

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 10, 1989 to June 14, 1989

On motion by Senator PEARSON of Penobscot, ADJOURNED until Monday, June 12, 1989, at 9:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
81st Legislative Day
Monday, June 12, 1989

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Lewis Beckford, Washington Avenue United Methodist Church, Portland.

Pledge of Allegiance.

The Journal of Friday, June 9, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Joint Resolution: (S.P. 640)
JOINT RESOLUTION COMMEMORATING THE 200TH ANNIVERSARY
OF THE TOWN OF ISLESBORO

WHEREAS, Maine's scenic islands are and have been the home of generations of hardy individualists who exemplify the ideals of self-reliance and determination; and

WHEREAS, the continued settlement and prosperity of these rugged and beautiful places serve as a testament to those who wrest their living from an unforgiving sea and who are the careful stewards of limited island resources; and

WHEREAS, one of these very special communities is the Town of Islesboro, comprised of a cluster of islands southeast of Belfast in Penobscot Bay, which has been continuously occupied since its settlement in 1764 by Shubael Williams and in 1769 by William Pendleton and Benjamin Thomas; and

WHEREAS, Islesboro and its citizens have been able to preserve the character, charm and beauty of Long Island at the same time as they have welcomed summer visitors and crafted their fine "cottages;" and

WHEREAS, the descendants of the original settlers, the year round residents of the town and the seasonal residents who return year after year take great pride in this special place and in the harmony they have achieved with their surroundings; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the State of Maine now assembled in the First Regular Session, take this opportunity in the year of the 200th anniversary of the Town of Islesboro to pause and commend the officials and citizens of this fine town for the success which they have achieved together for 2 centuries and to extend to each our sincere hopes and best wishes for continued achievement over the next 200 years; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of these proud isles in honor of the occasion.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act to Establish the Maine Outdoors Program" (S.P. 639) (L.D. 1732)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Payment for

Mandatory Overtime Work on Sundays and Holidays" (S.P. 515) (L.D. 1411)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Create the Lineworker's Safety Act" (S.P. 558) (L.D. 1561)

Report of the Committee on Utilities reporting "Ought Not to Pass" on Bill "An Act to Establish Domestic Preference for Long-term Power Generation" (S.P. 616) (L.D. 1711)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act Relating to the Certificate of Need Act" (S.P. 613) (L.D. 1708)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Non-Concurrent Matter

Bill "An Act to Prevent, Punish and Remedy Violations of Constitutional Rights" (H.P. 896) (L.D. 1253) which was passed to be engrossed as amended by Committee Amendment "A" (H-325) and House Amendment "A" (H-363) in the House on June 2, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-325), House Amendment "A" (H-363), and Senate Amendment "A" (S-236) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Resolve, to Study the Feasibility of Establishing a Piscataqua River Basin Compact between Maine and New Hampshire (EMERGENCY) (S.P. 496) (L.D. 1370) (C. "A" S-185) which was finally passed in the House on June 7, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-185) as amended by Senate Amendment "A" (S-244) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Improve Compliance with Truck Weight Limits" (H.P. 36) (L.D. 36) which was passed to be engrossed as amended by Committee Amendment "A" (H-277) as amended by House Amendment "A" (H-420) thereto in the House on June 7, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-277) as amended by House Amendment "A" (H-420) and Senate Amendment "B" (S-242) thereto in non-concurrence.

The House voted to recede and concur.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Resolve was received and, upon the recommendation of the Committee on Reference of Bills, was referred to the following Committee, Ordered Printed and Sent up for Concurrence:

Agriculture

Resolve, to Establish the Commission on Maine's Food Policy (H.P. 1244) (L.D. 1737) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by

Representative TARDY of Palmyra and Senator EMERSON of Penobscot)

Ordered Printed.

Sent up for Concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Christine F. Burke of Vassalboro be excused May 30 to June 8 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Lucien A. Dutremble of Biddeford be excused June 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Maria Glen Holt of Bath be excused June 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Alexander Richard of Madison be excused June 6 for health reasons and June 12, 13 and 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Paul Parent of Benton be excused June 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John O'Dea of Orono be excused June 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mary R. Cathcart of Orono be excused June 9 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Permit the Town of Windham to Maintain and Repair Private Roads to Town Road Specifications" (H.P. 1045) (L.D. 1456) reporting "Ought Not to Pass"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Require the Permanent Recording of the Location of Stone Walls" (H.P. 1063) (L.D. 1485) reporting "Ought Not to Pass"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act Allowing Full-time Deputies to Hold Nonpartisan Office" (H.P. 1188) (L.D. 1655) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Unanimous Leave to Withdraw

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act Regarding the Composition of the Real Estate Commission" (H.P. 1156) (L.D. 1610) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act Relating to Conflict of Interest and Financial Disclosure for Government Officials and Employees" (H.P. 222) (L.D. 302) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Amend the Laws Relating to Ethics in Government" (H.P. 1184) (L.D. 1639) reporting "Leave to Withdraw"

Representative TARDY from the Committee on Taxation on Bill "An Act Relating to the Taxation of Aircraft" (H.P. 345) (L.D. 464) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Establish a Program of Health, Education and Treatment for Persons Convicted of Drug and Sex-related Offenses" (H.P. 1190) (L.D. 1657) reporting "Leave to Withdraw" Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-459) on Bill "An Act to Amend the Lobster and Crab Fishing License Law" (H.P. 1215) (L.D. 1687)

Signed:

Senators: BRANNIGAN of Cumberland

ESTES of York

BRAWN of Knox

Representatives: MITCHELL of Freeport

HOLT of Bath

COLES of Harpswell

RUHLIN of Brewer

CONSTANTINE of Bar Harbor

SKOGLUND of St. George

LOOK of Jonesboro

TOWNSEND of Eastport

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representatives: HUTCHINS of Penobscot

MARSH of West Gardiner

Reports were read.

Representative Mitchell of Freeport moved that the House accept the Majority "Ought to Pass" Report.

On motion of the same Representative, tabled pending his motion to accept the Majority "Ought to Pass" Report and later today assigned.

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-461) on Bill "An Act to Increase the Authority of the Department of Human Services to Assess the Medical and Active Treatment Needs of Individuals Applying for Admission to Nursing Homes" (H.P. 1012) (L.D. 1410)

Signed:

Senators: GAUVREAU of Androscoggin

TITCOMB of Cumberland

RANDALL of Washington

Representatives: MANNING of Portland

BOUTILIER of Lewiston

CLARK of Brunswick

BURKE of Vassalboro

PEDERSON of Bangor

DELLERT of Gardiner

HEPBURN of Skowhegan

PENDLETON of Scarborough

CATHCART of Orono

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representative: ROLDE of York

Reports were read.

On motion of Representative Manning of Portland, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-461) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-470) on Bill "An Act to Increase the Motor Vehicle Inspection Fees" (H.P. 49) (L.D. 70)

Signed:

Senators: GOULD of Waldo

TWITCHELL of Oxford

Representatives: HICHBORN of LaGrange

MACOMBER of South Portland

McPHERSON of Eliot

MARTIN of Van Buren

HALE of Sanford

MOHOLLAND of Princeton

MILLS of Bethel

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senator: THERIAULT of Aroostook

Representatives: STROUT of Corinth

HUSSEY of Milo

BAILEY of Farmington

Reports were read.

On motion of Representative Moholland of Princeton, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-470) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1138) (L.D. 1581) Bill "An Act to Limit Municipalities' Responsibility to Reopen an Abandoned Road" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 586) (L.D. 790) Bill "An Act Concerning Potato Varieties" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-449)

(H.P. 1057) (L.D. 1479) Bill "An Act to Promote Landowner Relations" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-452)

(H.P. 956) (L.D. 1324) Bill "An Act Relating to the Status of Nursing Professions in Maine" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-453)

(H.P. 1227) (L.D. 1706) Bill "An Act to Create the Quantabacook Water District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-454)

(H.P. 1209) (L.D. 1681) Bill "An Act to Increase the Borrowing Authority of the Ogunquit Sewer District" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-455)

(H.P. 1200) (L.D. 1667) Bill "An Act Creating the St. Francis Water District" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-456)

(H.P. 385) (L.D. 516) Bill "An Act to Clarify the Responsibilities of School Boards" (EMERGENCY) Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-457)

(H.P. 693) (L.D. 945) Bill "An Act Making It Illegal to Possess Lobsters Caught Illegally"

Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-458)

(H.P. 935) (L.D. 1300) Resolve, to Request that the Board of Trustees of the University of Maine System Determine the Cost of Establishing a Training Program for Nurse Practitioners in Northern Maine Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-464)

(H.P. 1069) (L.D. 1491) Resolve, to Establish the Commission to Study Real Estate Appraiser Certification and Licensing Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-465)

(H.P. 1161) (L.D. 1615) Bill "An Act Regarding the Handicap Parking Privilege to Veterans with Disabled Veterans License Plates" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-469)

There being no objections, the above items were ordered to appear on the Consent Calendar under the listing of Second Day, later in today's session.

SECOND READER

As Amended

Later Today Assigned

Bill "An Act Providing Confidentiality for Public Sector Job Applicants" (EMERGENCY) (S.P. 486) (L.D. 1328) (C. "A" S-232)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Representative Tamaro of Baileyville, the House reconsidered its action whereby Committee Amendment "A" (S-232) was adopted.

The same Representative offered House Amendment "A" (H-468) to Committee Amendment "A" (S-232) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

Representative MacBride moved L.D. 1328 be tabled one legislative day pending passage to be engrossed.

Representative MacBride withdrew her motion to table one legislative day.

On motion of the same Representative, tabled pending passage to be engrossed and later today assigned.

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Law Governing Prelitigation Screening Panels (S.P. 398) (L.D. 1042)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Change the Name of the State Capitol Commission to the State House and Capitol Park Commission and to Amend the Law Governing the Commission (S.P. 461) (L.D. 1246) (C. "A" S-198)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and none

against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Law Concerning the Collection of Fees for General Educational High School Equivalency Certificates (S.P. 487) (L.D. 1329) (C. "A" S-210)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Highway Funds Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991 (H.P. 114) (L.D. 151) (C. "A" H-384)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Moholland of Princeton, under suspension of the rules, the House reconsidered its action whereby L.D. 151 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-384) was adopted.

The same Representative offered House Amendment "A" (H-447) to Committee Amendment "A" (H-384) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1989-90 (H.P. 112) (L.D. 1545) (C. "A" H-381)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Increase the State Share of Education Funding (S.P. 169) (L.D. 326) (C. "A" S-209)

An Act to Provide Public Access to Records and Proceedings of Local and County Government Associations (S.P. 314) (L.D. 819) (H. "A" H-401 to C. "A" S-187)

An Act to Make Investment Earnings on Commodity Taxes Consistent (S.P. 326) (L.D. 863) (C. "A" S-202)

An Act to Combine and Coordinate Services to Maine's Elderly with Services to Other Adults in a Single Bureau of the Department of Human Services (S.P. 520) (L.D. 1427) (C. "A" S-203)

An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors (S.P. 552) (L.D. 1555) (C. "A" S-204)

An Act to Create the Legislative Study Commission on Growth Management and Tax Policy (H.P. 184) (L.D. 249) (C. "A" H-382)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Concerning Unemployment Benefits for Lockouts (H.P. 456) (L.D. 621) (C. "A" H-353)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative McCormick.

Representative MCCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 621, An Act Concerning Unemployment Benefits for Lockouts appears to be at first glance a good and a fair bill. But with your indulgence, I would briefly explain this bill and how it will have a burden on small businesses throughout the state if it is passed.

If this bill is passed, it will eventually impact very heavily on the unemployment benefit costs to over 30,000 small businesses and their employees. It doesn't take a lot of imagination to see how a union or a group of employees, if they are contemplating a strike, may be able to collect unemployment from day one. All they have to do is create a work slow down or create the threat of sabotage or any number of scenarios which could provoke a lockout.

If this bill were passed, we may see only lockouts instead of strikes as we know them today.

The added expense to the unemployment fund will be shared by all of the approximately 30,000 small businesses in our state. At the present time, employees can't collect unemployment until the company either goes out of business or hires replacement workers. It is only one of a number of bills working their way through the legislature this session which impacts on small businesses through no fault of theirs. Most of these bills get their birth from labor groups who are frustrated primarily because of the past and present actions of the larger firms such as the paper companies. Unfortunately, the impact on small businesses is often not adequately considered because of that frustration. Small businesses of less than 100 employees make up over 60 percent of all the jobs in our state, 60 percent of all the jobs in our state.

Please don't place more of a burden on small businesses.

Ladies and gentlemen of the House, I urge you to vote no on this bill.

Mr. Speaker, may we have a roll call when the vote is taken?

The SPEAKER: A roll call is requested. The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: It is nice to say that this bill would affect small businesses but we all realize that we are not talking small businesses when we are talking lockouts. The majority, if not all small businesses, do not have any organized labor

representing the employees. You don't have to have a lockout, you don't have to have a strike, if the employer doesn't like what the employees are doing, they fire them. So, let's not use small business.

We are talking about what I call big business, paper industries, they are the ones that use the lockouts more often than anyone else. Some other small, medium company will use lockout but you know that it is experience rated. Experience rated means that the person who is responsible for the lockout pays for it. So, how can that affect small business? It doesn't affect small business at all.

We can play with figures, we can run around with figures, we can show percentages, we can talk dollars but the bottom line is, we have people who are locked out without any money for food or without strike benefits, without unemployment benefits and it is not right at all. We all know what the mentality of the paper industry is, it is either you take it or leave it, if you leave it, you are out on your own.

If you want to talk about affecting the unemployment fund, look what happened in Jay -- that affected every small business in the state, that cost almost \$2 million in the unemployment fund and they never returned it.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative McCormick.

Representative MCCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: It is not that I don't have sympathy for the people who are locked out, I do and I don't think it is right but neither do I think it is right -- and I want to make this clear -- that the other employees and small businesses of this state have to pay the heavy costs to correct the situation that involves a lesser number of employees within this state. To impose something on all of the employers of this state to correct what is a relatively small problem compared to the rest of the state I think is an injustice and I urge you to please look the bill over and think it out before you vote.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: It appalls me to sit here and listen to the comments of the good Representative who mentioned lockouts and subsidizing lockouts from other small businesses. One thing you don't want to forget is that the unions don't have a right to lockout themselves. If the company locks the doors for the unions who want to go to work, the unions themselves elect to go to work, the company locks the doors, not the unions. Don't forget that. That is the only thing I have got to say.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: The Representative from Rockport said it is a good and fair bill. He is very right, it is a good and fair bill.

The increased burden on small businesses by the Governor failing to take action in the Jay situation proved in a real way a heavy cost on all small businesses. Yet, it was in the Governor's powers to act and to try to settle that thing over there. Now it is time for the legislature to take control and do what is not being done. So, please give us a yes vote when it comes up.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 72

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Burke, Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Curran, Daggett, Dipietro, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Oliver, Paradis, E.; Paradis, P.; Parent, Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Ridley, Rolde, Rotondi, Rydell, Sheltra, Simpson, Skoglund, Smith, Strout, D.; Swazey, Tamaro, Telow, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Brewer, Butland, Carroll, J.; Dellert, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Hanley, Hastings, Hepburn, Higgins, Hutchins, Jackson, Lebowitz, Libby, Look, Lord, MacBride, Marsano, McCormick, McPherson, Merrill, Murphy, Norton, Pendleton, Pines, Reed, Richards, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Tardy, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Conley, Dore, Marsh, Marston, O'Dea, Paradis, J.; Richard, Ruhlman, Stevens, P.

Yes. 93; No. 48; Absent. 9; Vacant. 1; Paired. 0; Excused. 0.

93 having voted in the affirmative, 48 in the negative, with 9 being absent and 1 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Appropriate Funds for Advocacy Activities for Severe and Prolonged Mentally Ill Persons (H.P. 616) (L.D. 839) (C. "A" H-390)

An Act to Clarify the Authority of Personal Care Assistants under the Supervision of Persons in a Consumer-directed Services Program (H.P. 884) (L.D. 1228) (C. "A" H-394)

An Act to Require the Licensure of Ambulatory Surgical Facilities (H.P. 891) (L.D. 1235) (H. "B" H-419 to C. "A" H-289)

An Act to Facilitate the Establishment and Enforcement of Child Support and Health Insurance Obligations and to Clarify the Law Concerning the Modification of Child Support Orders (H.P. 953) (L.D. 1321) (H. "A" H-402 to C. "A" H-385)

An Act to Fund the Maine State Retirement System for Certain Employees Previously Covered by the County Retirement System (H.P. 1062) (L.D. 1484) (C. "A" H-372)

An Act to Amend the Maine Tort Claims Act (H.P. 1083) (L.D. 1505)

An Act to Provide Flexibility in the Laws on Residential Placement of Young Adults (H.P. 1087) (L.D. 1509) (C. "A" H-392)

An Act Concerning School Social Workers (H.P. 1135) (L.D. 1578)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act to Establish State Guidelines for Child Support Awards" (H.P. 706) (L.D. 967)

- In House, Passed to be engrossed as amended by Committee Amendment "A" (H-349) on June 2, 1989.

- In Senate, Passed to be engrossed as amended by Committee Amendment "A" (H-349) as amended by Senate Amendment "A" (S-226) thereto in non-concurrence.

TABLED - June 9, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Further Consideration.

On motion of Representative Gwadosky of Fairfield, retabled pending further consideration and later today assigned.

The Chair laid before the House the second tabled and today assigned matter.

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-443) -

Minority (3) "Ought to Pass" as amended by Committee Amendment "B" (H-444) - Committee on Education on

Bill "An Act Granting Student Rights and Requiring School Boards to Adopt Written Policies Regarding Student Rights and Responsibilities" (H.P. 827) (L.D. 1159)

TABLED - June 9, 1989 by Representative CROWLEY of Stockton Springs.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-443) Report.

On motion of Representative Crowley of Stockton Springs, retabled pending the motion of same Representative to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-443) Report and later today assigned.

The Chair laid before the House the third tabled and today assigned matter:

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-445) -

Minority (4) "Ought Not to Pass" - Joint Select Committee on Corrections on Bill "An Act to Transfer

Jurisdiction over County Jails from County Government to the Department of Corrections" (H.P. 857) (L.D. 1189)

TABLED - June 9, 1989 by Representative MELENDY of Rockland.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Melendy of Rockland that the House

accept the Majority "Ought to Pass" Report and later today assigned.

The Chair laid before the House the fourth tabled and today assigned matter:

Bill "An Act to Extend the Eligibility of Retired Teachers for Group Health Insurance" (S.P. 337) (L.D. 898)

- In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-221)

TABLED - June 9, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Adoption of Committee Amendment "A" (S-221).

Subsequently, Committee Amendment "A" (S-221) was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended in concurrence.

The Chair laid before the House the fifth tabled and today assigned matter:

Bill "An Act to Amend the Banking Code" (S.P. 635) (L.D. 1726)

- In Senate, Passed to be Engrossed without reference to Committee.

TABLED - June 9, 1989 by Representative RYDELL of Brunswick.

PENDING - Passage to be Engrossed.

On motion of Representative Rydell of Brunswick, retabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the sixth tabled and today assigned matter.

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-388) - Minority (4) "Ought to Pass" as amended by Committee Amendment "B" (H-389) - Committee on Taxation on Bill "An Act to Provide Comprehensive Property Tax Relief" (H.P. 776) (L.D. 1088)

TABLED - June 9, 1989 by Representative NADEAU of Saco.

PENDING - Motion of Representative CASHMAN of Old Town to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-388) Report.

On motion of Representative Cashman of Old Town, retabled pending the motion of the same Representative that the House accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-388) Report and later today assigned.

The Chair laid before the House the seventh tabled and today assigned matter:

An Act to Clarify Procedural Aspects of the Forcible Entry and Detainer Law (H.P. 446) (L.D. 611) (C. "A" H-265)

TABLED - June 9, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and later today assigned.

The Chair laid before the House the eighth tabled and today assigned matter:

An Act to Increase the Compensation for Part-time Deputy Sheriffs (H.P. 788) (L.D. 1100) (C. "A" H-209)

TABLED - June 9, 1989 by Representative JOSEPH of Waterville.

PENDING - Passage to be Enacted.

On motion of Representative Joseph of Waterville, retabled pending passage to be enacted and later today assigned.

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

The following Joint Resolution: (S.P. 641)
JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT A NATIONAL MINIMUM CARAPACE SIZE FOR LOBSTERS

WE, your Memorialists, the Members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the members of the Congress of the United States, as follows:

WHEREAS, a legal minimum carapace size limit for lobsters, *Homarus americanus*, is an effective way to manage and protect the lobster resource; and

WHEREAS, lobsters migrate from the coastal waters of one state to the coastal waters of other states; and

WHEREAS, lack of a uniform minimum carapace size limit between states that have a lobster industry is detrimental to the effective management of the lobster resource; and

WHEREAS, a national minimum carapace size limit for lobsters would provide uniform resource management and protection, enhance enforcement of the lobster laws concerning sale of undersize lobsters, and ease interstate tensions and rivalries in the lobster industry; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress enact legislation to establish a national minimum legal carapace size limit for lobsters; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of the State, be transmitted to the Honorable George H. W. Bush, President of the United States, the President of the Senate and the Speaker of the House of the Congress of the United States, and to each member of the Maine Congressional Delegation.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act to Amend the Teacher Retirement System Laws to Allow Contributions for Associates in Education" (EMERGENCY) (S.P. 643) (L.D. 1735)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Amend the Maine Coastal and Inland Surface Oil Clean-up Fund to Provide for Adequate Resources to Respond to a Major Coastal Oil Spill" (S.P. 645) (L.D. 1738)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Change the Status of a Newly Established Position" (S.P. 644) (L.D. 1736)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Was referred to the Committee on State and Local Government in concurrence.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative CROWLEY of Stockton Springs, the following Joint Order: (H.P. 1245)

ORDERED, the Senate concurring, that "An Act Regarding the Maine Vocational-Technical Institute System." H.P. 660, L.D. 902. be recalled from the legislative files to the House.

Was read.

The SPEAKER: Pursuant to the rules, a two-thirds vote of the members present and voting is necessary. The pending question is recall from the Legislative files. Those in favor of the recall will vote yes; those opposed will vote not.

A vote of the House was taken. 92 having vote in the affirmative 3 in the negative. was recalled from the legislative files.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-443) - Minority (3) "Ought to Pass" as amended by Committee Amendment "B" (H-444) - Committee on Education on Bill "An Act Granting Student Rights and Requiring School Boards to Adopt Written Policies Regarding Student Rights and Responsibilities" (H.P. 827) (L.D. 1159) which was retabled earlier in the day and later today assigned pending the motion of Representative Crowley of Stockton Springs that the House accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-443) Report and later today assigned.

Subsequently, the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-443) Report was accepted, the Bill read once.

Representative Crowley of Stockton Springs offered House Amendment "A" (H-471) to Committee Amendment "A" (H-443) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act Providing Confidentiality for Public Sector Job Applicants" (EMERGENCY) (S.P. 486) (L.D. 1328) (C. "A" S-232) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative MacBride of Presque Isle offered House Amendment "A" (H-472) and moved its adoption.

House Amendment "A" (H-472) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

I would like to ask the sponsor of the amendment if the Representative would please explain the reason for the amendment this morning?

The SPEAKER: Representative Paradis of Augusta has posed a question through the Chair to Representative MacBride of Presque Isle who may respond if she so desires.

The Chair recognizes that Representative.

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of the amendment is to remove the Emergency clause to hopefully ensure passage of the bill.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: I have a little trouble with accepting an amendment to a bill to remove an Emergency clause to the bill that has been written into the bill in order to assure its passage. I thought that legislation that is presented to a chamber is presented because it is necessary and that the debate is to explain the necessity of the bill and that we do not manipulate the wording of the bill in order to assure its passage. If the Department of Administration and the Maine Municipal Association are truly sincere in their presentation of this legislation that it is necessary and an emergency, I don't know why they would come to us at the eleventh hour and ask that the bill be amended to have the Emergency removed. If this Bangor decision by the Law Court has caused such a tremendous problem and burden on local, county and state government, why are they here this morning saying that it isn't necessarily a burden that can't be rectified until the month of October?

Applications of candidates for state, county and municipal government employment are now confidential and considered to be public information, whereas many potential candidates for positions need to have the fact that their application be kept confidential, whereas the lack of confidentiality currently afforded to these applicants and application materials is deterring well-qualified applicants who would otherwise apply for government positions. Because of that, it created an Emergency according to the Constitution of this state.

I think some of the cover of this bill is now off and it doesn't seem to be that necessary at this juncture in the legislature. One of the proponents of my position last Friday mentioned that we ought to give this bill time for this decision to work, that the Bangor decision was only brought out last Fall and it hadn't really been effective yet, that it hadn't caused any problems yet. They came before us the month of May and said that it was an Emergency that we needed to rectify immediately. Eleven of the thirteen members of the committee agreed that it was an Emergency and ought to be rectified, two of us opposed the bill in its entirety and said we would go along with an Emergency provided there is a clause in there that provides some leeway. Now this morning or over the weekend, the emergency evaporated. I really find that quite interesting especially in light of the fact that I checked with certain members and none of them were aware that this committee amendment was going to be offered.

This bill and this amendment really protect the status quo anti bellum. The status quo before the Bangor decision, the world according to Garp, I think it is really unfortunate that we have to debate this type of confidentiality in a system of free people. All this does is ensure that those in power, that those who protect the system the way it is, can manipulate the system to their own end. No one who

is a minority or who is out of power ought to support this type of legislation as adopted by this House last Friday. No one. Why? Because it doesn't say that all applications are confidential and cannot be released, it does not say that. It says that those who hold the applications can consider whatever they want to do with that application provided you have five people that apply for a position, one being a minority -- let's say a woman -- there is nothing to prevent the person in charge of that application from calling the employer of that woman and saying Miss Jones is before us for a job, we would like to know what you think of her. The applicant had no knowledge and had thought that her application was confidential, that isn't the case. It doesn't say those matters are top secret and confidential, president's eyes only, it doesn't say that. All it says is the person in charge of the application can do whatever they want and it is really aimed at not being able to release that to the press. We know that the press is not interested in Clerk I or Engineer I with the Department of Transportation. But we do know they are interested in who is applying to be a principal at a local school, we do know they are interested in who is applying to be superintendent of a school, we do know that they are interested in who is going to be director of water quality at the Department of Environmental Protection and other major policy influencing positions. They like to know why because their readers like to know. Why do the readers like to know? Because they pay the taxes that makes the system work.

When we have a set of people able to manipulate the system, to hire the people that they want when they want and how they want, then we have an open system, open to coercion and malfeasance.

I submit to you that if it isn't an Emergency today on this beautiful June 12th, it wasn't an Emergency in committee, it wasn't an Emergency when the bill was drafted and this bill should not be considered by this legislature in this First Regular Session this spring. It ought to wait until next spring to see how badly the Bangor decision has affected our governmental process.

I would urge indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I believe this bill was thoroughly debated on Friday so I am not going to debate it again today.

In response to the question about the Emergency, I think Representative Paradis is certainly well aware, it is not uncommon to remove the Emergency from bills when we are trying to get them passed. So, this is not certainly an unusual move today at all. I request a Division on the indefinite postponement.

The SPEAKER: The pending motion is adoption of House Amendment "A."

Representative Paradis of Augusta moved the indefinite postponement of House Amendment "A."

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against indefinite postponement. I think we all recognize that we had a thorough debate on this on Friday, there is no reason to go through it again. This body voted on a Division 95 to 19 in favor of the bill as originally presented but as we all know,

it is not just this body that enacts bills and sometimes for reasons of achieving adequate support in the other body, it is necessary to seek a simple majority rather than a two-thirds majority. That is why the amendment is here and I would ask the indulgence of this House to vote against indefinite postponement of House Amendment "A."

The SPEAKER: The Chair will order a Division. The pending question before the House is the motion of Representative Paradis of Augusta that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 98 in the negative, the motion to indefinitely postpone did not prevail.

Subsequently, House Amendment "A" was adopted.

Committee Amendment "A" (S-232) as amended by House Amendment "A" (H-468) thereto and House Amendment "A" (H-472) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-232) as amended by House Amendment "A" (H-468) thereto and House Amendment "A" (H-472) in non-concurrence and sent up for concurrence.

At this point, the Speaker appointed Representative Gwadosky of Fairfield to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-445) - Minority (4) "Ought Not to Pass" - Joint Select Committee on Corrections on Bill "An Act to Transfer Jurisdiction over County Jails from County Government to the Department of Corrections" (H.P. 857) (L.D. 1189) which was tabled earlier in the day and later today assigned pending the motion of Representative Melendy of Rockland that the House accept the Majority "Ought to Pass" as amended Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: As you may have noticed, there has been some activity in the halls in the last week or so. I think it is proper, based on the fact that I am the chief sponsor of the legislation, to give you some background on it and tell you why I sponsored this.

I could, I suppose, spend my time and talk about some of the activities and rumors that have battered around in the last couple of weeks primarily by one group of citizens in the state. I think that would not be very meaningful and would deter from what it is that some of us are trying to accomplish.

Let me begin by indicating to you that I have nothing personal against any of the sheriffs, it is nothing personal against my own, a member of my own party in Aroostook County, it has nothing to do with the fact that I am trying to eliminate positions of certain people and it has nothing to do with the fact that I am trying to prevent local vendors from being able to sell to county jails. There is no truth to the fact that I am trying to prevent the sheriffs from using the Telex machines in violation of the law, there is no truth to any of those things. You have all heard it and I am not sure that I need to continue on about that.

I would like to dispel one major rumor. Perhaps it is because of error of governmental structure in America -- the Constitution of the United States does not guarantee the existence of local governments, the Constitution establishes two levels of government, state and federal. Those are the only two levels guaranteed by the Constitution of the United States. You have been taught in government and history classes, I am sure, that there are three levels of government when in fact there are more than that. There is county, school districts, water districts, etcetera. Those are not guaranteed under the Constitution.

County government was created as a result of the desire of the British in England to provide for some local control, not by local citizens, but by nobles, in order to provide some structure with the king or queen of Great Britain. County government then moved over to this country and county government as we know it in New England does not exist anywhere else in the United States. As a matter of fact, county government has been abolished in Connecticut and in Rhode Island because it has become a meaningless form of government, controlled by a small group of people, whether they be legislators or someone else.

In Aroostook County for example, a number of years ago, the sheriff ran the county. In at least one county in Maine today, that is still the case, and I mean runs it as if it were his own, hires relatives as if they were the best in the county and I could go on. So, you have to understand that the county structure is not what you are being told by those proponents and the best proponent of that, of course in this House, is the Representative from Jonesboro, Representative Look, who served for a long time as an official of Washington County. I am not trying to downplay the roles that people play in county government at all.

Let me tell you the real reason I introduced this piece of legislation. I have been a member of the Aroostook County delegation and whether I liked it or not. I have had to vote on the county budget as part of the leftovers of the structure that was created 150 years ago. Part of that includes having to deal with the jail and every other department. In the last 10 to 15 years, what started to bother me the most about our ability and the county commissioners ability to deal with the budget, has been our inability to deal with jails and the jail budget. It really is very simple why that has happened, it is called federal law and state law. Every time the Chair of the county commissioners walked in, he said we would have to add 15 people, we need to add this to the jail -- why? The response always comes back, "because of federal mandates or because of state mandates." In effect, the jails as we know them today as opposed to 15 years ago, is an entity that is not controlled by the county, we have no control over what happens in that jail because the standards, rules and the law under which they function are somewhere else and not in the county where the jail happens to be located. The frustration then has led to where I am.

When you reach a situation like York County for example with 52 percent of its entire county budget is for the jail, which this legislature that enacts, in the final analysis, the citizens of York County have no control, so I say to you, isn't it time that it be changed? Isn't it time that the structure be readjusted?

It is true that I looked at it as a way of removing some burden on the property tax but I am not naive enough to know that that didn't mean that it is going to cost (in the final analysis) more money. It

is going to. As we shift it from county government (the local property tax) to a statewide function, it will be paid by the sales tax, income tax, and whatever other form of taxes that we have at the statewide level. When that happens, it will in fact cost more and, frankly, I am not unhappy about that and I will tell you why. What that means is that it will probably cost \$5 to \$7 or \$8 million more a year but it means that we will be able to pay the county employees who work in the jails the same amount as what other jail people are working for in the Department of Corrections. That in effect will mean that we will keep good employees longer, we will have better trained employees and the turnover rate will drop. History has shown in my county that it is a revolving door unless they happen to be relatives of the sheriff. There are other counties that I might like to point out but I will let others, who know the history better, do it. The turnover rate doesn't help you and it doesn't help me. I don't need to relive what happened in the last three or four years in the jails of Cumberland County, Androscoggin, Penobscot or York (that come to mind).

This bill, in my opinion, in the final analysis, will work better for everyone because it will be a statewide corrections system, once and for all.

I might also point out that what we are talking about now has just been done in the state of Vermont and as you know is in effect in New Hampshire. Remember Maine is on the end of having done what others have done.

Let me also remind you that I would like you all as members of the various delegations to think about how many people the county laws have placed in the county jails. I repeat, how many county laws have been broken that have placed prisoners in the county jails?

They are laws that we in this body enact that are creating the problems of overcrowding in every institution (not ordinances enacted at the local level) and those laws are being broken and people are being placed in correctional institutions and the county jails because of state law. These citizens that are placed there don't even come very often from the county, they don't reside there, and the burden is felt by the county. York, Cumberland and Kennebec are the three best examples of that. The total debt service on county jails is almost \$61 million and will continue to climb. We have to decide whether or not that ought to be a statewide function and paid for on a statewide basis or continue to be paid by local citizens on their property tax.

Finally, I would say that it would be my hope that if we do accomplish this and maybe it is not possible because we may not have the money but if we do accomplish this, it would be my hope that the sheriffs of this state would do what they are constitutionally required to do and that is to provide law enforcement in the various counties.

I am in favor of the sheriff system, I have supported in my county delegation over the objections of many and we do have rural patrol and it is obvious that that needs to be maintained. But just look at the breakdown of the costs for each county and you wonder how long the citizens of each county can afford to pay to maintain its jail. I will answer the question myself, they will continue to pay for it if we don't change it because federal rules, federal law, state rules and state laws will mandate the changes. We will have to do them and the county will have to pay for them. What we will suffer then will be the other business that the county ought to be carrying out.

Today I would hope that members of the House would forget who helped them get elected, who lobbied, where you think the next opposition is going to come in the next election, whether or not you are friendly with the sheriff, and that you would vote on the merits or the lack of the merits of the transfer of the jail from the county level to the state level.

I would encourage you to think about those and I am sure before the debate is over that other points will be pointed out to you but I would ask you to keep that in mind and would urge you to read the fact sheet that has been distributed by the Representative from Rockland, Representative Melendy.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: Anytime you talk about jails and sheriffs and county government, you inevitably end up speaking in historical terms so I would like to go back a few years, perhaps not as far back as the English governors of Maine or Massachusetts, but 10 years and look at what has happened to the county jail systems since 1978.

In 1978, Maine's 15 jails faced many problems, two jails had been closed by the fire marshal and Maine's Civil Liberty Union was studying county jail practices and several lawsuits were challenging jail conditions. The state's standards were difficult to meet and resulted in steadily decreasing jail capacities. Jail populations varied dramatically among the counties. Critical periods of crowding were common and state prisoners overflowed into county jails. Some county functions had been assumed by the state.

Many legislators believe that county government should be abolished (this was 1978) and someone had to transfer their duties including the operation of the jails to the state. A number of legislators advanced the concept of closing most jails leaving only 3 or 5 regional facilities to serve local detention in correctional needs. At that time in 1978, jails ranged in age from 2 years to 152 years and the average age of a Maine jail was 75 years. Some jails were overcrowded while many others were underutilized. That was 1978. Now let's look at the situation as it exists now in 1989.

Six new jails have just been built, four are being presently built, two are scheduled to be under construction within a year and two more are within the planning process. When all the authorized construction is completed, the oldest jail facility in Maine will be the 1964 Cumberland County jail.

Yes, there have been some problems in a few jails in the State of Maine but the overall picture has been extremely favorable, more favorable in fact ladies and gentlemen, that the National Institute of Justice put out a construction bulletin nationwide in May of 1987 entitled "Maine Jails Progress Through Partnerships" indicating Maine's county jail system as being truly exemplary for other counties and for other states in the United States to follow.

There are a number of disadvantages in taking the function of jail keeper away from those who are providing law enforcement at the county level i.e. the sheriff. A great deal of information is gleaned from the jail population by the sheriffs and by the deputies that they use in solving other crimes and if we, as a legislature, divorce the function of jail keeper from the function of law enforcement of the sheriffs, we will take away a valuable tool that is used in law enforcement at the county level in the State of Maine. I would urge us not to do that.

Even proponents of this measure admit that taking over the county jails systems will cost the State of

Maine \$5 to \$8 million more than is currently being spent for no increase in services. \$5 to \$8 million more and there is debate back and forth as to exactly what that figure is but even if we use the low side of \$5 million, that is a lot of money to spend on absolutely nothing more than what we are getting now.

Ladies and gentlemen, the bottom line here is that the fiscal note on this bill is \$25 million and, unfortunately, that is \$25 million which we just don't have.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: L.D. 1189 that we are about to vote on is one that we have all been hearing about and yes we have been lobbied on heavily and I would suspect that most of you would think, with the sheriffs being around as much as they have been in the halls, that you would think that their demise was at hand. Let me reassure you all that the legislation does not do away with the office of sheriff but instead it allows them to spend 100 percent of their time doing what they were elected to do and that is, law enforcement.

What this bill proposes to do is to turn the administration and costs of running the county jails over to the state, thus giving a break to property taxpayers. I don't want to give you the false impression that this is an extremely big break in property tax relief but breaks as to what the costs will be to property taxpayers in the future when all of these buildings are built and there is a lot more staff and everything else. It really does add up to a lot more savings than anyone has admitted to you. I am sure most of you will realize that it is going to be much fairer for everyone. I think what you have to do to find out what the savings will be for your constituents is you have to find out what the percentage of the tax bills are for each town in your district that go to the jail. Is it fair that because someone is a homeowner that he bears the cost of incarcerating someone in the county jail? No my friends, I do not believe that property taxpayers should be bearing the brunt of locking up people but should be the state's responsibility.

I urge you to support the motion so that we can assure the payments of the jails will be made by a more broadbased tax, taxes that feed the General Fund.

When this state takeover is possible by the passage of this legislation, I want to reassure you that there are even more savings at hand for the people of the state, not just property taxpayers but all taxpayers. The Master Plan for Corrections includes plans for regionalization. With the state in control of all facilities, they will have the ability to do some forms of regionalization without having to build additional costly facilities. Savings that the state will be able to generate from purchasing in larger quantities will realize additional savings. Through attrition they will be able to cut down some of the duplicative positions -- these are all savings that don't show up immediately but that amount to large cost saving measures as time goes on. Uniformity is also what we will be realizing with the state running the facilities. It is doubtful that a rapist will be given the keys to the county car to make the evening pizza run for the inmates or that others will go through the revolving doors as easily as they do in some counties. This legislation also assures that only the type of inmates currently housed in your jails will be the only kind who continue to be incarcerated there after this law passes. There have been many rumors to the contrary but let me reassure you that the legislators

serving on the Corrections Committee wanted the same reassurance that you all do.

I could continue to go on with what this bill will do and won't do. However, I would prefer to answer your concerns. I am sure that the fact sheets I distributed to your desks will have addressed some of your concerns already and those stated in letters sent to us last week by several of the sheriffs departments.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Duffy.

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I rise today, not to determine whether you believe there is a need for county government or not, I ask you to wonder what works and what doesn't work and whether or not this is one big myth that we are talking about today.

I think one of the real problems that I have with this L.D. today is that the original L.D. was 10 pages and the amendment is 45 pages and that today is the first time we have seen this bill and talked about it. Talk about a simple, simple bill and that it only goes Sections 1 through 98 and is just a simple change over from county definitions to state definitions. There is a lot wrong with this bill and I am not even sure I can get up and try to keep your attention for as long as it should take to try to tell you what is wrong with this bill and this amendment. Let's just start out with the myth that the Bureau of Corrections is able and capable of faking over county jails. Are we so sure that we can create an additional bureaucracy within a bureaucracy that can do a good job? Have they kept their own house in order? Have they done the maintenance correctly on the buildings that they now have? Have they kept them up? I don't think so.

Take a look at Buck's Harbor, take a look at Thomaston -- I don't believe that we are creating a bureaucracy that is going to be better than the one we have.

The next myth is that this is some form of property tax relief -- do you all want to go home and tell everybody that you saved them \$50 on their tax bills? It only cost us \$90 to do it? Think about that. It may be absolutely fiscally foolish for what we are doing.

Let's talk about the jail systems that they are going to propose. They tell you that everybody is only going to be there 12 months or under and they tell you that nothing is going to change. I would like to tell you that they put definitions of jail in this bill which says 12 months but they go on and talk about regional jails and district jails -- they don't define a regional jail or a district jail so who is in those jails? Federal mandate says that you have got to clean out Thomaston -- where are they going to go? They say detainees can stay as long as they want. Is Bangor, Maine going to be a regional jail? Is Dover-Foxcroft going to be a district jail? Are we going to have the people they arrest in Portland in the jails in Bangor, Maine? I think so because in this bill they have put in that they are going to give everybody a ride home. They are going to give everybody that is detained, arrested, or paroled a ride back to where they were arrested or back to their home. I suggest there are going to be full-time cruisers running up and down the State of Maine giving people rides home.

This \$30,000, I understand -- people admitted to the jails in the State of Maine in one year. \$30,000, that is a lot of rides.

Let's talk about control of the jails by the new state employees -- do you realize in this bill we have created a new special police force that is going

to patrol the grounds? Then we are going to turn every corrections officer into an automatic deputy sheriff so they can have a posse and go catch an escapee so they are legal. Let's talk about that. Let's talk about what kind of control we are going to have when the state takes over -- none. Federal mandates can change anything. I will tell you what the Department of Corrections does very well today and that is they do a darn good job of inspecting and making sure that the jails comply with the rules. They don't do such a good job on their own but they do do a good job on making the counties comply with the standards.

Let's talk about the myth again on this property tax relief and that everybody is going to get their jail bonds repaid -- if you have a bond on your jail, you will get it repaid but if you had to borrow \$2 million more to finish the project like we did in Penobscot County, (and that is just a two or three year loan) that's not going to get repaid, the taxpayers are out \$2 million. That's a pretty good deal for the state.

Let's talk about the fiscal note -- it says that 500 some odd employees is going to cost \$7,800,000 approximately. What is interesting about it is, if you divide 570 into \$7,800,000, you get an average of \$13,500. Do you know anybody who works in the State of Maine for \$13,500? It is interesting. We have a property tax relief bill, a real one that is tabled in this House, that reimbursement cost us \$7 million something back to reimburse the cost of county jails. This bill calls for \$11 million the first half year and \$25 million for the whole year. That is just starting. That is just the beginning.

Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Members of the House: I appreciate Speaker Martin's recognition of me as a person who is rather interested, shall I say, in county government. Yes, I served 10 years as a county commissioner in Washington County and during that time, I traveled quite a bit throughout this country listening to other county officials. There are differences in county government across this nation and the State of Connecticut and the State of Rhode Island have abolished county government but there are discussions now in Connecticut to possibly reestablish it because perhaps it wasn't so bad as they thought it was.

Across the country, we see county government as probably one of the biggest areas of local government that there is. In Dade County, Florida it is the primary form of local government. In Minneapolis, Hennington County is a very large form of government. I traveled to Hennington County and to Minneapolis on a jail seminar several years ago and this is where I got a great deal of information concerning jails. It was there that I learned and this was in the time of transition of many of our old county jails that none of us really liked nor felt that they were a fit institution for any man or dog or whatever to be placed in because they went back to an archaic era. Many of them were built in the 1800's or before. It was during that time that I listened to several of the judges, federal judges, who pointed out to us that the reasons for the need to update jails was because the change in our humanitarian ideas and because of this, we have tried to proceed and do this.

Federal standards, which are mandated on us, are developed by a multitude of associations and organizations that, by federal decree, they have the right to have input into these standards. I know the man on the street in the State of Maine thinks the

person who is sent to the county jails deserves to be in just any kind of place but we have risen above that. we find that there are certain necessities of life and the humanitarian needs that everyone is entitled to. It doesn't necessarily mean that they shall have plush carpeting or anything like this. Back when I was in the courthouse, the people on the street were furious to think that we were going to give them television. They didn't understand that what we were talking about was closed circuit television for surveillance systems.

This is what has happened and many of the counties in this state have attempted to address this issue. There are three counties, according to the information that I have and this information is from the Audit Department across the way or down the street, as of December 31, 1988, the bonded indebtedness of all 16 counties is a total of \$45,862,498.92. Now, of this amount, there are three counties who have no bonded indebtedness. They are Hancock, Oxford and Washington. All of those counties have updated jails. All of those counties have excellent services incorporated into their jails which address the needs of their people, county-wide, not necessarily just jail functions but because of the nature of the service, they are located within the jails because part of this covers jail functions. There are three counties in the state who have authorized amounts for county jails and they Kennebec, Knox and Piscataquis. As of this date of this report, no bonds have been issued. The accumulative authorized amounts of these three counties are \$15.2 million. There is one county who has a bonded indebtedness which was covered by this report to the amount of \$10 plus million. That is Cumberland but none of that covers a jail. It covers the Civic Center, the courthouse and the garage. There are several counties that have outstanding indebtedness against their jails. They are Androscoggin, \$13.3 million; Aroostook, \$4.6 million; Franklin, \$1.5 million; Knox, \$.178 million; Lincoln, \$.377 million; Penobscot, \$7.3 million; Somerset, \$1.6 million plus; Washington, \$3.97 plus million or a total of \$32,914,000.

Currently, the annual bonded debt service as listed on this report from the Audit Department gives a cost of \$1.165 million. If any of you are interested in seeing it, I will be glad to make copies for you so you can read for yourself.

Let's go to the document which is before us. As Representative Duffy said, L.D. 1189 is what came on our desks earlier. Yet on Friday, we received House Amendment 445 and House Amendment 445 strips everything from the original bill except the title and it replaces it with the 45 pages that you heard about. Briefly, I want to go through this. The fact that it now has 45 pages is indication enough that there is more in this amendment than was in the original bill.

The first six pages are somewhat the same as the original bill with adjusted wordage to conform with the intent of the taking of these county jails to become state-owned property. Not only the land and buildings but as you read it, it indicates any and all other personal property, "related to the operation of the jail." Now, I ask you to think in terms of your own local county jail. What do you have in that institution that is not necessarily the jail's structure itself but the equipment, the related properties that go with this?

As you come to page seven and thereon through page 34, you have an added section from the existing statutes Title 34a with more adapted language added which was not a part of L.D. 1189.

Pages 35 through 41 and part of 42 is an entirely new wording being Subchapter 7, headed as "Jails." You may want to follow along in your amendment as I go through this. These sections being incorporated into Title 34a are Number 3951 is entitled "Establishment and Purpose of Jails." The three paragraphs here are labeled "Establishment", "Purchase", and "Regionalization", this was not in the original.

I am familiar with how this came to the committee for enclosure in this amendment. I encourage you to read this carefully, there is certain language here that may be extremely interesting to you and perhaps I will read it right now. It is on page 35, and I call your attention to it in case you don't believe what I am reading, down under 3952, this is the transition for transfer with paragraphs explaining purpose, transitional plans, cost of operation and administration, debt services, the transfer process, ownership and use, transfer of records and capital equipment. Under the purpose at the bottom of 35, which is lines 47 through 49 it says, "any person or persons who obstruct the transfer of the jurisdiction of county jails from county government to the department shall be guilty of a Class D crime." In other words folks, what we have in our counties that has been paid for by the local people and is not under a debt service is -- and if we wish to protect our investments, we will be guilty of a Class D crime -- without the right of court hearing -- I wonder?

3953 is entitled "Jail Administration", the jail administrator -- now, the sheriff is a constitutional officer and, over the years, the sheriff has the responsibility of being the jailer in all of our county jails. This legislation strikes out the word "sheriff" and replaces it with the jail "administrator" and this person would be appointed by the Commissioner of Corrections.

Section 3954 provides for a jail advisory board for each jail and these persons are appointed by the Commissioner of Corrections.

3956 addresses the confinement and general operation as it pertains to prisoners and detainees.

3957 addresses the search and apprehension of escapees.

3958 concerns the medication administered by jail employees. Let me assure you that this is a very important issue because here you may have your employees administering functions that possibly should be done by those trained in the field of medicine.

3959 is entitled "Recovery of Medical Expense."

3960 addresses the issue of damage to property by prisoners and provides for restitution.

Then we come to the fiscal note. It identifies the cost as \$25.6 million annually. There are several cut issues that are not covered such as, are the counties going to be paid for those properties which have already been paid for by their own property tax? If not, why? These are items purchased outside of jail construction costs. Some counties have made payments on their bonds -- will they be reimbursed for that amount? I see no plan to do so. Isn't this a confiscation of property? These properties are owned by the inhabitants of the several counties and paid for by their property tax dollars. Yes, there are many unanswered questions including, will this plan perform the intent of incarceration better and more effectively and efficiently than is being done by county supervision? If it becomes state-controlled, can we be sure it will be any more successful than we have seen with our school systems, our transportation department or the health fields?

I encourage you to disapprove of this ill-conceived plan now.

Mr. Speaker, I move that L.D. 1189 and all its accompanying papers be indefinitely postponed and I ask for a roll call vote.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: A lot of issues have been raised and I would like to respond to each of them. I think the first one that I would like to respond to is the one that was raised by the previous speaker which would suggest that the Committee on Corrections has intended to suspend the normal rules of law in this state and that people would be found guilty without a trial. That, ladies and gentlemen, couldn't be further from the truth. Yes, there is a Class D crime provision in here and that is only for obstruction of normal state business to allow us to undertake the operation of those jails. That is typical, I think, of the arguments that have been raised in opposition to this bill.

I would like to go through them slowly, if I can, to restate some of the statements that have been made and try to correct them for the record.

First, it is interesting that the Representative from Skowhegan, Representative Hepburn, spoke so adamantly on this bill since he did not attend either the public hearing or any of the work sessions on it. But anyway, I will respond to some of the statements that he made. He spoke about the Committee on Corrections and how it undertook this 45 page amendment. Well, we passed out a 45 page amendment because we wanted to respond to the objections that were raised by those who were against this bill. We did it very carefully, very meticulously, and that is why this amendment is 45 pages long because we have covered every single eventuality.

He talked about how this is going to cost more and we get absolutely nothing for it. Ladies and gentlemen of this House, you only have to look at the newspapers of recent days to understand what we are going to get as a result of this legislation. We are going to get a statewide jail correctional system where, I hope, we can reduce the number of violent attacks by prison guards upon innocent inmates incarcerated in state facilities, where we can reduce, I hope, the number of suicides that have occurred, any number of events that have occurred in county jails which need to be addressed and this bill addresses those.

To suggest that we get absolutely nothing for our money is absolutely incorrect.

Representative Duffy suggested that the county jail system works and that the state system does not work. Well, I live in the town of Thomaston, there are 500 inmates in the State Prison in Thomaston. I also represent the town of Warren and at present, there are approximately 100 inmates incarcerated. To suggest the state correctional system doesn't work is incorrect. I have toured both those facilities on many occasions, yes, they are not perfect, but yes, the state is taking steps even as we speak to address the situation in those jails. It is much easier, it is much easier, for the state with its General Fund providing revenues to provide corrective action for our state correctional system than it is for a property taxpayer to do so in a county jail.

Again, the amendment is 45 pages long because we have done our work. The committee hasn't just simply reported out a bill and hadn't thought of the problems that it might cause. We have addressed them.

Representative Duffy mentioned that we are going to save \$50 on property tax and cause people to pay \$90 elsewhere. Well, I hasten to point out that the General Fund provides money based upon the ability to pay and we all know that property taxes do not provide those funds that way. The General Fund is fairer than the property tax.

I would also like to point out that many of the taxes coming to our General Fund aren't paid by residents of Maine at all, they are paid by out-of-staters, that is fairer, since out-of-staters break the law as well and end up incarcerated in jails as well.

Representative Duffy raised the specter of murderers and rapists, the Willy Horton types, ending up in county jails. Current law that is totally unaffected by this bill or by any other action the Corrections Committee has taken requires anybody incarcerated for less than 12 months to do their time in the county jail, if they are incarcerated for more than 12 months, they have to go to the state facility. That won't change as a result of this bill. There aren't going to be murderers and rapists transferred to county jails under this legislation. That is a red herring.

Representative Duffy made reference to rides home. I am not sure what he is talking about, maybe he can get up and define that a little better because I don't see that anywhere in the bill. He also talked about creating a whole new police force to round up prisoners who escape. Well, we have that in current law. I am glad we do. When an inmate escapes from the State Prison in Thomaston, the correctional officers in that facility assist in capturing that inmate and I am glad they do.

He also talked about an expense that his county made for the jail that wasn't part of their bonded indebtedness and that this bill wouldn't reimburse them for that. Current law isn't going to reimburse them for it either. I don't see the difference. He mentioned if he divided the total number of employees by the amount provided in the bill, well I would point out that that bill was only for six months, as the effective date is not until January of 1991, that is why that figure comes out to that.

Representative Look talked about Florida and how Florida has strong county government. That is true, but Florida doesn't have strong municipal government, they have only one level of government at that level.

Representative Look made inference to the sheriffs' space being taken over, this bill provides that if their existing space is grandfathered, if that existing space is needed for the proper operation of the jail, the state will provide replacement space to the county for the space that has been displaced.

Representative Look mentioned about personal property, the property of the sheriffs department and that the State Department of Corrections would take it over. The State Department of Corrections, believe me I have spoken to them about this on many occasions, doesn't have any interest in any of that equipment, they have their own equipment, they don't need any teletype machines. I suppose they might keep the mop and the mop bucket used to clean the jail but other than that they aren't interested in any of that equipment.

Those are the objections that I have heard. I want to state my reasons for supporting this bill.

First and foremost, I firmly believe that it is inappropriate to fund a jail system as part of the property tax whether it provides 10 cents worth of property tax relief or \$10 million worth of property

tax relief, it is still unfair, and I do not support it and that is why I support this legislation.

I firmly believe that this state needs to get a handle on its correctional problem and we are in the process of doing that. The Corrections Committee has worked for three years now to come up with a statewide master plan. We need to make jails a part of that plan. When we build jails at the top of the system it costs (as in this new bond issue that came out) \$175,000 a bed. Bed space that is built at the bottom of the system is a lot cheaper as you well know. We are incarcerating in county jails mostly criminals who are not dangerous for the most part. If we can have some flexibility at the bottom of the system, we can put minimum and medium security inmates in county jails that can handle them because they are rated to handle them, that then will save or release the pressure somewhat on the top of the system. Believe me, where I come from, I would like the pressure relieved on the top of the system. That is why we need a statewide correctional system, that is why I support this bill.

To suggest that the Department of Corrections cannot handle this bill because they are not doing their job now, I think, does a great disservice to Commissioner Allen and his department. I have the highest regard and highest respect for the staff of the Department of Corrections, our own warden in Thomaston, Warden Magnuson, they do a tremendous job. I believe with a statewide correctional system, with the county jails as part of that, they will do an even better job and we will all be better served by it.

I would urge that you vote against the pending motion. Mr. Speaker, when the vote is taken, I would request the yeas and nays.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I could speak at length on this bill but I am not going to. I will just make two points. Before I get started, I would like to call the Houses attention to an article that appeared in the Lewiston Sun Journal on May 31, 1989, written by Dan Wheeler. I must confess that I don't know Dan Wheeler, never talked with the man, especially in reference to this article. The article goes on to state that quoting Mr. Rod Miller, who is the Androscoggin County Jail consultant and according to the article he is quoted as having said, "in a recent conversation with Representative Donald Carter (D), Winslow, House Chairman of the Appropriations and Financial Affairs Committee, Carter expressed the same concern and would oppose Martin's bill in his committee for that reason." I happened to be a cosponsor of this bill and I have yet to oppose any bill that I have cosponsored or sponsored. As I said before, I don't know Mr. Wheeler. If I do, then it is a casual acquaintance, but I have never spoken to the gentleman and (I use the word loosely) in reference to this article. I have never conversed with Rod Miller on the bill.

Let me briefly tell you what I think about the present proposal, one point basically. Since I became involved in local and state government, I have always been a proponent for good government, common sense government. I could go through the 45 page amendment and I am sure that I could find errors or I could recommend changes, improvements, areas that I might be against but the final analysis is good government. This is what we are after. If there is something wrong with the amendment, I am sure we will be around to correct it. I have yet to see a piece

of legislation that goes through these chambers that is always 100 percent perfect.

We have heard much ado about property tax relief. Property tax relief -- I want you to think about this. We built a facility in a county, a jail, we spent probably millions of dollars in material and it costs x-number of dollars to board a prisoner in that facility per day. There is nothing wrong with that, that is the way it should be, but if you happen to live in an adjacent county where they might not have a county facility, they will allow you to board their prisoners but you are not going to pay the same rate that it actually costs to board that prisoner. They are going to charge you more money, they are profiting on the facility, on an institution, and it goes back to property tax. They do the same thing with prisoners that come from the state correctional facilities, the theory being, the state has got more money, they can pay more, so instead of charging the actual cost for boarding that prisoner, they up the ante. Who do you suppose pays? The state -- but who is the state? We all pay -- who is kidding who? If we are going to have property tax relief, then this is the route to take. If you believe in good government, you vote to support this bill. If you believe in profiteering, vote against it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify and answer some of my colleagues comments today because I serve on both the Corrections Committee and the Taxation Committee. Briefly, let me explain that the Taxation Committee passed out a bill that called for us to reimburse the current cost of running the jails. What that means is that, under the bill that is part of our property tax relief program, we will reimburse for what there is for jails now. If you happen to be in Androscoggin County, we are still short about seven jailers. That will never figure into the reimbursements and the reimbursements will never increase, therefore we will go back to property taxes again to pay for jailing.

On the Corrections Committee, we passed out this bill, people have commented that it is 45 pages long. I would like to say that it is 45 pages long because you have to carefully craft something like this and you have to carefully time something like this. So, we have crafted this bill and we have allowed for an extra year before we begin the process of the transfer in order for it to be a logical and well-thought out transfer. There will be time to amend the bill in next session should we need to make further adjustments as we plan the transition.

This is the same route that they took when they planned the transition for the University of Maine system. You may remember when Gorham was a teachers college and Farmington was a teachers college and then they decided that it was time to go into becoming a regular university institution and then eventually we needed a system and this is exactly the same type of legislation that was called for to turn us into a university system. This is what is necessary in order to have smoothly centrally-run corrections system.

I am going to tell you that, yes, the Taxation measure would only cost \$17 million and the Corrections measure will ultimately run \$20 million.

I would also like to point out that part of the reason that the Taxation measure is cheaper is because we would only be reimbursing.

In Androscoggin County, we have had several suicides. We have had a pregnancy of an inmate caused by a jailer. There is a \$300,000 lawsuit

currently pending against us. We have constant staff shortages which means people do a lot of overtime which is very expensive. Cumberland County now has a situation where jailers have been beating an inmate, they have regularly had escapes. I think the state offers something in terms of the corrections positions and that is better training for our jailers and a career ladder which gives people the opportunity to know that there is an opportunity to advance themselves professionally -- and better wages.

Ask yourself, who works for five dollars an hour to watch dangerous people? Then you might know why there was a beating in one of the counties recently.

There will be future costs but there will be future gains and those gains are called stability of our correctional system. I hope that you will vote in favor of this proposal.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to comment a little bit on the other side of the story that hasn't been discussed here today. I am not going to discuss the pros and cons of county government because I stood right here at this same place several years ago and defended county government. People have said, they have control of their jails. I have had quite a lot of affiliation with jails as far as making the budgets up and actually working at them. When you talk about control, believe me, the county does not control their jails. The state tells them how many square feet that they will have for each prisoner, how many they can put in a cell, what they are going to feed them, what they are going to wear for clothes. They tell them just about everything, they mandate these things that they must have so that the controls are surely handed down by the state, they are not controlled by the county.

You talk about the cost of it -- I know you say whenever the state takes anything over, it always costs more money. I can see where there could be some substantial cost reductions. That would be in moving the prisoners from one jail to another if they were all controlled by one outfit. This transportation of prisoners from one jail to another because of overcrowding is a real big problem in the jails. In our own particular jail, our overtime account almost exceeds what the regular payroll is.

Then you get into the laws. I don't know of anybody serving any time in any of the jails in the state because they violated a county law, they were all state laws that were broken.

We had the same situation a number of years ago when a lot of the individual municipalities had their police departments and they found that there was a problem with those. I think we are approaching the point now where all of these jails should be brought under one control so they are all being run the same. You can utilize a lot of things as far as purchases are concerned. So, I think this is a good bill and I would cordially solicit your support in voting against the pending motion for indefinite postponement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Men and Women of the House: I think we should have a lobby out here of everyone that is a non-resident of the State of Maine because this is a non-resident tax relief plan. Why? I come from a county that is known as Philadelphian's on the rocks, they pay property taxes. Do you think that I want my income tax and my sales tax money going to any property tax relief for that group of people? No way.

If I was from Aroostook County, I would think this is a great bill and I applaud the Speaker for introducing this and have talked to him about it. But, until we come up with a plan where the state gives any property tax relief to that group of non-residents, we should think about that very seriously. These same people pay no income tax, they pay sales tax for approximately two months out of the year.

The thing about it is, we are going to take this money out of the General Fund, \$25 million out of the General Fund. What do we cut when we do that or what do we not fund when we take \$25 million out of the tax of the General Fund? Purchased social services that are now flat-funded? What else? All of your legislative bills, relief to child abuse victims, relief to head injuries? We don't have money now to fund those programs. Do you not think in your own heart that the cost of taking over the jails is going to be more? Where are the dollars left to take care of the other programs that come out of General Fund monies? When I look at it, I think there is only one place they are going to come because we are going to have to have a tax increase. What is a tax increase going to be with General Fund money? It is going to be an increase in the sales tax -- ho, ho, ho income tax -- neither one paid by any non-resident of this State of Maine. I say to you, it is very scary to me to think that this is put upon us as property tax relief. I urge you to vote this measure.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative HUTCHINS: Mr. Speaker, Ladies and Gentlemen of the House: Tax relief will not be had with the state takeover of the county jails, quite the opposite. Any expected cut in local property tax will be more than overshadowed by the increase in state income tax or sales tax revenues needed to run these county facilities. We would be removing most of the non-resident tax money that now helps to fund county government through local property taxes and these monies would be made up for the most part by the state's residents by the increased income taxes. We in Maine must also take into account the size of this great state where some of our counties are as large as states.

Ladies and gentlemen, the state cannot effectively take over control of county government or county jails. To do so would be the equivalent of local control by remote control.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: I know that if you wait long enough, "What goes around comes around." It has just happened, first, by the Representative from Ellsworth, Representative Foster, and the Representative from Penobscot, Representative Hutchins. Now that the battle is obviously that the property tax ought to be an important issue in this legislature, all of a sudden, the way in which we can now kill a piece of legislation is by saying that, if we shift the property tax, it is going to decrease the burden on the out-of-state people. That really says it all. What I guess that means that both Representatives and others as well now must vote for the Democratic package that is before us on tax relief because the Republican version that came out of the Taxation Committee calls for a homestead provision which applies to every homestead in Maine. That would give George Bush \$32 off his property tax as well in Kennebunkport as it would to everyone else. I have heard it all and if you live long

enough and wait long enough, you know that "What goes around comes around."

It is obvious that we have now been able to finally put to rest the issue that this bill will solve all of the property tax questions and that the only reason why Martin put it in was to shift the taxes to the state level. You have answered your own questions but I would suggest that you think about that as you proceed to the next issue of the debate because there is no good reason for this legislation not to be enacted and every reason for it to be enacted. All of the questions raised are excellent questions in raising the awareness of raising the red flag in order to solve the problem of the perception attitude so that the sheriffs will say that you are with them.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Men and Women of the House: I have heard a lot of debate in the last few weeks that this state doesn't do a good job in corrections. I think the veterans have heard me say this -- the reason why we don't do a good job is because we, as legislators, don't do a good job. We, as legislators, haven't funded that department over there and I can say that because I think most people know, as the Representative Thomaston calls me the "grandfather" of corrections, because I have been involved with this all of my nine years here, more so than anybody in this House. I have fought to try to fund that department the way it should be funded. It is not the state, it is not the Governor of this state nor was it the Governor of the previous administration, it is the legislators. It is our responsibility to make sure that that department has everything it should have. Like we do back home, very seldom do you legislators when we deal with the county budget not allow those sheriffs up there what they really want. When it comes to the state level, that is a different story. Thank the Lord though for the last three years because the Committee on Corrections has taken a new focus and has made us realize that there is a real problem out there in corrections. I think we have come a long way in the last couple of years dealing with the problems of corrections. The committee has taken very few bipartisan votes, very few split votes, because we understand that there is a problem out there.

I have been very involved in my local jail. Being involved with my local jail, I have found out a few interesting things. We talk about Hancock County -- well, the Representative from Ellsworth better realize that down the road, her new jail is now going to have to be another new jail because that is getting overcrowded. The jail, if I am not mistaken, is built right on the cliffs as the sheriff told me a few weeks ago. Therefore, they are going to have to go and build a new jail someplace else. York County jail, York County Commissioners, the wise and great people that we are talking about either gave away (probably selling it) or built a county jail that can't be expanded. Where did I get this information? I got it from the consultant who has been doing every single county jail expansion in this state.

Rod Miller told me that you can't expand at York County. They built Hancock County's jail on a cliff (I am not quite sure where it is) and he said they can't expand there. Sagadahoc County came to our county committee two weeks ago and asked us if they could come in with us. There are counties out there that are going to have to take hard and fast look down the road at what is going to happen.

This bill is for today but the real issue, ladies and gentlemen, is for tomorrow. Tomorrow it is going to cost us much more in county government taxes than it is today. If you expect those people who are getting \$4 and \$5 an hour to be county jail officials, like you have in the past, you are wrong. Those people shouldn't be working in a place where they are getting minimum wage because minimum wage is really \$4 or \$5 in York County when you can go to McDonald's and get \$5.50 an hour. It is not today, it is tomorrow.

I would like to respond to the gentle Representative from Washington County when she talked about Miami Dade. I was in Miami Dade's facility about the first of May. As most of you know, I went on an American Jails Corrections meeting, I was sent by the National Institution of Corrections. Things are so bad down there that they just opened up an eight story building to house people that are only going to be there for three months, not six months, not nine months, but just three months. The corrections in this state is going to increase and it is going to increase a lot faster than I think we realize. The Corrections Department in this state has done a phenomenal job in trying to keep up with it, try to understand what the population projection is going to be for next few years. They are having a tough time doing it.

What might be an empty cell today might be a full cell tomorrow. As a matter of fact, my county just last week, decided made to our jail consultant the recommendation that our facility be as wide as 80 square feet because it would stand up to Supreme Court standards. If we don't get a handle on these county jail facilities today, tomorrow they are going to eat our budget.

The Representative from Eagle Lake represents Aroostook County but this Representative from Cumberland County knows full-well what is going to happen in a few years. It is property tax relief for us also. I might say that there are a number of people in our county who probably do live out of state but I also know that the budget right now is \$2.8 million. I will say that if this bill doesn't go through, that by the year 1992 or 1993, the Cumberland County jail budget will be close to \$6 million. I would say that \$6 million is probably more than most of the budgets in the county budgets.

The issue is not today, the issue is tomorrow. Go back and look at your statistics and see how many more people are coming into your county jails. I think you will find that, down the road, this bill will save you much more than you are talking about today than it is what the opponents are saying.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I had not made up my mind on this issue until yesterday. I kept looking at it and I decided the best thing to do was work in the garden and think it over. The more I pulled weeds, the faster they grew and I thought, there is only one thing left to do, chuck the whole thing and change it.

I can only speak from my own experience with my own county. I think the bill should, as far as Androscoggin County is concerned, transferred from the County Commissioners to the state. In Androscoggin County, you have County Commissioners and when they meet the sheriff, it is something like a circus. We had one County Commissioner who left on his own and went down to New York to pick up the weapons that he felt the sheriff needed. Actually it isn't the sheriff who is to blame. I think since it is being run by persons (especially in my county) who

are incompetent and who poke their nose into running the jail, then I think it is time we stepped in and said, we, on a state level, will run it.

We floated a bond issue somewhere around \$9 million for a new jail in Androscoggin County. Having been a town official for over 20 years I knew that any time you have a bond issue, when you receive the bond, you reinvest those bonds in anticipation of doing the work. While that is being invested, you are making income on it. I knew that they borrowed it and I knew that they had invested it but when we received the county budget, there was an item in there wherein 1989, they asked the taxpayers to pay for the principal and interest. I asked, where is the income that you are going to receive from the money that you invested to offset that? The County Treasurer, who has been a County Treasurer for many years, but if you added up the total time he spent in the office, it wouldn't be half that time. said, no, we have to turn that money over to the federal government. I told him that he had better go check with the Internal Revenue Code of 1986, it doesn't say any such thing. The Internal Revenue Code says that if you invest money that you have borrowed, you can offset the interest you have paid towards it but any profit that you make from it has to be turned into the Internal Revenue. In this particular case, the Androscoggin County Commissioner borrowed at six and a half percent, they reinvested it and were getting as much as nine and a half percent. I asked about why not taking that money at least six percent? Thank the goodness, the county delegation could see it and we were able to take \$250,000 and put it on to estimated revenues and drop the tax rate of the amount of money to be anticipated. I say again, "If it ain't broke, don't fix it" but in this particular case, I feel that it is broke and something needs to be done.

There is nothing in this bill that I can see that would do away with the sheriffs position. It says "the operation of the county jails" and I think having seen what I have seen in Androscoggin County, where someone has so little knowledge of finances, (I think an 8th grade student could do a better job) I think it is about time we turned to someone who would have the expertise and I think the state is the only one that can do it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I have a few concerns with this bill and a few questions I would like to have answered.

First of all, the jail in York County and our expansion is paid for. We do not owe a bond issue. Will the state reimburse us for that facility? According to this bill, no. Our sheriff's department and dispatch center is situated in our jail and I heard it said here this morning that the state would find us another place for this. According to this bill, the state does no such thing. What it does do is each party, the state and the county commissioners, will select an arbitrator and these two arbitrators will select a third arbitrator -- that is if the state and the county cannot agree to a peaceful settlement of their problem. Then the third arbitrator and they will select the facility for our sheriffs department and that will be binding. The people in the county have nothing to say. I would like to have that cleared up.

In York County, our towns use our county jail, we do not have jail facilities in our towns. Would they still be able to use these jails? If not, each community would have to have a jail in order to put

in your OUI's for overnight or whoever they happen to arrest.

When the Taxation Committee had their road show and came to York High School in York, a former Representative of this body, Representative Susi, took the cost of our jail and he came to the town of Kittery which is a high property tax town, and he figured out that if the state took over our county jail what it reduce his property tax by. Those of you who served with Fred knows that he is a pretty fiscal person, very conservative. He said that his personal property tax would be reduced by \$14 and some odd cents. As far as property tax relief, I don't see it.

I would like to have more questions answered on what happens to that property in York County which our people have paid for and which we do not owe any money. No community in York County that I am aware of has a jail in their police department. We in Berwick do not have our police department open 24 hours a day, we have on-duty police officers but the department itself is not open. You cannot go to jail without having someone in the building so that could cost the towns which go under property taxes, a lot more that. Whether this is a good bill or not, there are a lot of questions that should be answered before we vote this bill today.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I rise to answer the gentlewoman from Berwick's questions. First, she had some concerns about York County and whether or not the existing financial status would be reimbursed for what they had done in the past. If there is not a bond issue outstanding, then there would be no reimbursement. But I would hasten to point out that York County in particular is facing some substantial needs for jail construction in the future years, very substantial needs that would have to be borne by the property tax by the local communities in York County unless this bill is passed. In which case, those costs would be absorbed by everyone throughout the state along with all other jail improvements throughout the state.

As to the question of arbitration, there is a provision in the bill on Page 37 that does provide for the very difficult problems that we tried to address in committee about how to deal with the question of space which is used both for jail and for the county sheriffs in the law enforcement function. We did provide that in cases where that separation cannot be easily made, that there would be an arbitration process to allow for a decision about how to separate that space, how to set up the local law enforcement authorities to continue their law enforcement work without impeding upon the jails. This is set totally to be neutral -- that is to say that we did not set up to favor either the state or the counties but to give a fair and easily workable mechanism for resolution of such decisions. I believe it is a good provision we have put in there.

The good Representative asked about the question of how towns (as I understand her question) will deal with detention. Jails will remain the place for detention throughout the state. If a town does in fact arrest somebody who needs to be placed in detention for up to 24 hours or longer that that person would be taken to the county jail. As far as the town using the sheriffs office, when it is police work, that function would be picked up by the sheriffs in their continuation of the police work that goes on.

While I am on my feet, I want to address a couple of other issues that seem to have come up. One of them is the question of regionalization -- are we planning to regionalize the jails generally? No, we are not but I, for one, was very interested to have in the bill some provision to allow (to some degree) regionalization of special needs offenders. My particular concern is juvenile. We are under a federal mandate to remove juveniles from adult-serving jails and we are under a deadline to do that within a year and a half or we will lose some \$300,000 of federal funds that we are presenting receiving. The state is trying very hard to meet that deadline. The Governor's bond issue does include provision for a juvenile detention facility in northern Maine but it is also conceivable that that will not be up and running to meet that deadline. It would be logical to have some degree of regionalization for juveniles or women for that matter, that is to say for the special groups of offenders that could best be dealt with on a regional basis. It would be much more economical to the state, much more economical to all of us. That's why the regionalization provision is in there.

I would also point out to those who are concerned about loss of any local involvement in the county jails that the bill provides on Page 38 for a jail advisory board of at least nine members including a sheriff, a judge, county commissioner, representative of the department, which means a part of the corrections, and one or more citizens. Obviously, that will be several citizens. There is an effort to try to keep the municipalities, the counties, the local people, involved in the running of the jails and that is very important.

Finally, I would like to make it quite clear to the members of this body that for me this issue was not crystal clear when I first started to look at it. I was slow to become an enthusiastic supporter of this bill. I am a proponent of local control and I have seen several examples of innovative county jails around this state. However, when I started to focus on the status of the county jail system as a whole throughout the state, I became convinced that we need this bill and I think we need it quite badly. A substantial number of our counties, well over half of our counties by my count, have rather poorly run jails. Suicide rates are high, escapes are high, physical abusive treatment, characteristic of some of those jails. Why? The question of the pay for the guards in those jails has already been made but I would like to point out another thing and that is, the county jail system rests presently upon locally elected sheriffs, locally elected sheriffs who run on a partisan basis, whether it be Democrat or Republican, feels an obligation to award supporters and you will find that the political process is involved as to who is appointed jail administrator or other high ranking people within the jail system.

This bill removes the running of the jails from the political process. I would submit to you two words that characterize this bill of what it will do (1) it will add a higher level of stability, stability in terms of not having as quick a turnover of guards and not having as quick a turnover as administrators depending on their political ties rather than on their professional competence. The second word that I would add to that is the word "professionalism." I view this bill as an effort to professionalize our county jails, to make them run in the same professional manner as our state correctional system. Sometimes I have been a critic of that correctional system but, all in all, the

state correctional system run on a far, higher professional level than our county jail system. This is an effort to try to bring that county jail system up to this level of the state's system and I believe it is well called for.

I ask you to vote against the motion for indefinite postponement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Ladies and Gentlemen of the House: Today I rise in opposition to L.D. 1189. As many of you know, I represent Androscoggin County where we have had a jail which has been plagued with difficulties including the tragedy of a number of suicides by inmates. We are also in the process of building a new county jail which will come to its fruition just over a year from now. However, a state takeover of the Androscoggin County Jail, in my view, not the right to solve these problems. The problems at the Androscoggin County Jail will not be solved by placing its operation under state administration. I have more confidence in the state's ability to run the jail than I do our own county. The problems we have witnessed just across the river at AMHI should be reason enough to oppose a state takeover. The problems in the Androscoggin County Jail have more to do with the fact that it is located in a 100 year old building than anything else. This fact is clearly demonstrated by the jail compliance standards and those scores are available from the Department of Corrections. The state ranks the operations and administration of all county jails in this state and at looking at those jail compliance standards and their ratings for February, Androscoggin's rating for operations was 99 percent whereas the combined average of all the county jails was 87 percent. In terms of policy and procedure, Androscoggin scored 100 percent in rating whereas the average of all the county jails was 94 percent.

Looking at the issue of the facility, that is where Androscoggin rates low and that goes back to the fact that we have an antiquated facility. The rating from the Department of Corrections was 58 percent whereas the statewide average of the county jails was 79 percent.

What will happen if the state gets involved with our county jails? What will happen with these standards? Will they be lessened? Will the state have the money to comply or will it be strengthened? Are we willing to endorse and fund any new standards which might be instituted? The reason is partly that modern jails are designed to permit jail staff to monitor cells more easily and we will have that in our new facility. It will make it easier to observe an inmate who may be attempting to escape or commit suicide. A modern jail can be operated more efficiently and more safely with fewer personnel than old poorly designed facilities. Androscoggin's jail will be a major step in alleviating our county's jail operational problems.

Like Representative Dore and others who have spoken earlier, I, too, don't think it is altogether appropriate that the local property tax bear the burden of funding our jail facilities. As for the cost of our new jail, there is another way of providing property tax relief than with an expensive state takeover, a less costly way is by having the state reimburse the counties for those costs as recommended by the Maine Municipal Association. I will support that approach when legislation reaches the floor of the House.

State reimbursement of county jail operations will be less costly than a state takeover. Under a

takeover, the cost of running the jails will increase between \$5.5 million and \$7 million. Under Maine Municipal's approach, which is supported by the majority of the Taxation Committee, the cost will not have to go up.

Under a state takeover, I am concerned that there will be less political accountability of jail operations. In our county, there will be only a hired administrator who is responsible to other administrators in Augusta and would not be responsible to local officials such as our county delegation. I am also concerned that the state will use the jails for the shuffling of inmates around the state to solve its already serious overcrowding problems. If so, the transfer of inmates will increase and inmates will more likely be separated from their family and friends and their attorneys to which they are entitled to be near.

Opposition to this bill by groups such as Mothers Against Drunk Drivers and the Maine Council of Churches concerns me also. In several counties, local volunteer groups such as literacy volunteers and others have set up programs for inmates in conjunction with county officials. The future of such volunteer efforts is in doubt in such a takeover and the State Department of Corrections has been severely criticized for the lack of programming for inmates.

In summary, I oppose this takeover of the county jails because I believe there is no assurance that the state can run them any better than the counties have. That accountability will be diminished, local support for jail operations will be eroded and because there is a less expensive to reduce the jails burdens on the property tax, I hope that you would oppose this legislation.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Men and Women of the House: I would like to address just briefly the statement made by the Representative from Thomaston that labeled an item of this argument as a red herring in that there should be no concern of shifting of prisoners from one county to the next. Well, one of the benefits of having your county jails in the hands of local control is the fact that you have control of those that are there. The majority of the crimes in any county are housed in your county. A small minority go to a central location to get the services and the attention that is needed for that particular crime.

Within your own county you design programs for people that need rehabilitation dealing with alcohol abuse, sex offenders, so you treat the needs of your particular county.

One of the other major factors is that those people that are repeat offenders, you have an up on those people because they tend to stay home when they are housed at home. They tend to co-mingle in prison with people that are in their prison, that are in that county, so they basically come from the same background, the same type of area, the same type of crimes, nuisance crimes -- those types of crimes that are indigenous to that particular area.

Do you want me to send our prisoners in our county to your county where you have no idea about

those backgrounds of the repeat offenders. I wouldn't want it from your county. The advantage of keeping our own is the fact that the law enforcement agencies already know these people, can keep an eye on these people, and that cuts the amount of recidivism or shortcuts it before it runs rampant.

As far as the programs that we have in Penobscot County dealing with sex offenders -- I would urge you or suggest -- don't be the next county that has a program for sex offenders because once the state takes over the jail, they are going to go where the programs are, the services, that is going to cut costs. Why put another service in place when you have one that already exists?

What happens to these people when they get out of jail? Take somebody that has come from another part of the state and realizes that his number is up and the county and local enforcement people know who he is, he has a better chance of staying where he is at. He has met new friends. If he is going to be a repeat offender, he is going to be a repeat offender and he is going to continue to commit crimes within the area that he is released.

My great concern is the fact that shifting recidivism is a serious problem, it is a threat to each one of our communities.

I had the opportunity about two years ago to represent a person and this person came from another area of the state that was involved in a criminal activity that was quite sophisticated. The comment that person made to me is that being housed in Penobscot County is -- this is real Podunk. These people don't know what is happening, they have no idea of what I have done or how to do it or if I told them to do it, if they would understand it. Well, the serious threat of that is that that person communicated with people in that county and perhaps made those people that were at one point dumb in committing that particular crime are now more knowledgeable and sophisticated to commit that crime.

I would say that the major concern is that some counties have their house in order, some counties don't and there is a real need. I think this is an abrupt change to turn it over to the state and say they will take care of the problem for us, big brother. Well, big brother can come in and take care of the problem but I submit to you that each county is going to have to get their own house in order and act collectively altogether in dealing with a larger picture, not have big brother take care of it for us.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I have served on Local and County Government for many years. I served as the Chair of Local and County Government for four years and, when I look at this subject, I look at who is for it and who is against it, who is going to profit and who is going to lose. I assure you that the sheriffs are outnumbered by the deputies that would like to have this enacted. When you come to the bottom line, MMA is the one that has the best interests of all the taxpayers of the state and MMA strongly supports this piece of legislation.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative McCormick.

Representative MCCORMICK: Mr. Speaker, Men and Women of the House: The state takeover, as Representative Melendy said, is correct. It is the first step to a takeover of the county sheriffs department and of county government. It eliminates home rule and local control. It gives us small relief to property taxes but it takes even more out

of your other pocket through the General Fund. This bill is dishonest and deceiving. For example, its fiscal note only includes a six month cost and, as has been stated, it doesn't include all of the costs. It has been purposely underestimated. Its underlying purpose is to dismantle county government. It takes the ownership of all county property paid for by property taxpayers of the county, it takes it without any reimbursement to the county taxpayers.

I remind Representative Mayo that the state prison had to have a lockdown because conditions were so poor there.

I, too, live near the state prison so I am very familiar with it. My brother worked on the lockdown at Thomaston and please let me tell you, the conditions in our counties, at least in the county I am familiar with, has never been as bad as they were at the state prison.

By the way, how many of you are aware that just last week a doctor and a physician's assistant at the Maine State Prison were convicted for negligence in caring for a young prisoner who died there. They keep pounding and harping on county government and the quality of county government and how they manage the jails. It just isn't so. The state prison has just as many and perhaps even more because they don't have the close scrutiny of the local populace.

County government in general has done a better job than the state in my opinion. The counties have been forced by the state to take Class A, B, and C offenders. Even though they stipulated in the bill when they did that that the counties would be reimbursed for that, they added a small paragraph to that bill which stated that those funds had to be used for new and special programs, generally, meaning that most of the counties cannot use that money for the purposes for which it was reimbursed. A couple of counties have done this and gotten away with it but most of the counties have been honest and have set that money aside. In Knox County, we have \$75,000 setting in that account now that we cannot use for the actual cost of feeding and housing those prisoners. So, just think that one over.

This body hasn't had enough backbone to build new state prison facilities for a number of years now. It has passed that responsibility off onto the backs of the counties and now the counties are having to face the music. If there are problems in the county government, let's fix it in the counties, not steal it from the people, leave home rule there, please.

Who put the burden and the expense of county government on the county? This body. Let me remind you that two-thirds of all of the arrests made in this state are made by the sheriffs department and coordinated with the county jails. Can you imagine if the next step comes about and county sheriffs government is eliminated what it would cost to replace that when two-thirds of all the arrests in this state are made by county government? Think of that one.

I would urge you to please vote for indefinite postponement of this bill.

I would also ask two questions. I understand that Aroostook County and Cumberland County have the largest indebtedness that the state would be taking over in this bill. I wonder how much that has to do with why those delegations want this bill so bad?

I would also ask, is the debt on the Cumberland County Civic Center part of the debt that we would be taking over?

The SPEAKER: The Chair appreciates the fact that sometimes legislators make statements that perhaps they do not know from whence they come but it is

important that legislators respond not in kind, but with facts. The Chair would suggest that those who would be responding do so.

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: To follow up the good Representative from Eagle Lake, this bill does not, I repeat, does not allow the state to take over the Cumberland County Civic Center's bonds. This bill only allows for them to take over any bonds that is presently or in the future under consideration in Cumberland County.

I might remind the young man from Rockport that Cumberland County might want this, yes, but there are many towns in Cumberland County that are paying a lot more for education out of their own property tax than they are in Knox County. That money there is being developed in the greater Cumberland County area and going to those communities, maybe in Knox County, to help support some of those towns in Knox County who don't have the valuation that some of the greater Cumberland County towns have.

It might be good for Cumberland, it might be good for Knox, because one of these days a lot of those towns in Knox might be in the same boat that some of those towns in Cumberland are. When you have a community such as Falmouth where in one year loses 50 percent of its school funding -- that is pretty shaky, where they have to fend off a tax cap. Those are the things that are going to happen. Those are the things that you have to remember. Those communities that are affected dearly by high valuations, tax caps are coming and those communities who don't feel the crunch, beware.

I think we have got a lot of bills in Energy and Natural Resources dealing with developing. What happened in southern Maine? Well, what happened in southern Maine eventually is going to come to the central, northern and western part of Maine. Just because it is going to help some communities greatly doesn't mean it is a bad bill. Remember where a lot of that money comes from in state government, it comes from some of those communities that are being affected greatly.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: First, I would like to thank the Speaker for his caution to me. The words spoken by the Representative from Rockport have raised my Irish blood pressure, I will try to respond with facts and the facts alone.

Representative McCormick used the word dishonest to describe this piece of legislation. I have served in this body now for six years, six years this past month. I have tried from the day I entered this chamber, May 26, 1983, to represent my constituents fairly and honestly. I know in my own heart that my committee, the Corrections Committee, nine members of that committee, worked very diligently on a piece of legislation which they are presenting to this body for its consideration. We have clearly not done anything that in any can resemble anything dishonest. To suggest that anything we have done or anything that we are trying to do is dishonest bothers me deeply and bothers me personally.

Representative McCormick reminded me of the lockdown that occurred in my community. I live in that town, I live less than a mile from that facility. I know full-well what happened that day when they locked it down. But, the Department of Corrections did lock it down, the Department of Corrections dealt with that problem, the Department

of Corrections continues to deal with that problem, that is why I support this legislation. I have seen and listened to Representative McCormick's remarks concerning the mandates of state government on the backs of the property taxpayers through the county budget since he took office in December. Press release after press release, public statement after public statement about how the jails are costing the property taxpayer so much because of state mandates. Well, Representative McCormick, now is the time to put your money where your mouth is. That is why I support this legislation. To suggest that someone in this body might be voting for this bill simply because it helps their county more than another county, I think, is trying to pit us against each other. This bill provides for a statewide correctional system that will serve all the people of Maine.

The Representative from Hampden talked about the need to keep people closer to their homes and that is exactly why I support this legislation. We can, through this legislation, attempt to get people closer to their homes so they can be better served by the correctional system so that they can have those local support services. To suggest that I or any member of that committee wants to reduce the number of correctional programs offered to incarcerated inmates couldn't be farther from the truth.

Representative Anthony, I think, speaks more eloquently than anybody else on our committee for correctional programs, the need to provide assistance to inmates. This committee has every intention of following this through. The best way we can set that up on a statewide basis is through a statewide jail system.

The suggestion has been made that we haven't had the backbone to tackle the corrections problem, we force it onto the backs of the counties. We have recently passed an \$11 million bond issue that will increase or will establish a new state prison in Warren, also in my district, a bill that I reluctantly voted for.

The Governor has introduced a \$49.5 million bond issue for future prison construction. If the wishes of the present administration come to play and are passed into law and supported by the voters of this state, there will be 900 incarcerated felons in my legislative district. Our own county of Knox, Representative McCormick as you know, has approved a \$5 million bond issue for the construction of a new jail. Guess what folks? They are moving that into my district as well.

I think Representative McCormick should ask the municipal officials in Camden, who pay about 25 percent of our county tax bill, whether they think that they should be paying for the debt service on that new jail. I think he would get a clear answer.

I support this legislation because the state's General Fund is a fairer way to pay for correctional services. I support this legislation because it is a step in the right direction. It is not dishonest. It has been clearly thought out. The committee amendment establishes that. We are going to take care of all the issues that have been raised. We have refuted every one of them.

I urge you to vote against the pending motion so that we can go on and adopt the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Men and Women of the House: I think it is obvious by my remarks earlier that I evidently do not represent the non-resident, rich and famous taxpayer of this state. But the debate today has been very

interesting and has brought together (I believe) all of us.

I think that all of us want some form of property tax relief for the citizens of the State of Maine that pays the property tax, the income tax, and the sales tax. I want to tell you I think the most important thing we can do today is to rally and come out with a non-partisan property tax relief package for the people of Maine and together we should do that. I am committed to help.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Members of the House: I rise merely for a point of clarification in responding to Representative McCormick's statements. I just want to review the figures that I gave you earlier. Androscoggin County had an outstanding bond indebtedness at the end of 1988 of \$13.3 million that was for jails. Cumberland County has an outstanding indebtedness of \$10.1 million, none of which is for jails. Then we have Aroostook County has a bonded indebtedness of \$4.5 million, which is for jails. \$7.3 million in Penobscot County and \$3.9 million in Washington County with three counties having no bonded indebtedness for jail construction. Today we are talking merely jail construction.

The debate has been interesting because it has verified in my mind that there is extreme confusion as far as the level of county government is concerned.

I say to you that, until you have worked in it, you cannot clearly understand it. The point that I want to make is, every county has had its problem, mine is no exception. What we want to look at here is how are the counties and the people therein, which composes the entire State of Maine, how are they being treated in this legislation? Are they being treated fairly? Are they being considered for what they have done in an attempt to alleviate a problem that they recognize? In my opinion, I don't think they have been. I trust that your fairness will say that they have not been either. Merely to pay those counties who still have outstanding debts for jail construction leaves it very unfair to those who have addressed the issue and have no bonded indebtedness.

I hope you will support my motion.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to speak on this issue but the good gentleman from Eagle Lake when he spoke from the corner made a statement that I felt that I had to respond to.

I would just like to respond to the gentlelady's remarks from Ellsworth. I think she is right on the target. I think that any property tax proposal or property tax reform or relief that we generate in this body should be directed to those people who pay the taxes in the State of Maine. That brings me to my point about the erroneous statements that have been made this morning across the floor of this House and some people have been quite concerned about it. I was quite concerned when it was brought up that one of the proposals for property tax relief had included a provision in it where George Bush, President of the United States, would qualify for a homestead exemption. That is untrue unless the President of the United States declares his residence to the State of Maine. I just wanted to make that certain.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: I have been listening to the comments about property tax on this issue myself. I would like to remind this body that the biggest

problem with property tax right now is the percentage that the property tax burden has on all taxpayers in the State of Maine and that has now risen to 40 percent. Seems to me the only way we are going to resolve that problem is to remove some of the items that that property tax has to pay for. This is just one example -- and as far as this being property tax relief for the well-to-do, out-of-state property owners, I would like to remind people that it might indeed do that but it will have a far greater effect towards letting people who are struggling to pay their property taxes now as Maine residents -- it will give them relief also which will allow them to stay and hold onto those properties.

The biggest problem that is going on besides the high rates and the large percentage of property tax is the displacement. Those people who have owned properties on the coast, on lakes, in attractive areas are being displaced from those properties and you know all the reasons why. The property tax is one of the biggest ones. They see their property taxes going up every year and they finally make the decision that with the equity in their property, they would be better off selling and buying a property of less value so they can afford the property taxes.

I would agree that, yes, this is a way to reduce property tax, shift the burden to the state level and it would have the kind of effect that would help those people on the coast with valuable properties. But I would think it would allow those people who we are truly concerned about trying to help with the circuit breaker program, it would be a way to help them also.

I would just like to add that when we look at programs that we should shift from county or local government to the state level -- that should be the standard that we use to evaluate that. Which ones can local officials have the most control over? We have heard over and over again today that there is very little control that local officials have over the various requirements that they have to meet in running their county jails. I would urge you to support this motion.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the Representative from Jonesboro, Representative Look, that L.D. 1189 and all accompanying papers be indefinitely postponed.

The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Allen of Washington. If she were present and voting, she would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Nadeau of Lewiston. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Hastings of Fryeburg. If he were present and voting, he would be voting yea; I would be voting nay.

The Speaker: The pending question before the House is the motion of Representative from Jonesboro, Representative Look, that L.D. 1189 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 73

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, Begley, Brewer, Butland, Carroll, J.; Constantine, Daggett, Dellert, Dexter, Donald, Duffy, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Handy, Hanley, Hepburn, Hichborn, Higgins, Holt, Hussey, Hutchins, Jackson, Jacques, Lebowitz, Libby, Look, Lord, MacBride, Marsano, McCormick, McGowan, McPherson, Merrill, Murphy, Norton, Paradis, E.; Parent, Pendleton, Pines, Richards, Rotondi, Sherburne, Skoglund, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Tardy, Townsend, Tracy, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Anthony, Bell, Boutlier, Burke, Carroll, D.; Carter, Cashman, Cathart, Chonko, Clark, M.; Coles, Conley, Cote, Crowley, Curran, DiPietro, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Graham, Greenlaw, Gurney, Gwadosky, Hale, Heeschen, Hickey, Hoglund, Jalbert, Joseph, Ketover, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Mayo, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Reed, Ridley, Rolde, Rydell, Seavey, Sheltra, Simpson, Smith, Swazey, Tamaro, Telow, Walker, The Speaker.

ABSENT - Martin, H.; Richard, Ruhlin.

PAIRED - Allen, Clark, H.; Hastings, Kilkelly, Marsh, Nadeau, G. G.

Yes, 64; No, 77; Absent, 3; Vacant, 1; Paired, 6; Excused, 0.

64 having voted in the affirmative, 77 in the negative, with 3 being absent, 1 vacant and 6 having paired, the motion to indefinitely postpone did not prevail.

Representative Duffy of Bangor withdrew his request for a roll call vote on acceptance of the Majority Report.

Subsequently, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-445) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Increase the Authority of the Department of Human Services to Assess the Medical and Active Treatment Needs of Individuals Applying for Admission to Nursing Homes" (H.P. 1012) (L.D. 1410) (C. "A" H-461)

Was reported by the Committee on Bills in the Second Reading and read the second time

On motion of Representative Tamaro of Baileyville, the House reconsidered its action whereby Committee Amendment "A" (H-461) was adopted.

The same Representative offered House Amendment "A" (H-474) to Committee Amendment "A" (H-461) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Increase the Motor Vehicle Inspection Fees" (H.P. 49) (L.D. 70) (C. "A" H-470)

Was reported by the Committee on Bills in the Second Reading, read the second time. Passed to be Engrossed as Amended, and sent up for concurrence.

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent:

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H.P. 1138) (L.D. 1581) Bill "An Act to Limit Municipalities' Responsibility to Reopen an Abandoned Road"

(H.P. 586) (L.D. 790) Bill "An Act Concerning Potato Varieties" (C. "A" H-449)

(H.P. 1057) (L.D. 1479) Bill "An Act to Promote Landowner Relations" (C. "A" H-452)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

(H.P. 956) (L.D. 1324) Bill "An Act Relating to the Status of Nursing Professions in Maine" (C. "A" H-453)

On motion of Representative Tammaro of Baileyville, was removed from Consent Calendar. Second Day.

Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-453) was read by the Clerk.

Representative Tammaro of Baileyville offered House Amendment "A" (H-475) to Committee Amendment "A" (H-453) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by Committee Amendment "A" thereto was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

(H.P. 1227) (L.D. 1706) Bill "An Act to Create the Quantabacook Water District" (EMERGENCY) (C. "A" H-454)

(H.P. 1209) (L.D. 1681) Bill "An Act to Increase the Borrowing Authority of the Ogunquit Sewer District" (C. "A" H-455)

(H.P. 1200) (L.D. 1667) Bill "An Act Creating the St. Francis Water District" (C. "A" H-456)

(H.P. 385) (L.D. 516) Bill "An Act to Clarify the Responsibilities of School Boards" (EMERGENCY) (C. "A" H-457)

(H.P. 693) (L.D. 945) Bill "An Act Making It Illegal to Possess Lobsters Caught Illegally" (C. "A" H-458)

(H.P. 935) (L.D. 1300) Resolve, to Request that the Board of Trustees of the University of Maine System Determine the Cost of Establishing a Training Program for Nurse Practitioners in Northern Maine (C. "A" H-464)

(H.P. 1069) (L.D. 1491) Resolve, to Establish the Commission to Study Real Estate Appraiser Certification and Licensing (C. "A" H-465)

(H.P. 1161) (L.D. 1615) Bill "An Act Regarding the Handicap Parking Privilege to Veterans with Disabled Veterans License Plates" (C. "A" H-469)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Ought to Pass as Amended

Report of the Committee on Education reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-238) on Bill "An Act to Move Certain Minor Capital Costs from the Operating Allocation to the Debt Service Allocation under the School Finance Act of 1985" (Emergency) (S.P. 82) (L.D. 83)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-238) as amended by Senate Amendment "A" (S-249) thereto.

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-238) was read by the Clerk.

Senate Amendment "A" (S-249) to Committee Amendment "A" (S-238) was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted and the Bill assigned for second reading immediately.

The Bill was read the second time, passed to be engrossed as amended in concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative MANNING from the Committee on Human Resources on Bill "An Act to Institute the Orderly Development of New Medical Technology and Services" (H.P. 951) (L.D. 1319) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

The following item appearing on Supplement No. 6 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication: (S.P. 642)

114TH MAINE LEGISLATURE

June 9, 1989

Senator Stephen M. Bost

Representative Herbert E. Clark

Chairpersons

Joint Standing Committee on Utilities

114th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Elizabeth Paine of

Hallowell for appointment as a Commissioner for the Public Utilities Commission.

Pursuant to Title 35-A, M.R.S.A. Section 105 (1988), this nomination will require review by the Joint Standing Committee on Utilities and confirmation by the Senate.

Sincerely,

S/Charles P. Pray

President of the Senate

S/John L. Martin

Speaker of the House

Came from the Senate, Read and Referred to the Committee on Utilities.

Was Read and Referred to the Committee on Utilities in concurrence.

The following items appearing on Supplement No. 7 were taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 110) (L.D. 165) Bill "An Act to Provide Adult Day Care Through Long-term Care Facilities and Other Community Sites" Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S.P. 551) (L.D. 1522) Bill "An Act Concerning Fines Collected by the Courts" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-228)

(S.P. 459) (L.D. 1244) Bill "An Act Relating to School Construction" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-230)

(S.P. 419) (L.D. 1130) Bill "An Act Dealing with Removal of Dislodged Lobster Gear" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-234)

(S.P. 142) (L.D. 262) Bill "An Act to Provide for Continued Group Health Insurance Coverage to Certain Injured Employees" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-237)

There being no objections, the above items were ordered to appear on the Consent Calendar of later in today's session under the listing of Second Day.

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Unanimous Ought Not To Pass

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Concerning the Operation of Emergency Medical Vehicles" (S.P. 482) (L.D. 1303)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act Forming the Maine Society on Science and Technology" (S.P. 572) (L.D. 1600)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act Mandating Standards for Ethics in Government" (S.P. 588) (L.D. 1650)

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An

Act Concerning the Acquisition of Data Processing Equipment and Services by State Agencies" (S.P. 559) (L.D. 1562)

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Strengthen Financial Disclosure Laws and to Prohibit the Acceptance of Honoraria" (S.P. 437) (L.D. 1154)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

The following items appearing on Supplement No 9 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative SWAZEY from the Committee on Taxation on Bill "An Act to Change the Premium on Alcoholic Beverages" (H.P. 686) (L.D. 938) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Unanimous Leave to Withdraw

Representative WHITCOMB from the Committee on Taxation on Bill "An Act to Increase the Recording Fees for Services Rendered by the County Offices of Registry of Deeds" (H.P. 371) (L.D. 502) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1217) (L.D. 1689) Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (EMERGENCY) Committee on Audit and Program Review reporting "Ought to Pass" as amended by Committee Amendment "A" (H-476)

There being no objections, the above item was ordered to appear on the Consent Calendar later in today's session under the listing of Second Day.

The Chair laid before the House the ninth tabled and today assigned matter which was taken up out of order:

Bill "An Act to Simplify the Process by Which People with Disabilities Are Able to Acquire Information and Apply for Services" (H.P. 1032) (L.D. 1438) (C. "A" H-391) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-391) was adopted.

The same Representative offered House Amendment "A" (H-473) to Committee Amendment "A" (H-391) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Amend the Banking Code" (S.P. 635) (L.D. 1726) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Rydell of Brunswick offered House Amendment "A" (H-477) and moved its adoption.

House Amendment "A" was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(At Ease to the Gong)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 11 were taken up out of order by unanimous consent:

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolve were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Banking and Insurance

Bill "An Act to Authorize Mortgagees to Require Property Insurance Provided by Insurers Which Meet Standards Established by Federal Mortgage Loan Corporations" (EMERGENCY) (H.P. 1248) (L.D. 1741) (Presented by Representative NADEAU of Lewiston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Resolve, Concerning the Dam on Mattawamkeag Lake (H.P. 1247) (L.D. 1740) (Presented by Representative SMITH of Island Falls) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

Legal Affairs

Bill "An Act Regarding Special Seasonal Agency Liquor Stores" (H.P. 1246) (L.D. 1739) (Presented by Representative PRIEST of Brunswick) (Cosponsored by Representative LORD of Waterboro) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

The following items appearing on Supplement No. 13 were taken up out of order by unanimous consent:

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 110) (L.D. 165) Bill "An Act to Provide Adult Day Care Through Long-term Care Facilities and Other Community Sites"

(S.P. 551) (L.D. 1522) Bill "An Act Concerning Fines Collected by the Courts" (C. "A" S-228)

(S.P. 459) (L.D. 1244) Bill "An Act Relating to School Construction" (C. "A" S-230)

(S.P. 419) (L.D. 1130) Bill "An Act Dealing with Removal of Dislodged Lobster Gear" (C. "A" S-234)

(S.P. 142) (L.D. 262) Bill "An Act to Provide for Continued Group Health Insurance Coverage to Certain Injured Employees" (C. "A" S-237)

(H.P. 1217) (L.D. 1689) Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (EMERGENCY) (C. "A" H-476)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence and the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act Regarding Reimbursement for Out-of-district Special Education Placements (S.P. 283) (L.D. 729) (C. "A" S-225)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

Resolve, to Direct the Executive Branch to Develop a Special Review Process to Monitor Personal Services Contracts (S.P. 391) (L.D. 1036) (C. "A" S-220)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

Later Today Assigned

Resolve, to Establish a Commission to Study Town Supervision of Private Roads (H.P. 950) (L.D. 1318) (C. "A" H-386)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Gwadosky of Fairfield, tabled pending final passage and later today assigned.

PASSED TO BE ENACTED

An Act to Establish a Comprehensive Service Delivery System for Persons with Head Injuries (S.P. 350) (L.D. '927) (C. "A" S-211)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Relating to State Personnel Administration (S.P. 100) (L.D. 119) (S. "C" S-235 to C. "A" S-104)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to move the indefinite postponement of this bill and all its accompanying papers. I have spoken to you about this bill when it has been before us before. It should not become law because of Section 2 which I think has some problems for us. That section requires specific legislative approval of the reclassification of certain appointed major policy influencing positions. Currently, the legislature is involved in funding reclassifications for employees only if funds aren't otherwise available by downgrading or abolishing positions or through dedicated revenues. This process works reasonably well and the process shouldn't be changed for all employees or any category of employees.

The amended version now before us limits specific legislative approval to only appointed major policy influencing positions. It is an improvement on Section 2 of the bill but it very plainly singles out and discriminates against one group of employees.

Before we vote, be sure you understand who this bill affects. This bill affects 76 people who are deputy commissioners, assistants and bureau directors. The vast majority are currently career public servants from various levels of education and government. The average length of state service among these 76 employees is over 8 years. There will be no massive reclassification of these positions through the administrative process. The state bank won't be broken but as a matter of principle, we as a legislature, should not single out this small group of state employees and treat them differently from others in the same job classification system.

I ask you to join me in voting against this bill and I ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that has been around for a little while and we have had a couple of debates on this particular bill and the House has continued to endorse this by an overwhelming margin. I would urge you once again to do it because it makes a great deal of sense.

As Representative Webster has indicated, this bill only deals now with major policy influencing positions throughout state government. It has been amended to do that in the Senate, we agreed with that somewhat reluctantly, but the bill now deals with major policy influencing positions. The way the bill would work is as follows: quite simply, any time that the administration would like to change the salary range, the range itself, we are not talking about the

various steps on a range, we are talking about the range itself, we are saying that any time the administration would like to change a salary range of a particular position that they would have to come to get legislative approval first. As it is now, those ranges are changed all over the place, sometimes under the guise of reclassification, sometimes not. Individual departments may change salary ranges as put into the budget of a particular department and then it is advanced to the Appropriations Committee for funding. So we fund those now but we do it after the fact. I don't think that is wise, I think that we have a constitutional responsibility, a fiscal responsibility, to make sure that those ranges are accurate and that is exactly what this bill would do. It would ensure a legislative balance and check that we are indeed responsible when those ranges take place. I think it is an outstanding safeguard on behalf of the legislature and I would hope that you would reject the motion of Representative Webster to indefinitely postpone this bill so we can enact this important piece of legislation.

Representative Webster of Cape Elizabeth moved that L.D. 119 and all accompanying papers be indefinitely postponed.

Representative Gwadosky of Fairfield requested a roll call vote on the motion to indefinitely postpone.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the Representative from Cape Elizabeth, Representative Webster, that L.D. 119 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 74

YEA - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hepburn, Higgins, Hutchins, Jackson, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Murphy, Norton, Paradis, E.; Parent, Pines, Reed, Richards, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Telow, Tupper, Webster, M.; Wentworth.

NAY - Adams, Aliberti, Allen, Bell, Boutilier, Brewer, Burke, Carroll, D.; Carter, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Daggett, Dipietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Heeschen, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; Nutting, O'Gara, Paradis, P.; Paul, Pederson, Pendleton, Plourde, Pouliot, Priest, Rand, Ridley, Rolde, Rotondi, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Tammaro, Townsend, Tracy, Walker, The Speaker.

ABSENT - Anthony, Cashman, Conley, Crowley, Handy, Hastings, Hichborn, Larrivee, McKeen, Nadeau, G. G.; O'Dea, Oliver, Paradis, J.; Pineau, Richard, Ruhlin, Strout, D.; Swazey, Tardy, Whitcomb.

Yes, 49; No, 81; Absent, 20; Vacant, 1; Paired, 0; Excused, 0.

49 having voted in the affirmative, 81 in the negative, with 20 being absent and 1 vacant, the motion to indefinitely postpone did not prevail.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Regarding the Exclusion of Family Members under a Motor Vehicle Liability Insurance Policy (S.P. 267) (L.D. 695) (C. "A" S-206)

An Act to Require the Attorney General to Develop a Model Lease for Residential Tenancies (S.P. 351) (L.D. 933) (C. "A" S-216)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 16 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act Related to State Preemption of Firearms Regulation (S.P. 370) (L.D. 994) (C. "A" S-218)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Representative Adams of Portland requested a roll call vote on enactment.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 75

YEA - Aikman, Aliberti, Allen, Anderson, Ault, Bailey, Bell, Boutilier, Brewer, Burke, Butland, Carroll, D.; Carroll, J.; Carter, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dellert, Dexter, Dipietro, Donald, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hale, Hanley, Hepburn, Hickey, Higgins, Holt, Hussey, Hutchins, Jackson, Jacques, Jalbert, Kilkelly, LaPointe, Lawrence, Libby, Lisnik, Look, Lord, MacBride, Mahany, Marsano, Marsh, Marston, Martin, H.; Mayo, McGowan, McHenry, McPherson, McSweeney, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. R.; Norton, Nutting, O'Dea, Paradis, E.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pines, Pouliot, Priest, Reed, Richards, Ridley, Rolde, Rotondi, Rydell, Seavey, Sheltra, Simpson, Skoglund, Small, Stevens, A.; Stevenson, Strout, B.; Tammara, Telow, Townsend, Tracy, Walker, Webster, M.; Wentworth, Whitcomb, The Speaker.

NAY - Adams, Begley, Curran, Dore, Gurney, Handy, Heesch, Hoglund, Joseph, Ketover, Lebowitz, Luther, Macomber, Manning, McCormick, Melendy, O'Gara, Oliver, Paradis, J.; Plourde, Rand, Sherburne, Smith, Stevens, P.; Tupper.

ABSENT - Anthony, Cashman, Conley, Hastings, Hichborn, Larrivee, McKeen, Nadeau, G. G.; Pineau, Richard, Ruhlman, Strout, D.; Swazey, Tardy.

Yes, 111; No, 25; Absent, 14; Vacant, 1; Paired, 0; Excused, 0.

111 having voted in the affirmative, 25 in the negative, with 25 being absent and 1 vacant, the Bill

was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Limit the Granting of Injunctions in Labor Disputes (S.P. 372) (L.D. 996) (C. "A" S-231)

An Act to Clarify the Application of Insurance Holding Company Laws to Holding Companies of Domestic Insurers (S.P. 399) (L.D. 1043) (C. "A" S-223)

An Act Concerning the Regulation of Cable Television (S.P. 401) (L.D. 1045) (C. "A" S-213)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Laws Concerning the Use of Seat Belts (S.P. 491) (L.D. 1333) (C. "A" S-212)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Representative Gurney of Portland requested a roll call vote on passage to be enacted.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 76

YEA - Adams, Aliberti, Allen, Ault, Boutilier, Brewer, Burke, Butland, Carroll, D.; Cathcart, Chonko, Clark, M.; Coles, Constantine, Cote, Crowley, Curran, Daggett, Dellert, Dipietro, Donald, Dore, Farnsworth, Farnum, Foss, Foster, Greenlaw, Gwadosky, Handy, Heesch, Hepburn, Hickey, Higgins, Hoglund, Holt, Ketover, Kilkelly, LaPointe, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Marston, Mayo, McCormick, McGowan, McPherson, McSweeney, Melendy, Mills, Mitchell, Murphy, Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pines, Pouliot, Priest, Rand, Reed, Richards, Rolde, Rydell, Seavey, Simpson, Skoglund, Small, Stevens, P.; Strout, B.; Tupper, Walker, Webster, M.; Wentworth, The Speaker.

NAY - Aikman, Anderson, Bailey, Begley, Bell, Carroll, J.; Carter, Clark, H.; Dexter, Duffy, Dutremble, L.; Erwin, P.; Farren, Garland, Gould, R. A.; Graham, Gurney, Hale, Hanley, Hussey, Hutchins, Jackson, Jacques, Jalbert, Joseph, Libby, Look, Luther, Mahany, Marsano, Marsh, Martin, H.; McHenry, Merrill, Michaud, Moholland, Norton, Parent, Plourde, Ridley, Rotondi, Sheltra, Sherburne, Smith, Stevens, A.; Stevenson, Tammara, Telow, Townsend, Tracy, Whitcomb.

ABSENT - Anthony, Cashman, Conley, Hastings, Hichborn, Larrivee, McKeen, Nadeau, G. G.; Pineau, Richard, Ruhlman, Strout, D.; Swazey, Tardy.

Yes, 85; No, 51; Absent, 14; Vacant, 1; Paired, 0; Excused, 0.

85 having voted in the affirmative, 51 in the negative, with 14 being absent and 1 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend Maine's Unclaimed Property Act (S.P. 602) (L.D. 1688)

An Act Regulating the Sale of Grave Markers by Funeral Establishments (H.P. 434) (L.D. 599) (S. "A" S-224 to C. "A" H-241)

An Act to Reform the Maine Board of Professional Surveyors Law (H.P. 513) (L.D. 693) (H. "B" H-432 and H. "A" H-320 to C. "A" H-311)

An Act Relating to Smoking in Nursing Homes and Boarding Care Facilities (H.P. 920) (L.D. 1286) (H. "A" H-433 to C. "A" H-288)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 14 was taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1073) (L.D. 1495) Bill "An Act to Continue Recodification of the Railroad Laws" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-478)

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, June 13, 1989, under the listing of Second Day.

The following items appearing on Supplement No. 17 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative SWAZEY from the Committee on Taxation on Bill "An Act Relating to Uniform Taxation of Certain Woods Equipment" (H.P. 875) (L.D. 1218) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 131) (L.D. 175) Resolve, Creating the Special Commission to Study Instructional Time in Schools (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-479)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, June 13, 1989, under the listing of Second Day.

The following items appearing on Supplement No. 19 was taken up out of order by unanimous consent:

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Energy and Natural Resources

Bill "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities" (H.P. 1249) (L.D. 1747) (Presented by Representative MILLS of Bethel) (Cosponsored by Representative JACQUES of

Waterville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(The Committee on Labor was suggested)

On motion of Representative McHenry of Madawaska, was referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

State and Local Government

Bill "An Act to Amend the Procedure for Approval of the Lincoln County Budget" (H.P. 1250) (L.D. 1748) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Senator HOLLOWAY of Lincoln, Representative BEGLEY of Waldoboro and Representative BREWER of Boothbay Harbor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 22 was taken up out of order by unanimous consent:

ORDERS OF THE DAY

RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1245)

Bill "An Act Regarding the Maine Vocational-Technical Institute System" (H.P. 660) (L.D. 902)

On motion of Representative Crowley of Stockton Springs, was recommitted to the Committee on Education and sent up for concurrence.

The Chair laid before the House the following item: An Act to Increase the Compensation for Part-time Deputy Sheriffs (H.P. 788) (L.D. 1100) (C. "A" H-209) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Tuesday, June 13, 1989.

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Transfer Jurisdiction over County Jails from County Government to the Department of Corrections" (H.P. 857) (L.D. 1189) (C. "A" H-445)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed as Amended, and sent up for concurrence.

Representative Luther of Mexico was granted unanimous consent to address the House:

Representative LUTHER: Mr. Speaker, in reference to Roll Call No. 73 earlier today, I am recorded as voting nay on the motion to indefinitely postpone. However, I am in favor of indefinitely postponing L.D. 1189.

Representative Tracy of Rome was granted unanimous consent to address the House:

Representative TRACY: Mr. Speaker, on June 9, 1989, I was recorded on Roll Call No. 71, L.D. 1353, "An Act Concerning the Taxation of Entertainment Rental Services and Equipment" as voting yea. I wish to be on record as voting not in favor of this Legislation.

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 21 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Bill "An Act to Preserve the Integrity of the Land for Maine's Future Program" (S.P. 651) (L.D. 1746)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Was referred to the Committee on State and Local Government in concurrence.

The following items appearing on Supplement No. 18 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Bill "An Act to Modernize the Capital Structure of Domestic Stock Insurers" (EMERGENCY) (S.P. 648) (L.D. 1743)

Came from the Senate, referred to the Committee on Banking and Insurance and Ordered Printed.

Was referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act Concerning the Public Utilities Commission" (S.P. 649) (L.D. 1744)

Came from the Senate, referred to the Committee on Utilities and Ordered Printed.

Was referred to the Committee on Utilities in concurrence.

The following items appearing on Supplement No. 20 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Bill "An Act to Create the Maine Jail Industries Authority" (S.P. 647) (L.D. 1742)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Joint Select Committee on Corrections.)

Under suspension of the rules and without reference to any Committee, the Bill was read once and assigned for second reading Tuesday, June 13, 1989.

Bill "An Act Regarding Confirmation of Nominees to the Adaptive Equipment Loan Program Board" (EMERGENCY) (S.P. 650) (L.D. 1745)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Under suspension of the rules and without reference to any Committee, the Bill was read twice and passed to be engrossed in concurrence.

(Off Record Remarks)

Representative Adams of Portland was granted unanimous consent to address the House:

Representative ADAMS: Mr. Speaker, Fellow Members of the House: Today marks the 20th Anniversary of the passing of a man who literally changed the face of our State of Maine. On this day in 1969, Governor Percival Baxter died. Born to great wealth, he spent most of his long life giving it away. Born to privilege, he became a progressive. A world traveler of all of this earth, he loved that one mountain most that he first saw as a boy in the 19th Century and which he spent much of the 20th Century buying, piece by piece, to preserve for all future Mainers yet unborn. He paid a certain price for that philosophy of open spaces, his struggles with the clans, the timber companies, the utility giants, and it cost him his public career and a United States Senate Seat and this did hurt but it did not deter him from the greater work that was of his heart and that was of the future.

"Beauty fades", he wrote, "wealth vanishes, but Katahdin in all its glory, shall remain forever wild as the mountain of the people of Maine."

Baxter Park took more than one half a century for him to create, the largest single state park in the United States ever given by a single individual. It is a monument to one farsighted individual that shall endure as long as Katahdin itself.

I have the privilege to hold the seat that Mr. Baxter held himself in this body in the year 1907.

Mr. Speaker, I would ask that when this body adjourns today, we do so in memory of Governor Percival Proctor Baxter.

On motion of Representative Adams of Portland, Adjourned until Tuesday, June 13, 1989, at eight-thirty in the morning in memory of former Governor Percival Baxter.