

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
15th Legislative Day
Thursday, February 16, 2017

Representative HERBIG of Belfast assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.

Prayer by Honorable Matthea Elisabeth Larsen Daughtry, Brunswick.

Pledge of Allegiance.

Doctor of the day, Honorable Patricia Hymanson, M.D., York.

The Journal of Tuesday, February 14, 2017 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 69)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

February 15, 2017
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Erin D. Herbig of Belfast to serve as Speaker Pro Tem to convene the House on February 16, 2017.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 66)

**STATE OF MAINE
SUPREME JUDICIAL COURT
CUMBERLAND COUNTY COURTHOUSE
205 NEWBURY STREET, ROOM 139
PORTLAND, MAINE 04101-4125**

January 18, 2017
Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333
Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:

I am pleased to accept your invitation to address a Joint Convention of the 128th Maine Legislature on Thursday, February 16, 2017, at 11:00 a.m. I appreciate the courtesy of the Legislative Branch of government in inviting me to address the cause of justice in Maine.

I look forward to seeing you on February 16, 2017.

Sincerely,

S/Leigh I. Saufley

Chief Justice

READ and ORDERED PLACED ON FILE.

At this point, a message came from the Senate borne by Senator CUSHING, of Penobscot, of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 4:45 in the afternoon 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 4:45 in the afternoon and the Speaker appointed Representative GOLDEN of Lewiston to convey this message to the Senate.

The Following Communication: (H.C. 68)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

February 14, 2017
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under Title 5, MRSA, Part 17, Ch. 371-A, §7030, I am pleased to appoint the following to the Permanent Commission on the Status of Women, effective February 14, 2017:

Honorable Meredith Strang Burgess of Cumberland Foreside to seat 13

Ruth Kermish-Allen of Appleton to seat 15

If you have any questions, please don't hesitate to contact my office.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 67)

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

February 16, 2017
Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Gideon:

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

Health and Human Services

L.D. 19 An Act To Assist Residents of Nursing Homes To Return to Their Communities

Inland Fisheries and Wildlife

L.D. 110 An Act To Assist Island and Coastal Communities with Controlling Excess Deer Populations

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (S.C. 128)

**MAINE SENATE
128TH LEGISLATURE
OFFICE OF THE SECRETARY**

February 14, 2017
Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Gideon:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 128th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of David M. MacMahon, Ph.D. of Poland for reappointment to the Maine Community College System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Laurence R. Grondin of Scarborough for reappointment to the Maine Community College System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of the Honorable W. Thomas Sawyer, Jr. of Richmond Hill, Georgia for reappointment to the Maine Maritime Academy, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Earle A. Cianchette of Saco for reappointment to the Maine Maritime Academy, Board of Trustees.

Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act Prohibiting a Law Enforcement Officer from Confiscating a Firearm under Certain Conditions"

(H.P. 411) (L.D. 595)

Sponsored by Representative GUERIN of Glenburn.
Cosponsored by Representatives: BRADSTREET of Vassalboro, CEBRA of Naples, JOHANSEN of Monticello, MAREAN of Hollis, REED of Carmel, SUTTON of Warren, Senator: ROSEN of Hancock.

Bill "An Act To Make the Reimbursement Rate for Transfers of Inmates from County Jails Equal to the Federal Reimbursement Rate"

(H.P. 413) (L.D. 597)

Sponsored by Representative FARRIN of Norridgewock.
Cosponsored by Senator WHITTEMORE of Somerset and Representatives: ALLEY of Beals, AUSTIN of Skowhegan, FOLEY of Wells, GRIGNON of Athens, STETKIS of Canaan, STROM of Pittsfield, Senators: CYRWAY of Kennebec, DAVIS of Piscataquis.

Bill "An Act To Strengthen Maine Citizens' Right to Self Defense"

(H.P. 414) (L.D. 598)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Senator BRAKEY of Androscoggin and Representatives: O'CONNOR of Berwick, TIMBERLAKE of Turner.

Bill "An Act To Prevent Violence against Emergency Responders"

(H.P. 415) (L.D. 599)

Sponsored by Representative WARD of Dedham.

Cosponsored by Senator ROSEN of Hancock and Representatives: COREY of Windham, GERRISH of Lebanon, GROHMAN of Biddeford, HARRINGTON of Sanford, HERRICK of Paris, NADEAU of Winslow, SKOLFIELD of Weld, THERIAULT of China.

Resolve, To Provide Grants to Law Enforcement Agencies To Acquire and Train Drug-detecting Dogs

(H.P. 416) (L.D. 600)

Sponsored by Representative HARRINGTON of Sanford.

Cosponsored by Senator WOODSOME of York and Representatives: BATTLE of South Portland, COREY of Windham, FOLEY of Wells, GERRISH of Lebanon, WARREN of Hallowell, Senators: DAVIS of Piscataquis, DION of Cumberland, SAVIELLO of Franklin.

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 Promote Highway Safety by Restricting the Use of Marijuana and Possession of an Open Marijuana Container in a Motor Vehicle"

(H.P. 412) (L.D. 596)

Sponsored by Representative COREY of Windham.

Cosponsored by Senator COLLINS of York, Senator ROSEN of Hancock and Representatives: DENNO of Cumberland, GERRISH of Lebanon, HARRINGTON of Sanford, HERRICK of Paris, McCREA of Fort Fairfield, TUCKER of Brunswick, TUELL of East Machias, Senator: CYRWAY of Kennebec.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested.

On motion of Representative WARREN of Hallowell, the Bill was **REFERRED** to the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION**, ordered printed and sent for concurrence.

Bill "An Act To Return the Normal Cost of Teacher Retirement to the State"

(H.P. 417) (L.D. 601)

Sponsored by Representative STEARNS of Guilford.

Cosponsored by Representatives: BABBIDGE of Kennebunk, FARNSWORTH of Portland, HIGGINS of Dover-Foxcroft, POULIOT of Augusta, TIPPING of Orono.

Bill "An Act To Amend the Laws Governing the Membership of the Advisory Committee on College Savings" (H.P. 418) (L.D. 602)

Sponsored by Representative POULIOT of Augusta.
Cosponsored by Senator KATZ of Kennebec and Representative: HILLIARD of Belgrade.

Bill "An Act To Provide Funding for Preschool Programs" (H.P. 419) (L.D. 603)

Sponsored by Representative FARNSWORTH of Portland.
Cosponsored by Representatives: HANDY of Lewiston, HICKMAN of Winthrop, MALABY of Hancock, STEARNS of Guilford, STEWART of Presque Isle, ZEIGLER of Montville.

Bill "An Act To Amend Teacher Evaluation Requirements" (H.P. 449) (L.D. 633)

Sponsored by Representative McCREA of Fort Fairfield.
Cosponsored by Senator MILLETT of Cumberland and Representatives: BABIDGE of Kennebunk, DAUGHTRY of Brunswick, FARNSWORTH of Portland, FULLER of Lewiston, GERRISH of Lebanon, MARTIN of Sinclair, SAMPSON of Alfred, Senator: MAKER of Washington.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act To Amend the Municipal Subdivision Laws" (H.P. 444) (L.D. 628)

Sponsored by Representative FREDETTE of Newport.
Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

Sent for concurrence.

Bill "An Act To Ensure Timely Expenditure of Federal Funds in the Department of Health and Human Services" (H.P. 407) (L.D. 567)

Sponsored by Representative PARKER of South Berwick.
Bill "An Act To Support Evidence-based Treatment for Opioid Use Disorder"

(H.P. 421) (L.D. 605)

Sponsored by Representative VACHON of Scarborough.
Cosponsored by Senator WOODSOME of York and Representatives: COREY of Windham, DENNO of Cumberland, FOLEY of Wells, GATTINE of Westbrook, HYMANSON of York, MALABY of Hancock, PICKETT of Dixfield, Senator: KATZ of Kennebec.

Bill "An Act To Ensure Access to All Prescription Drugs Containing Cannabidiol Approved by the Federal Food and Drug Administration"

(H.P. 422) (L.D. 606)

Sponsored by Representative AUSTIN of Gray.
Cosponsored by Representatives: FECTEAU of Biddeford, HANLEY of Pittston, KINNEY of Knox, PICKETT of Dixfield, STEARNS of Guilford, WARD of Dedham, WHITE of Washburn.

Bill "An Act To Enhance Maine's Coordinated Response to Mental Health Crises"

(H.P. 423) (L.D. 607)

Sponsored by Representative TALBOT ROSS of Portland.
Cosponsored by Senator DION of Cumberland and Representatives: GATTINE of Westbrook, GERRISH of

Lebanon, MALABY of Hancock, RECKITT of South Portland, STEWART of Presque Isle, WARREN of Hallowell, Senators: DESCHAMBAULT of York, ROSEN of Hancock.

Bill "An Act To Improve Rehabilitation Services for Persons with Mental Illness in Maine"

(H.P. 445) (L.D. 629)

Sponsored by Representative FREDETTE of Newport.

Bill "An Act Regarding the Drug Epidemic in Maine" (H.P. 450) (L.D. 634)

Sponsored by Representative ESPLING of New Gloucester.
Cosponsored by Senator JACKSON of Aroostook and Representatives: FREDETTE of Newport, Speaker GIDEON of Freeport, GOLDEN of Lewiston, HERBIG of Belfast, Senators: CUSHING of Penobscot, LIBBY of Androscoggin, MASON of Androscoggin, President THIBODEAU of Waldo.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act To Expand Opportunities for Moose Permit Winners To Swap Their Permits"

(H.P. 446) (L.D. 630)

Sponsored by Representative MARTIN of Sinclair.
Cosponsored by Senator CYRWAY of Kennebec and Representatives: ALLEY of Beals, DUCHESNE of Hudson, MARTIN of Eagle Lake, POULIOT of Augusta, STANLEY of Medway, THERIAULT of China, Senator: JACKSON of Aroostook.

Bill "An Act To Require an Operator of an All-terrain Vehicle Driven on Certain Roads To Have a Driver's License and Liability Insurance"

(H.P. 447) (L.D. 631)

Sponsored by Representative STEARNS of Guilford.
Cosponsored by Representative: LYFORD of Eddington.

Resolve, To Recognize and Provide for the Right of Members of the Houlton Band of Maliseet Indians To Hunt Moose throughout Aroostook County

(H.P. 448) (L.D. 632)

Sponsored by Representative BEAR of the Houlton Band of Maliseet Indians.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent for concurrence.

Bill "An Act To Protect Maine's Lakes by Prohibiting the Discharge of Waste from Watercraft"

(H.P. 420) (L.D. 604)

Sponsored by Representative CEBRA of Naples.
Cosponsored by Representatives: FAY of Raymond, GINZLER of Bridgton, ORDWAY of Standish, Senator: DIAMOND of Cumberland.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested.

On motion of Representative DUCHESNE of Hudson, the Bill was **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**, ordered printed and sent for concurrence.

Bill "An Act Regulating Employee Benefit Excess Insurance"

(H.P. 424) (L.D. 608)

Sponsored by Representative LAWRENCE of South Berwick.
Cosponsored by Senator WHITTEMORE of Somerset.

Bill "An Act To Prohibit Insurance Carriers That Are Not Health Insurance Carriers from Operating as Managed Care Organizations"

(H.P. 425) (L.D. 609)

Sponsored by Representative CAMPBELL of Orrington.
Cosponsored by Senator SAVIELLO of Franklin and Representatives: LAWRENCE of South Berwick, MARTIN of Eagle Lake, STANLEY of Medway, TUELL of East Machias, Senator: DIAMOND of Cumberland.

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 Prohibit Prescriptive Property Rights Claims of Property Owned by Nonprofit Organizations"

(H.P. 426) (L.D. 610)

Sponsored by Representative HANLEY of Pittston.
Cosponsored by Senator CYRWAY of Kennebec and Representatives: HANINGTON of Lincoln, PIERCE of Dresden, SAMPSON of Alfred, STANLEY of Medway.

Bill "An Act To Amend Certain Laws Affecting the Judicial Branch"

(H.P. 427) (L.D. 611)

Sponsored by Representative MOONEN of Portland.
Cosponsored by Senator KATZ of Kennebec.

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

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

Sent for concurrence.

Bill "An Act To Improve Vocational Rehabilitation under the Maine Workers' Compensation Act of 1992"

(H.P. 428) (L.D. 612)

Sponsored by Representative FECTEAU of Biddeford.
Cosponsored by Senator VOLK of Cumberland and Representatives: AUSTIN of Gray, HANDY of Lewiston, MASTRACCIO of Sanford, SYLVESTER of Portland, Senator: BELLOWS of Kennebec.

Bill "An Act To Protect Job Applicants from Identity Theft"

(H.P. 429) (L.D. 613)

Sponsored by Representative RILEY of Jay.
Cosponsored by Representatives: AUSTIN of Gray, FECTEAU of Biddeford, HANDY of Lewiston.

Bill "An Act To Establish a Presumption of Heart Disease or Hypertension in the Line of Duty for Corrections Officers under the Workers' Compensation Laws"

(H.P. 430) (L.D. 614)

Sponsored by Representative TUCKER of Brunswick.

Resolve, To Establish a Work Group To Update the Maine Pharmacy Act

(H.P. 431) (L.D. 615)

Sponsored by Representative CHACE of Durham.
Cosponsored by Representatives: AUSTIN of Gray, BICKFORD of Auburn, GILLWAY of Searsport, HANLEY of Pittston, LOCKMAN of Amherst, TIMBERLAKE of Turner.

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

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

Sent for concurrence.

Bill "An Act To Ensure Consistent Access to Limited-entry Lobster Zones"

(H.P. 432) (L.D. 616)

Sponsored by Representative HUBBELL of Bar Harbor.

Bill "An Act To Allow the Sale of Saltwater Smelt for Bait"

(H.P. 433) (L.D. 617)

Sponsored by Representative HIGGINS of Dover-Foxcroft.
Cosponsored by Senator DAVIS of Piscataquis and Representative: STEARNS of Guilford.

Bill "An Act To Ensure Appropriate Training for Harbor Masters"

(H.P. 438) (L.D. 622)

Sponsored by Representative BATTLE of South Portland.
Cosponsored by Senator CUSHING of Penobscot and Representatives: HARRINGTON of Sanford, KUMIEGA of Deer Isle, PARRY of Arundel, PICKETT of Dixfield, Senators: BREEN of Cumberland, CYRWAY of Kennebec, DION of Cumberland, MIRAMANT of Knox.

Committee on **MARINE RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed.

Sent for concurrence.

Resolve, Authorizing the Mount Hunger Area of the Town of Gray To Proceed with the Secession Process

(H.P. 434) (L.D. 618)

Sponsored by Representative AUSTIN of Gray.
Cosponsored by Representatives: CEBRA of Naples, CHACE of Durham, HANINGTON of Lincoln, WARD of Dedham.

Resolve, Authorizing the Area of the West Side of Little Sebago Lake of the Town of Gray To Proceed with the Secession Process

(H.P. 435) (L.D. 619)

Sponsored by Representative AUSTIN of Gray.
Cosponsored by Representatives: CEBRA of Naples, CHACE of Durham, HANINGTON of Lincoln, SANDERSON of Chelsea, WARD of Dedham.

Bill "An Act To Incentivize Legislative Carpooling"

(H.P. 451) (L.D. 635)

Sponsored by Representative FULLER of Lewiston.
Cosponsored by Representatives: FAY of Raymond, GOLDEN of Lewiston, HANDY of Lewiston, SHEATS of Auburn, TEPLER of Topsham.

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 Restore the Tax Deduction for Contributions to College Savings Accounts"

(H.P. 436) (L.D. 620)

Sponsored by Representative POULIOT of Augusta.

Cosponsored by Senator DOW of Lincoln and Representatives: BICKFORD of Auburn, HILLIARD of Belgrade.

Bill "An Act To Retain Professionals and Attract Professionals to Maine by Amending Maine's Income Tax Code"

(H.P. 437) (L.D. 621)

Sponsored by Representative TIPPING of Orono.

Cosponsored by Senator JACKSON of Aroostook and Representatives: HUBBELL of Bar Harbor, MARTIN of Eagle Lake, STEARNS of Guilford.

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

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

Sent for concurrence.

Bill "An Act To Require Biennial State Motor Vehicle Inspections"

(H.P. 439) (L.D. 623)

Sponsored by Representative STEARNS of Guilford.

Cosponsored by Representatives: CEBRA of Naples, STETKIS of Canaan.

Bill "An Act Concerning the Transporting of Dogs in Passenger Vehicles"

(H.P. 440) (L.D. 624)

Sponsored by Representative HANDY of Lewiston. (BY REQUEST)

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

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

Sent for concurrence.

Bill "An Act To Require Candidates To Be Listed as Unenrolled If Not Registered with a Recognized Party"

(H.P. 408) (L.D. 568)

Sponsored by Representative TURNER of Burlington.

Cosponsored by Senator MASON of Androscoggin and Representatives: ESPLING of New Gloucester, FREDETTE of Newport, HUBBELL of Bar Harbor, POULIOT of Augusta, SEAVEY of Kennebunkport, STANLEY of Medway, WARD of Dedham, Senator: HILL of York.

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act To Prohibit the Location of a Marijuana Facility within 2,000 Feet of a House of Public Worship or Property Associated with a House of Public Worship"

(H.P. 441) (L.D. 625)

Sponsored by Representative HANDY of Lewiston.

Cosponsored by Representatives: FULLER of Lewiston, TUELL of East Machias, Senator: MASON of Androscoggin.

Bill "An Act To Provide Funding for County Jails from Sales Tax Collected on Retail Sales of Marijuana and Marijuana Products"

(H.P. 442) (L.D. 626)

Sponsored by Representative STETKIS of Canaan.

Cosponsored by Senator WHITTEMORE of Somerset and Representatives: FARRIN of Norridgewock, GRIGNON of Athens, HANINGTON of Lincoln, PICCHIOTTI of Fairfield, SKOLFIELD of Weld, STROM of Pittsfield, Senator: DAVIS of Piscataquis.

Bill "An Act To Establish a Data Collection Program To Monitor Effects of Marijuana Regulation" (EMERGENCY)

(H.P. 443) (L.D. 627)

Sponsored by Representative HANDY of Lewiston.

Cosponsored by Representatives: GATTINE of Westbrook, PERRY of Calais, RECKITT of South Portland, TUELL of East Machias.

Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** suggested and ordered printed.

REFERRED to the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** and ordered printed.

Sent for concurrence.

Pursuant to Statute

Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency

Representative WARREN for the **Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 5: Maine Disaster Recovery Fund, a Major Substantive Rule of the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency (EMERGENCY)

(H.P. 409) (L.D. 569)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative CARDONE of Bangor, the following Joint Resolution: (H.P. 410) (Cosponsored by Senator GRATWICK of Penobscot and Representatives: DENNO of Cumberland, HANDY of Lewiston)

JOINT RESOLUTION RECOGNIZING FEBRUARY 11TH AS 2-1-1 MAINE DAY

WHEREAS, 2-1-1 Maine is a comprehensive statewide directory of more than 8,000 health and human services available in the State; and

WHEREAS, in order to promote the 2-1-1 Maine health and human services and emergency preparedness hotline,

which helps Maine citizens to get access to needed resources, we recognize February 11th as 2-1-1 Maine Day; and

WHEREAS, 2-1-1 Maine helps to identify existing gaps in health and human services; and

WHEREAS, throughout the State, 2-1-1 Maine provides around-the-clock service through efficient and effective responses to questions arising from the growing complexities and needs in health, financial and human services; and

WHEREAS, 2-1-1 Maine provides emergency operations during times of natural and other disasters, including providing accurate and timely information for preparations and longer-term referrals for follow-up services, and valuable information for community planning and for future matching of resources and unmet needs; and

WHEREAS, during this past year, 2-1-1 Maine has directed more than 6,300 Mainers to heating and utility assistance services that may have prevented people from contacting the wrong agency for a federal Low-Income Home Energy Assistance Program benefit, prevented utility shutoffs and saved people from spending winter nights without fuel assistance; and

WHEREAS, since 2006, 2-1-1 Maine call specialists have assisted with more than 670,000 requests to locate health and human services information; and

WHEREAS, 2-1-1 Maine handles a number of specialized services, including assisting the Department of Health and Human Services, Maine Center for Disease Control and Prevention and Office of Substance Abuse and Mental Health Services and the gambling helpline, and is also a resource to find information about such needs as tax preparation and mental health services; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize February 11, 2017 as 2-1-1 Maine Day.

READ and ADOPTED.

Sent for concurrence.

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 21)

ORDERED, that Representative Kathleen R. J. Dillingham of Oxford be excused February 14 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Richard R. Farnsworth of Portland be excused February 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David G. Haggan of Hampden be excused January 26, January 31 and February 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Walter A. Kumiega III of Deer Isle be excused February 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lawrence E. Lockman of Amherst be excused January 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne-Marie Mastraccio of Sanford be excused January 31 and February 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jeffrey K. Pierce of Dresden be excused January 31 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Deborah J. Sanderson of Chelsea be excused January 31 and February 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joel R. Stetkis of Canaan be excused February 7 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Timothy S. Theriault of China be excused January 26 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Fryeburg Academy, in Fryeburg, which is celebrating its 225th Anniversary. We extend to the alumni of and everyone at Fryeburg Academy our congratulations on this anniversary; (HLS 75)

Presented by Representative WADSWORTH of Hiram.

Cosponsored by Senator HAMPER of Oxford.

On **OBJECTION** of Representative WADSWORTH of Hiram, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I rise today to recognize the 225th anniversary of Fryeburg Academy. Established way back in 1792, Fryeburg Academy was one of the first schools built in Maine and was also one of the first schools in the United States to accept women. Previous notable students include: former Maine Governor, John Dana; founder of Scientific American, Rufus Porter; and Congressman, James Farrington. Also, Daniel Webster was named headmaster in 1802. The academy continues to offer a solid and unique education for all students, along with an outstanding academic curriculum which gives all students ample opportunity for success. The school offers a multitude of athletics, clubs, events, performances, and travel for all of those who wish to participate. The academy continues to be a source of student, faculty, and alumni and community pride. I wish them best wishes on their success and look forward to, many, many, more years to come. Thank you.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 180)

ORDERED, the House concurring, that when the House and Senate adjourn they do so until Tuesday, February 28, 2017, at 10:00 in the morning.

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

READ and PASSED in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

In Convention

The President of the Senate, the Honorable Michael D. Thibodeau in the Chair.

The Convention was called to order by the Chair.

On motion by Senator MASON of Androscoggin, it was ORDERED, that a Committee be appointed to wait upon the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court, 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 communications as pleases the Chief Justice.

The Order was **READ and PASSED.**

The Chair will appoint the following:

The Senator from Oxford, Senator KEIM
The Senator from Somerset, Senator WHITTEMORE
The Representative from Portland, Representative MOONEN
The Representative from Harpswell, Representative McCREIGHT
The Representative from Kennebunk, Representative BABBIDGE
The Representative from Saco, Representative BAILEY
The Representative from Bangor, Representative CARDONE
The Representative from South Portland, Representative RECKITT
The Representative from Glenburn, Representative GUERIN
The Representative from Hodgdon, Representative SHERMAN
The Representative from Vassalboro, Representative BRADSTREET
The Representative from Monticello, Representative JOHANSEN

Subsequently, Senator KEIM of Oxford, for the Committee reported that the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, and the Honorable members of the Judiciary will attend forthwith.

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

The Chair recognized the Justices of the Maine Supreme Judicial Court: Associate Justice Ellen A. Gorman, Associate Justice Joseph M. Jabar, Associate Justice Donald G. Alexander, Associate Justice Andrew M. Mead, Associate Justice Jeffrey L. Hjelm, and Associate Justice Thomas E. Humphrey. The Chair also recognized the Chief Judge of the District Court, the Honorable E. Mary Kelly.

The Chair welcomed to the Convention the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court.

The Chair recognized in the House Gallery William E. Saufley, Esq., husband of Chief Justice Saufley; James T. Glessner, State Court Administrator; and Mary Ann Lynch, Government and Media Counsel.

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

Chief Justice **SAUFLEY**: Thank you very much. Given the hour and the scheduling changes, I'm just delighted to see so many of you here this afternoon. This is wonderful. I do want to mention before I begin that I brought the sunshine as is always true, correct? Okay we are going with that.

President Thibodeau, Speaker Pro Tem Herbig, and Honorable Members of the 128th Maine Legislature, good afternoon, thank you so much for finding a way to fit this presentation into your very challenging schedule. It's been a hard winter, and I so much appreciate all of your efforts.

It's an honor as always, to be invited to address this Joint Convention of the Maine Legislature. As you've heard, I'm accompanied today by my amazing husband of 36 years, Bill Saufley, who consistently accommodates my scheduling changes with great humor. And I have to say, the Chief Executive told me he was very disappointed not to be able to be here this evening. I am even more disappointed because Bill wore his Patriots tie just for the Chief Executive. I also have to say hello to my parents, Jan and Dick Ingalls, who would have been here, but I convinced them not to travel tonight, so they're watching at home in South Portland, thanks to your terrific technology. So I get to say, hi, mom.

I'm also accompanied, as you saw, by my wonderful colleagues from the Supreme Judicial Court and the new Chief Judge of the District Court who you will hear more about in a minute. The extraordinary people in the Maine Judicial Branch are working very hard to meet shifting public needs, and my presentation today will focus on those changes.

But as we talk about changes, it's important to anchor our discussions in the bedrock principles of good government. This Joint Convention, where the Chief Justice is invited by legislative leadership to present a report on the state of the Judiciary, represents a true tradition of good government that we all value highly. And this year is an important milestone in this great tradition.

Forty years ago, in 1977, I hadn't been born yet and I'm not under oath, Chief Justice Armand Dufresne, Maine's first Franco-American Chief Justice, delivered the very first State of the Judiciary. So, for four decades now, broken only by a couple of years in the early '80s, Chief Justice Dufresne, Chief Justice McKusick, Chief Justice Wathen, and I have had the honor of an annual invitation to address the joint houses of the Maine Legislature.

Now, I emphasize this history because we don't take this tradition for granted. It doesn't happen in every state, and the benefits of formal communication between the separate, but equal branches of government can't be overstated. So very much has been accomplished in the last decade because of the work that we have all done together. With great traditions anchoring our work, my focus today is the change in the pursuit of improved public service.

Now, to be clear, there has been no change in the mission of the Judicial Branch. To administer justice by providing a safe, accessible, efficient and impartial system of dispute resolution that serves the public interest, protects individual rights, and instills respect for the law. But changes in society and changes in technology, changes in the public's expectation of government require us to evolve consistently in the way we fulfill that mission.

So, today I will update you on: Changes in the leadership of the trial courts; changes in the infrastructure of the courts; changes in delivery of justice to families in Maine; changes in the processing of criminal cases, including fines and bail, the addiction crisis, and domestic violence. And finally, I will have two requests for you. Now, each time I get to this point I

remember Joe Brannigan, who some of you may remember, telling me that he loved the outline at the beginning of my presentation because he would write down the last thing and he would know when I was almost done talking. So there you are. When I get to two requests, it's almost time to go home.

The first of the changes is in the leadership of the trial courts. The Chief Justice of the Superior Court and the Chief Judge of the District Court are positions created by Statute. We now have established that they will have three-year terms, renewable once. The Chiefs are responsible for the operations of the trial courts, and they must assure that the trial courts are responsive to the needs of the public. These judicial leaders must have the respect of their colleagues and the legal profession. They work very long hours, filling both roles of judges and managers. Chief Justice Roland Cole is the new Superior Court Chief. He has an extraordinary history as a Maine Trial Judge, but, unfortunately, he had a family emergency, and I will introduce him to you at another time. Chief Judge Mary Kelly is here tonight and I will ask her to stand, and I've explained to her she has to remain standing until I stop talking about her. So you'll let me know if that doesn't happen. Chief Judge Kelly came to Maine, well, now let me be clear about this, as Judy Harrison of the Bangor Daily News wrote, Judge Kelly grew up just 12 miles east of Bangor: Bangor Erris, in County Mayo, Ireland, that is. Chief Judge Kelly came to Maine from Ireland as an exchange law professor in 1987. She found Maine to be such a wonderful place that she stayed on, becoming an American citizen in 1990. Chief Judge Kelly worked in the Legislature's Revisor's Office, in the Attorney General's Office handling child support and child protection cases, and in the District Court as a Family Law Magistrate. In 2010 she was appointed to the District Court. She is well respected by her colleagues and she's already beginning to make her mark in improved public service. We're very lucky to have her in this role.

Next, I'm very pleased to provide an update on a monumental change made possible by the three branches of government working together to make the courts more efficient, responsible, and accessible. The digital world is finally coming to the Maine courts. Working with Tyler Technologies, a company with significant Maine presence, we expect to implement the new Case Management System first in the Violations Bureau which handles between 85,000 and 100,000 traffic cases statewide each year. And then Penobscot and Piscataquis Counties will be the first courts where the full digital system will be implemented in 2019. Moving from a paper-based court system to an electronic one will revolutionize the way we do business. The new system will allow 24/7 access by litigants from anywhere in the world that's connected to the internet. Members of the public will not need special programs to access their cases. Interactive court forms will assist unrepresented litigants to initiate and process their cases. And the system will greatly improve access, efficiency, and transparency for all involved. But recognizing that broadband access is not yet equally available in every area of the state, our plans include public kiosks in the courthouses, to make sure that all members of the public benefit from this improvement. We have much work ahead of us to implement a system that, while transparent and accessible, must also protect personal privacy and guard against identity theft. To address this challenge, we are about to launch the new Task Force on Transparency and Privacy that will include a broad array of stakeholders. I am grateful for the bipartisan support that is making all of this possible. Governor LePage steadfastly supported funding for the new technology, as did

the Legislature, including leadership in both parties, especially the Judiciary and Appropriations Committees. And Representative Fredette, who first got the ball rolling six years ago, as a freshman in the Appropriations Committee and sent me a text telling me he could not be here tonight. So there will be a no applause for Representative Fredette. Please don't tell him I said that.

Next, the state's aging courthouses are also benefiting from much-needed changes. Those of you who are veteran legislators have heard me bemoan the physical facilities of Maine's courts. But with the bipartisan support of the Chief Executive and the Legislature, we continue to make steady improvements to Maine's courthouses. Without sacrificing rural access to justice, we've reduced the number of separate court buildings from 47 to 36, and in the process, we've improved safety and access in many counties. In 2016, after legislation was approved by the 127th Legislature, we began work toward improved facilities in York, Oxford and Waldo counties. We will improve or replace eight inadequate buildings with three efficient, handicapped accessible and vastly safer courthouses that will improve the delivery of justice for generations to come. And I want to thank the Chief Executive, and President Thibodeau, former Speaker Eves, all of them for their support. But I especially want to thank the four members of the 127th Maine Legislature who gave so much time to the legislatively created Site Selection Commission for the York County Courthouse. I'm going to ask them if they're here to stand. Senator Ron Collins, former Senator Linda Valentino, who is not here. Stay right there, Senator. Representative Bob Foley, and Representative Anne-Marie Mastraccio. These people toured all of York County, I am told, by various busses, vans, donkeys, I'm not sure what. But they put hours into the work, to do what you asked them to do last year, and I'm so grateful. They deserve a round of applause.

So with improvements to buildings and technology, access to justice is getting better every year, except for one critical aspect: Litigants too often can't afford lawyers to help them with their legal problems. We still have a way to go to ensure that everyone in court is assisted by capable counsel. There is a constitutional right to a lawyer in criminal proceedings, but too many Maine people are not able to afford a lawyer for civil proceedings that may affect their families, their livelihoods, housing, and healthcare.

But the good news is that Maine lawyers continue to give generously of their time and money to assist their fellow-Mainers in need. The Campaign for Justice raised over \$600,000 from Maine lawyers and judges to make free legal services available to the poor. In addition to donating money, Maine lawyers participating in the Katahdin Program donated over 11,000 hours of free legal work, with a market value of approximately \$1.7 million. In 2016, with the assistance of the New Lawyers Section of the Maine State Bar Association, 22 local libraries participated in the Lawyers in Libraries Program where people could find legal help right in their own communities. The Civil Legal Services Fund, which you -- the Maine Legislature established, provided over \$1.4 million to legal service providers to assist the elderly, low income parents, the disabled, victims of domestic violence, and many others in need. We absolutely have to do more, but I am grateful to you and to the many lawyers who have voluntarily stepped up to help those in need.

Turning now to the changes in the actual case process, I want to thank the legislative branch, the 127th Legislature, and the executive branch for passage of L.D. 890, An Act To

Ensure a Continuing Home Court For Cases Involving Children. Prior to the passage of that bill, many cases involving the same children were split between the State District Courts and the County Probate Courts. A child protection case would proceed in the District Court, but any adoption, guardianship, or name change involving the same child would have to be handled by the separate County Probate Court. Imagine having to navigate two separate court systems, separate clerks, separate judges, separate rules of procedure, often even in different buildings, all regarding an issue affecting the same child and the same family? It was difficult; it was more complicated than it should have been; and it did not serve children and families well.

Working diligently over two sessions of the 127th, the Judiciary Committee found a way to address the challenges, and the executive branch found a way to fund the proposal. The new law, allowing families to proceed in one court, the District Court, went into effect in July 2016. Today, I'm pleased to report wonderful progress in the seven months since the bill went into effect. As of last Friday, 173 adoptions, 50 guardianships, and 5 name changes, all involving families and children in District Court cases that would have required separate case filings in the Probate Court, were completed expeditiously and exclusively in the District Courts. These improvements would not have happened without the commitment of Representative Kim Monaghan, the sponsor; co-sponsor Speaker Gideon; the Judiciary and Appropriation Committees, and the executive branch. Representative Monaghan, are you here today? She is not here. There will be no applause. We've established the rule. So let me say I'm also grateful to Justice Ellen Gorman, Chief Judge Kelly, the Probate Judges, especially Judge Carol Emery, and a host of lawyers and District Court Judges who assisted in rapidly creating new rules to assure the expedited processing of the cases. And Professor Deirdre Smith, who heads the Cumberland Legal Aid Clinic, deserved special mention for her advocacy for this legislation. Those 173 adoptions represent a concrete example of how, when we work together, we can find solutions that make government work better for Maine people.

In another area of change, bringing improvements for Maine families, Chief Judge Kelly has, this week, delivered a report to the Judiciary Committee regarding changes and improvements in the delivery of guardian ad litem services. The GAL report describes several years of work in the Legislature and then in the judicial branch which resulted in many substantial changes, including the adoption of clearer standards of conducts for guardians ad litem, improved training, precise billing limits that must be set before any work is done, the creation of a 12-member Guardian Ad Litem Review Board, which is a complaint process independent of the judicial branch, and an evaluation process for consumers of guardian ad litem services upon completion of their cases. So we will in fact have feedback on how well the improved system is working for families.

We've also updated the judicial branch website to include more information on guardian ad litem services. Although my summary here today is actually relatively brief, you're welcome, the report is -- that's what gets the applause -- I know I'm standing between you and a long time ahead of you. Alright. I just want to make it clear that the guardian ad litem report, which is quite thorough, will be online and you can find it on the judicial branch website.

And finally, one last piece with regard to family and civil matters. We have several new process-improvement projects in the works. You'll see these people to my left looking very

nervous because they're the ones who have to carry out all my promises. But I'm very proud to announce that we, the State of Maine, the Judiciary in the State of Maine, recently received news of a grant funding from the State Justice Institute to help us undertake a significant new effort to improve the way we process civil and business cases. Grants were awarded to only three states across the country. And we'll have more on this in the months to come.

And I turn now to some serious issues, some of the most pressing problems in our state, affecting several different aspects of our criminal justice system. And in keeping with my theme, I am pleased to tell you that some of the changes that have been accomplished or are in the works are showing real progress. But we are far from finding answers to too many of the challenges.

So let's begin with some good news. Last year, having completed the redesign of the criminal dockets into a single unified process, we moved to the next step, reducing the backlog in criminal dockets. And with your help, the results have actually been excellent. You all know the saying, "Justice delayed is justice denied." Witnesses become unavailable and even die, memories fade. Crime victims, the public, and mistakenly or wrongfully charged defendants are not well served when cases are delayed. In 2016 you approved funding to allow trial judges to increase the availability of jury trials and to provide overtime so that our marshals and clerks could work the necessary additional hours to address the backlog. And I'm pleased to report the effort was successful. In Fiscal Year 2016, the intense focus on criminal cases resulted in a 61 percent decrease in active, pending cases over one year old, and a 49 percent decrease over active pending cases over nine months old. Did you follow me with that? So thank you. I'm delighted you understood it because I had to go through those statistics 16 times to figure out exactly what it means, but here's what it really means. Cases are being reached much more quickly. New criminal charges can be resolved without delay. It took a lot of focus on the part of everyone involved, and I want to take this opportunity to recognize the great work that was done, not just by the judges and court employees, but also by the defense attorneys and the District Attorneys, all of whom stepped up to make this a priority. And many of the real heroes in this story are the hundreds of Maine citizens who respond to the call for jury duty. They often give up a day's or a week's pay, they leave their homes and their families, they struggle with parking, and then they're called on to make some of the most important decisions in the court system. We owe them all a debt of gratitude for their service. We could not have done this without them.

Another area where positive changes have begun is in the collection of fines and the analysis of the bail system. A group of judges and staff, led by Justice William Anderson, has undertaken a complete review of the Maine fine collection procedures. In order to assure that we do not have impoverished Mainers placed in difficult situations, clarified procedures and new forms will be promulgated that will assure that everyone who is convicted of a crime and ordered to pay a fine will understand clearly the amount due, when the fine must be paid, what to do if they can't meet the deadline, and who to talk to if that happens. While these clarified procedures will help, I continue to suggest that a meaningful, well-supervised, substantive public service program, particularly when combined with a restorative justice component, could provide an excellent option for accountability in place of mandatory fines.

Next, with regard to bail reform, I am here with a mea culpa. Last session I told you that I hoped to present a proposal this year for updating our antiquated bail system. In recent years we received a proposal for a new bail system that would have cost the General Fund an estimated additional \$4 to 5 million. I told you that I thought it could be done for much less, that we could find a way to reduce the costs and still provide a much-needed update for the system. We do not yet have a proposal that I believe is sufficiently fiscally prudent for me to present to you; I hope to return next session with an improved plan.

And now I turn to the two areas of criminal justice where change is desperately needed, but the answers are just not clear. And I begin with the opiate/heroin epidemic. I will echo much of what you heard from the Chief Executive last week, but I believe it's worth repeating. Attorney General Mills has provided us with some horrifying statistics. The drug overdose deaths in 2016 were up again. 378 human beings lost their lives to a drug overdose last year in Maine. In a minute I am going to talk to you about homicides in Maine, and one of the statistics you'll hear is that there were 258 homicides in Maine over a ten-year period. There were more overdose deaths in one year than there were homicides in a decade. Even more frightening, in 2016 there were 2,380 administrations of Narcan, up from 1,565 in 2015. And this is the saddest number of all, there were 1,024 drug affected babies born in 2016, up again from the previous year. As the Chief Executive described it, this is just about three babies a day who start their lives in such a horrible way.

We see the effects of heroin, fentanyl, and now carfentanil, which you may be aware is an elephant tranquilizer. In every case type, not just criminal cases, these addictions affect families, businesses, and schools. And people often ask me the same question you are probably getting. What do we do to stop all of this? And I only have one answer. You've heard my answer before. We have to do everything. We must stop the drugs from coming into Maine. We must provide robust prevention programs. We must have real and meaningful treatment quickly available. We must have housing for people who have lost everything. And we must understand treatment in terms of months and years, not days and weeks.

You and the Chief Executive are already hard at work addressing many of these issues. You addressed the prescription medicine gateway last session, and discussions are underway right now regarding treatment resources. In the judicial branch, we are rethinking drug courts. Last year we reestablished the Bangor Adult Drug Treatment Court, and with that addition, there are now six drug courts along with the Co-Occurring Disorders Court and the Veterans Court. But sadly, drug courts can only reach a very small percentage of people plagued with drug addictions. There were 52 graduations in 2016, 52 people who successfully stayed clean and sober and were released from active judicial supervision. Statewide, approximately 247 people are currently in the adult drug courts. 247 people in the drug courts in a state where 358 people died of overdoses in one year, we can't delude ourselves that the drug courts alone will make the difference.

I have therefore asked Justice Nancy Mills, whose vision and relentless hard work helped create the extremely successful Veterans Court here in Augusta, to step up and take over the Drug Court Steering Committee. I am grateful Justice Mills said yes, and already her presence is felt. In March, just weeks away, she has arranged for national experts to come to Maine to meet with all of Maine's Drug Court judges

and teams and the Trial Court Chiefs for an intensive two-day session, to bring them all up to date on what actually works with these pernicious addictions.

We know that we must consider updated models for Drug Courts and for the criminal and family dockets much more broadly. Re-entry programs for people leaving incarceration are beginning to show real promise. Diversion programs, which can help people avoid lengthy incarceration, must be consistent in providing up-to-date treatment options, and simultaneously requiring personal accountability. Wrap-around programs that involve families, housing, and jobs may provide another answer. None of this is cheap, but nothing is more expensive than allowing our state to sink further into the horror and sadness of the addiction crisis.

Moving now to another difficult topic, this year, I requested two separate reviews of the way our system of justice addresses domestic violence. The first review took a deep look at a single recent case in which one victim died and one was badly wounded. The second review was designed to give us a much broader analysis. For this review, I am grateful to the Attorney General's Office for its assistance and data. Our researcher looked at every murder in the State of Maine over a ten-year period, searching for patterns and places where we could all have done a better job protecting vulnerable Maine people from domestic violence. And here are a few of the things we learned: From 2006 to 2016, 250 people were victims of homicide in Maine. From the records provided, the researchers identified 126 of those deaths as related to domestic violence. In other words, almost half of the homicides result from domestic violence.

In the 126 domestic violence related homicides, most of the perpetrators, 88 percent were male. The victims were more evenly divided, 43 percent male, 57 percent female. About half of the 126 homicides took the lives of a spouse or intimate partner and just over 20 percent of the victims were children. Twenty-six children died as a result of domestic violence in that ten-year period. Fourteen of those children were only a year old or younger. And this is what led me to ask for the analysis in the first place. Far too many of the victims never sought help from the courts. As far as we can tell, 75 of the 126 victims, just about 60 percent, did not have any meaningful contact with the Maine courts before they were killed.

In the specific case review, we also learned that, in important bail review and sentencing proceedings, no criminal record checks for Maine or nationally were requested by law enforcement. That practice left judges, attorneys, and advocates with serious gaps in critical information. In many instances, the applicable ODARA risk analysis, which you mandated by law to be completed in particular crimes, was never provided to the judge. I understand that you have legislation before you this session intended to provide more thorough information to judges, and to close some of those gaps. I encourage your thoughtful consideration of those proposals.

In the judicial branch, the trial chiefs, working with a team of experienced trial judges, have determined that we need to make several changes which should be implemented quickly. Some of the important changes are these: At sentencing and bail hearings on serious charges, the presiding judge will require the prosecutor to provide the following information if it exists: Maine and national criminal history records; the victim's statement or presentation; and the ODARA or other risk assessment score. In addition, now that we all know how few of the victims sought timely help, there is something else we

have to do. We have to stop assuming that victims will seek help. As neighbors, family members, employers, service providers, we must all be alert for the signs of isolation, control, and impending violence that are the harbingers of real lethality. And we must not look away and assume that someone else will take care of it.

I am pleased to report that this summer, in collaboration with the Maine State Bar Association, we will gather all of Maine's state court judges and many lawyers from all different practices to come together for this broader conversation about a more comprehensive approach to reducing and eliminating domestic violence in Maine. I'm also pleased to report that the Chief Executive has agreed to come and help us kick off the conference and share some of his very personal history.

And now I have two requests. First -- I hear the clapping over here. Not quite. First, as you may have heard me mention before, Maine's trial court judges are among the lowest paid in the nation. Have I mentioned that before? Even more distressing though is the fact that the pay scales of the marshals, clerks and other staff in the judicial branch have not remained competitive either with other law enforcement agencies or with what staff can make working in the private or public sector. We no sooner train new clerks and marshals then we lose them to other employers, and yet the clerks and the marshals are the unsung heroes of the Maine courts. You may have noticed that I did not begin today's presentation with my usual request for more marshal positions so that we can reach 100 percent entry screening. That's because the compensation problem is so bad we're struggling just to fill the positions we already have. We must adjust the compensation of court staff. Our recently completed study confirmed that we've fallen significantly below market averages. Ted Glessner will shortly be discussing all of this with the Appropriations Committee. And this is important. We have to act quickly to make judicial branch wages more competitive in order to attract and maintain good employees.

My second request has no money involved. I invite you to invite the Supreme Judicial Court to come to a high school in your district to preside over real appellate arguments at the school. Since 2005, at the request of the Maine Legislators the Maine SJC has traveled to 35 high schools across the state to help Maine students get a close-up view of how an appellate court works. Last year the court traveled to and heard cases in Fort Kent, South Berwick, and East Machias, thanks to invitations from Representatives John Martin and Bobbie Burns, Bobbie Beavers, and Senator David Burns. Bobbie Burns is one of my ancestors. So here's the good news. We have not yet created the schedule for October of 2017. So if you are interested in having the SJC come to a high school near you, talk to Mary Ann in the next week or so and she will help you work with the schools.

In closing, it has been a long day for all of you, and you've been very patient with me. And I want to thank every one of you in this chamber today who will spend hundreds of hours in this statehouse at great personal and financial sacrifice before the work of the 128th Maine Legislature is done. Your work does make a difference. Thank you for everything you do for the people of the State of Maine.

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

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

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

(After the Joint Convention)

The House was called to order by the Speaker Pro Tem.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund"

(S.P. 201) (L.D. 586)

Bill "An Act To Modify the Definition of 'General Use Pesticide'"

(S.P. 209) (L.D. 594)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure"

(S.P. 205) (L.D. 590)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act To Amend the Provision of Law Requiring Disclosure of the Possession of a Firearm under Certain Circumstances"

(S.P. 189) (L.D. 574)

Bill "An Act To Allow Law Enforcement Agencies and Associations To Engage Directly in Fund-raising under Certain Circumstances"

(S.P. 203) (L.D. 588)

Resolve, To Establish a Working Group To Review the Function and Mission of Probation Officers and Establish a Licensing Procedure

(S.P. 204) (L.D. 589)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Create the Maine Institute of Technology"
(S.P. 185) (L.D. 570)
Resolve, To Audit Standardized Testing in Maine's
Schools

(S.P. 188) (L.D. 573)

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

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

Bill "An Act To Amend the Laws Governing Funding for
Landfill Closure Costs"

(S.P. 191) (L.D. 576)

Bill "An Act Regarding Zero-emissions Vehicles"

(S.P. 192) (L.D. 577)

Bill "An Act To Modify the Mining Laws"

(S.P. 195) (L.D. 580)

Came from the Senate, **REFERRED** to the Committee on
ENVIRONMENT AND NATURAL RESOURCES and ordered
printed.

REFERRED to the Committee on **ENVIRONMENT AND
NATURAL RESOURCES** in concurrence.

Bill "An Act To Provide for the Comprehensive Medical,
Dental, Educational and Behavioral Assessment of Children
Entering State Custody"

(S.P. 197) (L.D. 582)

Came from the Senate, **REFERRED** to the Committee on
HEALTH AND HUMAN SERVICES and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN
SERVICES** in concurrence.

Bill "An Act To Allow Fees To Be Charged for Wild Game
Dinners"

(S.P. 202) (L.D. 587)

Came from the Senate, **REFERRED** to the Committee on
INLAND FISHERIES AND WILDLIFE and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES
AND WILDLIFE** in concurrence.

Bill "An Act To Enable the Maine Employers' Mutual
Insurance Company To Better Serve Maine Employers by
Eliminating the High-risk Program"

(S.P. 207) (L.D. 592)

Came from the Senate, **REFERRED** to the Committee on
INSURANCE AND FINANCIAL SERVICES and ordered
printed.

REFERRED to the Committee on **INSURANCE AND
FINANCIAL SERVICES** in concurrence.

Bill "An Act To Modify the Divorce Laws Concerning
Perpetrators of Domestic Violence"

(S.P. 193) (L.D. 578)

Bill "An Act To Require Notification When a Temporary
Protection from Abuse Order Is Rescinded"

(S.P. 196) (L.D. 581)

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

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

Bill "An Act To Amend the Laws Governing the Practice
of Pharmacy"

(S.P. 187) (L.D. 572)

Bill "An Act To Update the Licensure Renewal Provision
of the Board of Licensure in Medicine"

(S.P. 208) (L.D. 593)

Came from the Senate, **REFERRED** to the Committee on
**LABOR, COMMERCE, RESEARCH AND ECONOMIC
DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE,
RESEARCH AND ECONOMIC DEVELOPMENT** in
concurrence.

Bill "An Act To Improve the Enforcement of Maine's
Lobster Laws"

(S.P. 190) (L.D. 575)

Came from the Senate, **REFERRED** to the Committee on
MARINE RESOURCES and ordered printed.

REFERRED to the Committee on **MARINE
RESOURCES** in concurrence.

Bill "An Act To Allow Municipalities To Adopt Bus Traffic
Ordinances"

(S.P. 206) (L.D. 591)

Came from the Senate, **REFERRED** to the Committee on
STATE AND LOCAL GOVERNMENT and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL
GOVERNMENT** in concurrence.

Bill "An Act To Eliminate the 3 Percent Surcharge on
Certain Income and Provide an Alternative Funding Source for
the Fund To Advance Public Kindergarten to Grade 12
Education"

(S.P. 186) (L.D. 571)

Bill "An Act To Improve the Tax Appeal Process for Maine
Businesses and Consumers"

(S.P. 198) (L.D. 583)

Came from the Senate, **REFERRED** to the Committee on
TAXATION and ordered printed.

REFERRED to the Committee on **TAXATION** in
concurrence.

Bill "An Act To Create the Fund for Municipalities To
Improve Pedestrian Safety"

(S.P. 199) (L.D. 584)

Came from the Senate, **REFERRED** to the Committee on
TRANSPORTATION and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** in
concurrence.

Bill "An Act Regarding Transfers of Liquor between
Licensed Manufacturers' Facilities"

(S.P. 194) (L.D. 579)

Bill "An Act To Allow Cash Qualifying Contributions under
the Maine Clean Election Act"

(S.P. 200) (L.D. 585)

Came from the Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.
REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

The following Joint Order: (S.P. 210)

ORDERED, the House concurring, that, notwithstanding Joint Rule 353, the Task Force To Address the Opioid Crisis in the State, referred to in this order as "the task force," is established as follows.

1. Appointment; composition. The task force consists of members appointed as follows:

A. Four members of the Senate, appointed by the President of the Senate, including 2 members of the party holding the largest and 2 members of the party holding the 2nd-largest number of seats in the Senate;

B. Four members of the House of Representatives, appointed by the Speaker of the House, including 2 members of the party holding the largest and 2 members of the party holding the 2nd-largest number of seats in the House of Representatives;

C. One member who is an administrator at a hospital in the State, appointed by the President of the Senate;

D. One member representing the interests of law enforcement, appointed by the President of the Senate;

E. One member representing the interests of providers of services at opioid treatment facilities, appointed by the President of the Senate;

F. One member representing a statewide association of physicians in the State, appointed by the President of the Senate;

G. One member who is recovering from opioid addiction, appointed by the Speaker of the House;

H. One member representing the interests of providers of substance abuse and recovery services, appointed by the Speaker of the House;

I. One member who is a physician specializing in addiction treatment, appointed by the Speaker of the House; and

J. One member who is a behavioral health specialist, appointed by the Speaker of the House.

The President of the Senate and the Speaker of the House shall invite to participate as members of the task force the Governor, or the Governor's designee; the Attorney General, or the Attorney General's designee; and a representative of the judicial branch.

2. Chairs. The first-named Senator is the Senate chair of the task force and the first-named member of the House of Representatives is the House chair of the task force.

3. Appointments; convening. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force. If 30 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business.

4. Duties. The task force shall examine the current laws in the State addressing opiate abuse and heroin use, including but not limited to existing laws focused on law enforcement, prevention, treatment and recovery. As part of its study, the

task force shall review the report and recommendations of the Maine Opiate Collaborative issued on May 6, 2016 as well as initiatives that have been successfully undertaken by other states, including but not limited to proposals for increased law enforcement personnel or funding; substance abuse prevention, treatment and peer recovery services; and substance abuse prevention and education in schools and communities, and shall develop recommendations to address the opioid crisis in the State.

5. Compensation. The legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force.

6. Quorum. A quorum is a majority of the members of the task force, including those members invited to participate who have accepted the invitation to participate.

7. Staffing. The Legislative Council shall contract for necessary staff support for the task force during the legislative session and may contract for such staff support for a longer period to the extent needed and if sufficient funding is available. At the request of the task force, the Legislative Council may provide drafting assistance to the task force during the legislative session and other staffing support to the task force when the Legislature is not in session.

8. Reports. No later than April 30, 2017, the task force shall submit an initial report that includes its findings and recommendations, including suggested legislation, for introduction to the First Regular Session of the 128th Legislature. No later than December 6, 2017, the task force shall submit a final report that includes its findings and recommendations, including suggested legislation, for introduction to the Second Regular Session of the 128th Legislature.

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

Bill "An Act To Require the Department of Transportation To Use 3rd-party Certified Examiners for Lead Inspections"
(S.P. 211) (L.D. 636)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.
REFERRED to the Committee on **TRANSPORTATION** in concurrence.

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

On motion of Representative PARKER of South Berwick, the House adjourned at 5:55 p.m., until 10:00 a.m., Tuesday, February 28, 2017, pursuant to the Joint Order (S.P. 180) and in honor and lasting tribute to Bruce Vincent Avery, of Windham and Robert Raymond Frechette, of North Berwick.