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Why Coastal Maine Needs a Wrap Around Drug Court

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WHY COASTAL MAINE NEEDS A WRAP AROUND DRUG COURT

Haley K. Hunter

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WHY COASTAL MAINE NEEDS A WRAP AROUND DRUG COURT

*Haley K. Hunter*¹

Abstract

Opioid use and abuse is a national crisis that has taken its toll on small Maine communities. Among those hardest hit, are the small coastal communities that are the heart of Maine's lobster and fishing industries. These areas are remote, and do not have the resources to deal with the opioid crisis as it continues to grow, which could have detrimental effects on an industry that makes up a large part of Maine's economy. Further, while many lobstermen and fishermen suffer from opioid addiction, very few seek help or treatment for the disease. This comment suggests that the Maine judicial system can help ease the burden of the opioid crisis on these small communities through wrap-around drug courts that would comprehensively address all of the factors that lead to drug use and addiction. This comment concludes that a wrap-around drug court is the best way to address the opioid problem in lobstering communities for the following reasons: first, drug addiction increases the likelihood that someone will commit a crime and therefore come into contact with the court system; second, lobstering communities are remote, and access to treatment centers are limited; third, because of lobstering culture, it is unlikely that a lobsterman suffering from opioid addiction will seek treatment or help; and lastly there is support from the judiciary to implement wrap-around drug courts in secluded and hard hit areas of Maine.

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I. INTRODUCTION

Over the past few years, the use of opioids has turned into a crisis for the United States, and the national crisis has hit hard close to home in Coastal Maine's lobster and fishing industries.² Maine is among the top ten states with the most overdose deaths in the country, and had the sixth worst increase in overdose deaths between the years 2016 and 2018.³ In 2016, there were 376 drug overdose victims in the State of Maine. Of those 376 overdose victims, 313 died from heroin or use of other opioids.⁴ While Maine does not keep its drug statistics based on profession, there is no doubt that opioid addiction is a problem that the lobster industry is facing every day.⁵ According to the Center for Disease Control ("CDC"), overdose deaths increased 10.9 percent from 2016 to 2017, making the death toll 407 people for 2017.⁶ In 2018 the number dropped slightly but still remained alarmingly high.⁷ In 2018 there were approximately 350 drug-induced deaths, which is still nearly one death a day from drug overdose.⁸

Despite the problem rising at such an exponential rate, there are very few options for people who need treatment in Maine. This is especially true for fishermen who live in more rural coastal areas where there are not many resources.⁹ The nearest detox center for lobstermen living in Machias is in Portland – more than 200 miles away.¹⁰ In Stonington, Maine's lobster capital, and the thirty-square mile island of Deer Isle, there are only two doctors who are allowed to treat opioid addiction through Suboxone prescriptions.¹¹

2. Penelope Overton, *Trapped by Heroin: Lobster industry struggles with its deadly secret*, Portland Press Herald, Apr. 2, 2017, <https://perma.cc/TQP6-E8FC>.

3. *Maine 6th-Worst State for Increase in Overdose Deaths*, U.S. News, Aug. 17, 2018, <https://perma.cc/A8TW-52GU>.

4. Overton, *supra* note 2.

5. *Id.*

6. U.S. News, *supra* note 3.

7. Leigh I. Saufley, Chief Justice, Me. Judicial Branch, *The State of the Judiciary: A Report to the Joint Convention of the First Regular Session of the 129th Maine Legislature* (Feb. 26, 2019) [hereinafter Saufley].

8. *Id.* at 10.

9. Overton, *supra* note 2.

10. *Id.*

11. *Id.*

There is clearly a need for something that can address the problem that has been affecting the lobster industry, as well as the communities that the industry supports. One option that could start to help eradicate the problem was brought up by the State Judiciary this past year. In her 2018 State of the Judiciary speech addressing the legislature in February of 2018, Chief Justice Saufley of Maine's Supreme Judicial Court¹² suggested the need for a wrap-around drug court in order to address the opioid problem that has only gotten worse in Maine.¹³ Although Maine currently has traditional drug courts that are helping to the extent they can, a wrap-around drug court would comprehensively address all of the factors that affect someone who is addicted to opioids.¹⁴ This new kind of court would need funding from the legislature, but if implemented effectively, it could be instrumental in helping Maine, especially the hard hit coastal communities, combat the opioid crisis.¹⁵

The question then becomes, why is a new court system the right way to combat a drug addiction problem, rather than traditional treatment methods? Drug addiction often leads to criminal activity and many addicts end up having repeated encounters with the court system.¹⁶ Nationally, criminal court dockets, as well as specialized family courts, are filled with opioid users.¹⁷ In Maine, drugs are the driving force behind most crimes.¹⁸ In 2017, after the Maine Department of Public Safety issued its annual crime report, Public Safety commissioner John Morris stated that while crime in Maine is significantly lower than in other states, many of the crimes

12. The Maine Supreme Judicial Court is generally referred to as the Law Court and will be referred to throughout this comment as the Law Court.

13. Leigh I. Saufley, Chief Justice, Me. Judicial Branch, *The State of the Judiciary: A Report to the Joint Convention of the Second Regular Session 128th Maine Legislature* (Feb. 27, 2018) [hereinafter Saufley].

14. *Id.*

15. *Id.*

16. Michelle White & Tara Kunkel, *Opioid Epidemic and the Courts*, <https://perma.cc/89X5-3NVP> (Last visited March 14, 2019).

17. *Id.*

18. Judy Harrison, *Crime Down in Maine, But Drugs Still a Driving Force*, Bangor Daily News, October 18, 2017, <https://perma.cc/7DJP-DZ3V>.

reported in the state involve drugs.¹⁹ In 2017 there were 3,387 arrests made for drug specific crimes.²⁰

In addition to drug-specific arrests, drug addiction also increases the likelihood that a person will commit a non-drug related crime.²¹ According to a study done by the U.S. Department of Justice, “drug users in the general population are more likely than nonusers to commit crimes.”²² Drug users are exposed to situations that encourage crime, increasing the likelihood that they will be involved in illegal activity.²³ The U.S. Department of Justice also found that among people who are arrested, test results for recent drug use are frequently positive, and the numbers were higher for crimes like burglary and robbery.²⁴ These crimes are often referred to as drug related crimes because they are often committed by people who are stealing in order to maintain and support their drug use.²⁵

Because drug addiction is a problem in lobstering communities, statistics show that many of them will end up in the court system. Having a wrap-around drug court will be a way for a large portion of lobstermen who end up in the system to get the help and support that they need in places where other treatment options are really not available to them.

In order to show the need for a wrap-around drug court for Maine’s coastal communities, this comment will take a deeper look into how the opioid crisis is affecting lobstermen in Coastal Maine. It will look at all of the factors that have led to the opioid crisis among lobstermen, as well as the industry culture and its effects on those who work within it. Even though there is a lack of empirical data pertaining to lobstermen and the opioid crisis specifically, this comment will analyze what factors and research suggest the problem is even greater in Maine’s lobstering industry.

This comment will then look at the drug court system in Maine. It will look at the history of drug courts in the country as well

19. *Id.*

20. State of Maine Dept. of Public Safety, *Crime In Maine* (Oct. 10, 2018) [hereinafter Dept. of Public Safety].

21. U.S. Department of Justice, *Drugs & Crime Data*, ONDCP Drugs & Crime Clearinghouse (1994), <https://perma.cc/V8JR-MX72>.

22. *Id.*

23. *Id.*

24. *Id.*

25. *Id.*

as in the State, how the drug courts work in the State, and the effects the traditional courts have had on participants. It will then look at how a wrap-around drug court that is more specialized can help lobstering communities that lack other treatment options. The comment will show why the legislature should fund a wrap-around drug court and why the coastal communities and industries in Maine could benefit from it.

II. LOBSTER INDUSTRY'S BATTLE WITH OPIOIDS

The lobster fishing industry in Maine is the cornerstone of the State's economy.²⁶ In other parts of the country, it is an indulgent treat to be able to eat Maine lobster and tourists flock to coastal towns in order to try a famous lobster roll. Maine catches seventy-five to eighty percent of the lobsters caught in the United States.²⁷ The lobster fishing industry in Maine contributes one billion dollars to the State's economy every year and generates 4,000 jobs.²⁸

According to an economic impact study conducted by Colby College and the Maine Lobster Dealers' Association, the effect on the economy comes from more than just buying and selling lobster.²⁹ It takes into account things like the system of dealers, distributors and processors in the state, spending on lobster purchases, wages and taxes, capital investments and many other facets of the industries reach across the State.³⁰ "For every dollar paid to a lobsterman for a lobster, three to five dollars is generated for related businesses such as dealers, processors, restaurants, stores marina and bait suppliers."³¹

Since the lobster industry is so important to the economy of the entire state of Maine, it is absolutely critical to protect it. With the opioid crisis threatening the people who catch the lobsters, it is necessary to address the problem in the often-underserved coastal

26. Stephen Rappaport, *Lobster Dealers Contribute \$1 Billion to Maine Economy, Study Says*, Mount Desert Islander, Mar. 13, 2018, <https://perma.cc/9BPP-LF63>.

27. Jessica Hall, *From Caught to Bought, All about Lobster Economics*, Portland Press Herald, Aug. 11, 2012 <https://perma.cc/YRT3-BQJV>.

28. Bill Trotter, *Study: Lobster Supply Chain Contributes \$1B to Maine Economy Each Year*, Bangor Daily News, March 2, 2018, <https://perma.cc/PBX6-YMB9>.

29. *Id.*

30. *Id.*

31. Hall, *supra* note 27.

communities where the lobstermen work and live. Examining the lifestyles of the lobstermen, the areas they live in, and the culture surrounding the lobster industry will shed light on why there is a problem and why a wrap-around drug court in these coastal areas will be an important tool in protecting the lobster industry and the State's economy.

A. *Lobster Fishing Culture in Maine*

To understand why there is an opioid problem among lobstermen on Maine's coast, it is important to understand how the lobstermen live and the culture that they are surrounded by. In a Portland Press Herald article for the *Trapped by Heroin* series³² lobstermen were described as not being in touch with their emotions.³³ There is nowhere for fisherman to talk about what makes them drink or do drugs, so they do not talk about it at all. Because of that, fisherman do not admit to what they are feeling.³⁴ Being a lobsterman is not an easy job.³⁵ On a normal day a lobsterman is on the water before four a.m. and checking his traps by six a.m.³⁶ A lobster trap can weigh between forty-five and sixty pounds,³⁷ and a lobsterman can have up to 800 of those traps to check in a day.³⁸ Lobstermen harvest the day's catch by hand from their traps, one at a time, the way it has always been done.³⁹ This means that a lobsterman in Maine endures long hours with the type of constant heavy lifting which can lead to pain and injuries.⁴⁰

32. Because of the growing opioid crisis in Maine, the Portland Press Herald came out with a series of articles called *Trapped by Heroin*, which addressed specific issues related to the opioid crisis throughout a series of articles. One of the issues that the articles addressed was opioid use among lobstermen on the coast. Overton, *supra* note 2.

33. Overton, *supra* note 2.

34. *Id.*

35. *Id.*

36. *A Lobstering Life*, The Maine Thing Quarterly, <https://perma.cc/A3ZR-UMCS> (last visited Dec. 2, 2018) [hereinafter The Maine Thing Quarterly].

37. Patrice McCarron & Heather Tetreault, *Lobster Pot Gear Configurations in the Gulf of Maine*, Lobster Gear Report 1, 8 (2012), <https://perma.cc/U2UY-UQ4H>.

38. The Maine Thing Quarterly, *supra* note 36.

39. *Id.*

40. Overton, *supra* note 2.

1. *Seasonal Inconsistencies*

Part of what makes lobstering such a hard profession is that it is a seasonal job.⁴¹ Most years lobster fishing starts in April and will go through the end of December.⁴² During this almost nine-month season, the peak times for fishing are during the summer and fall months.⁴³ Unfortunately, this peak time for lobster fishing is not always consistent.⁴⁴ On a good day, a lobsterman can bring in 1,500 pounds of lobster.⁴⁵ But on a bad day, that number may drop to below 200 pounds.⁴⁶

In order to be a lobsterman in Maine, you have to accept those inconsistencies as normal and be able to deal with those inconsistencies on a daily basis.⁴⁷ It is the opposite of a normal nine to five desk job, or any consistently scheduled job, for that matter. Because lobstering is only a seasonal job, inconsistencies in catches on a given day can be stressful, and lobsterman work long hours to make sure those bad days do not lead to bad weeks, bad months, or bad years.⁴⁸

2. *Harbor Gangs*

Lobstermen are also a part of groups called “harbor gangs,” which serves as a kind of structural support system in the lobstering community.⁴⁹ The gangs have established rules, which the lobstering communities in Maine abide by.⁵⁰ There are certain territories where different lobstermen set their traps, following a hierarchy understood among the lobstering community.⁵¹ This hierarchy is

41. The Maine Thing Quarterly, *supra* note 36.

42. McCarron & Tetreault, *supra* note 37, at 26.

43. *Id.*

44. The Maine Thing Quarterly, *supra* note 36.

45. *Id.*

46. *Id.*

47. *Id.*

48. *Id.*

49. Anna Rose Franceschetti, Honors Thesis, *Drug Use on the Coast: Examining the Opioid Epidemic in Maine Lobster Fishing Communities*, Bates College, 29, (2018), <https://perma.cc/V9GW-WZPS>.

50. James M. Acheson, *The Lobster Gangs of Maine*, 49 (University of New England, 1988).

51. *Id.*

based on a fisherman's talent and earnings.⁵² A lobsterman who can bring in more lobster with less traps is considered on top of the hierarchy while someone who has to set many traps, but catches less is lower in the hierarchy.⁵³ These harbor gangs are how lobstermen communicate with each other and compare themselves to others in the industry.⁵⁴ Because lobstermen report seeing themselves as individual, quiet, and self-determined people, these gangs are often the only source of support the workers have within the lobstering communities.⁵⁵

3. *Community Reliance*

Lobstermen generally live in Maine's coastal communities, and those communities depend on the lobster fishing industry to thrive.⁵⁶ Eighty-one percent of the households in these communities in Downeast Maine rely on income from the lobster industry.⁵⁷ Twenty-five percent of residents on the coast hold a commercial lobster license, and between 8,000 and 10,000 jobs are available on lobster boats.⁵⁸ This means that most of the families, not just the lobstermen themselves, in these areas are totally dependent on the success of the industry.⁵⁹ The coastal community's reliance on the lobstering industry can be attributed, in large part, to the rural nature of the area.⁶⁰ The regions where lobstermen live and work are isolated, the populations are small, and the opportunities for other types of work are limited.⁶¹ Maine has eight lobstering zones along its coast.⁶² These eight zones dictate where a lobsterman can fish and sets other regulations that lobstermen have to follow while they are

52. *Id.*

53. *Id.*

54. Franceschetti, *supra* note 49, at 29.

55. *Id.*

56. *Id.* at 33.

57. *Id.*

58. The Island Institute, *Community Indicators for Maine's Coast and Islands, Waypoints 7* (2017), <https://perma.cc/7QXR-MRBD>.

59. Franceschetti, *supra* note 49, at 33.

60. *Id.*

61. *Id.* at 34.

62. James M. Acheson et al., *Evolution of the Maine Lobster Co-Management Law*, 9 *Maine Policy Review*, 52, 55 (2000), <https://perma.cc/R7SZ-LB2Z>.

out doing their work.⁶³ These eight lobstering zones include communities like Machiasport, Washington, Cutler, Bremen, Deer Isle, and Stonington.⁶⁴

Stonington, Maine is the state leader in lobster fishing based on pounds and dollar value of lobster landings.⁶⁵ Stonington is a remote town on Maine's coast with a population of just over 1,000.⁶⁶ Its economy is almost completely supported by its 181 lobster boat fleet that operates almost year round.⁶⁷

4. *Income*

A lobsterman's income is another important factor in the culture that surrounds the industry. A lobsterman's salary depends largely on the job that he does on the boat.⁶⁸ The average gross revenue for the captain of a lobster boat is \$97,333.⁶⁹ The average sternman however, will earn about \$20,000 working on a lobster boat during a six-month lobstering season.⁷⁰ The average income for a lobsterman, even though not extremely high, is still higher than the average household income for the towns that they live in.⁷¹ The average household income for a lobsterman in Washington County, which is in lobster Zone A, is about \$60,000.⁷² This is almost twice as much as the average household income of Washington County for people who have other jobs, which is about \$30,000.⁷³ This means that even though lobstering is a seasonal job, a lobsterman can make an entire year's income during the lobster-fishing season.

63. *Id.*

64. *Lobster Landings by Location*, <https://perma.cc/F7FG-2BEL> (Last Visited Dec. 2, 2018).

65. Town of Stonington Maine, <https://perma.cc/UWB5-QEUA> (Last Visited Dec. 2, 2018).

66. *Stonington Maine Demographics and Data*, <https://perma.cc/9KM9-YYL5> (Last Visited Dec. 2, 2018).

67. Penelope Overton, *Many in Stonington, Maine's Lobstering Capital Keep Quiet About Drug Problem*, *Portland Press Herald*, April 2, 2017, (last updated Jan. 5, 2018), <https://perma.cc/35F3-CS8D>.

68. Franceschetti, *supra* note 49, at 34.

69. *Id.*

70. *Id.*

71. *Id.*

72. *Id.*

73. *Id.*

5. *Summary*

In summary, the life of a lobsterman is hard. Lobstermen work for long hours over the course of a day and the work is, literally, back breaking.⁷⁴ The work is also seasonal, putting extra stress on lobstermen to catch more.⁷⁵ Lobstermen also live in remote areas where the economy of their communities largely relies on the lobster industry.⁷⁶ In these communities, lobstermen make a decent living. Although lobstering is seasonal, and lobstermen generally work about six to nine months a year, their average income is generally higher than the average income of the county that they live in.⁷⁷ All these cultural factors shed light on why there is an opioid problem among lobstermen in Coastal Maine.

B. *Cultural Factors that Lead to Drug Addiction*

In 2017, Maine's Attorney General's office reported that there were 418 deaths in the state caused by drug overdose.⁷⁸ This means that, on average, one person dies every twenty-one hours from drug overdose in Maine.⁷⁹ Eighty-five percent of these deaths are believed to have been caused by opioids.⁸⁰ The Attorney General's office also reported that in 2017, more than 2,500 doses of Narcan, a drug used to treat a drug overdose, were administered by emergency responders in Maine.⁸¹

The statistics from 2018, despite showing a slightly lower death rate, show that the problem is persisting.⁸² The death toll in 2018 was 350 deaths from drug overdose.⁸³ Twice as many people died from drug overdose in 2018 than from car crashes, and 904 drug affected babies were born in Maine with drug addiction.⁸⁴

74. The Maine Thing Quarterly, *supra* note 36.

75. McCarron & Tetreault, *supra* note 37, at 26.

76. Franceschetti, *supra* note 49, at 29.

77. *Id.*

78. Saufley, *supra* note 7, at 10.

79. *Id.*

80. *Id.*

81. *Id.*

82. Saufley, *supra* note 7, at 10.

83. *Id.*

84. *Id.*

These numbers show the staggering amount of people that have been effected by the opioid crisis in Maine in recent years, but unfortunately does not separate out the numbers based on the occupation of those impacted by opioid addiction.⁸⁵ This means that there are virtually no statistics that show the occupations of those who have used opioids and been effected by the crisis.⁸⁶

There are, however, cultural factors that point to why a person may become dependent on drugs that match the culture that lobster fisherman work and live in every day.⁸⁷ These factors not only help prove that a problem exists, but also points to why opioid addiction is such a problem in costal Maine towns among lobstermen.

1. *Demographics*

The demographics of the typical drug user closely match those of a lobsterman in coastal Maine.⁸⁸ The average lobsterman in Maine is likely to be a 50-year-old white male.⁸⁹ They are also more likely not to have completed a secondary education than people in other occupations in the coastal area.⁹⁰ Similarly, demographics of someone who is addicted to opioids typically show they are white, middle aged, working-class men – and this group is seeing increasing mortality rates as drug use becomes more rampant.⁹¹ The Mayo Clinic also has released a list of factors that can lead to opioid misuse and addiction that mirror factors that exists in the coastal lobster communities around Maine.⁹² The factors that mirror the problems that many lobster fisherman face include poverty, family history of substance abuse, regular contact with high-risk people or high risk environments, risk taking or thrill seeking behavior, and stressful circumstances.⁹³ According to American Addiction

85. Overton, *supra* note 2.

86. *Id.*

87. Franceschetti, *supra* note 49, at 36.

88. *Id.*

89. *Id.*

90. *Id.*

91. *Id.*

92. The Mayo Clinic Staff, *How Opioid Addiction Occurs*, The Mayo Clinic (January 23, 2019), <https://perma.cc/9TYB-JSYQ>.

93. *Id.*

Centers, education is also a factor in addiction.⁹⁴ They found that college graduates battle drug addiction at lower rates than those who end their education after graduating high school, or those who do not finish a college education.⁹⁵ Many lobstermen have not gone on to get a secondary education and therefore fit into this demographic.⁹⁶

2. *Prescription Rates of Opioids*

The rate at which opioids are prescribed to deal with pain is another part of the growing opioid problem in coastal Maine.⁹⁷ Because lobstermen work in an occupation where there is a high risk of injury, they are especially likely to be prescribed opioids to deal with the pain associated with their profession.⁹⁸ The length of time that a person is using prescribed opioids also plays a part in addiction.⁹⁹ According to the Mayo Clinic study, “taking opioid medications for more than a few days increases your risk of long-term use, which increases your risk of addiction.”¹⁰⁰ After only five days of using prescribed opioids, the risk that someone will still be using in a year greatly increases.¹⁰¹

3. *Community Statistics*

The prevalence of opioid addiction among lobstermen in fishing communities can also be seen in statistics tracking where drug overdoses occur throughout the state. Washington County, which includes the lobster fishing community of Machias, has the highest drug related death rate of any county in Maine.¹⁰² In 2015, there were 19.7 deaths per 100,000 people in Washington County.¹⁰³

94. Scott Thomas, *Alcohol and Drug Abuse Statistics*, American Addiction Centers (January 23, 2019), <https://perma.cc/6TCM-9EZM>.

95. *Id.*

96. Franceschetti, *supra* note 49, at 36.

97. Overton, *supra* note 2.

98. *Id.*

99. The Mayo Clinic Staff, *supra* note 92.

100. *Id.*

101. *Id.*

102. Franceschetti, *supra* note 49, at 36.

103. *Id.*

Lincoln County, also home to many lobster-fishing communities, had another high death rate with an average of 13.7 drug related deaths per 100,000 people.¹⁰⁴ In Stonington, Maine, the state's lobster capital, there are only 1,300 people.¹⁰⁵ So while their death rate is only 8.5 deaths per 100,000 people, the effects of addiction are felt harder here than in other communities with seemingly higher death rates.¹⁰⁶ With a population of only 1,300, the death of even one person is likely to affect most of the close-knit community. The use of opioids in Stonington can also be seen through the increase in the need for Narcan in the community.¹⁰⁷ The emergency responders on the island have said that they have gotten used to using Narcan since the ambulance began carrying it six years ago.¹⁰⁸ Lobster dealers on the island have also refrained from hiring locals because they want drug free workers, which are becoming increasingly hard to find on the island.¹⁰⁹

4. *Summary*

Not only do the demographics of lobstermen themselves point to addiction, but the towns that lobstermen live in have demographics consistent with factors that can lead to drug addiction.¹¹⁰ The job opportunities in these coastal communities are few and far between.¹¹¹ Because there are jobs in fishing but not much else, people in these towns are put at a disadvantage.¹¹² Like the demographics of lobster fishermen, the racial makeup of the counties that coastal communities are located in is primarily white.¹¹³

Although drug addiction in coastal lobster fishing communities is rarely talked about among the lobstermen who are suffering, the indicators show that there is a problem in these coastal

104. *Id.*

105. Overton, *supra* note 2.

106. Franceschetti, *supra* note 49, at 36.

107. Overton, *supra* note 2.

108. *Id.*

109. *Id.*

110. Franceschetti, *supra* note 49, at 37.

111. *Id.*

112. *Id.*

113. *Id.*

areas among lobstermen.¹¹⁴ Lobstermen fit into the demographic that researchers often find struggle with drug addiction.¹¹⁵ The counties in Maine that the lobstermen live in are also desolate with few opportunities for jobs, putting people in these areas already at a disadvantage when it comes to factors that cause drug addiction.¹¹⁶ The communities have also seen changes that point to drug addiction, like more use of Narcan on ambulances, and fishing companies hiring outside of the local market for fear of hiring drug addicts.¹¹⁷ Because the demographics and statistics show that there is an opioid problem in the lobstering communities, there needs to be some sort of treatment options to combat the problem. Unfortunately, in Maine, the options for treatment are scarce.

C. Availability of Treatment for Opioid Addiction in Coastal Maine

One of the problems that lobstermen face is the scarcity of treatment centers in the areas that they live.¹¹⁸ The coastal communities where lobstermen live and work are small, rural, and geographically far away from any major city center where most treatment centers are located.¹¹⁹ Most communities along Maine's coast have a population between 1,000 and 2,500.¹²⁰ The isolation of these towns also can be seen in the self-employment rate. Eighty-seven island and coastal communities are above the state average for self-employment.¹²¹ Because these coastal communities can be so removed from larger cities in Maine like Portland, it can be hard for people to get treatment besides the administration of Narcan from an emergency responder on an ambulance.¹²² Funding for a wrap-around drug court in these communities would show these

114. Overton, *supra* note 2.

115. Franceschetti, *supra* note 49, at 36.

116. *Id.* at 37.

117. Overton, *supra* note 2.

118. Franceschetti, *supra* note 49, at 89.

119. *Id.*

120. The Island Institute, *supra* note 58, at 2–3.

121. *Id.* at 4.

122. Franceschetti, *supra* note 49, at 89.

communities that they are a priority in the State as well as address the problem of geographical distance between the rural coastal communities and the larger, more populous cities where treatment centers are located.

1. *Geographical Distance*

A recent study, examining drug use among lobstermen on the coast, interviews lobstermen who have been effected by the crisis about the barriers to treatment that they have experienced in their communities.¹²³ One lobsterman talked about how living in Machias made it hard for him and others to receive treatment because of its isolation.¹²⁴ He described how far away from “civilization” the town was by pointing out that the nearest stoplight to Machias was in Ellsworth – *eighty miles* away.¹²⁵ The closest treatment centers for someone living in Machias would be in the more populated areas of Lewiston, Auburn – almost 200 miles away – and Bangor, which is still over eighty miles away.¹²⁶ One doctor who was treating drug addictions said that patients would drive for up to two hours to see him because he was the closest – and only – option for some of these coastal communities.¹²⁷

2. *Lack of Funding*

Another barrier to treatment, according to the lobstermen is the lack of funding that is going towards fighting the opioid crisis in their communities.¹²⁸ One interviewee had wanted to start a coalition in his town to combat the opioid crisis, but the town would not sponsor the coalition through funding because it was not a priority for them.¹²⁹ Emphasizing the need to prioritize community intervention, one interviewee stated that “if we spent some of the

123. *Id.*

124. *Id.*

125. *Id.*

126. *Id.*

127. *Id.* at 90.

128. *Id.* at 91.

129. *Id.*

money we waste fighting the drug wars in Mexico just on community infrastructure; we could make such a big difference.”¹³⁰

3. Summary

Overall, it can be inferred that living in communities that have low populations and are isolated from the resources available in larger hubs is a barrier for those seeking help for their opioid addiction.¹³¹ Drug treatment centers are in cities like Portland, Bangor, Lewiston and Augusta.¹³² This means that if a person who lived in Stonington, Maine wanted to receive treatment other than just medical treatment for a drug overdose, the closest treatment center would be an hour and a half drive away.¹³³ If someone from Stonington wanted to receive treatment from a center in Portland, they would have to drive 180 miles for three and a half hours to receive that treatment.¹³⁴ This geographical distance can be debilitating for someone living in a rural close knit community like those lobstermen live in.¹³⁵ They cannot be with their families while they are receiving treatment, and they cannot be near their work, which not only hurts the lobstermen, but the communities that they live in.

The lack of funding towards getting any treatment centers in areas near the coastal communities is also a problem for lobstermen who are affected by opioid addiction.¹³⁶ The lobstermen in these communities believe that if funding were prioritized for opioid treatment in their communities, it would make an immense difference for the communities.¹³⁷

III. MAINE'S DRUG COURTS

130. *Id.* at 92.

131. *Id.*

132. *Id.* at 89.

133. Distance Between Cities, <https://perma.cc/5K5Y-7UKM> (last visited Feb. 2, 2019).

134. *Id.*

135. Franceschetti, *supra* note 49, at 89.

136. *Id.* at 92.

137. *Id.*

A solution that would directly address the opioid crisis that has been plaguing the lobster industry in Maine is the implementation of a wrap-around drug court in Maine's coastal counties where these lobstermen live and work. A wrap-around drug court is a court with a more comprehensive approach in addressing the problems that lead to drug addiction and have more options for treatment.¹³⁸ The wrap-around court would be the first of its kind in Maine, and would maintain a different focus and approach than Maine's drug court program currently in use.¹³⁹ This section will give an overview of drug courts in Maine historically, their effectiveness, and how the wrap-around drug court would be necessarily different in order to help the lobster fishing communities in Coastal Maine.

A. *History of Drug Courts in the United States and Maine*

Drug courts across the country are a fairly new resource in the criminal system.¹⁴⁰ They were first established during the height of the war on drugs.¹⁴¹ In the late 1980's, the number of drug-addicted offenders that were going through the criminal justice system was clogging up the system, and people were cycling through the system multiple times for the same drug related offenses.¹⁴² Rigorous prosecution and sentencing policies were in place, and the prison system was being used as a way to solve the drug problem.¹⁴³ Repeated drug offenders clogged up the court system and exponentially expanded the size of court dockets.¹⁴⁴ This led to mass incarceration of people for drug related offenses in the

138. Saufley, *supra* note 7, at 11.

139. *An Act to Implement the Recommendations of the Task Force to Address the Opioid Crisis in the State Regarding Increased Access to Drug Courts*, S.P. 720 128 Leg. (as reported by J.S. Comm. On the Judiciary, March 27, 2018).

140. Arthur J. Lurigio, *The First 20 Years of Drug Treatment Courts: A Brief Description of Their History and Impact*, 72 Fed. Probation, 1, 1-9 (2008), <https://perma.cc/D3UB-NRN7> (discussing the development of drug courts in the United States 1980s).

141. Senate Act 720.

142. *Id.*

143. *Id.*

144. *Id.*

United States.¹⁴⁵ Because of these problems, and studies on the failure of incarceration to address underlying addiction issues, community based programs were developed.¹⁴⁶

One of these programs was the drug treatment court.¹⁴⁷ The first drug court in America was created in 1989 in Dade County, Florida.¹⁴⁸ The court was created by Justice Stanly Goldstein, who was tired of seeing the same defendants coming into court for the same offenses over and over again.¹⁴⁹ This new drug court put an emphasis on teamwork, cooperation, and collaboration of members of the courtroom work group.¹⁵⁰ The idea of a court that would work more closely with these offenders took off and at the turn of the century, there were over 580 drug courts operating in forty-seven states.¹⁵¹ Maine's first drug court came into existence almost ten years after the drug court movement started.¹⁵² Maine's first drug court was created in 1998 in the Cumberland County Courthouse.¹⁵³ The drug courts were then recognized by legislation in Maine in 2000.¹⁵⁴ Maine currently has traditional drug courts in six of its sixteen counties.¹⁵⁵ These courts are located in Portland, Auburn, Augusta, Bangor, Ellsworth, Alfred, and Washington.¹⁵⁶ Six of these courts are adult drug treatment courts,¹⁵⁷ and three of the courts also operate family recovery courts.¹⁵⁸ These courts are operated out of Bangor, Auburn and Augusta.¹⁵⁹

145. *Id.*

146. *Id.*

147. *Id.*

148. Jon D. Levy. *The Changing Face of Justice in Maine's Drug Courts*, 11 *Maine Policy Review* 31, 31 (2002), <https://perma.cc/8PVY-DYZS>.

149. *Id.*

150. Lurigio, *supra* note 140, at 2.

151. Levy, *supra* note 148, at 31.

152. *Id.*

153. *Id.*

154. Senate Act 720.

155. Levy, *supra* note 148, at 31(Stating that drug courts operate out of York, Cumberland, Androscoggin, Hancock, Penobscot, and Washington Counties).

156. *Id.*

157. The six adult drug treatment courts are operated out of Alfred, Portland, Auburn, Bangor Ellsworth, and Machias/Calais. There is also a co-occurring disorders and veterans court in Augusta.

158. *Id.*

159. *Id.*

As previously stated, the purpose of drug courts is to be able to work more closely with a defendant who is suffering from drug addiction. Anyone who is seeking admission to the drug court is screened.¹⁶⁰ Once admitted to the program, defendants have to “adhere to a rigorous program of substance use disorder counseling, mental health and trauma treatment, random drug screening, work or educational requirements, and to pay all fines, restitution, child support and taxes.”¹⁶¹ If the participants fail to maintain their sobriety or fail to abide by the court ordered conditions in the program, they will face termination from the program and/or the imposition of sanctions from the court.¹⁶²

Unlike the traditional court system, the drug courts also take a more collaborative approach when working with a participant.¹⁶³ In a traditional court, a judge will most likely come to a conclusion or reach their decision on their own. In the drug court system, a judge is the leader of a team, and works with the prosecutor, defense attorney, case manager, probation officer, and other stakeholders in the client’s recovery to come to a determination.¹⁶⁴ This practice helps the judge get to know the case and the participant better, and allows her to make a “more sophisticated decision regarding the offender.”¹⁶⁵ The sanctions from the drug court are intended to motivate the offender to try to make a real change in their lives.¹⁶⁶ Drug courts have been an integral tool in helping repeat offenders get the help that they need, and have been making a positive impact in Maine since their inception in 1998.

B. Effects of a Traditional Drug Court in Maine

The intended purpose of implementing a drug court system was to address the problem of recidivism among offenders suffering from drug addiction.¹⁶⁷ Courts were trying to find a way to stop the

160. *Id.*

161. *Id.*

162. *Id.*

163. Levy, *supra* note 148, at 32.

164. *Id.*

165. *Id.*

166. *Id.*

167. Lurigio, *supra* note 140, at 1.

cycle of the same offenders committing the same offenses and ending up in the same courtroom.¹⁶⁸ As reported by the Maine State Senate in 2018, the recidivism rate for graduates from the drug court program was sixteen percent.¹⁶⁹ This is compared to the forty-nine percent recidivism rate to those who were admitted into the program, but later expelled because they failed to meet the courts requirements.¹⁷⁰ People with similar criminal backgrounds, who were not admitted to the drug court, and were instead put on probation, had recidivism rates between 39.6% and 47.1%.¹⁷¹ These statistics show that those offenders who are able to participate in the drug court's programs and finish the program are less likely to become repeat offenders, and are more likely to successfully treat their addiction problems. Unfortunately, even though the drug courts in the State are working for the offenders who participate in them, they are only able to help a small amount of the community who would benefit from the court's services.¹⁷²

C. *How Courts Nationally are Addressing the Problem*

Nationally, different types of court programs have been implemented beyond a normal drug court structure in order to combat the opioid epidemic. The United States is having the largest problem with increase in opioid use out of any country.¹⁷³ While the United States only accounts for five percent of the world's population, it is consuming roughly eighty percent of the world's supply of opioid drugs.¹⁷⁴ Courts across the country have been overwhelmed by dockets filled with people who are arrested for crimes involving opioids.¹⁷⁵ Therefore, court systems across the country have been looking for ways to combat the crisis.¹⁷⁶

In 2016, representatives from courts in Kentucky, Illinois, Indiana, Michigan, Ohio, Pennsylvania, Tennessee, Virginia and

168. *Id.*

169. Senate Act 720.

170. *Id.*

171. *Id.*

172. *Id.*

173. White & Kunkel, *supra* note 16.

174. *Id.*

175. *Id.*

176. *Id.*

West Virginia met for a Regional Judicial Opioid Summit.¹⁷⁷ At the summit, representatives considered ways to develop regional action plans and regional strategies to combat the opioid crisis.¹⁷⁸ The representatives encourage courts to work with partners in their region to identify policy or practice changes that can improve treatment engagement and reduce the risk of overdose death, to incorporate treatment into the criminal justice system at the earliest possible point, to expand court diversion and sentencing programs and invest in problem solving courts such as drug courts, and to incorporate a screening mechanism to identify high risk individuals within the criminal justice system for opioid addiction.¹⁷⁹ The approaches discussed at the summit as ways to improve the criminal system for drug addicts can be implemented in Maine through a well-funded, wrap around drug court system that expands to areas that are the most in need.

D. The Proposed Wrap-Around Drug Court

In February of 2018, Chief Justice Saufley of the Maine Law Court addressed the Maine Legislature in the State of the Judiciary.¹⁸⁰ In her speech, Chief Justice Saufley specifically talked about the opioid crisis and the steps she thought were necessary to take in order to address the problem that had been affecting communities across the State.¹⁸¹ The Chief Justice talked about the current drug court system and the numbers of people participating in it.¹⁸² In 2017, over 250 people participated in adult drug courts and fifty-one people successfully graduated from the program.¹⁸³ Almost twenty percent of the 254 participants had been terminated by the end of 2017.¹⁸⁴ This means that, even though the recidivism rate among those who successfully graduate is low, very few people are even admitted into the program, and even fewer complete the

177. *Id.*

178. *Id.*

179. *Id.*

180. Judy Harrison, *Maine Chief Justice Proposes Expanding Drug Courts to Address Opioid Crisis*, Bangor Daily News, Feb. 27, 2018, <https://perma.cc/3ZFC-JWZ8>.

181. Saufley, *supra* note 7, at 10.

182. *Id.*

183. *Id.*

184. *Id.*

program successfully. Furthermore, the drug courts are located in city hubs like Bangor, Portland, and Augusta, which, as previously discussed in Section II *supra*, are nearly impossible for people living in rural coastal communities to access in order to receive the kind of treatment that they need, and that those courts offer.¹⁸⁵

The problem of access to these court alternatives lead the Chief Justice to suggest a two-fold approach.¹⁸⁶ First, Chief Justice Saufley suggested an expansion of the current traditional drug court system into more areas throughout the State, an expansion that would be complimented by a new wrap-around drug court.¹⁸⁷ The wrap-around drug court would be even more comprehensive than the traditional drug courts in Maine, including resources such as “immediate and extensive access to addiction treatment, mental health treatment, comprehensive case management, testing, sober housing, job training, employment assistance, transportation, family-related services, and long-term follow-up.”¹⁸⁸ The idea behind the wrap-around court is that it would address all of the factors that go into drug addiction, and the reasons that people end up returning to court again and again for drug related offenses.¹⁸⁹ One of the major differences between the wrap-around court and the traditional court is the long-term follow-up, which would hold participants accountable for a longer time than just the duration of the program.¹⁹⁰ Chief Justice Saufley estimated that the new court would cost about \$1,000,000 a year.¹⁹¹ This is more than the cost of the traditional drug courts, which cost about \$150,000 to \$200,000 a year to operate.¹⁹²

In her February 2019 State of the Judiciary, Chief Justice Saufley again emphasized the importance of addressing the opioid crisis in Maine.¹⁹³ In this address, Chief Justice Saufley emphasized the needed improvement in drug treatment centers in order for the

185. Senate Act 720.

186. Saufley *supra* note 7, at 11.

187. *Id.* at 11, 12.

188. *Id.* at 11.

189. *Id.*

190. *Id.*

191. Judy Harrison, *Maine Chief Justice Proposes Expanding Drug Courts to Address Opioid Crisis*, BANGOR DAILY NEWS, Feb. 27, 2018, at 1, <https://perma.cc/3ZFC-JWZ8>.

192. *Id.*

193. Saufley, *supra* note 7, at 10.

wrap-around drug court system to function properly.¹⁹⁴ She said that there are wide ranges of necessary community-based services that are not within the Judicial Branch budget, but would need to be funded in order for the judiciary to expand access to specialty courts.¹⁹⁵ In order for the wrap-around drug court to be able to provide its more comprehensive and supportive services, it will need help from multiple different organizations and services.¹⁹⁶ This includes: places that can provide access to mental health, addiction recovery, medical and dental care; people who can be mentors, coaches and case managers; job training and educational opportunities; safe sober housing organizations where recovering addicts can be placed while going through the intensive program; data collection analysis to be able to track the success of the program; and testing equipment and laboratories that are not backlogged.¹⁹⁷ In order to expand the drug court dockets there needs to be a funded comprehensive community plan.¹⁹⁸ Chief Justice Saufley stated that the courts have protocol in place that will allow the creation of new addiction dockets as soon as the key components are in place – but adequate funding is necessary to implement the services that will be used to help make the program work smoothly.¹⁹⁹

This new idea for a court has support from the legal and judiciary community.²⁰⁰ Justice Nancy Mills, who is the Chair of the Drug Court Steering Committee, is supporting the project, according to Chief Justice Saufley, and will “provide oversight and management for any expansions or innovations in the Drug Courts.”²⁰¹ The project had received initial support from former Governor LePage.²⁰² It has also received support from the newly elected governor, Janet Mills.²⁰³ In a special edition article Governor

194. *Id.* at 11.

195. *Id.*

196. *Id.*

197. *Id.*

198. *Id.*

199. *Id.*

200. Saufley, *supra* note 7, at 12.

201. *Id.*

202. *Id.*

203. *Id.*; Janet Mills, *Maine is losing the War Against Opioids. Here are 10 Steps to turn it Around*, Bangor Daily News, Jan. 7, 2018, <https://perma.cc/F737-3JAX>.

Mills wrote for the Bangor Daily News, Governor Mills recommended ten steps that need to be taken in order to combat the opioid crisis in the State.²⁰⁴ In one of the steps, she talks about the need for expansion of Maine's current drug court system.²⁰⁵ She stated that the drug courts need to be expanded to provide medication-assisted treatment and supportive services to participants, and that the State needs to provide help to users in the most effective way.²⁰⁶

Governor Mills has also indicated that she will be taking a decidedly different approach than Governor LePage at addressing the crisis.²⁰⁷ Addressing the crisis is still a priority for her administration, but Governor Mills hopes to tackle the issue differently than it has been tackled before.²⁰⁸ According to Governor Mills, the biggest shift will be in tone.²⁰⁹ She said that her approach would be more empathetic and treatment-centered, which differs from Governor LePage's tough-love approach.²¹⁰ Governor Mills has recently said as part of her new treatment based approach, she will soon be issuing an Executive Order directing state agencies to begin taking meaningful steps towards combatting the opioid epidemic.²¹¹

Shortly after taking office, Governor Mills established a new position on her cabinet to combat the opioid crisis.²¹² On January 24, 2019, the governor appointed Gordon Smith to serve as the Director of Opioid Response in her administration.²¹³ Smith was previously the Executive Vice-President of the Maine Medical Association, and will now be tasked with "marshal[ling] the collective power of the state government to combat the opioid epidemic."²¹⁴ In this position,

204. *Id.*

205. *Id.*

206. *Id.*

207. Eric Russell, *Gov. Mills Shifts the Tone in Tackling Maine's Opioid Crisis*, Portland Press Herald, Jan. 27, 2019, <https://perma.cc/Y59Z-3JPZ>.

208. *Id.*

209. *Id.*

210. *Id.*

211. State of Maine Office of Governor Janet T. Mills, *Governor Mills Appoints Gordon Smith Director of Opioid Response*, <https://perma.cc/M2W8-UNTZ> (last visited Feb. 2, 2019) [hereinafter Janet T. Mills].

212. *Id.*

213. *Id.*

214. *Id.*

Smith will be in charge of coordinating efforts across all state agencies in order to fight the opioid epidemic.²¹⁵

The first action of the Director of Opioid response will be to establish a Prevention and Recovery Cabinet.²¹⁶ The cabinet will include the Attorney General and commissioners from various State departments.²¹⁷ The cabinet's goal will be "ensuring coordination and communication across state agencies on actions regarding law enforcement, prevention, treatment and recovery to combat the opioid epidemic."²¹⁸ Because Governor Mills is using a treatment and empathetic based approach, and has added a position to her cabinet to fully address the issue of opioid addiction, this is the perfect time to build and fund a wrap-around drug court. The wrap-around court will inevitably require this cooperative engagement from the different agencies to address the crisis under Smith, and the court would share the new governor's more treatment-based and less punitive approach to help people who are addicted to drugs, rather than putting them through the traditional court system.

Prosecutors in Coastal Maine, where lobstermen live and services for people battling addiction are hard to come by, also support the idea of expanding the system.²¹⁹ Jon Liberman is the District Attorney for Sagadahoc, Lincoln, Knox and Waldo counties.²²⁰ District Attorney Liberman says that a drug court for Midcoast Maine is due.²²¹ This region of Maine has been hit especially hard by the opioid epidemic, and Liberman has been pushing for the judiciary to start operating a drug court out of the Midcoast since he became the District Attorney for the area.²²² The court would have the potential to help upwards of thirty people at a time.²²³ Although this may sound like a small amount of people, it would nevertheless be an important tool for an area with otherwise

215. Russell, *supra* note 207.

216. Janet T. Mills, *supra* note 211.

217. *Id.*

218. *Id.*

219. Lauren Abbate, *A Section of Maine's Coast Hit Hard By the Opioid Crisis Wants its Own Drug Court*, Bangor Daily news, Sep. 10, 2018, [<https://perma.cc/8ZD8-G4J3>].

220. *Id.*

221. *Id.*

222. *Id.*

223. *Id.*

very few options for treatment in treating addiction.²²⁴ There is community support for the program, and with the judicial go-ahead, Liberman said the District Attorney's Office would make it work.²²⁵

The Maine Judicial Branch as a whole is in support of the bill.²²⁶ Julia Finn, the legislative analyst for the judicial branch, wrote to the Task Force to Address the Opioid Crisis in the State Regarding Increased Access to Drug Courts, on behalf of the judicial branch in support of a bill to implement the task force.²²⁷ Finn wrote that the judicial branch supports the development of additional drug courts as the legislation permits, and that they are an effective tool when there are community partners able to help operate the program.²²⁸ In her testimony, Finn points out that the new wrap-around drug court would need to be in places where there are willing partners and community support for participants treatment needs.²²⁹ Midcoast communities would be one of these places, since there is already support from their legal community, and there is a significant need for the kind of treatment the wrap-around drug court would provide to participants in these coastal communities.²³⁰

The wrap-around drug court has support from outside the legal community as well, which is vital in being able to operate the programs that the court would offer.²³¹ Malory Shaughnessy, the Executive Director of the Alliance for Addiction and Mental Health Services, wrote testimony to the Task Force in support of the Act.²³² The Alliance is a group made up of multiple organizations that deal with mental health services.²³³ In her testimony, Shaughnessy wrote that these programs not only work to save lives, but will save the

224. *Id.*

225. *Id.*

226. Senate Act 720.

227. *Id.*

228. *Id.*

229. *Id.*

230. Abbate, *supra* note 219.

231. Senate Act 720.

232. *Id.*

233. *The Alliance for Addiction and Mental Health Services*, <https://perma.cc/2C2Y-AP2A> (Last Visited Dec. 2, 2018).

state money as well.²³⁴ The estimated savings would be significant.²³⁵ The average estimated savings per participant is huge. In an adult drug treatment court, the savings is \$12,218 per person participating in the courts. The drug court also saves the state more than \$1.8 million dollars in medical costs for babies who are then born without drug addiction to participants of the drug court.²³⁶ Because the wrap-around drug court would lead to significant savings for the state, as well as its ability to literally save the lives of those affected by drug addiction, the Alliance for Addiction and Mental Health Services “strongly supports the expansion of drug courts in Maine.”²³⁷

Another organization that supports funding a wrap-around drug court is the Consumers for Affordable Health Care.²³⁸ The Consumers for Affordable Health Care (“CAHC”) wrote that more funding for expansion of drug courts and the additional services they provide are needed.²³⁹ Case management and other ancillary services that drug courts provide for CAHC’s participants are “essential to improving the likelihood that people served by Drug Courts will access the resources they need to pay for ongoing substance use disorder and mental health treatment necessary to fulfil their obligation to the court.”²⁴⁰ CAHC insisted that improving the Drug Court services in Maine will improve the services of treatment providers.²⁴¹

234. *An Act To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding Increased Access to Drug Courts: Hearing on S.P. 720 Before the Joint Standing Committee*, 128th Leg., Sess. 2 (Me. 2018) (testimony of Malory Shaughnessy, Member, Alliance for Addiction and Mental Health Services, Maine).

235. *Id.*

236. *Id.*

237. *Id.*

238. *An Act To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding Increased Access to Drug Courts: Hearing on S.P. 720 Before the Joint Standing Committee*, 128th Leg., Sess. 2 (Me. 2018) (testimony of Ann Woloson, Member, Consumers for Affordable Health Care).

239. *Id.*

240. *Id.*

241. *Id.*

IV. A WRAP-AROUND DRUG COURT FOR COASTAL MAINE

Although it is rarely talked about within the lobstering community, the statistics show that there is an opioid problem among lobstermen that is affecting not only the lobster fisherman but the communities they live and fish in. The facts also show that *this* is the time for a new wrap-around drug court and the services it could provide to be funded. The Governor's establishment of a committee to combat the crisis²⁴² as well as the Chief Justice and the Judiciary's enthusiastic support to expand the drug court system provide the momentum needed to gain funding from the legislature and start implementing the system in needed areas.²⁴³ Because the lobstering community has been hit so hard by the opioid crisis, it only makes sense to start a wrap-around drug court in an area where it will be able to provide help and treatment to those coastal communities in need.

A. *Lobstermen's Contact with the Court System*

As previously stated, drug users are much more likely to come into contact with the court system than the general public.²⁴⁴ This is not just for drug defined crimes, but because drug use is also a driving force behind the commission of various other crimes.²⁴⁵ This means that drug users are likely to be charged with crimes such as theft and trespass (crimes often committed in order to fund drug use), making it even more likely that they will end up in the court system.²⁴⁶ In Maine, larceny and theft, which are classified as drug

242. Janet T. Mills, *supra* note 211.

243. Saufley, *supra* note 7, at 11-12.

244. U.S. Department of Justice, *supra* note 21, at 4.

245. *Id.* The U.S. Department of Justice defines a drug-defined crime as "violation of laws prohibiting or regulation the possession, use, distribution, or manufacture of illegal drugs." *Id.* This differs from its definition of drug related crimes which are crimes motivated by a user's need to support drug use. *Id.* This is also different from drug lifestyle crime which says a lifestyle of using drugs will put the user in situations that encourage crime. *Id.*

246. *Id.*

related crimes, made up seventy-three percent of the arrests in 2017.²⁴⁷ This is a total of over 15,900 arrests for theft and larceny.²⁴⁸

The statistics for these types of crimes are high in Maine's coastal areas. For example, in 2017, in Hancock County, where Stonington, Maine is located, there was a total of 581 indexed crimes, 469 of which were for larceny.²⁴⁹ In Washington County, out of 277 total indexed crimes, 177 of them were for larceny.²⁵⁰ This means that in Hancock County, over eighty percent of the crimes are drug related and in Washington County, over sixty percent of the crimes are drug related.²⁵¹ These statistics not only help prove that there is a drug problem in lobstering communities, they also show that it is highly likely that those suffering from opioid addiction will enter into the court system at one point over the course of their addiction. It makes the wrap-around drug court a perfect recourse in these communities to not only deal with the criminal aspect of drug addiction, but be able to take those suffering from drug addiction who have been brought to the criminal system and provide them with the treatment, resources, and support that they need.

B. Courts as a Point of Access to Treatment in Rural Coastal Areas

Because a lobsterman who uses drugs is, unfortunately, likely to come into contact with the criminal justice system at some point in their life, and treatment in rural coastal areas is scarce, courts are the realistic way of bridging the gap between drug abuse and access to treatment. Hancock, Washington, Lincoln, Waldo and Knox counties are all part of Maine's coastal fishing communities and are all considered rural.²⁵² And, as previously stated, treatment centers are in the more populous hubs of the state – hundreds of miles away from these coastal communities.²⁵³ It is more likely that

247. Dept. of Public Safety, *supra* note 20, at 19.

248. *Id.*

249. *Id.* at 20.

250. *Id.*

251. *Id.*

252. Maine Three Rural Definitions Based on Census Places, <https://perma.cc/2MKL-MP4N> (last visited March, 15, 2019).

253. Franceschetti, *supra* note 49, at 89.

a lobsterman with an opioid addiction in coastal Maine will come into contact with the criminal justice system then it is for them to have access to a treatment facility. There is a superior court in every county, and 29 district courts in various locations spread across the state.²⁵⁴ A lobsterman living in Machias would have to travel between eighty and 200 miles to access treatment in Portland, Bangor or Lewiston and Auburn, or they could access treatment through a court program, using the criminal justice system as a point of entry to be able to be placed in a treatment program.

Not being able to get access to treatment was one of the main issues that lobstermen complained of in the recent study that was previously cited.²⁵⁵ The lobstermen interviewed talked about having to drive two hours to be able to see a doctor for treatment and how that was debilitating on their ability to fight their addictions.²⁵⁶ Wrap-around drug courts located in the communities where the lobstermen live would be able to directly address this problem. As Chief Justice Saufley explained, the need for access to treatment was one of the driving forces behind the idea of the wrap-around drug court and she wants to expand the program to involve more areas of the state where it is needed.²⁵⁷ The court would then provide access to the types of treatment that people need but are not able to get in these areas.²⁵⁸ Programs like, addiction treatment, mental health treatment, comprehensive case management, testing, sober housing, job training, employment assistance, transportation, family-related services, and long-term follow-up will all be a part of the program. This means that once a lobsterman enters into the system, they will have the support and the resources that they need, but are not currently accessible to them, in order to be successful in their treatment.²⁵⁹ The wrap-around drug court was designed to address all of the factors that can lead to an unsuccessful battle with drug addiction, including access to treatment.²⁶⁰ Having a wrap-around

254. State of Maine Judicial Branch, <https://perma.cc/6N2S-4JY7> (last visited March 15, 2019).

255. Franceschetti, *supra* note 49, at 89.

256. Franceschetti, *supra* note 49, at 90.

257. Saufley *supra* note 7, at 11.

258. *Id.*

259. *Id.*

260. *Id.*

drug court in the coastal communities will have a positive impact in combatting the opioid crisis among lobstermen because they will finally have a starting point to access the treatment.

V. CONCLUSION

Drug courts have a long history in Maine and have been able to help the people who are able to enter into the program.²⁶¹ Unfortunately, they are not as effective as they could be. In parts of the state where access to drug treatment facilities and drug court programs are scarce, lobstermen are currently fighting a battle against opioid addiction within the occupation.²⁶² Lobstermen do a job that is physically and mentally demanding, which often leads them to addiction.²⁶³ Once they are hooked, the limited access to treatment and the limited funding of existing programs that are already in place make it hard for lobstermen to battle their addictions.²⁶⁴ If the legislature were to fund a wrap-around drug court it would make the current drug court programs more effective and more widely available to people across the state.²⁶⁵ By expanding the program, the legislature would be providing lobstermen with the access to treatment that they need. If the legislature funds the wrap-around court and the programs that it would provide, there is potential to save not only one of Maine's most lucrative industries, but the lives of so many Mainers in that industry.

261. Levy, *supra* note 148, at 32.

262. Overton, *supra* note 2.

263. *Id.*

264. Franceschetti, *supra* note 49, at 90.

265. Saufley, *supra* note 7, at 10-11.