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The governor has almost nothing in her new proposed budget that would change things

Concentration Camps for the Troublesome Poor

by Lance Tapley

"Prisons are concentration camps for the poor, especially for people of color."

— Raymond Luc Levasseur, the former Maine radical militant who spent 20 years in prison

Look closely at the accompanying photograph. Notice the big scar on Michael James's forehead. He recently got that, he said, by headbutting the walls of a solitary-confinement cell at the Mountain View Correctional Facility in Charleston, deep in the country northwest of Bangor.

He also has a big, bandaged wound on his left wrist, where he had "cut up." He has cut himself there several times. He said he had been put in solitary for three days because of his cutting up, which had come from feeling frustrated that he couldn't get medication for back and foot pain.

When I took the photo, Michael had just participated in a "smudging" ceremony. A Wabanaki group has been conducting "healing circles" within Maine's prisons. If anyone in the state needs healing, it's Michael. (I'll use his first name because during 15 years of writing more than 120 articles on the prison horrors — he was a subject in my first piece — he has become a friend.)



DEEP STATE



Michael James at Mountain View

PHOTO: LANCE TAPLEY

Michael is a poster boy for much that's wrong with American mass incarceration. When I first interviewed him, he had been in the maximum-security Maine State

DEEP STATE continues page 7

BEP finishes weeklong review of proposed salmon farm —

Notes from the Nordic Aquafarms Hearings

by Ethan Andrews

Nordic Aquafarms posted to Facebook the morning of February 11: "Show-time!"

Representatives of the company spent most of the next week in front of the Maine Board of Environmental Protection, which is reviewing four critical permits for Nordic's proposed land-based Atlantic salmon farm in Belfast. The hearings, held from February 11 to 14 at the University of Maine Hutchinson Center in Belfast, were the most exhaustive public review of the contentious project to date.

A little more than two years ago in the same conference room, Nordic Aquafarms went public with its plan to build the largest land-based salmon farm in the world, producing 33,000 metric tons per year. That distinction was snapped up almost immediately by Atlantic Sapphire, which has since broken ground on a former tomato field outside of Miami and plans to open the first phase of a 220,000 metric ton salmon farm in August.

Erik Heim, Nordic Aquafarms' founder and president, gave a nod to the slow permitting process on February 11, saying his company is "a few million dollars poorer and a few thousand pages richer" than in 2018. He delivered the line

Notes from Nordic Aquafarms continues page 4

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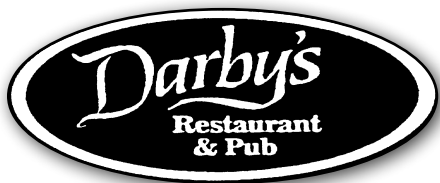
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DEEP STATE CONTINUED FROM PAGE 1

Prison's solitary-confinement "supermax" for over three and a half years — originally, he said, because he had threatened to commit suicide.

He had reacted to extended isolation in a typical fashion of prisoners — by lots of cutting up and throwing feces at guards, who frequently answered bad behavior with beatings known as "cell extractions." He reputedly held the Warren prison's record of five in one day.

Michael is mentally ill. He self-diagnoses as having PTSD, but he's collected a list of official diagnoses. And he may have brain injuries because of the abuse he suffered as a small child, his self-beatings, and what prison guards did to him.

Taken away from his destitute mother at 2 years old, he spent much of his childhood in various mental and penal institutions, where he was often disruptive. When at 18 he was set free with no medications, he wound up back in an institution — jail — after seven months of freedom. He had committed some small-time robbery and burglary. The judge sentenced him to 12 years in prison because there wasn't any room at the Augusta Mental Health Institute, the big state mental hospital of the time.

Michael is now 37. The added prison time stemmed from the angry, sometimes assaultive protests he made during his confinements. And the years he spent at the state's Riverview Psychiatric Center, in Augusta, didn't count against his sentence. Before Mountain View, the state had put him for a couple of years in a private prison hospital in South Carolina. He's now scheduled to be released in two and a half years.

Michael is intelligent and caring toward other prisoners — he is currently volunteering to help those in the assisted-living category. And, to me, he seems extremely sad. He looks down a lot. His days, he said, are "pretty idle." He gets little exercise (he weighs much more than he should) and almost no visitors.

Who really is mentally ill?

A cliché about insanity is that it's when people get the same result continually from their actions but expect something different. If that's true, Michael may be mentally ill, but on prison issues it's we Americans who are insane.

We have a unique-in-the-world mass-incarceration system: over 2 million people in prison, with an imprisonment rate more than four times what it was 40 years ago and five times the world median. Tens of thousands of prisoners are kept in solitary confinement. This system began around 1980, when Republican Ronald Reagan became president, but the Democrats have supported it.

I've published versions of the preceding paragraph several times for at least 10 years. The numbers are still valid. We're doing the same thing over and over, year after year, and getting the same bad results.

What are the bad results? We call our state prison agency the Department of Corrections (DOC). But here and in other states they're an utter failure in the "correction" of criminals. A U.S. Department of Justice study of released state prisoners found in 2014 that, within five years, 77 percent were rearrested (in criminal-justice jargon this is called recidivism).

Thus, clearly, we've continued mass incarceration for other reasons. My candidates for why we do it, after 15 years of study, is that it's for removal from society of a class of people and then the torture of them.

Those removed (our country is notorious for its long prison sentences) are undesirable, difficult, extremely poor people — a messy nexus of drug addicts, the mentally ill, those abused in childhood, the mentally disabled, the uneducated, the habitually unemployed, the homeless — with a special vehemence shown toward black and brown people.

There's also a special vehemence toward women. The Vera Institute of Justice reports that, in Maine, "Since 1980, the number of women in jail has increased 1,981 percent, and the number of women in prison has increased 794 percent." Those numbers are not typos.

Prison Cost Overruns —

The Maine Correctional Center expansion, funded with a \$150-million state bond issue (including \$8 million for the Washington County re-entry project), has had cost overruns — reportedly, huge ones.

The project is "so underwater," commented Rep. Charlotte Warren, House Criminal Justice Committee chairperson. The \$150 million has already been given to the DOC, according to the Maine Municipal Bond Bank. Construction has begun.

Asked for details, including the overrun amount, the Department of Corrections emailed me just before deadline that "as a result of the project facing a budget shortfall, the construction plans have been revisited in order to have the construction meet the bond amount." So there's "not a current cost overrun."

A 2018 United Nations report found that America's "principal strategy for dealing with extreme poverty is to criminalize and stigmatize those in need of assistance."

Recall that not that many years ago the Nazis instituted concentration and extermination camps for not only Jews but also for many others they considered undesirable, including disabled people, the homeless, beggars, prostitutes, Roma ("gypsies"), and homosexuals. They did this with the support of millions of "good Germans."

With their many practices in stripping dignity or humanity from inmates, prisons are undeniably places of torture. The UN increasingly has called solitary confinement torture. Historians and philosophers have chronicled how prisons — and, originally, the entire justice system — arose from the primitive human desire for revenge. Most prison guards are not personally torturers, but the system they're in is a torture chamber.

As Michael's friend, I'm particularly worried about him. A few years back, the New England Journal of Medicine reported that the risk of death for prison inmates in just the first two weeks after their release was 13 times higher than among "other state residents." Drug overdose, suicide, and homicide were among the chief causes.

And then — unless he's healed — there's that possible risk to others from Michael. (See the return-to-crime statistic above.)

So how shall we good Mainers heal Michael — and the thousands of others in our prisons and jails who need healing? Or call it "correcting" them, so they don't keep committing crimes and going back.

Nothing in Mills' budget

Maine has seen some progress on prison issues over the past 15 years. Solitary confinement has been dramatically reduced. So have cell extractions. Despite the current controversy over the future of the long-troubled and euphemistically named Long Creek Youth Development Center, the youth prison in South Portland, the number of children in it has been reduced from several hundred to about 50.

At a recent Maine Prisoner Advocacy Coalition (MPAC) meeting in Lewiston, the group's legislative coordinator, Peter Lehman, reported on a promising increase in addiction-recovery "coaches" (other inmates) at the state prison, although he also reported on continuing staff shortages. These result in more "lock-downs" of prisoners — restricting them to their cells.

Joseph Jackson, MPAC's director, thought food at the Maine Correctional Center (MCC), in Windham, was better, but also remarked that the prison system generally "doesn't seem to be improved" when he looks at numbers like recidivism rates.

Prison reformers appear to think that Randall Liberty, Democratic Gov. Janet Mills' corrections commissioner, is making laudable efforts to try to improve conditions for prisoners. But Liberty is constrained by the cords the governor and the Legislature use to tightly tie the state's purse. For example, there isn't a cent in Mills' recently proposed \$127-million "supplemental" budget for the DOC's core programs (the main two-year budget was passed last year).

And, as I've previously reported, no state Corrections funds are specifically earmarked for prisoner rehabilitation, even though rehab, particularly education, has been proven to reduce recidivism. For what rehab they do, the prisons rely on volunteers, philanthropy, and what they can scrape from the general budget.

The new budget does have \$1.1 million, as the governor's office described it, to "restore a forensic crisis team at the Department of Health and Human Services ... to divert people with severe mental illness from jail and emergency rooms and transition those already in prison back into the community."

Dollars seem to be more easily found, however, for new prisons (see sidebar, "Prison Cost Overruns"). Two major projects are currently under way. A big expansion has begun of the medium- and minimum-security Maine Correctional Center. And there's a Washington County "re-entry" center for 50 prisoners being constructed. Prisoners there will be able to work in the community.

Rep. Charlotte Warren, of Hallowell, the House chairperson of the Criminal Justice and Public Safety Committee, was quoted in the Maine Beacon as saying that Mills "came up as a prosecutor. She's been working in a system for a very long time that, quite frankly, has treated her well. She is a cop. She believes in law and order."

Warren told me: "We have no money for what we actually need ... We have a governor who thinks the criminal justice system is working just fine."

She pointedly noted that Mills' budget contains funds for more law enforcement. There would be 14 more state police officers and four more drug-enforcement agents.

"We all seem to use the talking point that we can't arrest ourselves out of this problem," she said, specifically refer-

Reforms Proposed —

Nothing in Maine's current legislative session has been proposed that would revolutionize our prison system. American mass incarceration is one of those problems, like the climate crisis and income inequality, that almost appears insoluble because it is so cemented into what we do and are. But reformers keep trying to chip away at the block:

—LD 1492 would relax the drug-sentencing laws — for example, to make it harder to charge someone with trafficking solely based on the amount of a drug in his or her possession. MPAC says it "has enormous implications for reducing mass incarceration and revisiting drugs as a public-health issue."

—LD 1221 would deduct some time from a sentence for participation in educational and vocational programs.

—LD 1572 would prohibit the denial of housing based only on criminal history. LD 2087 would ban a criminal-history question on employment-application forms.

—LD 1421 and LD 182 would make it more difficult in many ways to impose bail. The inability of poor people to make bail for relatively minor offenses, even when they're not a flight risk, is a big reason the jails are crowded.

—LD 1756 would broaden eligibility for home confinement, facilitating the re-entry of prisoners into the community. Another bill to help in re-entry is still being drafted. Among its provisions, it would allow the transfer of a prisoner to a halfway house, "sober-living house," or assisted-living facility.

—LD 1941 would increase correctional officer pay. This is one of several bills initiated by prisoners.

The ongoing struggle over the future of the Long Creek youth prison — widely considered to be a disaster for the children — may be resolved this session. The DOC would like to move women from the Maine Correctional Center to Long Creek. This is opposed by prisoner advocates.

Recent issues involving women and child prisoners tend to boil down to the question of whether the state should focus on building more housing for prisoners or on housing fewer of them. Thus, the other big question is: Where's the state money for the community alternatives that the reformers promote?

For information on the bills' sponsors, text, and status in the legislative process, look up the LD (legislative document) number at legislature.maine.gov/bills.

ring to the opioid epidemic that's now filling the jails and prisons, "but we sure seem to be continuing to try."

Natasha Irving, the reform-minded district attorney in the midcoast region, told me that she sees movement among other prosecutors, law enforcement and the community at large toward treating rather than punishing lawbreakers who suffer from mental illness and addiction.

But, she said, "the problem is money."

The governor's office emailed me that "lawmakers on either side of the aisle who wish to advocate for changes have the opportunity to do so through the budget process."

That appears to throw the ball into the Legislature's court. But Mills has the power of veto.

Michael's future

In six months at medium- and minimum-security Mountain View, Michael James has taken one course that might be called rehabilitative, a group discussion called "Impact of Crime," which is about its effect on victims. He may get to take a correspondence course on small-engine repair.

He does get psychological counseling from a "wicked nice lady." And on the morning of the day my wife Peggy and I visited, he had had a meeting with Warden Jeff Morin and other prison staff to discuss his needs, which resulted in what appeared to us to be an extremely sketchy written plan to help him prepare for release.

So who shall we blame if Michael's remaining life, like so many other lives in the prison system, is tragic — perhaps even more tragic than it has been?

Should we blame Michael himself? Has he just been making bad choices, as a state psychologist once testified in court in order to send him from Riverview back to the state prison? That language usually comes from right-wingers as a contemptuous retort to bleeding-heart liberals overly concerned about criminals' welfare.

Or we could blame the politicians. They have created this massively counterproductive and cruel system. But in a democracy, they work for us.

(Please go to freepressonline.com for links to background information on points in the text.)

Deep State is an investigative and political-analysis column diving deep into state issues. It appears in The Free Press every few weeks. Email tips and suggestions to lance.tapley@gmail.com.

Lance Tapley
Hallowell
LD 696

SUPPORT FOR LD 696, a Bill to Ban Solitary Confinement

By Lance Tapley

February 8, 2022

To the Joint Standing Committee on Criminal Justice and Public Safety, Maine Legislature

I have reported and commented on physical and psychological abuse of prisoners in Maine's and other states' prisons for almost 17 years. My work has appeared in newspapers and magazines in Maine, other states, and several foreign countries. I have written, I estimate, about a hundred articles on the subject. I am a coauthor of the book "The United States and Torture," published by New York University Press. I have won several awards for my work, national and regional.

Much of this work concerns the torture of solitary confinement. My 2005 series for The Portland Phoenix, my first writing on prison abuse, was largely about the effects of solitary confinement on prisoners at the Maine State Prison. It has been credited with stimulating the drastic reduction of solitary in Maine, which contributed to similar reductions in some other states.

But solitary in Maine has not been eliminated, as it should be. In this testimony, I won't repeat what I have written in my many articles. The other testimony you will receive will give plenty of evidence about the horrors of solitary confinement. Here I will simply attach a Boston Review piece summarizing what I found in my first few years of reporting on the subject and a Camden-Rockland Free Press 2020 article about Michael James, now a prisoner at the Maine Correctional Center—who, I believe, will also be submitting testimony. The Free Press article contains several points about the continuing inability of the Department of Corrections to deal with prisoners like Michael.

I also wrote about Michael in my very first piece about prisoner abuse, in 2005. At that point, he had spent three and a half solid years in solitary confinement. He estimates that since then he has spent most of his time in solitary. Michael was originally sentenced to twelve years for small-time robbery and burglary. The additional eight years he's been behind bars resulted from disruptive actions while incarcerated. He says that now he spends most of his time at the MCC in solitary. The MCC is supposed to be a low- and medium-security institution.

Michael is very mentally ill and has been in penal and mental-health institutions from his early childhood. When he has been put in mental hospitals, he does much better. Most of the people put in solitary confinement are mentally ill.

I am here focusing on Michael because, he tells me, he is scheduled for release this November. Solitary confinement does not prepare a prisoner for release. It does the opposite. I am concerned about what may happen to Michael and to the public when he is released. A few years ago, a mentally ill prisoner was released from the Maine State Prison almost directly from solitary. He had begged prison officials not to release him in the condition he was in. Within a short time, he killed three people.

When this sort of thing happens, the DOC and those responsible for funding and supervising the prison and mental-health systems—that is, the Legislature and Governor—are responsible. As you know, your committee has public safety as its main concern.

NOTE: Please see the 2 documents mentioned: The Free Press article is in a file attached. The Boston Review article is at:

<https://bostonreview.net/articles/tapley-supermax-torture-in-america-php/>