

MAINE STATE LEGISLATURE

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**Report of the Office of the
Maine Attorney General
January 2017**

Janet T. Mills, Attorney General

Letter from the Attorney General

Dear friend,

Sometimes it feels as if the deck is stacked against everyday people. Government, business and big money sometimes seem to call the shots. Our office is here to level the playing field for you and save taxpayers money at the same time.

- We pursue fraud at all levels and return millions of dollars to consumers and to state coffers.
- We protect the rights of homeowners threatened by foreclosure.
- We pursue and prosecute unethical contractors and sales people who prey on the elderly.
- We guard the voting and consumer protection rights of veterans.
- We mediate complaints between consumers and small businesses.
- We take multinational companies to court to protect Maine's environment.
- We prosecute family abusers, drug dealers and murderers and put them behind bars.
- We protect the citizen's right to know what goes on within government.
- We represent state agencies and advise them every day to make sure the actions of your government are legal, defensible, and constitutional.



Our attorneys represent the interests of the people every day of the year. I am proud of them. They are hired and evaluated based on their experience, integrity and skills and not on politics. Our Office's dedication and record of achievement – as is shown in these pages – is outstanding.

We are here to solve problems, enforce the laws and protect the Constitution. This report shows what the Maine Office of the Attorney General has accomplished recently.

Yours,

A handwritten signature in black ink that reads "Janet T. Mills". The signature is written in a cursive, flowing style.

Janet T. Mills

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What We Do

The duties of the Attorney General are established by [Maine Revised Statutes Annotated, Title 5, Chapter 9](#). These statutes direct the Attorney General to:

- Represent the State and its agencies in civil actions
- Prosecute claims to recover money for the State
- Investigate and prosecute homicides, felony drug cases and other crimes
- Consult with and advise the district attorneys
- Enforce proper application of funds given to public charities
- Give written opinions on questions of law submitted by the Governor, Legislature, or state agencies
- Perform a variety of other functions, as described on the next page.



The Attorney General appoints deputy and assistant attorneys general, all of whom serve at the pleasure of the Attorney General. Maine's Attorney General's Office is one of only two AGs in the country with exclusive jurisdiction to investigate and prosecute homicides. In addition to these statutory powers, the Attorney General is vested with other authority derived from the Office's common law powers.

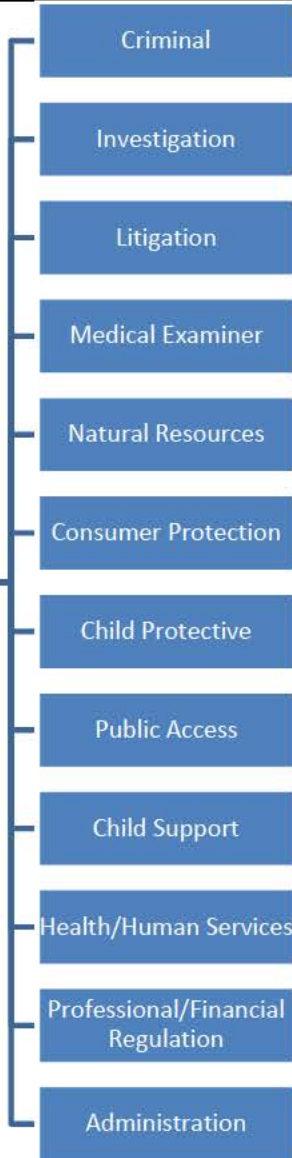
The Maine Supreme Judicial Court has recognized the unique role of the Attorney General as an independent Constitutional Officer and her duty to represent the public interest. *Superintendent of Insurance v. Attorney General*, 558 A.2d 1197 (Me. 1989).

On any given day the attorneys and staff of the Attorney General's Office has more than 6,000 matters pending, ranging from child protection cases and child support enforcement actions, to rule review and defending state agencies in federal court to homicide, fraud and major drug prosecutions.

AG Janet T. Mills makes a point at a press conference releasing the 11th Report of the Domestic Abuse Homicide Review Panel.

How We Are Organized

Attorney General



The work of the Maine Attorney General's Office includes:

- **Criminal:** Lisa Marchese, Chief. Prosecutes homicides, major drug crimes, healthcare crimes, welfare fraud, financial crimes, securities fraud, computer crimes, tax fraud, elder fraud, hosts the Domestic Violence Homicide Review Panel and the AG's Taskforce on Human Trafficking, civil rights violations and advises the Department of Public Safety.
- **Investigation:** Brian MacMaster, Chief. Investigates fraud, the use of deadly force by police, public corruption.
- **Litigation:** Susan Herman, Chief. Represents state agencies in civil litigation, administrative and judicial proceedings. Advises the Departments of Education, Corrections, Administrative and Financial Services, Labor and others.
- **Office of Chief Medical Examiner:** Dr. Mark Flomenbaum, Chief. Investigates and certifies unattended deaths.
- **Natural Resources:** Jerry Reid, Chief. Provides legal support to state agencies enforcing Maine's environmental, marine resource and agricultural laws.
- **Consumer Protection:** Linda Conti, Chief. Enforces consumer protection, antitrust, public charities, data breaches and tobacco laws.
- **Child Protective:** Nora Sosnoff, Chief. Represents the State in civil child abuse and neglect proceedings.
- **Public Access:** Brenda Kielty, Ombudsman. Responds to inquiries and complaints, provides training and resources about public records and public meeting requirements.
- **Child Support:** Debby Willis, Chief. Represents the DHHS Division of Support Enforcement and Recovery in the collection of child support.
- **Health & Human Services:** Jane Gregory, Chief. Represents and advises the Department of Health and Human Services in a wide range of matters.
- **Professional/Financial Regulation:** Andrew Black, Chief. Represents state agencies that regulate insurance companies, banks, consumer credit, and professional licenses.
- **Administration:** Kirsten Figueroa, Chief. Responsible for budgeting, human resources, IT and administration.

The Attorney General's Office also administers four programs established by the Legislature. The Juvenile Tobacco Enforcement Program; the Victim's Compensation Program; the Civil Rights Program; and the Collections Program.

The Attorney General's Office also supports the work of the 8 popularly-elected district attorneys by reviewing and assisting them with criminal appeals; by investigating and prosecuting homicides, fraud, and cases where DAs have conflicts; and by administering payroll, benefits, and human resources for DAs and the assistant district attorneys.

Putting Killers Behind Bars



Deputy Attorney General Lisa Marchese speaks at a press conference releasing the Domestic Abuse Homicide Review Panel's 11th biennial Report

Statewide Jurisdiction - By law, the Attorney General's Office directs the investigation and prosecution of all homicide cases in Maine. Prosecutors work closely with detectives, forensic scientists from the Crime Laboratory and the Office of the Chief Medical Examiner during the course of the investigation. The Office of the Attorney General also handles all appeals and post-conviction litigation in those cases.

Giving Unsolved Homicides "Fresh Eyes" - In 2015 the Legislature enacted and funded the state's first Unsolved Homicide Unit. The Unit includes two Maine State Police detectives and one forensic chemist to work on unsolved murder cases in coordination with an Assistant Attorney General who reviews the cases and a Victim Advocate dedicated to serving the family members of victims. Maine has more than 100 unsolved homicide cases, suspicious death cases and missing person cases in which criminal conduct is suspected.

In 2016 the Attorney General's Criminal Division resolved 18 total homicide cases by plea or trial. Six of these await sentencing. In 2015 the Criminal Division resolved 19 homicide cases; 11 went to trial and 8 cases were resolved by plea agreement. In 2014, the Criminal Division resolved 12 homicide cases; 3 went to trial and 9 were resolved by plea agreement.

In 2016, there were 16 victims of homicide in Maine. Of these 16, 7 may be characterized as domestic violence and 2 may be characterized as drug related. In 2014 and 2015 there were 46 homicides in Maine. Of these, there were 24 domestic abuse homicides, representing 52% of the total homicides in Maine. Four homicides were directly related to drug-trade activity, though more were influenced by abuse of drugs and alcohol.

Some of the cases the Attorney General's Office has resolved recently:

- Merrill Kimball shot and killed Leon Kelley at a North Yarmouth bee farm in 2013 during a dispute over 700 pounds of honey and access to the bee operation. Kimball claimed he shot the larger man in self-defense when Kelley attempted to remove him from the property. A Cumberland County jury found Kimball, age 72 at the time, guilty of murder in June, 2015 and the judge sentenced him to the mandatory minimum period for murder of 25 years in prison.
- In May 2013 Kyle Dube used a fake Facebook account to lure a 15 year old girl outside her home to smoke marijuana with him. Dube emerged from the bushes, strangled her, duct-taped her and threw her in his truck. This case relied on technological evidence that led police to Dube and established his guilt. Dube is serving a 60-year sentence for murder and a concurrent 30-year sentence for kidnapping.

Confronting Domestic Violence

The Maine Domestic Abuse Homicide Review Panel, chaired by Deputy Attorney General Lisa Marchese, found that half of all murders over the last decade in Maine are related to Domestic Violence.

“If I can’t have you, no one can” is not an idle threat. It is a sign of controlling and violent behavior that too often leads to homicide, according to the Domestic Abuse Homicide Review Panel’s 11th biennial report: *On the Path to Prevention*, released in June, 2016.

Because domestic violence homicide is not usually an isolated act but, rather, the culmination of a pattern of conduct, the Panel Report calls attention to the link between certain controlling behaviors and the ultimate act of homicide. These behaviors include stalking, strangulation and suicidality the “Three S’s.” The Panel observed one or more of these behaviors in all 16 cases that were reviewed for its biennial report. Suicidal ideation, suicidal threats and attempts were present in 56% of the cases reviewed. Suicidal thoughts and statements continue to be a glaring indicator of the potential for domestic abuse homicide.

The panel called on Mainers to take these warning signs seriously.

- Listen and watch for controlling behaviors.
- Take threats of suicide very seriously.
- If someone leaves a controlling partner, they should not return to the home without the assistance of law enforcement.
- Medical or mental health professionals should ask patients whether they are safe in their home and should let them know there are resources available.
- Individuals should listen to family, friends and neighbors encountering domestic problems and offer help, even if it means just listening to them.

The Panel’s 11th report is based on two years of in depth reviews of 16 selected adjudicated domestic violence homicide cases that occurred between 2011 and 2015. The Panel also reviewed one “serious injury” domestic abuse case. Victims ranged in age from 10 weeks to 81 years old. Of the 19 victims, 12 were female. Fourteen of the 16 perpetrators were male.

The Attorney General’s Office has produced educational radio and television spots featuring champion snowboarder Seth Wescott to educate Maine people about the issue of domestic violence.

IN AN EMERGENCY – DIAL 911



Love Should Not Hurt.

**FOR HELP IN DECIDING WHAT TO DO NEXT –
DIAL 1-866-834-4357**

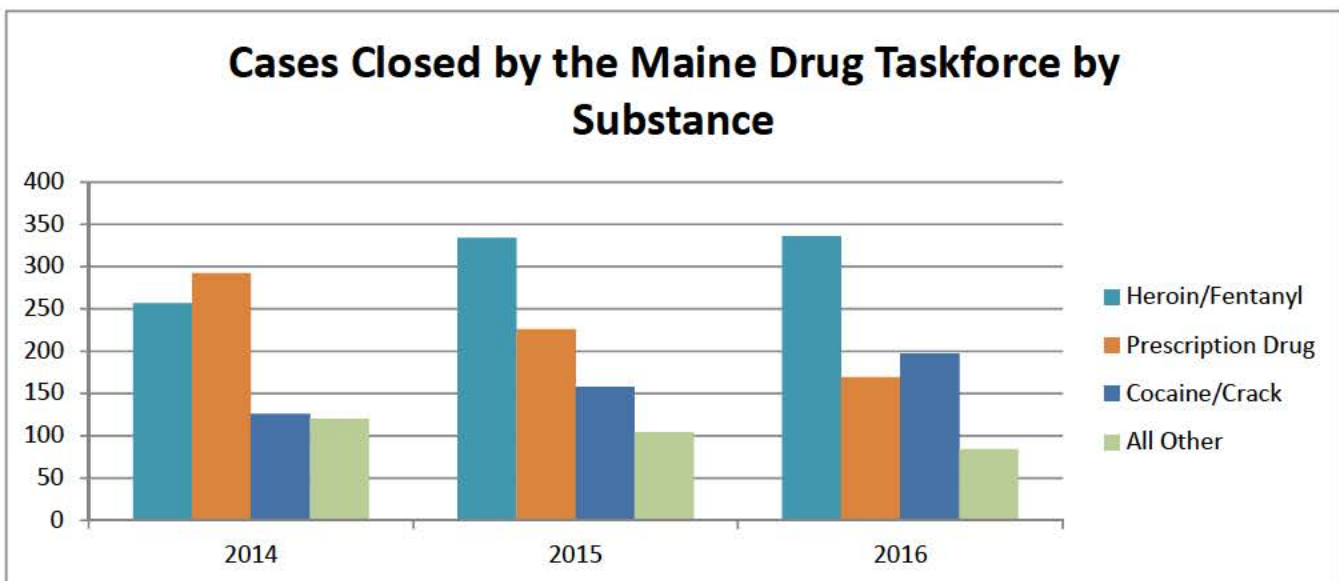
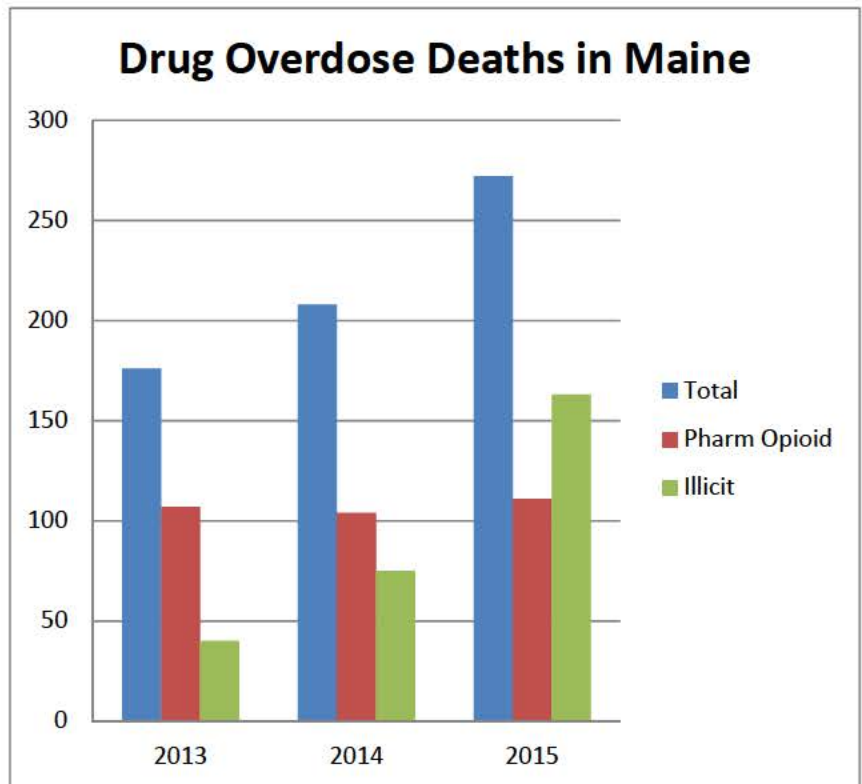
Fighting Drug Trafficking

The Office of the Chief Medical Examiner reported Maine experienced a record 272 deaths attributable to drug overdose in 2015 and recorded 286 deaths through just the first nine months of 2016.

The majority of these deaths involved an opioid – heroin, fentanyl, a prescription painkiller, or a mixture of substances. For many years most drug deaths were due to prescription painkillers but beginning in 2012 Maine saw a rise in the number of deaths from heroin and fentanyl. The number of deaths due to prescription painkillers remains around 100 a year, and only 7% of the decedents had a valid prescription at the time of their death.

In 2016 the Legislature increased the number of Drug Task Force attorneys in

the Attorney General’s Office from 6 to 8. These attorneys handle most of the felony level drug cases in Maine. In 2014, they closed 811 cases, and in 2015, 833 cases. The proportion of these cases involving heroin is on the rise. In 2012 just 8% of the cases involved heroin but in 2015 and 2016, 40% of the Maine Drug Taskforce cases involved heroin or fentanyl. Fentanyl and fentanyl analogs, which are often mixed with and are indistinguishable from heroin, are many times more lethal than heroin.



Addressing the Opiate Epidemic and Preventing Addiction

In 2015 Attorney General Mills joined United States Attorney Thomas Delahanty II and Public Safety Commissioner John Morris in forming the Maine Opiate Collaborative. While the collaborative continues to work with communities across the state, its report of May 2016 provides a framework for action for lawmakers, educators, treatment professionals and citizens. Link: www.themha.org/Publications/Recommendations-of-the-Maine-Opiate-Collaborative.aspx



In 2016 the Attorney General's Office started a public education campaign aimed at stemming the abuse of painkillers and other drugs in Maine. The campaign includes a new website and television and radio ads aimed at giving Maine a "Dose of Reality" about painkillers.

Prescription drugs have killed more than a thousand Mainers in the last ten years. Four out of five people arrested for heroin possession say they began by abusing painkillers. The last two years has seen a spike in deaths caused by heroin and the powerful synthetic painkiller fentanyl. At the same time, the number of deaths caused by painkillers and other prescription drugs remains high.

The Governor proposed and the Legislature enacted sweeping changes to Maine law in 2016 that will significantly reform prescribing practices in Maine, and insurers, including MaineCare, are taking steps to reduce the supply of painkillers in the state. An analysis by the Office of Chief Medical Examiner found that only seven percent of those who died of a prescription medication overdose in 2015 had a doctor's prescription at the time of their death.

The three TV spots depict scenes that should give anyone pause: A mother finding an unresponsive son, a girl slumped over at a party, a teammate passing a painkiller to an injured friend.

The website: www.DoseofRealityMaine.org has information about the dangers of painkillers, and about the safe acquisition, safe handling and the proper disposal of these substances.

"We all have an important role to play in stemming the tide of addiction and opiate overdose deaths in our state," said Attorney General Mills. "I hope these ads will spark conversations in homes and schools across Maine and educate everyone about the importance of proper handling of painkillers before tragedy strikes one more Maine family."



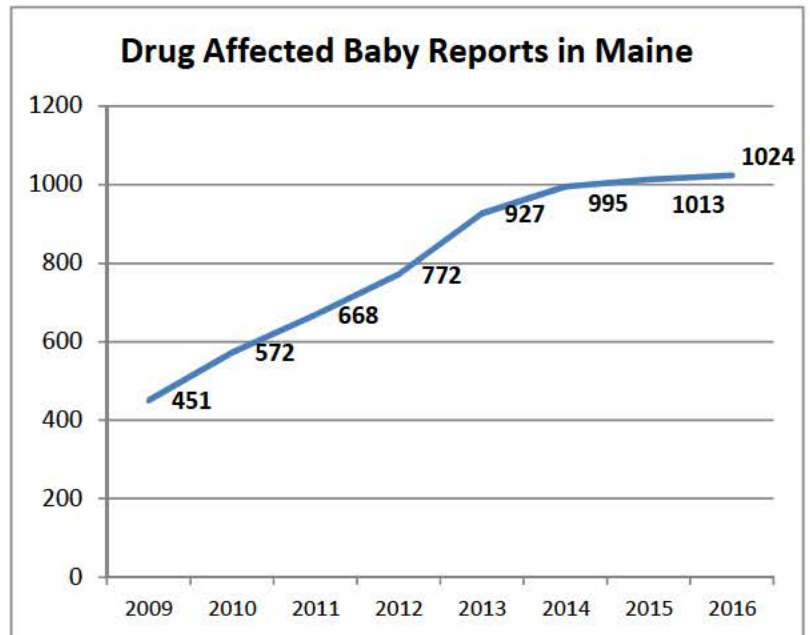
DoseOfRealityMaine.org

Sponsored by the Maine Attorney General's Office

Protecting Children

The drug problems experienced by so many Maine people not only hurt the users and they also hurt the next generation of children. The number of drug-affected babies born in Maine has soared from 165 in 2005 to 1,024 in 2016, and the number of children in the custody of the State of Maine has increased 34% since 2011.

The challenge of protecting these children falls on the shoulders of the attorneys and support staff of the Child Protection Division who advise DHHS's child protection social workers. These attorneys handle over 2,000 active cases at any given time and litigate in the 27 district courts from Biddeford to Fort Kent. They also represent the state in over 80 appeals to the Law Court annually.



Another group of attorneys works to make sure Maine children get the parental financial support to which they are entitled. The attorneys of the Child Support Division each carried an average case load of 270 cases last year.

The Health and Human Services Division provides legal guidance and representation to DHHS in sensitive questions of mental health protection, adult protection, guardianships, the licensing of day cares and homes for adults and children, rulemaking, administrative law, state contracts and MaineCare services.

Former Senator Hubert Humphrey once said that the “moral test of government is how it treats those in the dawn of life...” The Maine Attorney General’s Office gives children at risk every protection legally possible for a healthy start in life.



Office of Chief Medical Examiner

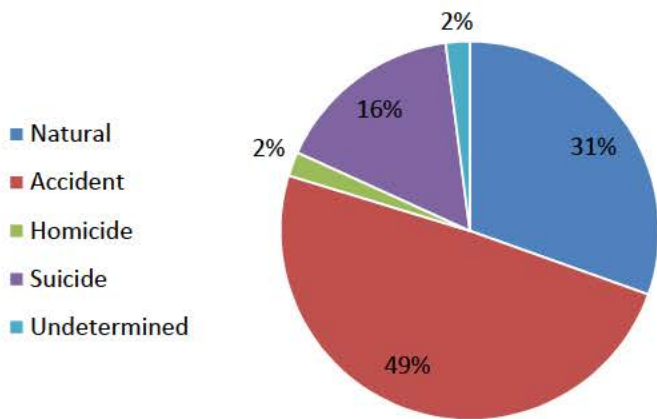
The function of Office of Chief Medical Examiner (OCME) is to support public health and safety by investigating deaths in the State of Maine. The office was established by an act establishing procedures for state medical examiners and creating the Office of Chief Medical Examiner, now known as the Medical Examiner Act, MRSA 22, Chapter 711.

The Office is housed within the Department of the Attorney General and is empowered to take jurisdiction over all deaths that are not known to be due to exclusively natural processes. All violent, criminal, suspicious deaths, and deaths of apparent undetermined causes or manner fall under the jurisdiction of the OCME. Other types of deaths, such as infants or people in custody, or any deaths whose causes represent a potential risk to the public at large, are also investigated by the OCME. When the OCME accepts jurisdiction of a death, it is the OCME that requests or performs all the investigations and procedures necessary to determine the Cause of Death and Manner of Death (*Meaning: Natural, Accident, Homicide, Suicide or Undetermined*).



The primary purpose of having the State (through the OCME) investigate these deaths is to ensure the public safety. Whether it is through the criminal justice system, the public health system, or the work-place safety systems, the purpose of investigating “non-natural” deaths is to prevent their recurrence.

Manner of Death, as determined by the OCME - 2015



	<u>2014</u>	<u>2015</u>
# of Deaths Reported to OCME	2,688	2,912
# of Cases OCME took Jurisdiction	1,224	1,453
# of Examinations Conducted	897	1,075
# of Autopsies Conducted	282	319
# of Paper Reviews	45	59

Taking Your Side

The Attorney General's Consumer Protection Division enforces the Unfair Trade Practices Act, public charity and anti-trust laws. This division takes action against businesses making false claims about products and services and intervenes on the public's behalf in business mergers and against insurance rate hikes.



AAG Linda Conti speaks about the \$21.5M settlement with S&P on the steps of the Kennebec County Court House

In 2015 the Consumer Protection Division settled a major case against Standard & Poor's for its part in the financial crash of 2008. The lawsuit alleged that S&P did not fully disclose to the investing public the fact that it had a financial interest in certain investments which it gave high ratings. While touting its ratings to investors as "independent and objective," S&P was actually being paid for those ratings by the issuers (typically investment banks) of those complex investments such as residential mortgage backed securities (RMBS) and credit default options (CDOs). In addition to reforming

their practices, S&P agreed to a \$21.5 million payment to Maine. Attorney General Mills directed that a portion of the settlement funds go to funding financial literacy programs in Maine schools, Jobs for Maine's Graduates, and the Maine State Grant Scholarship Program.

The Consumer Protection Division has also:

- Obtained tens of thousands of dollars in restitution for customers who paid for bus tours that never materialized.
- Settled a case against Festiva, a vacation time share club that misled customers about 40-year contracts that contained much higher costs and lower benefits than they were led to believe.
- In a joint action with the Federal Trade Commission, sued a Maine-based company that sold "diet products" that were untested and unproven. The company also deceived customers by billing for "free trials" and failing to allow cancellations or refunds.
- Maine and other states joined a court action requiring Volkswagen to pay more than \$570 million for violating state laws prohibiting unfair or deceptive trade practices by marketing, selling and leasing diesel vehicles that were equipped with illegal and undisclosed defeat device software. The settlement also prohibits VW from engaging in future unfair or deceptive acts and practices in its dealings with consumers and regulators.

If you have a consumer problem, contact us at:

- 1-800-436-2131, or
- Email consumer.mediation@maine.gov

Facts and Figures from the Consumer Protection Division in 2015

- Received 12,885 contacts
- Opened 1,052 cases for mediation
- Closed 730 mediation cases
- Resolved 506 cases
- Returned \$576,949 to Consumers!

Helping Seniors

One common ingredient in scams is to get you to wire money or use pre-paid debit cards to pay a bill over the phone.

Don't do it!

Scam artists often prey on seniors. Attorney General Mills has issued warnings to Maine's elderly about frauds such as:

- *The Grandparent Scam* – A common scam involves a call from someone claiming to be your grandchild. The scammer will claim that there has been a mishap and they need money immediately – but ask you not to tell mom or dad.

- *The IRS Scam* - Many Maine seniors have received phone calls claiming to be from the Internal Revenue Service, or perhaps Medicare or another government agency. The callers may ask for the Mainer by name and appear to have some information about a debt they owe and need to pay

immediately over the phone or risk going to jail.

- *Lottery/Sweepstakes* - You receive a letter in the mail saying you have won thousands of dollars in a lottery or sweepstakes. They send you a check to cover taxes or some other bogus fee. You deposit the check in your bank account and wire the required fee, probably to another country. Your bank contacts you days later to alert you that the check is fraudulent and you now owe the bank.



In 2016, the criminal division of the Attorney General's Office convicted a Belfast lawyer for bilking his elderly clients out of hundreds of thousands of dollars. He used his position as their attorney to enrich himself by overbilling: \$250/hour to drive to the mailbox, open mail, look at bank statements and pay bills. William Dawson is currently serving time in prison, he lost his license to practice law and owes restitution to his victims' estates.

As Mainers age they may become dependent on others for daily chores or financial management. Some may consider granting a trusted person a "power of attorney." It is critical to remember

that a power of attorney is not a license to steal and it does not allow the person to exert control over the other. The federal Consumer Financial Protection Bureau provides valuable information for older Americans and their families about these issues.

To inquire about a possible scam or report a complaint, contact us at:

- 1-800-436-2131, or
- Email consumer.mediation@maine.gov

www.consumerfinance.gov/older-americans



Protecting Veterans and their Families

Veterans, active duty service members and their families are sometimes targets of deceptive marketing practices and fraud. Attorney General Mills wants our military community to know their rights and know where to turn when they think they have been the target of a scam.

The Congress and the State of Maine have both passed Servicemembers Civil Relief Act (SCRA) legislation which provides a number of protections to active-duty service members. The federal SCRA protects active-duty service members against default judgments, evictions, mortgage foreclosures, and repossession of property. It allows active-duty service members to terminate residential and automobile leases, and it reduces to 6 percent the interest rate for debts incurred before entering active duty. For more information on veterans' programs in general or the SCRA in particular, contact one of the agencies in the box below.

Help for Maine veterans and their families:

The Bureau of Maine Veterans Services

<http://www.maine.gov/dvem/bvsv/>

The Bureau's job is to "to ensure that Maine veterans and their dependents receive all entitlements due under the law, are relieved to the extent possible of financial hardship, receive every opportunity for self-improvement through higher education and are afforded proper recognition for their service and sacrifice to the Nation."

Pine Tree Legal Assistance Veterans and Military web page

<http://ptla.org/maine-laws-supporting-military-servicemembers-veterans-and-their-families#>

Helps Maine servicemen and women involved in a civil law suit while they are away.

Military Consumer Protection Day website

<https://www.military.consumer.gov/>

Resources, tip sheets and blog posts from national consumer protection experts tailored specifically for military members and their families.

U.S. Consumer Financial Protection Bureau www.consumerfinance.gov/servicemembers

Assists military personnel to plan and protect their assets

Protecting your finances

MILITARY CONSUMER
YOUR FIRST LINE OF DEFENSE

Planning for your future

Preserving Our Natural Resources



When Governor Percival Baxter deeded Mount Katahdin and the surrounding wilderness to the State of Maine, he created the Baxter State Park Authority to administer the operations of the park. The three members of the Authority are the Commissioner of Inland Fisheries and Wildlife, the State Forester and the Attorney General. Their mission in managing the 209,000 acres of the Park is to fulfill the wishes of Governor Baxter who desired that that part of Maine be “forever wild.”

Attorney General Mills greatly appreciates the contribution our woodlands, inland waters and rocky shores make to our quality of life and to our economy, from the Allagash, to Katahdin to Seguin Light and Kittery Point. Standing up for the public interest in a healthy, clean environment is a high priority of the Office of the Attorney General.

Holding Polluters Accountable

The Attorney General’s Natural Resources Division enforces clean air and water laws and the terms of public land trust easements and advises and represents the state’s various natural resources agencies.

Attorney General Mills has intervened in court against out-of-state coal-fired utilities who are challenging new federal rules, known as the Clean Power Plan, which would require them to cut their mercury emissions by as much as 90%. Their smoke and pollution drifts eastward over Maine, harming the health of our citizenry and our wildlife and vegetation. Attorney General Mills will continue to support efforts to make the air we breathe and the water that sustains us as safe and clean as possible.

The Attorney General’s Office has brought a lawsuit against Volkswagen to resolve allegations related to their efforts to evade air emissions standards and testing in Maine. VW deceived clean air regulators and consumers, leading them to believe their “clean diesel” technology was not emitting harmful pollutants, when in fact it was. The Federal Government also settled a case against VW that includes funds of up to \$20 million for the State of Maine to improve air quality in Maine.

Volkswagen has been ordered to create a fund to support nearly \$20 million in efforts to improve air quality in Maine and resolve the negative effects of their “clean diesel” cheating scandal.

After reaching a landmark settlement with Chevron in 2011 for a decades-long release of 140,000 gallons of petroleum into the Penobscot River in Hampden, the Attorney General’s Office continues to hold that company accountable. In June 2016 the Office entered into another consent decree with Chevron for the release of oil from its two former marine oil terminal facilities in Hamden. The Consent Decree requires Chevron to pay \$880,000 for the restoration of natural resources in the Penobscot River.

Ensuring an Open and Transparent Government

What constitutes a “meeting” these days? It is no longer simply a group of people sitting in a room. Now a meeting can be any kind of group communication – be it skype or email, cell phone, twitter or text. How does a citizen or reporter find out what is really going on? And how does a government official know what discussions must be in public?



The Public Access Ombudsman of the Attorney General’s Office helps both citizens and government officials understand the requirements of open government in the electronic age.

The Ombudsman:

- Maintains a website: <http://www.maine.gov/foaa> with information on the law, frequently asked questions, forms and training resources, etc.
- Received 416 inquiries about public meetings and public records in 2015, representing a 37 percent increase from the 303 inquiries received in the year prior.
- Received contacts from 169 private citizens, had contacts from 96 other state agencies, was contacted 25 times by the media, and municipalities contacted her 31 times, all in 2015.
- Trains elected and appointed officials at the state, regional, and local levels – legislators, selectpersons, city councilors, utility district board members, as well as students and the general public – about the ins and outs of the state’s Freedom of Access Act.

In 2016 the Attorney General’s Office brought successfully sued a blue ribbon commission that met in violation of the public access laws.

How to Contact The Ombudsman

Phone: 207-626-8577

Mail

Office of the Attorney General

Public Access Ombudsman

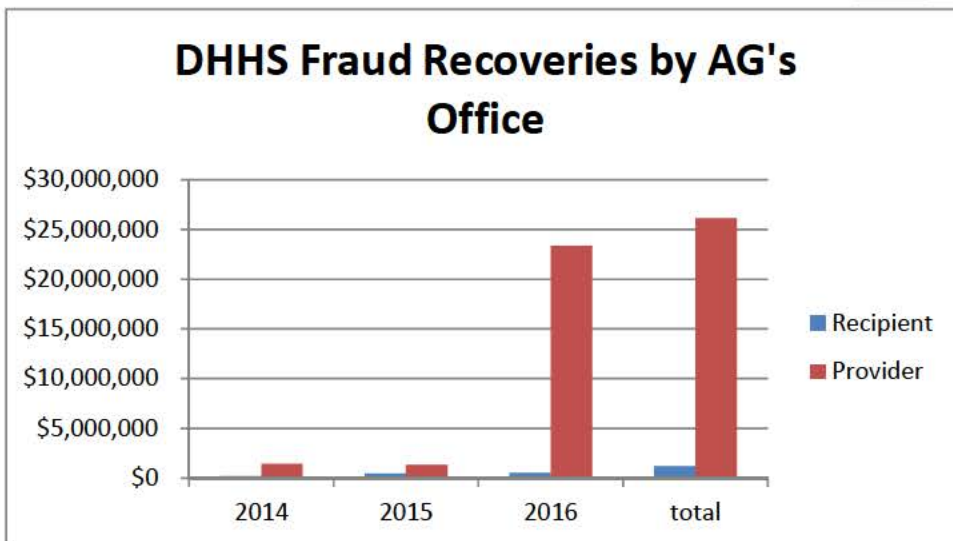
6 State House Station

Augusta, Maine 04333

E-Mail: Brenda.Kielty@maine.gov



Stopping Fraud and Protecting Taxpayers



Fraud against the taxpayer is often in the news these days. The Attorney General's Office prosecutes fraud of all sorts and gets money back for Maine citizens.

The Attorney General's Criminal Division has two units focused on ensuring that public funds are used for the purpose they were intended.

The Medicaid Fraud Control Unit focuses on ensuring that when a health care provider bills taxpayers for a service, the service was actually provided and was accurately billed. The Unit also has jurisdiction over crimes that occur in a healthcare setting, such as assault on a patient or diversion of painkillers. All states are required by federal law to have this unit and it is funded by the federal government and by a portion of the funds that are recouped from providers. No General Fund dollars are used. In 2014 and 2015 the unit recovered more than \$2.7 million for taxpayers through resolving 26 cases. In the spring of 2016 the Medicaid Fraud Control Unit resolved a single case that resulted in a \$23.2 million recovered for state and federal taxpayers.

When a recipient of a DHHS support program, such as SNAP, TANF or Medicaid misrepresents their household income or trades their EBT card, they can be prosecuted for theft or falsifying official documents. These offenses can bring substantial jail time in addition to demands for restitution to the taxpayers. In three years, 2014 through 2016, the AG's criminal fraud prosecutor recovered more than \$1.1 million for taxpayers, resolving 97 cases involving theft of benefits.

The Attorney General's Office also collects unpaid taxes for Maine Revenue Services. In 2014 and 2015, the Office collected over \$1.5 million for state and federal coffers from tax cheats.

These activities alone can recover more for Maine taxpayers than the entire general fund appropriation of the Attorney General's Office for one year.

Beyond fraud prosecutions, the Office also has a Tobacco Enforcement Assistant Attorney General who enforces statutes under the national tobacco settlement. Maine's record of success in tobacco enforcement ensures that roughly \$50 million a year continues to come into Maine to support the public health programs of the Fund for a Healthy Maine.

Educating a New Generation about Justice

The Attorney General's Office is home to the Civil Rights Team Project. The purpose of the project is to increase the safety of elementary, middle level, and high school students by reducing bias-motivated behaviors and harassment. Student civil rights teams accomplish this through projects that focus on issues of race, national origin, ancestry, religion, disabilities, gender, and sexual orientation.

The Civil Rights Team Project held a statewide conference on May 23, 2016, which attracted nearly 500 students from 42 schools to the Augusta Civic Center for a day of engagement and discussion. The conference included a presentation from nationally known speaker and artist Vishavjit Singh. All of the students were members of their school's own Civil Rights Teams.

The Attorney General's Civil Rights Team Project publishes a regular newsletter highlighting civil rights team activities around the state.

Hundreds of Maine schools, at all age levels, public and private, rural and urban, and in all sixteen counties, have participated in the Civil Rights Team Project. There are currently more than 160 schools in the Civil Rights Team Project.

The Attorney General's Office also brings court actions against people who have violated the civil rights of others, often by harassment and threats of violence. Cases are initially reported to and investigated by local law enforcement agencies. The Attorney General brought 11 civil rights actions in 2014 and 2015 against 13 defendants. These include:

- A Civil Rights Action against a Portland man who harassed and threatened a neighbor based on that man's Iraqi nationality. The victim had settled in Portland after fleeing Iraq because he had assisted American military personnel during the Iraq War.
- A Civil Rights action against a Lewiston man who threatened members of a Somali wedding party as they were pumping gas and who then followed them through Lewiston streets, threatening them. The Office obtained a civil protection order barring the aggressor from having any further contact with the victims.



CRTP Students pose with Sikh Captain America, Vishavjit Singh. Singh challenges students to consider what an American looks like.

For more information on the Civil Rights Team project, contact:

Brandon Baldwin
Program Manager
brandon.baldwin@maine.gov
626-8548

Upholding Professional Standards

In order to protect the integrity of professional standards and ensure that citizens receive fair services in the marketplace, the State of Maine licenses many professions – from barbers, doctors and nurses, to plumbers, electricians and accountants. The Attorney General’s Office provides legal counsel and representation to the Department of Professional and Financial Regulation (PFR).

The Division provides legal advice to all the PFR bureaus and offices. This includes the Office of Professional and Occupational Regulation which consists of 37 professional licensing boards, commissions, and registration programs dedicated to the protection of the public through licensure, inspection, enforcement/complaint handling, and discipline of over 100,000 active licensees. The Division’s attorneys, in addition to providing legal advice, actively assist in investigations, prosecute disciplinary actions before the boards, defend the decisions of the boards on appeal, and defend the agencies in state or federal court.

Some notable cases that the Office of Attorney General was involved in recently are:

- The Plumbing Board received a complaint that Bath Fitter engaged in unlicensed plumbing activities, used non-conforming construction contracts, installed plumbing before a plumbing permit issued, misrepresented employees’ license status, and engaged in plumbing installations that may violate the Maine State Internal Plumbing Code. As part of the settlement, Bath Fitter paid \$500,000 which the Attorney General used to create new plumbing programs at several Maine vocational schools.
- The Nursing Board suspended the license of a registered nurse for drug diversion. The nurse confessed to her employer that she had taken medications, including Ativan, Klonopin, liquid morphine, and Oxycontin, from four different residents at the nursing facility where she worked.
- The Pharmacy Board revoked the license of a pharmacist who was first suspected of stealing candy bars from the pharmacy where he worked. Ultimately it was discovered that he was also stealing cash from the register and significant quantities of amphetamines over a five year period.



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