

September 15, 2021

**Minutes of the Washington County Commissioners'  
Public Hearing on LD 272  
An Act to Establish Separate Prosecutorial Districts in Downeast Maine  
held September 15, 2021  
in the Probate Courtroom  
Machias, Maine**

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**Attending the meeting were:  
Commissioner Christopher Gardner  
Commissioner John B. Crowley, Sr.  
Commissioner Vinton E. Cassidy  
Betsy Fitzgerald, County Manager  
Carla Manchester, Administration  
Candace Davidson, East Machias  
Jeff Davidson, East Machias  
Joshua Rolfe, Machias  
Barry Curtis, Sheriff  
Marianne Moore, State Senate  
Anne Perry, Legislator, Calais  
William Tuell, Legislator 139  
Robert W. Alley, Jr., Legislator 138  
Robert A. Simpson, Whiting  
Toff Toffolon, Columbia  
Michael Crabtree, Sheriff's Office  
Matthew Foster, District Attorney  
Paula Johnson-Rolfe, WCSO**

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The Public Hearing on LD 272 was called to order at 3:00 p.m.

Commissioner Gardner stated the reason for holding this Public Meeting was to discuss LD 272; An act to Establish Separate Prosecutorial Districts in Downeast Maine. This bill would reduce Prosecutorial District Number 7 to just Hancock County and create Prosecutorial District Number 9 for Washington County. Commissioner Gardner stated the bill had gained initial passage in the House and Senate and it was believed the bill would be passed. Commissioner Gardner reported that at the final hour, the bill did not move forward. Commissioner Gardner stated both Senator Catherine Breen, Appropriations Chair, and Senator Troy Jackson, President of the Senate, both publicly said "they can't say why the bill did not move forward." Commissioner Gardner stated he believes that political chicanery took place in the

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late hours of the legislative session. Commissioner Gardner stated he believes there is an explanation why the bill was left on the table, but no one will give a reason. Commissioner Gardner asked all present at the hearing to introduce themselves. Commissioner Gardner then gave the floor over to Representative Will Tuell. LD 272 was presented to the Legislature by Representative Tuell and co-sponsored by Senator Moore. Representative Tuell explained that several years ago he began lobbying for this bill. The bill died during the Pandemic, but he brought the bill back to the Legislature again last year. The bill was referred to the Judiciary Committee. Representative Tuell explained the discussion led to an amendment of the bill to include appropriating \$23,774.00 to the FY 2022-23 budget to fund this bill. Representative Tuell stated leadership was very supportive, and the vote was 11/2 by the Appropriations Committee. Representative Tuell noted such support indicates passage. It was then discovered the bill did not move forward to the Governor's Office. Representative Tuell stated there has been no explanation given as to why the bill did not move forward. Representative Tuell stated "what we do know is that the bill was agreed to be funded as part of the bipartisan budget package in July, and should've been taken off the table automatically."

Senator Moore stated she began reaching out to other Maine legislators to find out where the bill fell through. Senator Moore noted Senator Bennett voted against the bill, not because he opposed it, but because he did not know what the bill contained. Senator Moore stated that she will reach out to Senator Bennett and other Maine Senators to gain support for LD 272.

There was much discussion on what the possible reasons were for the sudden death of the bill. Commissioner Gardner stated the discussion needs to be about what the next steps are, not how we got here. Commissioner Gardner asked what the probability was to get this bill passed during this legislative session. Senator Moore stated when the session is called back on September 28<sup>th</sup>, it can be asked to reconsider the bill.

Commissioner Gardner expressed his concern that the bill did not pass due to the funding amount of \$23,774.00. Commissioner Gardner stated that the County will find a way to cover that cost if necessary. Commissioner Cassidy stated it was obviously not a financial issue but it was political. Senator Moore did point out that future funding

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must be considered. Commissioner Crowley suggested the Judiciary branch is concerned and has caused the delay in action on the bill.

Senator Moore stated the best way forward is to move the bill off the table for reconsideration. Senator Moore stated, in the meantime, Washington County representatives need to line up support. Commissioner Gardner questioned if the Washington County Democratic Representatives could gain some support. Representative Anne Perry stated there is solid support in the House of Representatives for the bill. Candice Davidson asked what the chance Senator Bennett will reconsider supporting for the bill. Senator Moore replied she is confident Senator Bennett will support the bill if it is reconsidered. Jeffrey Davidson stated his dislike for politics; he said it is disheartening to see this happen. Commissioner Gardner agreed but again noted it is important to move forward. Representative Tuell suggested Governor Mills does not support this and there is some concern about a veto on the bill. Representative Tuell noted Governor Mills may be hesitant for this bill to pass thinking it would lead to each county having their own District Attorney. Commissioner Cassidy stated the key is to identify and gather support. Chief Deputy Crabtree noted Washington County should work with its counterparts in Hancock County. Chief Deputy Crabtree also pointed out there is a time crunch to accomplish having this bill pass during this legislative session; the next opportunity would be in 2026. District Matthew Foster weighed in on the discussion by stating he was not necessarily opposed to the bill; however, he strongly disagrees with the fiscal note. D.A. Foster noted he thinks it has been funded improperly. Chief Deputy Crabtree stated things have changed over the years; "today we're not only busier, but it's a geographic issue with the office 90 miles away". Chief Crabtree noted crime has increased and the drug situation is growing. Representative Newell identified herself as an independent but stated the redistricting is important to her as well. Representative Newell noted both Tribal delegations are in support of the bill. Josh Rolfe suggested the Commissioners submit a formal request to Governor Mills of her opinion on the bill. Commissioner Gardner suggested the Board of Commissioners ask for their own meeting with Governor Mills. The invitation would be for the purpose of having a conversation with the Commissioners and ask the delegation to join the meeting. Commissioner Gardner asked County Manager Betsy Fitzgerald to contact the Governor's Office as soon as possible to request a meeting. Commissioner Gardner concluded the discussion by

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reviewing the next steps needed. They are: 1) ask the delegation to gather the names of those who can lend a voice to lobby for the bill, and 2) arrange a meeting with Governor Mills. Commissioner Gardner stated if there is any opposition due to the additional funding, the priority would be to work the funding into the County budget.

**\*MOTION\*** Commissioner Cassidy moved to support the LD 272 bill with the pledge to entertain a fiscal conversation in regards to funding if it is needed to support the passage of said bill. (Cassidy / Crowley, 3-0)

**ADJOURNMENT**

6:10 p.m.

**ATTEST:**

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Carla J.R. Manchester, Admin. Asst.

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