (L.D. 2188)

Sponsored by Representative HOGAN of Old Orchard Beach.  
Cosponsored by Senator DAMON of Hancock and Representatives: BEAUDETTE of Biddeford, BLANCHARD of Old Town, MARLEY of Portland, MAZUREK of Rockland, PENDLETON of Scarborough, PERCY of Phippsburg, SCHATZ of Blue Hill, TUTTLE of Sanford.

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

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent for concurrence.

Bill "An Act To Increase Access to Dental Care"  
(H.P. 1562) (L.D. 2192)

Sponsored by Representative SUTHERLAND of Chapman.  
Cosponsored by Representatives: FAIRCLOTH of Bangor, HARLOW of Portland, KNIGHT of Livermore Falls, NORTON of Bangor, Senator: BOWMAN of York.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **TAXATION** suggested and ordered printed.

**REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

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

#### ORDERS

On motion of Representative CLEARY of Houlton, the following Joint Resolution: (H.P. 1563) (Cosponsored by Senator SHERMAN of Aroostook and Representatives: BEAUDETTE of Biddeford, BRAUTIGAM of Falmouth, BROWNE of Vassalboro, GOULD of South Berwick, KNIGHT of Livermore Falls, PILON of Saco, SCHATZ of Blue Hill, WEAVER of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

#### **JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES CONGRESS AND THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS TO ENSURE FUNDING FOR VETERANS' HEALTH CARE**

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States, the United States Congress and the United States Department of Veterans Affairs as follows:

WHEREAS, the United States Department of Veterans Affairs provides medical care for all veterans of the United States Armed Forces; and

WHEREAS, the funding for this health care is passed each year by the United States Congress as part of the discretionary budget; and

WHEREAS, this health care is seriously underfunded; and

WHEREAS, this serious and now chronic shortfall affects the veterans' access to quality medical care services; and

WHEREAS, the United States Department of Veterans Affairs and our Nation have a duty to serve our veterans and have entered into a contract, absolute and irrevocable, to provide them with proper health care; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that full funding for health care for veterans of the United States Armed Forces be passed and that all parties involved do their utmost to see that those who served their Nation are given the health care they deserve; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Honorable James B. Peake, Secretary of Veterans Affairs, and to each Member of the Maine Congressional Delegation.

**READ and ADOPTED.**

Sent for concurrence. **ORDERED SENT FORTHWITH.**

On motion of Representative PIEH of Bremen, the following Joint Order: (H.P. 1555)

ORDERED, the Senate concurring, that the Joint Standing Committee on Agriculture, Conservation and Forestry shall report out, to the House, a bill supporting agricultural businesses.

**READ and PASSED.**

Sent for concurrence. **ORDERED SENT FORTHWITH.**

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the following members of the Winthrop High School Boys Cross-country Running Team, on their winning the 2007 State Class C Championship: Pat Lindsey, Tor O'Brien, Ned Burnett, Danny Soltan, Justin Carpenter, Alex Cottrell, Jake Gomberg, Pat Romar, Tom Conley, Kevin Leavitt, Ben Doughty, Zach Nichols, Josh James, Ben Rossignol, Connor Chu and Max Chapin. The team's coach is Jay Lindsey. This is the school's first boys cross-country running state championship. We extend our congratulations and best wishes to the team on this achievement; (HLS 979)

Presented by Representative FLOOD of Winthrop.

Cosponsored by Senator McCORMICK of Kennebec.

On **OBJECTION** of Representative FLOOD of Winthrop, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

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**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Resolve**

Representative PIEH for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act To Designate Certain Application and Licensing Information Provided to the State Harness Racing Commission as Confidential" (EMERGENCY) (H.P. 1561) (L.D. 2191)

Reporting **Ought to Pass** pursuant to Resolve 2007, Chapter 128, section 8.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and assigned for **SECOND READING** Wednesday, February 6, 2008.

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**Ought to Pass Pursuant to Statute**

Representative PIEH for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act To Designate Certain Rules Proposed by the Board of Pesticides Control as Major Substantive Rules" (EMERGENCY) (H.P. 1560) (L.D. 2190)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 7, section 610, subsection 5.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and assigned for **SECOND READING** Wednesday, February 6, 2008.

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**Divided Report**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-664)** on Bill "An Act To Establish a Labor Center within the University of Maine System" (H.P. 115) (L.D. 123)

Signed:

Senators:

BOWMAN of York

MITCHELL of Kennebec

Representatives:

NORTON of Bangor

MAKAS of Lewiston

FARRINGTON of Gorham  
HARLOW of Portland  
SUTHERLAND of Chapman

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

Signed:

Senator:

MILLS of Somerset

Representatives:

EDGECOMB of Caribou

McFADDEN of Dennysville

STRANG BURGESS of Cumberland

MUSE of Fryeburg

FINCH of Fairfield

**READ.**

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

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Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Lower the Cost of Health Insurance" (H.P. 765) (L.D. 1047)

Signed:

Senator:

BOWMAN of York

Representatives:

BRAUTIGAM of Falmouth

CANAVAN of Waterville

CROCKETT of Augusta

TREAT of Hallowell

CONOVER of Oakland

PRIEST of Brunswick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-666)** on same Bill.

Signed:

Senators:

SULLIVAN of York

SNOWE-MELLO of Androscoggin

Representatives:

VAUGHAN of Durham

RICHARDSON of Warren

McKANE of Newcastle

**READ.**

Representative BRAUTIGAM of Falmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Restore Competition to Maine's Health Insurance Market" (H.P. 1226) (L.D. 1760)

Signed:

Senator:  
BOWMAN of York

Representatives:  
BRAUTIGAM of Falmouth  
CANAVAN of Waterville  
CROCKETT of Augusta  
TREAT of Hallowell  
CONOVER of Oakland  
PRIEST of Brunswick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-667)** on same Bill.

Signed:  
Senators:  
SULLIVAN of York  
SNOWE-MELLO of Androscoggin

Representatives:  
VAUGHAN of Durham  
RICHARDSON of Warren  
McKANE of Newcastle

**READ.**

Representative BRAUTIGAM of Falmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** 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. 434) (L.D. 1248) Bill "An Act To Establish the Northern Maine Power Agency" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-405)**

(S.P. 759) (L.D. 1965) Bill "An Act To Amend the Lucerne-in-Maine Village Corporation Charter" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-404)**

(H.P. 1308) (L.D. 1876) Resolve, Regarding the Maine State Cultural Building in Augusta (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-669)**

(H.P. 1497) (L.D. 2111) Bill "An Act To Secure the Sites Necessary for the Statewide Radio and Network System" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-670)**

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. 743) (L.D. 1933) Bill "An Act To Extend the Deadline for Applications for Loans Associated with the Remediation of a Waste Oil Site in Plymouth" (EMERGENCY)

(S.P. 753) (L.D. 1959) Bill "An Act To Promote Tourism in Maine and the Purchase of Products Made in Maine"

(S.P. 209) (L.D. 672) Bill "An Act To Strengthen the Scientific Research Support Capability of the Maine State Museum" (C. "B" S-403)

(H.P. 397) (L.D. 519) Bill "An Act To Provide Assistance to Family Members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens" (C. "A" H-665)

(H.P. 1442) (L.D. 2058) Resolve, Authorizing the President of the Maine Community College System To Sell 2 Parcels of Real Property in South Portland (C. "A" H-663)

(H.P. 1487) (L.D. 2101) Resolve, To Change the Name of the South Bridge between Lewiston and Auburn (C. "A" H-661)

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 as Amended** and sent for concurrence.

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

**REPORTS OF COMMITTEE  
Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-668)** on Bill "An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators for Personal or Small Business Use"

(H.P. 279) (L.D. 349)

Signed:  
Senator:  
NASS of York

Representatives:  
PIOTTI of Unity  
RAND of Portland  
KNIGHT of Livermore Falls  
CLARK of Millinocket  
WOODBURY of Yarmouth  
WATSON of Bath  
CHASE of Wells  
PILON of Saco  
LANSLEY of Sabattus

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

Signed:  
Senators:  
PERRY of Penobscot  
STRIMLING of Cumberland

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "B" (H-668)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, February 6, 2008.

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

At this point, a message came from the Senate borne by Senator Mitchell of Kennebec, 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. Saufley, 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 PINGREE of North Haven to convey this message to the Senate.

Subsequently, Representative PINGREE of North Haven reported that she had delivered the message with which she was charged.

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

#### In Convention

The President of the Senate, the Honorable Beth Edmonds, in the Chair.

The Convention was called to order by the Chair.

On a motion by Senator MITCHELL from Kennebec, it was ORDERED, that a Committee be appointed to wait upon the Honorable Leigh I. 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 York, Senator Hobbins  
The Sen. from Androscoggin, Senator Nutting  
The Sen. from Oxford, Senator Hastings  
The Rep. from Auburn, Rep. Simpson  
The Rep. from Windham, Rep. Bryant  
The Rep. from Biddeford, Rep. Casavant  
The Rep. from Cape Elizabeth, Rep. Dill  
The Rep. from Bangor, Rep. Dunn  
The Rep. from Farmington, Rep. Mills  
The Rep. from Lisbon, Rep. Berube  
The Rep. from South Berwick, Rep. Gould  
The Rep. from Acton, Rep. Nass  
The Rep. from Waterboro, Rep. Jacobsen

Subsequently, Senator HOBBS from York, for the Committee reported that the Honorable Leigh I. Saufley, Chief Justice of the Maine Supreme Judicial Court, and the Honorable members of the Judiciary will attend forthwith.

The Chair is pleased to recognize the Justices of the Maine Supreme Judicial Court: the Honorable Donald G. Alexander, the Honorable Jon D. Levy, the Honorable Warren M. Silver, the

Honorable Andrew M. Mead, and the Honorable Ellen A. Gorman.

The Chair is also pleased to recognize 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 the District Court Deputy Chief Judge, the Honorable Charles C. LaVerdiere.

The Chair is pleased to welcome to the Convention the Honorable Leigh I. Saufley, Chief Justice of the Maine Supreme Judicial Court, and the Honorable John E. Baldacci, Governor of the State of Maine

The Chair is pleased to recognize in the Gallery: William Saufley, the Husband of Chief Justice Saufley; Richard and Jan Ingalls, the Parents of the Chief Justice; and Judge Susan Longley, President of the Maine Probate Judges Assembly.

The Chair is also pleased to recognize in the Gallery the Attorney General of the State of Maine, the Honorable G. Steven Rowe.

The Chair is pleased to request the Honorable Leigh I. Saufley, Chief Justice of the Maine Supreme Judicial Court, to please step forward and address the Joint Convention.

**Chief Justice SAUFLEY:** Thank you President Edmonds. Good morning Governor Baldacci, Speaker Cummings, members of the 123rd Maine Legislature, members of the Maine courts, including our colleagues from the Probate and Tribal Courts, and, as always, my family. It is an honor and a privilege to stand before you today to present an update on the State of the Judiciary in Maine.

I have to say before I start that the first thing the Governor said to me this morning was "So, the Patriots didn't do so well." He has thrown me completely off my game, I am not ready to talk about it, so if I stumble a little you will know that it was a rough weekend for all of us. I do want to note, however, that I am extremely honored that the Nation has declared today Super Tuesday and I think of that as recognition of all the work that is done in the Maine courts, so we will move right along.

Today, we are here to describe the improvements of the past year, to lay out the challenges that face us immediately, and to share our plans for continued improvement in access to justice in Maine. I am very mindful today of the difficult budget challenges that face you and I am prepared to work with you in a collaborative effort. Here are the basics on the Judicial Branch budget. The budget constitutes less than 2% of General Fund expenses. In Fiscal Year '07, the Judicial Branch budget consisted of:

- \$45 million for all Judicial Branch expenses;
- \$12.8 million for Constitutionally Required Counsel;
- totaling \$57.8 million, just 1.92% of the State's budget.

That \$45 million compares to \$59 million spent by the State of New Hampshire, a full \$14 million more than we spend in Maine for justice. Measured per capita, Maine spent \$34 per capita for its system of justice last year, New Hampshire spent \$45 per capita, and Vermont spent \$48 per capita.

Among the New England states, we have the fewest courthouses per square mile, the fewest judges per capita, the

smallest account for Constitutionally Required Attorneys, and the second lowest judicial pay in the nation. The latest National Center for State Courts study discloses that, adjusted for cost of living, Maine judges are 50th in the nation, with only Hawaii ranking lower.

In Fiscal Year 2007, 278,088 new cases and traffic violations were filed, again, more per capita than either New Hampshire or Vermont. Yet, in the highest priority dockets, Maine's family and criminal cases, disposition rates ran on average at close to 100%. Without belaboring the obvious, this was accomplished on a small budget, with judges and staff whose salaries are lower and whose workloads are higher than their colleagues across the country, and for whom the resources to deliver justice are always restricted.

The Maine Judicial Branch does a lot with those limited resources. We are able to accomplish so much because of the extraordinary men and women working in our system of justice. On the Supreme Court, my colleagues are extensively involved in working toward improvements throughout the system.

In the trial court leadership, we are fortunate to have Chief Justice Tom Humphrey, Chief Judge Ann Murray, and Deputy Chief Judge Charlie LaVerdiere. These unsung heroes have worked tirelessly to streamline procedures, support the critical work of trial judges, and collaborate across branches of government to make the entire system work better for the public. Through their work, Fiscal Year '07 brought a number of improvements in the delivery of justice.

The most impressive aspect of these improvements lies in the trial courts' successes in reaching cases more promptly. Consistently over the last five years, the judges and clerks have reduced the amount of time it takes for families, children, and victims of violence and sexual assault to find justice. In family matters, for instance, cases that used to take nearly a year to complete are now resolved in just over 6 months on average. There is a reason for the old maxim that justice delayed is justice denied. Eliminating those delays makes all the difference.

2007 also saw the launch of the brand new Business and Consumer Docket. Although the court has only been in operation for a few months, more than 50 complex civil business disputes have been placed on the docket, including 2 class action suits. The BCD judges, Justice Nivison and Chief Justice Humphrey, who have continued to work on other dockets as the BCD geared up, are now quite busy. All three branches came together to create the Business and Consumer Docket, and our goal of providing prompt and predictable resolution of disputes for Maine's businesses, small and large, is well underway.

At the same time that we have been working to improve service to the public, we have strived consistently to create new efficiencies. Through Justice Alexander's skills, we have replaced the multiple copies of the 45 bound volumes of Maine Revised Statutes Annotated in our courthouses to a paperback compendium contained in just 7 volumes, saving much in publication costs. In addition, we now have:

- Eleven consolidated clerks' offices;
- A long-standing collaboration with the Executive Branch for payroll services and benefits management;
- A new agreement for collaboration with the Bureau of General Services; and
- Expanded use of video equipment throughout the State, reducing Sheriffs' transportation costs, saving money for counties.

2007 was also a year of other expanded collaborations among the branches of government. One of the most productive collaborations had a name that would put you to sleep before the first meeting began: The Infrastructure Advisory Group. What

could be more exciting than holding a bunch of meetings about Infrastructure? But it was all necessary. We have talked both formally and informally over the last several years about the difficulties your constituents face when they come into courthouses that are old, dilapidated, and disrespectful of the important events occurring within, and it was time to move ahead with comprehensive planning.

The Advisory Group met regularly through the summer of 2007. Justice Silver, Justice Clifford, Ted Glessner, and I were joined by Commissioner Wyke and Mike Mahoney, along with many Legislators, including Senate President Edmonds, Senators Hastings and Hobbins, Representatives Simpson, Dill, Gould, and Berube. We had representatives from the AG's Office, from the Maine Association of Criminal Defense Lawyers, from county and municipal government, and from several other stakeholders. We worked hard and fast to review all of the state's judicial facilities. Some very good work has already come out of the Advisory Group. The ideas include:

- Reducing costs through collaboration with BGS,
- Review and consolidation of management contracts,
- A legislatively created reserve account for future building needs, and
- Planning for improved court facilities in Augusta and Machias.

The title isn't sexy, but the work of the Advisory Group will serve the people of this state long into the future.

Other improvements in '07 came in the form of streamlined procedures for children and families, particularly with regard to the family magistrate work. Representatives Mills and Tardy joined a broad based task force whose work led to the reduction of both the time and cost to families involved in the court system.

Also in 2007, the new Justice for Children Task Force has spearheaded the presentation of the upcoming two-day conference on cutting edge information regarding treatment and care for children. Funded through a substantial federal Court Improvement grant, this conference will bring together, at very little cost to the State: parents' attorneys, guardians ad litem, AAGs, judges, including Probate and Tribal judges, and others involved in helping children and their families. I want to thank Senator Plowman and Representative Dunn for their willingness to work with us on these issues.

In December, we held the Criminal Justice Sentencing Summit, which included members of Legislative, Executive, Judicial, and County government. Many of you attended. The Summit generated energetic conversations regarding some of the most difficult aspects of sentencing.

The chairs of the Criminal Justice Committee have already taken the time to observe the results of recent sentencing legislation. Immediately following the 2007 summit, Senator Diamond spent a full morning in the busiest courthouse in the state. He had an opportunity to observe the Portland Domestic Violence Project in action, and, with Justice Warren in the Superior Court, sat through the calling of a felony trial list, observing the resolution of a number of serious crimes. Senator Diamond peppered me with law professor-like questions after his morning in court, and I understand the Dean of the Law School is holding a seat for him for this fall. And Representative Gerzofsky, having previously attended an arraignment session, followed up with Judge Field to learn what happened with those he originally observed. So many of you have visited the courts, and I do hope you will all continue to visit, announced and unannounced. There is much to be gained when we are all engaged in improving our system of justice.

While you have been coming into the courts, we have continued our efforts to take the courts into the communities by



holding oral arguments in local high schools. I want to thank Senator Turner, Representative Valentino and Senator Hobbins, and Representative Tardy and Senator Plowman for arranging such hospitality in three high schools for the Law Court in 2007. We already have 2 schools lined up for this fall; Representatives Dill and Eberle have asked us to come to Cape Elizabeth, and Representative Flood has offered to arrange a visit to Winthrop. We have room for one more school.

No review of the last year would be complete without a discussion of improvements in courthouse safety. This year, we have continued whenever possible to expand the presence of entry screening into our courthouses. Again, we have been stunned at the weapons that would otherwise have been brought into those courthouses. In 2007, more than 7,000 knives and lethal objects were stopped at the doors. More terrifying, however, were the number of guns that were prevented from coming into courthouses by entry screening—64 times, guns, or ammunition were stopped at doors.

I encourage you to take a look at the display case that Mike Coty has set up outside this Chamber. It includes just a very few of the items that have been taken at courthouse doors and it will curl your hair.

With your support from the last session, we will have five more entry screening teams beginning this July. Five teams cannot hope to cover our 39 courthouses, but every single day that entry screening is done in a courthouse, safety for your constituents improves.

As you can see, 2007 was a year of energy and forward movement in the courts. But it is time to turn and face the challenges of 2008. There is, unfortunately, a budget item that is rising rapidly: the cost of Constitutionally Required Attorneys.

When a person who has little or no income is charged with a crime and is facing the possibility of time in jail, or is confronted with the potential for a child to be placed in foster care, the Constitution requires that the State pay for his or her attorney. Those attorneys receive payments far below ordinary professional charges, in essence, donating a great deal of their time.

In Fiscal Year '07 the budget for those costs totaled \$12,159,585. That budget was flat funded for FY '08 and '09, but we now estimate that an increase in criminal cases will cause the costs to rise to \$13,690,620, an increase of \$1,531,035 in '08 alone. To put the issue in context, in Fiscal Year '07, a total of 73,039 new criminal charges were filed in the Maine courts:

- 80% of the charges, 58,330, were filed in the District Court
- 16%, 9,348, of those defendants received State-paid attorneys
- And the State-paid attorneys received an average of \$254 per case.
- 20%, 14,709, of the charges were filed in the Superior Court
- 7,602, 52%, of the defendants received State-paid attorneys
- And the State-paid attorneys received an average of \$490 per case.

Judges have no control over the charging decisions of the District Attorneys, nor should we. The stark reality is that criminal filings and felony filings, in particular, have increased substantially. It shows in our prisons and jails, and it shows in the Constitutionally Required Attorneys budget.

As soon as we identified the projected shortfall, we met with legislative leadership to discuss the problem. In October, Senators Hobbins, Diamond, Hastings, and Turner along with Representatives Fischer, Simpson, Gerzofsky, and Sykes met with us on short notice to begin to find solutions. The Governor

and I have met and reviewed the shortfall. I have met with the Prosecutors and the Defense Bar. Both the Judiciary Committee and the Appropriations Committee have met with us.

If meetings were solutions, we'd have this thing nailed. But more meetings

will not help. The increase in filings is not going away. If the attorneys cannot be paid, criminal charges cannot be prosecuted. Trials can't be held. Alleged victims will wait. It is as simple as that. We must find a way to pay these bills.

We have already undertaken a number of steps to reduce demands in other accounts in the Judicial Branch budget in order to attempt to offset the shortfall in the separate Constitutionally Required Attorney budget. Because we have so few discretionary funds in the Judicial Branch, there is not much room for play. We have:

- Suspended much of the Attorney of the Day Program;
- Altered judicial assignments creating modest reductions in travel costs;
- Held the cap on the number of jury pools that can be called in; and
- Again instituted a hard line limiting any overtime.

Many of these efforts are actually likely to result in more costs down the line, but for now they will result in savings that may cover as much as \$200,000 of the \$1.5 million shortfall. Obviously, more action is necessary. We will do our part:

- A new commission, led by Justice Clifford will undertake an updated review of all aspects of Constitutionally Required Attorney services and report back to the Supreme Judicial Court this fall.
- In Portland, an innovative project unifying the District and Superior Court criminal dockets is being undertaken through the leadership of Justice Roland Cole, joined by Justice Gorman and Judge Eggert. Elimination of the administrative duplication in criminal process will save money in years to come.
- A greater focus on the Drug and Alcohol Treatment Courts may reduce recidivism and bring down the total rate of crime in Maine.

In addition, at the request of the Appropriations Committee, we will take the next steps to review the prospects for further reductions in the Judicial Branch budget. Because we are, in essence, people and buildings, thoughts have turned inevitably to our limited staff and to closing courthouses.

On the people side, we have already begun the process of creating salary savings by holding vacancies open for longer periods on a rotating schedule, and we will review staffing levels once again.

As to the prospect of closing courthouses, next week we will reconvene the Infrastructure Advisory Group. Reducing the number of courthouses available to people in rural Maine is not a happy solution to a problem created by the increase in criminal charges. But this will be a session where many hard choices will be made, and we have heard your concerns.

There is one ray of sunshine to accompany this bad economic news. A combination of the improved Judicial Branch efforts to assure timely payment of fines, and the increase in the number of criminal charges has created a corresponding increase in revenue collected by the Judicial Branch and returned to the General Fund that is likely to exceed the previous estimates by more than \$1 million this year, bringing gross revenues from fines and fees to over \$48 million dollars.

To be sure that the courts place justice above all else, we must always separate the Judicial Branch budget from its role in imposing and collecting fines and fees. However, because payment to Constitutionally Required Counsel is not a

discretionary choice, we hope you will work with us to allocate those funds to cover the remaining Constitutionally Required Counsel shortfall.

Turning then to the future, I want to talk to you about three areas where planning and collaboration could make a substantial difference in the quality of life in Maine and our ability to deliver access to justice for all Mainers.

First, it is time to talk again about technology in the courts. Some of you are familiar with the electronic filing system in the Federal Court that allows attorneys and citizens alike to access appropriate information about individual cases from computers anywhere. It is a wonderful system. Of course, it cost millions of dollars to implement.

We understand that resources are tight, and this is not the year, but the patience of Maine's people with a Judicial Branch that does not have online services is wearing thin. We remain a paper-based system. Every month, I receive complaints from Maine's citizens, including the media, who expect to be able to locate information about cases and scheduling on-line.

We must plan for the future. Justice Mead is leading a group that will continue to explore the possibilities. We must begin to search for the resources to bring Maine's courts into the electronic age.

Second, we must work toward meaningful access to civil justice for people who cannot afford attorneys during times of personal crisis. We are fortunate that the Maine Justice Action Group, known as JAG, sponsored a Statewide Planning Initiative on this very issue. Launched in October of 2006, it has evaluated the problem, brainstormed possible solutions, and created a blueprint for future action.

Colleen Khoury, who chaired the Planning Initiative, put it best when she explained: The principle of equal access to justice is a central tenet of our democracy, and yet access to justice is far from a reality for Maine's neediest and most vulnerable citizens.

Justice Levy will lead the implementation planning as the new Chair of JAG. Through his energy, the first steps have already been taken. I understand that JAG is not seeking State funds at this time. But your understanding of the enormity of the problem will help your constituents.

The best efforts of Maine attorneys to tackle the needs have been impressive. Our attorneys' generosity puts Maine second in the entire country. In 2007, the Maine bench and bar raised \$400,000 for Civil Legal Services for the poor, and Maine attorneys donated more than 12,500 free hours of legal services.

Unfortunately, the problem reaches far beyond those efforts. It is estimated that in 75% of family and domestic violence matters, at least one party doesn't have an attorney. Similar problems exist in areas of medical, housing, and education disputes.

Alexander Hamilton said: "The first duty of the law is justice." Every day in these chambers, you struggle to find just the right words to bring that phrase to life. You have established 39 titles of laws intended to create a just society in Maine. Yet, if the poor and low-income people of this state receive no legal assistance when they are faced with crises, your work may be for naught. We can and must all work together to make Maine a place where Access to Justice has meaning for everyone.

Last, but by no means least, we must continue to support and, where possible, expand the extraordinary work of the problem-solving courts. I am talking here about:

- The Adult, Juvenile, and Family Drug Treatment Courts,
- The Mental Health/Co-Occurring Disorder Court, and
- The Domestic Violence Projects.

Here are a few of the very encouraging results of the problem solving courts:

- Independent evaluations indicate that, throughout these courts, costs of treatment, case management, and testing, were more than offset by a conservative estimate of the other savings to the State General Fund.
- The Adult Drug Treatment Court has a graduation rate of 60%, substantially higher than the national statistics on Drug Courts at 48%. Participants who graduate are less likely to be arrested for felonies or violent crimes.
- Within the week, the fledgling Mental Health/Co-occurring Disorder Court started up by Justice Mills and DA Evert Fowle will have sent six graduates back to their families who would otherwise have to be treated in Maine's expensive institutions. Cost avoidance in State dollars in this program is in the hundreds of thousands.
- Juvenile Drug Treatment Courts also pay for themselves. The graduation rate of 42% exceeds the national rate at 29%. Many of these young people have maintained sobriety and are working or attending school.

In the Domestic Violence Projects, compliance with court-ordered treatment is substantially improved. We do not yet have enough data to know if the long-term behavioral changes hoped for are being accomplished. However, a bail link has been established between the Department of Public Safety and the Judicial Branch, and significant progress has been made in increasing victim safety and offender accountability.

Government's efforts to improve the lives of children and families can be found everywhere. Attorney General Steven Rowe made an emphatic presentation to the Maine Bar Association last year, reminding all of us that the first years of life are critical, and that every resource, every effort aimed at improving the lives of infants and their families pays off in years of healthier, more productive lives. And the Governor's Economic Summit on Early Childhood, championed by First Lady Karen Baldacci, urges us all to take a new approach and consider investments in childhood as having broad social and economic benefits.

In the courts, we see the toll that poverty, despair, and substance abuse takes on the most vulnerable among us, but we also see real success stories. The Family Drug Treatment Courts, brought into existence with the tireless enthusiasm of Judge John Beliveau, supported consistently by Senator Rotundo, have focused on helping parents get clean and sober. Children whose parents are participating in the Family Drug Treatment Courts spend less time in foster care, and parents participating in the most rigorous program are substantially less likely to test positive for drugs.

Here is the best news. Since the inception of the Family Drug Treatment Courts, nine babies who would almost certainly have been born addicted to drugs were born drug free. Nine babies born into this world drug free; it's really hard to put a price on that kind of success.

In conclusion, Maine Courts are constantly seeking better ways to serve the public and make the best use of our limited resources. The collaboration of all three branches of government is a key factor in meeting these goals. Although we have little to spare, we will continue to work with you throughout this challenging session. Amid all of the economic concerns, however, we must remember that we are Maine. We are resourceful and willing to work hard. We cannot allow fiscal shortages to stifle our drive to improve. Great things are possible even in the toughest of economic times. Thank you very much.

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

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

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

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(After the Joint Convention)

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The House was called to order by the Speaker.

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On motion of Representative CLARK of Millinocket, the House adjourned at 11:45 a.m., until 10:00 a.m., Wednesday, February 6, 2008.