

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME IV

FIRST SPECIAL SESSION
August 21, 1989 to August 22, 1989
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FIRST CONFIRMATION SESSION
October 30, 1989
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SECOND CONFIRMATION SESSION
December 12, 1989
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SECOND REGULAR SESSION
January 3, 1990 to March 19, 1990

Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act Concerning Operator Licenses Held by Persons 15 Years of Age" (Emergency) S.P. 682 L.D. 1801

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-452).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-452) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

An Act to Clarify the Procedures for Placement of Existing Utility Lines Underground

H.P. 1307 L.D. 1811

Tabled - August 21, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, August 21, 1989, under suspension of the Rules, PASSED TO BE ENGROSSED, without reference to a Committee, in concurrence.)

(In House, August 21, 1989, PASSED TO BE ENACTED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ENACTMENT.

On motion by Senator TWITCHELL of Oxford, ADJOURNED until Tuesday, August 22, 1989, at 9:30 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST SPECIAL SESSION
2nd Legislative Day
Tuesday, August 22, 1989

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

Prayer by Father John Fortin, O.S.B., St. Anselm College, Manchester, New Hampshire.

The Journal of Monday, August 21, 1989, was read and approved.

COMMUNICATIONS

The following Communication:

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

August 21, 1989

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333
Dear Clerk Pert:

This is to inform you that the following legislators will not be in attendance during the First Special Session of the 114th Maine Legislature:

Representative Willis A. Lord of Waterboro, for health reasons.
Representative Donald V. Carter of Winslow, for personal reasons.
Representative Jean T. Dellert of Gardiner, for legislative business.
Representative Alexander Richard of Madison, for health reasons.

Sincerely,
S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

Bill "An Act to Allow the Sale of the Electric Portion of the Lubec Electric and Water District" (EMERGENCY) (H.P. 1309) (L.D. 1813) (Presented by Representative TOWNSEND of Eastport) (Cosponsored by Representative MOHOLLAND of Princeton and Representative TAMMARO of Baileyville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

(Committee on Utilities was suggested)

Under suspension of the rules, without reference to any committee, the Bill was read once and assigned for second reading later in today's session.

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

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Operator Licenses Held by Persons 15 Years of Age (S.P. 682) (L.D. 1801) (C. "A" S-452)

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. 101 voted in favor of the same and 2 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 Providing for the Immediate Enforcement of Laws Governing the Operation of a Watercraft While Under the Influence (S.P. 685) (L.D. 1806)

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. 103 voted in favor of the same and 2 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 Control the Installation of Underground Oil Tanks in the Shoreland Zone (H.P. 1294) (L.D. 1787) (C. "A" H-719)

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. 104 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 Relating to the Inspection of Sample Ballots Prior to General, Primary and Special Elections (H.P. 1308) (L.D. 1812)

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. 107 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.

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

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

**PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE**

Bill "An Act to Establish a Charter for the Northern Regional Planning Commission and the Northern Maine Regional Planning Commission" (EMERGENCY) (H.P. 1310) (L.D. 1814) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Senator COLLINS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

(Committee on State and Local Government was suggested)

Under suspension of the rules, without reference to any committee, the Bill was read twice, passed to be engrossed and sent up for concurrence.

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

ENACTOR

**Emergency Measure
Later Today Assigned**

An Act to Make Supplemental Appropriations and Allocations for Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the

Fiscal Years Ending June 30, 1990, and June 30, 1991 (S.P. 680) (L.D. 1798) (C. "A" S-449)

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

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

**ORDERS OF THE DAY
UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

An Act to Fund and Implement Collective Bargaining Agreements with Certain Employees of the Maine Vocational-Technical Institute System (EMERGENCY) (S.P. 672) (L.D. 1793)

TABLED - August 21, 1989 (Till Later Today) by Representative MAYO of Thomaston.

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 second item of Unfinished Business:

An Act to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Certain Employees Excluded from Collective Bargaining (EMERGENCY) (S.P. 679) (L.D. 1797)

TABLED - August 21, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 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.

The Chair laid before the House the third item of Unfinished Business:

An Act to Fund and Implement Collective Bargaining Agreements with Employees of the Judicial Department (EMERGENCY) (S.P. 671) (L.D. 1792) (C. "A" S-447)

TABLED - August 21, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and 1 against and accordingly the Bill was 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.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

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

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Authorize Aroostook County to Make Certain Expenditures in the Renovations of the Houlton District Court (H.P. 1302) (L.D. 1800)

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. 103 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 Revise the Charter of the Madawaska Water District (H.P. 1301) (L.D. 1799) (C. "A" H-720)

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. 116 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.

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

**PASSED TO BE ENGROSSED
As Amended**

Bill "An Act to Allow the Sale of the Electric Portion of the Lubec Electric and Water District" (EMERGENCY) (H.P. 1309) (L.D. 1813)

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

Representative Clark of Millinocket offered House Amendment "A" (H-721) 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" and sent up for concurrence.

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

COMMUNICATIONS

The following Communication:
114TH MAINE LEGISLATURE

August 21, 1989

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised that we have made the following appointments:

Pursuant to our authority under Chapter 55 of the Resolves of 1989, we have appointed Rae Bates of Patten to the Blue Ribbon Task Force to Promote Equity of Opportunity for Women in the Public School System.

Pursuant to our authority under Chapter 335 of the Public Laws of 1989, we have appointed William Sawtell of Brownville to the Maine Commission on Mental Health.

Pursuant to our authority under Chapter 534 of the Public Laws of 1989, we have appointed Mr. Ralph

Ryder of East Millinocket to the Commission to Study Problems with the Municipal Assessment, Valuation, and Collection of Property Taxes.

Please let one of us know if you have any questions about these appointments.

Sincerely,

S/Charles P. Pray S/John L. Martin
President of the Senate Speaker of the House
Was read and ordered placed on file.

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

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 9 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. 1291) (L.D. 1784) Bill "An Act to Improve Enforcement of Liquor Licensure Laws" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-723)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed as amended and sent up for concurrence.

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

**PAPERS FROM THE SENATE
Unanimous Leave to Withdraw**

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Resolve, to Revise the Kennebec County Budget (EMERGENCY) (S.P. 686) (L.D. 1807)

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

Ought to Pass

Report of the Committee on State and Local Government reporting "Ought to Pass" on Bill "An Act Relating to Various Commissions, Task Forces and Committees" (EMERGENCY) (S.P. 688) (L.D. 1809)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-451).

Report was read and accepted, the Bill read once. Senate Amendment "A" (S-451) was read by the Clerk and adopted.

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

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

PAPER FROM THE SENATE

Ought to Pass

Report of the Committee on Human Resources reporting "Ought to Pass" on Bill "An Act to Ensure Prompt Collection of Certain Outpatient Health Care Data" (S.P. 675) (L.D. 1796)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-453).

Report was read and accepted, the Bill read once. Senate Amendment "A" (S-453) was read by the Clerk and adopted.

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

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

ORDERS

On motion of Representative MELENDY of Rockland, the following Joint Order: (H.P. 1311)

ORDERED, the Senate concurring, that "An Act to Establish the Bureau of Juvenile Corrections, H.P. 1147, L.D. 1590, and all its accompanying papers, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Allow the Sale of the Electric Portion of the Lubec Electric and Water District (H.P. 1309) (L.D. 1813) (H. "A" H-721)

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.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish a Charter for the Northern Regional Planning Commission and the Northern Maine Regional Planning Commission (H.P. 1310) (L.D. 1814)

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.

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

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

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

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

PASSED TO BE ENGROSSED

WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Make the Land for Maine's Future Program Effective and Publicly Accountable" (EMERGENCY) (H.P. 1312) (L.D. 1815) (Presented by Representative ROLDE of York) (Cosponsored by Representative McGOWAN of Canaan) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

(Committee on Energy and Natural Resources was suggested)

Under suspension of the rules, without reference to any committee, the Bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent was ordered sent forthwith to Engrossing.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Improve Enforcement of Liquor Licensure Laws (H.P. 1291) (L.D. 1784) (C. "A" H-723)

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

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

PASSED TO BE ENACTED

An Act to Ensure Prompt Collection of Certain Outpatient Health Care Data (S.P. 675) (L.D. 1796) (S. "A" S-453)

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.

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

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to Various Commissions, Task Forces and Committees (S.P. 688) (L.D. 1809) (S. "A" S-451)

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. 105 voted in favor of the same and 9 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

PAPER FROM THE SENATE

Ought to Pass as Amended

Report of the Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-461) on Bill "An Act Concerning Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 687) (L.D. 1808)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-461) as amended by Senate Amendments "A" (S-462) and "B" (S-463) thereto and Senate Amendment "B" (S-460).

Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-461) was read by the Clerk.

Senate Amendment "A" (S-462) to Committee Amendment "A" was read by the Clerk and adopted.

Senate Amendment "B" (S-463) to Committee Amendment "A" (S-461) was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendments "A" and "B" thereto was adopted.

Senate Amendment "B" was read by the Clerk and 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 Senate Amendments "A" and "B" thereto and Senate Amendment "B" in concurrence.

By unanimous consent, was ordered sent forthwith to Engrossing.

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

PAPER FROM THE SENATE

Non-Concurrent Matter

An Act to Clarify the Procedures for Placement of Existing Utility Lines Underground (H.P. 1307) (L.D. 1811) which was passed to be enacted in the House on August 21, 1989.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-458) in non-concurrence.

The House voted to recede and concur.

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: An Act to Fund and Implement Collective Bargaining Agreements with Certain Employees of the Maine Vocational-Technical Institute System (EMERGENCY) (S.P. 672) (L.D. 1793) which was tabled earlier in the day and later today assigned pending passage to be enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 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.

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

(At Ease)

The House was called to order by the Speaker.

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

PAPER FROM THE SENATE

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-454) on Bill "An Act to Authorize General Fund Bond Issues in the Amounts of \$35,000,000 and \$14,500,000 for Construction and Renovation of Correctional Facilities" (EMERGENCY) (S.P. 673) (L.D. 1794)

Signed:

Senators:

PEARSON of Penobscot
BRANNIGAN of Cumberland

Representatives:

POULIOT of Lewiston
RIDLEY of Shapleigh
CHONKO of Topsham
LISNIK of Presque Isle
McGOWAN of Canaan
CARROLL of Gray

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-455) on same Bill.

Signed:

Senator:

PERKINS of Hancock

Representatives:

FOSS of Yarmouth
FOSTER of Ellsworth
HIGGINS of Scarborough

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-454) as amended by Senate Amendment "B" (S-464) thereto.

Reports were read.

On motion of Representative Carroll of Gray the House accepted the Majority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (S-454) was read by the Clerk.

Senate Amendment "B" (S-464) to Committee Amendment "A" (S-454) was read by the Clerk.

Representative Carroll of Gray moved that Senate Amendment "B" to Committee Amendment "A" be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, I would like to pose a question through the Chair.

Could the Representative from Gray, Representative Carroll, indicate to the House what the effect of doing that might be?

The SPEAKER: Representative Higgins of Scarborough has posed a question through the Chair to Representative Carroll of Gray who may respond if he so desires.

The Chair recognizes that Representative.

Representative CARROLL: Mr. Speaker, Men and Women of the House: I would be happy to respond. That would put the Majority Report of the Appropriations Committee before this body. The Committee Report would be before us and put the bill in the posture of non-concurrence.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Men and Women of the House: My understanding of Senate Amendment "B" is that it was to place both the \$35 million and the \$14.5 million questions on the prison facilities before the voters in November of 1989. If that is the case, then I am opposed to the motion in

front of us to indefinitely postpone that amendment. I would ask for the yeas and nays.

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 Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I am totally at loss, frankly, with this motion because it was my understanding that there was a consensus building that would have allowed us to have before the voters two different votes. That is, on the Bond Issue for \$14.5 million would be a ballot issue and for the \$35 million prison bond issue, there would be a ballot issue. It would then be left to the voters in the Fall of 1989 to make their final decision.

The question really does boil to the Majority Report as it was originally crafted in that it had in it provisions which reopened substantially many prison questions. The issue before you today is whether or not it is fair to delay what has already been acted on, both by this chamber and the other chamber in the bills that they have passed previously, as well the voters when they adopted the Bond Issue in 1986 by better than 55 percent.

What I hear today is to reopen issues such as location, style and the size of the unit. Today as I understand the prison issue, we have some 1,500 inmates in a prison that has a rated capacity of 1,083. We can argue that it is wrong to have this just on the basis of two people are put in cells six feet by seven feet in width and length -- I question the humanity of that act alone.

Secondly, this body has passed law after law after law (this year) enhancing penalties after penalties on crime after crime. You have sat here and consistently voted to make trafficking of 112 grams of cocaine a Class A crime, murder a Class A crime, rape (now called sexual assault) a Class A crime, 40 years in prison, no parole. You voted that.

In my county, we have two young adults, 16 and 17, which if found guilty of the charge of murder to which they are are charged as an adult, they will serve 40 years. That's two beds which we don't even have available. You are asked now to just delay the question, to become the ostrich with the head in the sand.

In 1995, it is already projected we are going to have 700 beds short even if we build this facility. So, this is not the answer to the prison problem, it is only a step to relieve a problem today.

If you vote against it, you are voting against acting at all on this problem. Yet, our constituents have time and again told us, we want you to be tough on crime. We have done that, we have responded. Now you are saying to heck with those people in the prisons. Put them in there and let the courts make their decision, which they may very well do by class action as to what type of prisons and where they are going to be built. If you want to lose that kind of control, that is up to you. For myself, I do not want to lose that type of control.

I recently had a chance to go to Eagle Lake, a little side story, but it is appropriate. When I came back this Sunday, I stopped at Lil's Restaurant in Ashland, got myself a little lunch and custard pie, came on down to Bangor, stopped at the Grill,

got myself some fried clams and onion rings. Kind of a two lunch trip, the distance is quite far as you know. In fact, I have a lot more respect for the stature of Representative Graham and Representative Bell -- after all, the good Representative from Houlton has to live at least a two, maybe two and a half lunch mile trip away, certainly Representative Bell has at least a three meal trip on the way to get down here. If you have to do all that driving every time, I can expect their stature to be such as it is. Certainly Representative Paradis should never show us any fat because he is a skip and a jump away by walking over here, no meals allowed for that type of a trip. In doing that, I did stop at Lil's and Kim, my waitress, happened to see my plates on the car and I was talking with a Linda Clark who happened to have somebody on my street that she knew in Fryeburg, both women I might note. But, in any event, these people both saw my plates and both said, "You are a State of Maine Representative. Where are you from?" They didn't say I was a Representative from Fryeburg, they said you are a State of Maine Representative. That is what we are, people. We take our oath to uphold the laws and the Constitution of the State of Maine for the whole state, not for our individual areas.

I think today is a chance to prove that we represent all of Maine and not just our own territories. I urge you to vote against the motion that is before us and go on to pass that which has been adopted by the other body.

The SPEAKER: The Chair would ask the Representative not to make reference to the action of the other body, it has no bearing upon our action in this body under the rules.

The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: The issue of Corrections, the issues of bed space is an issue that has been around this legislature as long as I have and a lot longer than I have and it will probably be one that will be here after I leave this humble body.

I must say that the Majority Report does not stick its head in the sand as the gentleman from Fryeburg says, we don't do the ostrich approach here. In fact, we are looking towards tomorrow and to a solid Corrections policy and plan. The Majority Report, the report that would be before you for your decision if we indefinitely postpone this amendment, says simply, ladies and gentlemen, let's deal with the issue this November to the tune of \$14.5 million for Corrections. \$9.5 of that will be for juvenile Correction facilities, facilities that are needed for those very two young men that we heard about not too long ago, facilities that do not exist for them today. That still leaves \$5 million for a year that can be used for adult Corrections.

We don't know for sure -- I think the question becomes more and more clear since last spring, do we need additional maximum security beds? Do we need 200 maximum security beds to be built in a small coastal community in this state when in fact, three years ago, a bond issue for \$16.5 million went before the voters of this state, was passed with 55 to 58 percent of the vote? Every one of those items is now in place with the exception of one. Those are those 100 maximum security beds that were supposed to be built in Warren, Maine. Literally, that project is bogged down. We haven't come one step closer to alleviating the bed space problem for maximum security than we did three years ago with the issuance of bonds. We don't lose control on this measure at all. What we do is we take the control

and we build upon our own Corrections Committee to work with this administration, the department, and the second floor to develop a plan to evaluate the absolute needs for adult Correction facilities, be they halfway houses, be they minimum security, be they beds at South Windham at the Maine Correctional Center to alleviate a significant overcrowding problem there even with 100 beds now on line that we okayed three years ago. There is a need for minimum security and medium security beds. If not, then I ask, why do we have an overcrowding problem in South Windham at the Correctional Center?

I think what we are doing is taking a reasonable approach. Yes, there is going to be a 700 bed shortfall, that's 700 beds short of rated capacity. We are already over capacity and we have been ever since I have been in this legislature, some eight years. We are doing a good job. The Commissioner is doing a good job keeping control. What we want to do is make sure that we put those beds, spend that \$35 million wisely and to where it is going to be the most benefit to the taxpayers of the citizens of the State of Maine and to the Department of Corrections. I don't see anything wrong with that approach. I think the people in the State of Maine are intelligent enough to know that we have a Corrections problem. I think they understand we need beds but I don't think they know, nor do we know or can we make that informed decision, are those beds all maximum security? I don't believe they are. We are three years into getting 100 beds on line, how many more years will it take if we have to go 200 more? I don't think we can afford to wait. I think we have to evaluate it. I think we have to look at it and I think the Majority Report makes that solid step forward. So, February 1 next year, if the Corrections Committee comes to this body, comes to the Appropriations Committee and says, "Ladies and Gentlemen of the Maine House, here is our plan, here is our recommendation, here is how we think as Corrections people in this House and the other body how we should spend \$35 million in bond issue money from the taxpayers of the State of Maine." And I might add how we will be spending the \$10 million a year of operational costs for those facilities in the upcoming year.

Let's not just look at a maximum security facility, let's look at the operating costs every year, once it is up of \$10 million, best-guess-estimate of the department. It is important for us. We have got alternatives out there, we have to deal with the full range of adult Corrections. Intensive supervision was passed a few years ago by the legislature. That isn't a very well used alternative. Halfway Houses -- maybe we need some of those. We definitely need more beds in South Windham. Go look at that beautiful 100 bed facility. It is great, it is overcrowded, they are back using program space again for bed space.

We don't need all maximum security, we need a balanced plan. We have passed laws, this is a get tough on crime legislature. We have been doing it all session -- 24 or more laws we have passed. It is time now to deal with incarceration in a logical plan progression so that we use the best of our resources and do the best service to the people of the State of Maine. I urge you to support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Men and Women of the House: I have been watching this debate in the media the last couple of days as well as being involved in the Appropriations Committee in this process that we have and our own committee process.

I see so many mixed signals out there. I saw the Chief Executive of this state go on the news yesterday and say that the Democrats were soft on crime. Yet, the facts are that we have put more people in jail since 1970 than we have in the previous 70 years of this century in the State of Maine. I would tell you, Governor McKernan, that that certainly is not being soft on crime at all.

I hear these mixed signals about a plan for Corrections and how we should go about dealing with the problems of people who commit crimes. That is who we are talking about, people who indeed commit crimes against the people of the State of Maine. As a matter of fact, two weeks after I was out of this legislature, someone broke into my business and is still at large. Those are the people that we are talking about, the criminals in this state.

I don't believe that there has been time spent on a proper plan for this. The Majority Report that you are dealing with today deals with a time frame of one year between the November referendum of 1989 and the November referendum of 1990 to deal with the problem. What we have here is a proposal that will -- I will address this to my conservative friends in this legislature -- provide a climate-controlled facility for the criminals in this state. Now, does everyone here know what a climate-controlled facility is? That is an air-conditioned facility for the prisoners of this state. That is what you would be voting for if you adopt the \$35 million plan at this time. You think about that when you vote today.

Think about this, the children of Warren do not have a gymnasium now but these felons, these criminals, these murderers, will indeed have a gymnasium to play ball in when this \$35 million proposal is approved. I want to address that to my conservative friends in this House because I want you to know exactly what you are voting for should you vote the way the Representative from Fryeburg, Representative Hastings, would like to have you vote.

What we have before you today is a \$14.5 million proposal in the Majority Report which would allow us to deal with the roots of crime in this state and that of the youngsters, the people who are having daily problems in our schools and early years of high school. That is what this proposal will give you and not the \$35 million air-conditioned gymnasium, weight room, and probably a Jacuzzi, who knows, down there in the town of Warren should you, the majority and minority parties decide to adhere with the other body's actions.

I will tell you that we have in our Majority Report given the Corrections Committee, the Joint Select Committee on Corrections, a look at how we will spend money in the state to deal with the felons, the people who commit crimes against you and me and our constituents. So, I think that what we have here is, you either, as Representative Hastings said, bury your head in the sand and provide that comfort air-conditioning for the worst people. Now remember, the good people, the good criminals are going to stay in the east wing where it is 95 and 100 degrees humidity right now. The worst of them are going to the new facility under this plan. So, you can vote with the Representative from Fryeburg or you can vote with the Majority Report. But, I hope you will have the ability to respond to your constituents when they want to know how you are treating the criminals and felons in this state after this session is over.

The SPEAKER: The Chair would make note again of the fact that it is not the purview of any member of this body to make reference to the actions of the other body while we are proceeding in debate in this

body. I hope that that is clear. This body is not to make reference to the actions of the other body, they are to disregard that action and vote the way this body cares to vote.

The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, I would like to pose a question to the Chair.

I thought it was sort of clear during the caucus but now I am a little puzzled again. Could you tell me if we indefinitely postponed Senate Amendment "B", which is the motion at the present moment, then we will be dealing with Committee Amendment "A" -- is that correct?

The SPEAKER: The Chair would answer in the affirmative.

Representative MACOMBER: If we do in fact vote to indefinitely postpone, are we in non-concurrence at that time?

The SPEAKER: The Chair would answer in the affirmative.

The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I certainly understand what it is like for all of you to get up, knowing that we are all exhausted, I know the Appropriations Committee is, and I would hate to tell you how I feel and what I have been put through in these last couple of days, when the major issues that we are here to deal with, are Corrections.

The Corrections issues are something that I feel very strongly about. When I first came to this legislature, I served on the Human Resources Committee. The Human Resources Committee dealt with many, many, many issues and one of the many, many issues was Corrections. Where did Corrections go? Right down there on the bottom in terms of its importance. You hear that? In terms of importance. Is it a wonder that today we are short of beds?

I have to say that I am standing up in opposition to the motion on the floor, the indefinite postponement of Committee Amendment "B." A couple of things I have to say first is that it is kind of ironic that we are dealing with Corrections and how many speakers were ahead of me and I am the House Chair of Corrections. Again, does that tell you something about where the importance of Corrections is? For that very reason, when I served on the Human Resources Committee, I asked, as did several members of the Committee, could we please, please develop a Joint Select Committee to deal with the Corrections issues? Most people don't care and yes, we are here to represent all the people of the State of Maine; however, there is one Representative in this particular body today who has to treat it a little bit different. Yes, he is there for all members but he has got to deal a little bit different because this issue is happening in his backyard. Actually, it should affect me because it is happening in my backyard, just a little bit further down the road, that's all. Most of you, if you were to stand up today and say, I am going home tonight and I am going to say, you know, it shouldn't be in Warren, I want that in my backyard. How would your constituents feel? Think about that.

Representative Mayo and I, on many occasions, have been put in a position where we quite often have to differ on the things because philosophically I have my gut feelings about what I want to do with the people that are incarcerated and there are times when I put my next election on the line because, what will my constituents say? They might say, "Rita, you are more concerned with the people on the inside than you

are with what is in our backyards." I marvel at Representative Mayo at having taken the stand that he took this session, as difficult as it has made it for me. Whatever happens with Corrections with this bond issue, and we will go out with a bond issue that will deal with both juveniles and adults, if it is the last thing I do. I don't care if we are here for three weeks. If anything happens on it, one of the things that I have to thank Representative Mayo for, in spite of putting me through the wringer, is that it has given us time. Finally, everybody in the state is listening, there is a problem with Corrections. We are going to have to come out with a bill and then all of us are going to have to go out and market it and make sure that whatever bond issue is put out there, that we support it. We have to have additional beds in this state.

The Commissioner of Corrections has been dealing for years and years with trying to push a few here and push a few there and, frankly, I am beginning to get a little bit nervous with how many they are pushing in our backyards.

I am very upset with one of the suggestions that was made today about what a great facility they are going to have out there and that there is a gymnasium where these incarcerated people will play ball. You know, I'd rather have them playing ball than to have so much idle time on their hands that they are chiseling away at the bars, I really would.

Three years ago, yes 58 percent of the people said, we want 100 beds. At the time that we dealt with 100 beds, who was put in the most difficult situation of all? Representative Mayo. "Hey constituents, guess what? Warren will be the place where these 100 beds will be." You know who had the second toughest position? Representative Melendy. She says, "Hey folks, you are used to having the prison out here, we don't have to sell a whole new community, we can pass this legislation and we can pass it quickly because you understand. We would have to go out there and teach other people that it is not so bad, let's work together, let's make some jobs in our community." I wasn't selling that, I was selling the fact that they were accustomed to it. Yes, we are going to have 100 beds but I am going to make sure, and there is no one that worked any harder than Representative Mayo did, and there were also times when there were thorns in my side in terms of what I had to do and what I had to deal with to make sure that I brought my committee together to assure his constituents that the facility was not going to be placed right next to water, prime land. We worked at putting this thing out in the back forty so it would at least be out of sight a little bit. We dealt with what we had to do to build up that community and so forth to make sure that our people were going to be protected. At the time that we passed those 100 beds, again there was a public hearing in Representative Mayo's district, and you know that Representative Mayo was doing what he had to do and what he probably felt very strongly about, which was "I don't want anymore in my backyard." I had to stand up there and say, "Not only are you going to have 100 beds but be prepared because you might have 200 beds." Guess what? They are really thinking about giving you an additional 400 beds. 500 beds is what they really, really want.

What do we do? We are dealing in committee with the issue and what do I say? I say 100 beds at that cost is ridiculous. You know that you are going to have to deal with at least 200 more within a year or two -- why don't we at least put in the infrastructure, put in the funding for all the pipes that we need, for all the electrical that we need,

for the design that we need, so when we come back in in just two more years, it would be there and we can just add an additional piece on. Here we are, we made that commitment a few years ago with the 100 beds. I think we have sort of made that commitment for the additional 200 beds. I am sorry and I am very hurt when I hear that the Corrections people have no plan, there have been plans upon plans upon plans that have gathered dust over the years because nobody wanted to deal with Corrections.

There is one person in this legislature, and I am sorry that he is not here today, and that is Representative Larry Connolly. Larry Connolly stood here time and time again saying, we need to address the problem of the beds. We have people that are being housed in the east wing that God forbid anybody that you or I would know would ever have to sit and spend their time there. How many years have I been here? Seven, and they are still in the east wing. I think it is unfortunate, I think we ought to address the bond issue now, this year, and address both situations, the juvenile beds, the adult beds, separate the two so that the people can vote. Let those of us that strongly believe that the beds have to be made, go out and give pleas to the public rather than wait and say, just the juvenile corrections this year and then wait for adult next year, which means it would two other additional years. I can't wait that long for the east wing. Who knows, I might not be here to plead the way Larry did. For Larry Connolly, I urge you all to vote against the indefinite postponement of Senate Amendment "B."

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Curran.

Representative CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I am not so sure that I can say much to you that would beat the plea of the Committee Chairman. I think she has said quite a lot to you and me and we should have been listening carefully. So what shall I say?

Before she and the others spoke, I was convinced that it was absolutely wrong for us to think of killing this amendment in a compromise form. It should be such a simple issue to us of meeting a very basic need of the social failures of this society. That is not news to anyone. This legislature purposely created for the common good by making laws that are tough on crime. We wanted to do that, the public wanted us to do that and we did that. We made laws that are tough on crime, that send drug offenders to jail for long periods of time, that have correctly stiffened the sentences for Class A crimes, that takes violence off the streets, takes murderers out of our midst and in fact has doubled the possible sentences for murderers -- all done deliberately by public demand and by the attitude of the times.

If we don't vote for prison facilities, we are stating that we do not want to put drug offenders and murderers behind bars. We have got to be in a position to say to those people that if you violate us and you violate our families, if you hurt us or cause disorder in our society, if you pollute the minds and veins of our young people, justice to you is going to be certain. You will go to jail, believe that and you will stay there as long as the courts think you should and under conditions that this State of Maine make possible. We should have no wish to neutralize or reverse our stand or the public's perception of us in our stand and their confidence in us, that we are tough on crime, strong on law and order, tough on drugs. I don't know how we could have let such a vital measure as this fail

six weeks ago. I don't know how we did such a thing, 75 to 74.

Some people in this legislature, and they are entitled to their own views, perhaps for their own purposes, whatever those purposes could have been, put the whammy on some of us and led us down the primrose path and I beg of you, as the previous speaker has begged of you, don't let it happen again today. We need the prison expansion for the bad guys and we need the renovation and rejuvenation that has been mentioned today of the existing facilities as well. So, let's not be distracted by taking care of juveniles and leaving the bad business unattended to. Let's not be misled to believe that longer periods of minimum security is going to be the answer to our maximum security needs. It isn't, we've already stretched that to the breaking point. We are already transferring to minimum security convicts that only a very short time ago would never have qualified for such a thing.

We have got to act responsibly here today, send both of those issues out together as you see in Amendment "B." We've got as many as 19 people in prison sharing one toilet, we've got lifers sharing cells and, as you heard two speakers tell you today, it won't be long before we will have a shortage of 700 beds. Right today, this very moment, we are sitting on a tinder box, it could go off on us before the sun goes down tonight and we will be in real trouble if we fool around with this issue anymore. So let's move it out right now. I beg of you, let's move it out right now, do the right thing and vote against this motion that is on the floor because that is the only right thing to do with it.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I would guess that most of us have probably not toured Thomaston. I didn't tour Thomaston until I was on the Corrections Committee so that is no surprise that many who have not served on the Corrections Committee haven't been there.

You can't go in there in the east wing sane and come out sane. It smells, tastes and looks horrible. When I have constituents call me and talk about they don't want to give these people lounge chairs, I just say, this is light years from what you have ever seen and I would be real happy to take you through.

I wanted to send out the entire bond issue together this year but I have had to disagree with other members of my committee, such as Representative Manning, who I deeply respect, because I am so worried that we won't get this whole thing funded that I want to separate out juveniles from adults, not for any good or noble reason but because, in case the voters are so convinced that this is livingroom living in these prisons that they turn it away, I don't want them to also turn down the facilities for juveniles. That is politics, the art of compromise, but I cannot be postponing any of this. The situations in the jails is really pretty horrendous and it makes people worse, not better.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I will take a bit of your time to discuss this issue. As you all know, it is rather important to my home district. I think before I begin, I must respond and speak about what Representative Larry Connolly would have wanted if he were here because I have a different view of it. Representative Larry Connolly was most concerned, in talking about Corrections, about the east wing. What

we are talking about here today is the east wing of Thomaston and what we are talking about here today is not doing anything about the east wing, deferring that, deferring that to who knows when. There has been no action on the east wing and Representative Connolly pushed very hard to have that to be the next step after the first hundred beds.

If we in fact build a new maximum security prison in Warren, the inmates that will be transferred to it are the most hardened criminals, the bad actors, the worst of the crop. Who does that leave in the east wing that we have to have? The relatively speaking, better criminals, the ones that behave more, the ones that are in for less violent crimes or less serious crimes. We are setting up a very interesting situation internally in our Correctional system whereby, if you act out, you cause problems, if you are the worst of the crop, you can get yourself transferred into the new prison, complete with its climate control. If you behave yourself, you have to stay in the rock. Doesn't make a lot of sense to me. Maybe that is too simplistic, but it doesn't make a lot of sense to me.

I am severely saddened by this situation, I am frustrated by it greatly. I am frustrated because my own hospital that serves all of my constituents and the constituents of the largest chunk of Knox County wasn't even contacted by the Department of Corrections until three weeks ago about the possible impact of an additional 500 inmates in our area. This socio-economic report that had been called for a long time ago didn't land on my desk until yesterday. The bond issue was authorized in 1986, was allocated in 1987 and we were told back then that there would be an impact study of the impact on the town of Warren. I am frustrated because my recollection of the Corrections Committee hearings down in Warren were that, everybody was talking about 100 beds and not 500 beds. I was the only one telling my constituents that if we start down this road, they ought to prepare themselves for 500 beds. The message was sent out in mixed messages and a lot of my constituents were confused. A lot of them have talked with me since that didn't realize that that was what was going to happen. They thought it was just going to be a 100 bed facility and no more after that. They are frustrated by that.

I don't enjoy getting petitions from constituents with 600 signatures telling me that my vote in 1986 to authorize that bond issue, which I did cast, was wrong and I should rethink it, we shouldn't have any prison in Warren, anymore than we have now. I am frustrated because there will be separate, not counting the county jail which also is being moved into my legislative district, there will be three Correctional facilities and 1100 incarcerated felons.

I have been constantly told that I am lucky to have the prison, that it provides all kinds of economic good for my town and very little negative impact. I remember a sewer system overflowing, having to be shut down because of storm water and everything else coming from the prison and I mean everything else. I remember constituents of mine who earn their living from the sea, those who clam, having to be out of work because of it. That is a pretty big impact. I remember hearing in the news media and talking to the person who operates the local phone company, Warren Telephone, hearing from him that he heard on television that the town of Warren, because of this prison, was going to get a new phone system. Warren has had a state of the art phone system longer than I have in Thomaston, we just got touchtone in Thomaston, New England Telephone, but Warren has had it for several years. Warren is

not going to get a new phone system out of this, that is a misconception.

There was talk about a sewer plant that Warren was going to get out of this. I sponsored a bond issue in 1985 that provided the state match for a sewer plant for the town of Warren, separate and distinct from the Correctional facility. The town of Warren would have had a sewer facility probably a year and a half ago if it hadn't been waiting and trying to cooperate with the state to provide a joint sewer system so we wouldn't have two sewer plants in the river when we could have one.

The one I love the most, the one I have heard often, is that you are going to be safer in Thomaston because of all those prison guards around and the State Police. Well, the State Police barracks close at five o'clock at night, ladies and gentlemen, and there may be no State Police officers in Knox County at all at any one time in the middle of the night. They service three full counties and part of southern Kennebec -- that doesn't make me feel safer.

There was a bank robbery in the town of Thomaston yesterday, the gentleman that held the bank up was leaving through the back door and my mother and my niece were entering in the front door at the same time. I don't think we are any safer in Thomaston, I think we are just like everybody else. Bank robberies happen there just like they happen everywhere else so don't tell me that I am getting something great because of this new prison.

I hear all kinds of things about bed deficits, how many beds we are going to be behind -- we are presently incarcerating about 1500 inmates and in 1995, we are going to be about 200 inmates above that, we are building 100 beds and when you talk about rated capacities, I don't know when any of our Correctional facilities have ever operated at rated capacity. You can't compare bed space needs to rated capacity because that is inaccurate, very inaccurate. It makes the situation look a lot worse than it really is.

I have been pushing, up to now, in effort to reach a compromise, in an effort to go home and be able to support this bond issue, tell my constituents, yes, I voted for it even though they don't want me to, yes I voted for it, but I got something in return. I got the state to recognize the economic impact upon both towns in my district, both Thomaston and Warren. Presently, there are certain payments that are made to the town of Thomaston but they don't fully compensate the town for all its costs. The town manager estimates that the sewer fee they pay represents about half the costs. They do make a solid waste fee, which represents pro rata share. They do pay every time the ambulance responds but they make no payment to the fact that we maintain the fire department with 24 dispatch in Thomaston. Thomaston is the same size as Warren, Warren doesn't have 24 hour dispatch, Thomaston does, why is that? I know why that is, because the residents of the town of Thomaston demand those extra services because they are concerned about what is located in their municipality. What is Warren going to have to do down the road? They don't make any payment for police services. Thomaston has a full-time police department; Warren has no police department. Why is that? I know why that is, it is because the residents of the town of Thomaston want a full-time police department because of what is located in their town. What is going to happen in the town of Warren when we locate this prison?

There are five homes that are occupied by employees of the Department of Corrections. I don't take anything away from those people, they work hard,

they earn every penny they get, they are underpaid as a matter of fact. They have children, those children go to local schools. Those houses make no contribution towards the support of those local schools.

I have been fighting this issue in hopes of getting something that I could take home to my constituents to justify my support for this bond issue. The Chief Executive of this state told me in a private meeting that he understood my situation, that he didn't think it was fair for towns where facilities were that had to pay these costs, but he would not support codification of an effort to try to have the state make full payment for those costs. He would only support making reimbursement for new facilities. That gives me an interesting problem. I go home to my district and tell the people in the town of Warren that, yes, you are going to receive payment for the new facility in Warren. Then I have to go home to my own hometown and tell those people that, no, you are not. The state prison has been in Thomaston since 1826, those people have been putting up with that and all the problems associated with it since then. Is that fair? Is that fair to me?

This issue has gone beyond that and that is why I have stopped pushing for that and I am left with very few options. I intend to support the Majority Report at this point because it is the best option before me. I don't have many options at this point. I am going to continue to work on this issue as I can and try to see my way clear to come up with a solution to my own personal problem because, ladies and gentlemen of the House, it is a personal problem. There has been a lot said that I should separate this issue from the bond issue -- that it is too important. That is all very easy for those people who have said it to say it, but it is not easy for me. I don't have that luxury, I can't separate it, they are inextricably connected.

So, I urge this House to support the pending motion, not that I am going to win anything out of it. No matter what happens this week, I am not going to win or I am not going to be happy. My constituents are going to be divided and we are going to be frustrated. I do ask you to support the pending motion because it is the best option of the two we have now.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: As we consider how to vote on the motion before us, I ask you to consider the statistic that there is one murder in Maine every nine days and 20 hours. I ask you to consider seriously about the effects of delay in study on this issue. We have heard and I certainly will not repeat the discussion and documentation about the need and the deplorable conditions in the Maine State Prison at this point in time.

The only further point I wish to add is that you consider the risk of not taking the action we need to take now. I speak from a personal sense as the Representative of several constituents who work at the Maine State Prison, who commute the 50 miles for a better paying job than they can receive in my community in my county. Those people, as well as the people in the community and the people within the prison walls permanently, are at risk every single day that we delay on this issue. It is not fair to them, it is not fair to the people of Maine who have told us and we have responded time and time again to be tough on criminals, to put the murderers in jail and leave them there. It is not fair, it is not

right to delay in creating the beds to house those people.

Yes, the Representative from Thomaston and Warren has concerns that are his own and we share some of those concerns but we have to look beyond that point to the risk of not taking action now. The risk was so well-stated by the Representative from Rockland after she and many others spent so many hours studying this important Corrections issue.

I urge you, for the people who work in that prison as well perhaps as the people who are permanently housed there, that we not delay in study. Delay in study, I don't think, will change the makeup of the prison to be built. In fact, if we delay in study, the federal government may tell us what and how to build a prison.

I urge you to vote against the pending motion and to proceed without delay.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Carroll of Gray that Senate Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 159

YEA - Adams, Anthony, Bell, Boutilier, Brewer, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Duffy, Dutremble, L.; Erwin, P.; Graham, Gwadosky, Handy, Heesch, Hichborn, Hickey, Hognlund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Mahany, Marston, Mayo, McGowan, McHenry, McKeen, McSweeney, Michaud, Mills, Mitchell, Nadeau, G. R.; O'Dea, Oliver, Paradis, J.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Skoglund, Stevens, P.; Swazey, Tamaro, Townsend, Walker, The Speaker.

NAY - Aikman, Aliberti, Allen, Anderson, Ault, Begley, Burke, Butland, Carroll, J.; Curran, Dexter, DiPietro, Donald, Dore, Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hale, Hastings, Hepburn, Higgins, Hutchins, Lebowitz, Libby, Look, MacBride, Macomber, Manning, Marsano, Marsh, Martin, H.; McCormick, Melendy, Merrill, Moholland, Murphy, Nadeau, G. G.; Norton, O'Gara, Paradis, E.; Parent, Pendleton, Reed, Seavey, Sherburne, Simpson, Small, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tardy, Telow, Tracy, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Bailey, Carter, Cashman, Conley, Dellert, Gurney, Hanley, Jackson, Lord, McPherson, Nutting, Paradis, P.; Pines, Richard, Richards.

Yes, 72; No, 64; Absent, 15; Paired, 0; Excused, 0.

72 having voted in the affirmative, 64 in the negative, with 15 being absent, the motion did prevail.

Representative Foss of Yarmouth offered House Amendment "A" (H-722) to Committee Amendment "A" (S-454) and moved its adoption.

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

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: As many speakers before me have said, this legislature has responded to the demand for more stringent laws, the crimes in our state have become more violent and require longer incarceration. We owe the citizens of Maine protection from those violent convicted felons and we owe the prisoners adequate humane facilities now.

There is no debate over the need for juvenile facilities and I believe that we are already late in providing more maximum security cells. I also agree with the Representative from Gray that this issue has been around too long. We are close to being too late to diffuse the overcrowding problems at Thomaston. I hope you will vote for this.

I ask for a roll call.

Representative Carroll of Gray moved the indefinite postponement of House Amendment "A."

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

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the motion on the floor. The fact is, we have got 1,541 people in the system locked up right now. The system has the capacity for 1,000. We have got to build more space, there is no question about it, ask anybody in the Department of Corrections. The Commissioner of Corrections knows what he is talking about, we need to build more space now. We can't wait until next year. We have to do it now. We have to put that bond issue out to the voters this November. It is really important for the public safety of the citizens of the State of Maine that we do it.

Just looking historically at things a little bit -- in 1979, we had 60 people in our Corrections system who were incarcerated for a period of ten years or more. In 1979, we had 60 people. In 1989, the number of people incarcerated for ten years or more in our system was 370. In 1979, we had 60 people, ten years later, we have 370 people, more than six times greater.

Ladies and gentlemen of the House, you and I have voted for this. We have worked for this. We have voted to be tough on crime. This year we increased the penalty for Class A crimes from 20 to 40 years. I voted for that and most of you did too. The bill is coming home. It is here, we have got to pay it. If you vote to increase penalties, we have to build a place to put them. I don't like it either, I don't like to put money out to build prisons. I hate that.

I am a fiscal conservative and I am pretty tough on crime. Two years ago, I sponsored a death penalty bill. I don't think we should be building Taj Mahal's for crooks. I don't believe that but we have got to find some place to put them. We are over-bunked right now, 50 percent over the capacity of the system. There is no place left. We have got to send this bond issue out now, we have got to build a maximum security bed now.

When I was a teenager, I remember watching the six o'clock news -- every night for several weeks, there were pictures on the television screen of a place in New York called Attica. It didn't mean much to me then but I remember, those images will haunt me forever, the hostages, the guards that were shot, the riots, the potential for escapees. Was the town at risk? Well, maybe it was, maybe it wasn't. Was the state at risk? It was upstate New York. What was going to happen? No one knew, it was scary. When prison's riot, it is not a pleasant thing. When prisoners are crowded, the conditions are perfect for riots.

I don't like to be the harbinger of bad news or anything but the time has come to build new space. Yes, we will have to look at other community methods of treatment and rehabilitation for criminals, there is no question about that. I was one of the few Republicans to vote for intensive supervision a few years ago. If I remember, it passed by one vote. But we need a balanced approach, we need more maximum security beds too. We have got some tough folks down

in Thomaston and we don't want to let them out. We abolished parole about a decade ago in this state. It was a good move, it was a good law by this legislature to say that when someone got sentenced to a crime that they were going to serve the time that they were sentenced for. So, we abolished parole, that was a good move, I supported that. I didn't support it as a legislator, I supported it as a citizen. I support it now. The fact is that we have to spend money on prison space. We have to.

Ladies and gentlemen, I urge you as legislators, as citizens of the State of Maine, to vote against the current 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 Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: When I hear the Representative from Skowhegan, Representative Hepburn, talk about the need, I will refer you to the time element about the need and that is, in less than 70 days, the people of the State of Maine will be asked to vote on a \$49.5 million bond issue. I will tell you what my people will say because the debate has not been around long enough so that we can hear all the pro's and con's and they are fiscally conservative people that I represent, they will say that we will not build that facility because we have not built the 100 beds that were issued the last time. They will reject it because the time has not been allowed by this administration or by the proponents of the entire \$49.5 million package to think this thing over. So, we in the Majority Report are in fact helping the Department of Corrections, we are helping them get their argument out to the public. When you file your petition for election in April, that is giving the citizens of your district plenty of time to think over whether or not they should vote for you as their legislator. They are given plenty of time. I am telling you 72 days in the State of Maine with the people that I represent and the people that I know live in this state will result in a no vote on this bond issue. You think about that, 72 days, \$49.5 million, the Majority Report will help the Department of Corrections prepare their plan and not build something that we will wish we had never built after it is over.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I didn't anticipate that I would be speaking on a Corrections bond issue in this legislature. I was hoping to be addressing something else but that probably isn't going to happen.

When I listened to the Representative from Skowhegan, Representative Hepburn, and the good Representative from Westbrook, Representative Curran's speeches, I have to say -- gentlemen, I have heard the speech before. In the 11 years that I have served in this body, Representative Sherburne from Dexter has served the same time as I have, we have heard indeed that same speech before. Crisis situation, overcrowding.

When I came here in 1978, they blamed it on Jim Longley. A few years later, I heard the former

Minority Floor Leader, Representative Murphy, blame it on Joe Brennan. There have been some insinuations made that those of us that didn't support this six weeks ago, the sin that we committed was because we were doing so at the insistence of my assistant floor leader who is now our Majority Whip, about his concerns in his hometown. Well, men and women of the House, I don't represent Thomaston. Representative Mayo does a very capable job of doing that. I represent the city of Waterville, or half of it, the other half is ably represented by Representative Joseph and a little corner is represented by our new member to the delegation, Representative Marston.

I am here as a Maine Representative, yes, State of Maine Representative, yes, but as a Representative of that part of the City of Waterville, the rest of the state I leave to you to represent.

Now, there have been insinuations that those of us who voted against the original bond issue and whatever way we vote on this one are soft on crime. After listening to Representative Curran's speech, it reminded me of a PBS special I saw the other night on the mountain gorilla of the rain forest of Borneo in Africa, who is a big, powerful creature that beats his chest and makes threatening motions, but when face-to-face, he usually backs down and runs away, because in truth, he is a shy and timid creature.

There have been insinuations made that the violent crimes occurring in the State of Maine will disappear if we add two or three hundred more prison beds and that our responsibility to save and protect our constituents will be enhanced by building 200, 300 or 400 more beds. Well, I hate to bring you to the real world but the tougher laws that we have passed have done nothing to curtail crime. As a matter of fact, violent crimes are on the increase in the State of Maine and I predict that they will continue to do so. Why? Because our Corrections have failed miserably in this state and they failed from the time the state started in the field of Corrections. It seems that the state cannot decide if we are going to address Corrections as a form of punishment or rehabilitation. It seems if we enter the dark tunnel of Corrections, we withdraw ourselves the minute we start going in one direction or the other.

I disagree wholeheartedly that building new beds will put an end to the violent crimes perpetrated against our people in the state.

The reason I have a problem with this bond issue is, because for 11 years, I have heard the experts, the consultants, the dedicated people, the caring people, the politicians, the would-be politicians, the has-been politicians telling us what was wrong with our Corrections and, every one of them without fail, had an answer to that problem. Believe it or not, the answer put forth today is the very answer that I heard my party criticized for on the floor of this House many times before and that was, throw a bushel basket of money at it. It is a phrase that was used fairly often by the good Representative from Scarborough, Representative Higgins, when he served as Minority Floor Leader, that the Democrats solved their problems by throwing a bushel basket of money at it with no plan, no direction, no guidance, no long-term planning.

The people in my district are very frustrated with our Corrections and our punishment policy in the State of Maine. They are frustrated by judges who give minimum sentences. They are frustrated by DA's and attorneys who plea bargain. They are frustrated by us, passing stronger and stronger laws and having more and more of our citizens violated, as was put by the Representative from Westbrook.

The concern I have is that the people of this legislature think that if we send this bond issue out to the people that we have solved the Corrections problem in the State of Maine. That is not true. I will submit to you that you could build 1,000 beds and we will fill those 1,000 beds -- because as Representative Curran put it, society has failed in some of our endeavors because we have people that go around and think it is all right to kill, all right to rape, all right to molest children, all right to maim and we are going to put them in prison and we are going to solve those problems. I don't believe that. I don't believe we are going to have one noticeable effect on the serious crimes. I sincerely do not believe that we are going to afford our citizens one more ounce of protection by building more prisons, more jails, more buildings.

Getting back to what I was elected to do and represent my people back home -- I said it in caucus today and I have said it on the floor of this House before, my people back home have heard about your crisis situation, they understand that Thomaston is a terrible place to be, but they fully expected it to be a terrible place to be. They indeed believe that being in Thomaston would not be a nice experience, it would not be an experience that the people there would be in a hurry to get back to. So, they will not be shocked, disgusted, and outraged with the situation there. They will be concerned and my people are as good people as anybody in the State of Maine and they believe that our prisoners should be treated in a humanitarian way, much more humanitarian than their victims were treated, I might add. But, my constituents still have a concern about this bond issue that we are putting forward, whether we split it up, put it together, it really doesn't matter. I predicted in caucus and I will predict now that, if the \$35 million bond issue goes out, it will fail and it will fail by a wide margin. The reason it will fail, as I have outlined to you, is the frustrations experienced and the firm belief that our experts and our consultants have not solved our problem of Corrections in this state and adding 200 more beds will not solve the problem. It will make you look good and it might make you feel good. It provides the same political rhetoric that balancing the federal budget does, that increasing defense spending does, that doing something for the homeless does and indeed doing something about the drug situation in this state and in this country does. But, it will not have a positive effect on these heinous crimes that everybody seems to be tying in to building 200 more beds. I have yet to have anyone give me a legitimate reason why I should jump today and vote for \$50 million to go out to solve a problem that we have been talking about for 11 years and for 11 years, the problem has grown worse.

Right up to this time, I am still not 100 percent sure I am going to vote. I don't even know what this amendment that was proposed by Representative Foss does, I can't find it and nobody has explained it. So, probably I am going to vote to indefinitely postpone it because I am not an ostrich, I don't bury my head in the sand, but I don't buy a pig in a poke either. I have had to buy some pigs in a poke on the floor of this House over the years as I voted time and time again to spend more money on Corrections. The crisis is still here, the problem is still here. Jim Longley is gone, Joe Brennan is gone, John McKernan is here, the problem is still here. Commissioners have come and gone, the problem is still here. If I was sure that spending \$50 million would end all the problems, would protect my citizens, would make them feel safe at night, would

prevent one of the children in my district from being molested, prevent one more citizen of mine from being murdered, yes, I would vote for it wholeheartedly. But I think we have been sold a pig in a poke before, I don't want to be sold a pig in a poke again.

If I have to do what my constituents have told me to do, I will vote against the whole darn thing because I still don't think we have the answer. Representative Melendy said there have been plans that have collected dust, this State House is held by plans that have collected dust. This State House is held down by studies that have collected dust, thousands of studies, hundreds surely in the time that I have served in this body. We are a government by study. The studies haven't done my constituents one darn bit of good and I am waiting for somebody to come up with a solution that will do my constituents one bit of good because, ultimately, bottom line, the criminals have not suffered out of this whole deal. Yes, they go to prison, they are fed, they are kept warm, but ultimately, my constituents who have had to pay the bill for the Corrections policy that we are pursuing, have still had to pay. They pay to be safe, they pay to punish. Sooner or later, they are going to ask the question, how come we are paying, how come we are still getting attacked, how come we are still getting molested, what is wrong with our Corrections policy in the State of Maine?

I know I have talked longer than I usually do. I am not going to apologize for that because I am a little tired of being painted as being soft on crime, ostrich head in the sand -- we have passed all these big strong laws, beat our chest like my good old friend the mountain gorilla, and we are going to solve our problems and protect our constituents. It isn't going to happen. Whether we pass this out today or not, I am firmly convinced, as Representative McGowan said, it is 72 days and the best ad media firm in the state is not going to convince our people to support this. They have too many questions and too little answers.

I understand where Representative Mayo is coming from. I didn't vote for Representative Mayo's reasons the first time and I am not voting for his reasons this time -- just to make that perfectly clear to my good conservative friend from Fryeburg. I am not an ostrich and I don't stick my head in the sand but I have been down this road before. I have been down this road before, I am not going down this road again. As Representative Cashman once said, we won't be fooled again.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I will not be long, we have discussed everything but basically I want to tell you that I really am sorry to have to go through a full committee report. It is tough to have to do that but I am supporting this amendment because Senator Bustin and I were also sponsors of this legislation. I want to tell you just a little short story and then I will let you go because I am hungry too.

This past weekend, I had in my home three young Soviet girls. It was interesting because the first night that they were here, I gave them a ride to Lisbon, they play in an orchestra in Leningrad, Russia and they play the violin, and I said, "Come to a nightclub, I would like you to hear my son sing, I would like you to hear my son play the keyboard, see what is different in America." It was really different from what they do because their stuff is beautiful.

On the way home that evening, it was about twelve-thirty, I stopped by the State House because

they had asked me what I did for work, I wanted them to see the place that I work so I nudged them in the back seat and said, "Wake up, come, I will show you politics. This is my State House, this is where I work and I will quickly make a call and see if I can get through." I made the call, lo and behold I get up here and there is Appropriations meeting. One of the things that they asked me after we left that evening, they were shocked -- "How come politics works so hard in the middle of the night? We do not do that in Russia." You don't do that in Russia, I understand, but I want to tell you something, we in the United States, we in the State of Maine, have a democratic form of government and we have a choice and what we have to do is go on our principles. We have a right to be different. It is tough to be in a minority of your party but you have to do it if you really, really believe. The thing that is interesting is that these girls even set me thinking, deeper and deeper about what I really do, what I believe. I sort of do these things and don't think about it. We have a great form of government, men and women of the House, it is all right to go against your committee but as far as I am concerned, this bond issue must pass this year, for both juveniles and for the adults. I think it is going to be tough for me to go back to my district. My favorite Representative and I, again in our own districts, Democrat against Democrat, fighting on the opposite end of the issue. Earlier in the year, Representative Allen and I, opposite end of the issue, I love being an American, I really do. I will tell you, it was fun sharing that with the Soviet people. I am going there in October and these girls will be taking me on tours through Russia also. Somebody sent them to me because who would have known that I was going to be going to Russia this year with my husband who is going to a social work convention -- things happen for reasons. It is exciting.

I went to a reception this past weekend, one of the orchestra's performances, and I got to see the Captain of the Soviet ship sitting out there in the Rockland harbor and I brought him to the concert because I thought it would be great to have an opportunity to speak to the other Russian people that have come to this country, to share, so that we can get to know a little bit more about each other and get to learn to love each other and strive for peace. I had also given the girls a tour of the Samantha Smith area downstairs. So, what I am saying is that we have to make the decisions of what we are going to do. When I was at this reception with the Captain of the ship, he turned around and said, Representative Melendy, you are Representative for the State of Maine and I want you to meet Alex. Alex is also Representative of Communist Party. I love to be an American and I am asking you to vote for the \$49.5 million report so that we can address the problem that needs to be addressed.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: This is by far the saddest debate I have ever heard in this chamber. We are talking about \$49.5 million for prisons, \$35 million for a 200 bed maximum security prison, that is going to come down to \$175,000 a bed.

The community care givers have been down here to Augusta year after year after year telling you that they are hanging by their fingers, they need help. In Rumford, we have a boys home, Al Minear is the head of that home. He told me that last year a home in Lewiston had to close, it was a home for homeless boys. I asked him what happened and he said, when

they have to close up a home, the boys are literally put out onto the streets. I suspect that they are the boys who are going to be filling up these beds that we are talking about. Their crime is that they come from broken families but they have a good head start being criminals because almost everyone of them suffers from sexual abuse.

We are asked to be tough on crime and I wonder if we are ever going to be caring for humanity. I think we are shoveling sand against the tide, we do not have enough money in this state to build the prisons that we are going to need.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: The hour is late, the time is here for us to rationally consider the tremendous issue which is before us. We must look at this and there is no law abiding citizen that can ever understand why we have to have prisons, why we have to pay for them. Let me say this, in this land of ours, we have to listen to many of the citizen and organizational views on issues and this is true in the world of Corrections. As I have told you before, many of the organizations, the associations, the dental and medical throughout this country have input into what shall be the requirements of Correctional institutions. That is why we cannot no longer provide institutions of the caliber that we are here in this state because they will not conform to what is necessary to meet the health requirements and the humanitarian requirements of this nation. This state, right now, and maybe you won't believe it but it is there, is in a very crucial situation whereby, at any time, if the federal government would clamp down on us, we are in more serious trouble than if we tried to address this issue ourselves. I hope that you will not support this motion to indefinitely postpone this amendment but go along. Let the people of the state decide if they want this. All you are doing by having a bond issue is to put it before the people and say, folks, we want to hear from you and let their will be done.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: There are all sorts of sides given by the various speakers and it is true that this bill will not answer all of our Correction needs. Again, we would bury our heads in the sand if we said we can pass a bond issue of \$49.5 million and it will solve all our problems but you have to start somewhere. If you wish to simply postpone the issue, year after year, restudy it, just as you did in the 113th Legislature when you passed 34a, MRSA, Section 1205, section 5, a site selection advisory committee shall be formed to review state plans and construction of the prison at Warren and it shall advise the Commissioner of Corrections. The committee shall be comprised of two citizens of the town of Warren, recommended by the selectmen and appointed by the Governor, one Senator appointed by the President of the Senate, who shall come from the geographic area surrounding the Warren site and two Representatives appointed by the Speaker of the House, who shall also come from the geographic area. We have studied this problem and studied this problem. It may not be the answer to everything, it is not throwing money by bushels after a problem with the intent and knowledge that it is going to answer all of the problems. It shall not. But you cannot sit back, as I have heard Representative after Representative say, for year after year and say, the problem is there, it is getting bigger and bigger,

let's study it some more and while we do, it gets bigger and bigger.

Judges give minimum sentences in part because the prisons are overcrowded. Yet, we tell them to put them away for long periods of time. Our Correction system has not failed, it has done exactly what we have paid for and told it to do. No more, no less. It warehouses dangerous people and until we are willing, as Representative Luther said, to bite the bullet and make some very substantial, societal changes, those prisons will grow. Today's needs cannot simply be brushed aside. It has been brushed aside for years. Either you vote now or you continue to run the risk of the problems that have arisen and will continue to rise with overcrowding.

I spent three weekends as a Christian leader in a Kyros movement in maximum security prisons throughout this country, one in Alabama and two in New Hampshire. The first in New Hampshire had to be postponed because their old prison, overcrowded as it was, caused an altercation where one of the guards was seriously injured by an assault from an inmate. Overcrowding causes those kinds of problems. It caused the problem in New Hampshire, it can very readily cause problems in any of our prisons here in Maine.

I am for putting this out to the voters, give them the facts, and they will do justice. That is all that is being asked of you today. You have studied it, you put it out in 1986 and the voters said, yes. You passed your law in 1987 for a site selection committee and we are now going forward to at least make one small step toward solving a greater problem for the State of Maine. It is an expensive one but part of the expense is because we delay and allow the problem to exacerbate. I urge you to vote against the motion on the floor.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I rise only to correct some misconceptions that I think might result from the remarks of the last speaker.

The Site Selection Advisory Committee of which I was the Chair was charged with one duty and one duty only and that was to choose within the confines of the town of Warren a site for the prison, to approve the recommendation provided by the Commissioner. The Commissioner of Corrections made a recommendation as to the site and the committee, with all deliberateness, deliberated and approved his site. It had no other function beyond that.

The issue of whether or not we need to add 200 beds to 100 beds that hasn't even been build yet has not been sufficiently studied in my opinion. I keep going back to statements that have been made, ideas that are put out, that if we do this, we are going to do something about the existing prison in Thomaston. Ladies and gentlemen of this House, we are not doing anything about the existing prison in Thomaston with this action other than to buy a little time. Thomaston is still going to be there, the east wing is still going to be there.

We need a unified Corrections approach that develops a wide range of alternatives and options to settle this question, for a long time, not just a few years.

I urge you to vote for the pending motion.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Curran.

Representative CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I will take no more than a minute or two because I am so hungry myself, my

stomach is growling and I know you are all in the same condition.

I would like to say that this House Amendment "A" has been on my desk at least 7 or 8 hours. I have read it two or three times along with all the other stacks of papers that came with this bill so if there is anyone here who doesn't know what it says, it really is not the fault of the people who produced it. What I really want to say and correct is, there was a mention made two or three speakers back about only 72 days to learn about this issue and that wasn't time enough. Actually, this issue has been before the public for so long and such scrutiny and such intensity, it is hard for me to believe that there is anyone left in the State of Maine who doesn't know about this issue. If so, they surely are not going to read a paper to learn anything about it in the next 72 days.

The time has come to do something about this. I rely on the testimony of the Commissioner of Corrections, he should know more about it than anyone here, who is closer to it and lives with it and stays awake nights because of it. He says to us, at least he said in my presence and I say to you, that we are indeed sitting on a tinder box, that is going to take only the very smallest incident for something to happen in that maximum security prison. It could be as little as a bump between two people, two shoulders bumping together, he said, is enough under the right circumstances for the whole thing to blow up in our faces and then we are all guilty, all of us, guilty and victims at the same time.

The other thing that I mentioned only briefly in passing the last time I spoke was the matter of the number of people being moved earlier from maximum security to minimum security. Now, for a long, long time, it was accepted in the Bureau of Corrections that nine months left to serve on a sentence was the dividing line when a person should be considered for minimum security in the transition stage. That in a very short time has been moved from nine months to three years, not because anybody wants it that way except the prisoners, not because anybody said it is reasonable, logical or should be done, but simply because we are sitting so long on this issue. I plead with you, give up all the other considerations on this matter that you have to give up to do it, vote against this motion to indefinitely postpone and let's get on with what we really have to do.

On motion of Representative Mayo of Thomaston, tabled pending indefinite postponement of Senate Amendment "B."

The following item appearing on Supplement No. 25 was taken up out of order by unanimous consent:

**PAPER FROM THE SENATE
Non-Concurrent Matter**

An Act to Improve Enforcement of Liquor Licensure Laws (EMERGENCY) (H.P. 1291) (L.D. 1784) (C. "A" H-723) which was passed to be enacted in the House on August 22, 1989.

Came from the Senate failing of passage to be enacted in non-concurrence.

The House voted to Insist.

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

**ENACTOR
Emergency Measure
Later Today Assigned**

An Act Concerning Errors and Inconsistencies in the Laws of Maine (S.P. 687) (L.D. 1808) (S. "A" S-462 and S. "B" S-463 to C. "A" S-461; S. "B" S-460) Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Representative Jacques of Waterville requested a roll call.

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.

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

The following item appearing on Supplement No. 23 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Make the Land for Maine's Future Program Effective and Publicly Accountable (H.P. 1312) (L.D. 1815)

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. 111 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.

The following item appearing on Supplement No. 24 was taken up out of order by unanimous consent:

**PAPER FROM THE SENATE
Non-Concurrent Matter**

An Act Relating to Various Commissions, Task Forces and Committees (EMERGENCY) (S.P. 688) (L.D. 1809) (S. "A" S-451) which was passed to be enacted in the House on August 22, 1989.

Came from the Senate failing of passage to be enacted in non-concurrence.

On motion of Representative Gwadosky of Fairfield, the House voted to recede.

On further motion of the same Representative, Senate Amendment "A" (S-451) was indefinitely postponed.

Subsequently, the Bill was passed to be engrossed in non-concurrence and sent up for concurrence.

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

**ORDERS OF THE DAY
BILL RECALLED FROM GOVERNOR**

(Pursuant to Joint Order - House Paper 1311)

An Act to Establish the Bureau of Juvenile Corrections (H.P. 1147) (L.D. 1590) (H. "A" H-569 to C. "A" H-496)

- In House, Passed to be Enacted on June 21, 1989.

- In Senate, Passed to be Enacted on July 1, 1989.

On motion of Representative Melendy of Rockland, under suspension of the rules, the House reconsidered its action whereby L.D. 1590 was passed to be enacted.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1590 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-496) as amended by House Amendment "A" (H-596) was adopted.

On further motion of the same Representative, the House reconsidered its action whereby House Amendment "A" was adopted.

On motion of the same Representative, House Amendment "A" to Committee Amendment "A" was indefinitely postponed.

On motion of the same Representative, Committee Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "A" (H-724) and moved its adoption.

House Amendment "A" (H-724) was read by the Clerk.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I would just like to tell you what this does. The Governor had on his desk a bill from the Corrections Committee. It was a bill that he had not signed, he had some problems with it and did not want to deal with it until next January. I insisted that perhaps we should address it during this session or at least a portion of it. I did meet with the Governor this morning. The Department of Corrections, the Chairs of Corrections and two Republican members of our committee sat down with the Governor and we worked out the portions that were acceptable to him and I would like very much to have us support this, the Governor is supporting it and will sign it. We will address the other portions next January.

The SPEAKER: The Chair would again mention that this body is not to be concerned about the action of the Chief Executive and what he does with legislation once it gets to his desk.

Subsequently, House Amendment "A" was adopted.

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

The Chair laid before the House the following matter: An Act Concerning Errors and Inconsistencies in the Laws of Maine (S.P. 687) (L.D. 1808) (S. "A" S-462 and S. "B" S-463 to C. "A" S-461; S. "B" S-460) (Emergency) which was tabled earlier in the day and later today assigned pending passage to be enacted, a roll call having been ordered.

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of the members present and voting is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 160

YEA - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Begley, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dexter, DiPietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hale, Handy, Hastings, Heesch, Hichborn, Hickey, Higgins, Hoglund, Holt, Hussey, Hutchins, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Marston, Martin, H.; Mayo, McCormick, McGowan, McHenry, McKeen, McSweeney, Melendy, Merrill, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Parent, Paul, Pederson, Pendleton, Pineau, Plourde, Pouliot, Priest, Rand, Reed, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Sherburne, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.;

Strout, D.; Swazey, Tamaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Whitcomb, The Speaker.

NAY - Wentworth.

ABSENT - Allen, Bailey, Bell, Carter, Cashman, Chonko, Conley, Curran, Dellert, Gurney, Hanley, Hepburn, Jackson, LaPointe, Lord, McPherson, Michaud, Nutting, Paradis, P.; Pines, Richard, Richards, Seavey, Simpson.

Yes, 126; No, 1; Absent, 24; Paired, 0; Excused, 0.

126 having voted in the affirmative, 1 in the negative, with 24 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Representative Curran of Westbrook was granted unanimous consent to address the House:

Representative CURRAN: Mr. Speaker, I wanted to draw your attention, that as much as I punched my light, it didn't go on but I was here and voted.

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

The Chair laid before the House the following matter: Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-454) on Bill "An Act to Authorize General Fund Bond Issues in the Amounts of \$35,000,000 and \$14,500,000 for Construction and Renovation of Correctional Facilities" (EMERGENCY) (S.P. 673) (L.D. 1794) which was tabled earlier in the day and later today assigned pending the motion of Representative Carroll of Gray that House Amendment "A" to Committee Amendment "A" be indefinitely postponed, a roll call having been ordered.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Members of the House: I rise this evening because this is a critical issue and because some of the things which I wish to address have not been said.

First of all, I think it is important to recognize that what we are dealing with here is the criminal justice system. I think everybody ought to be aware of the fact that the Legislature of the State of Maine and this House in particular this evening is considered a part of the justice system. The Legislature is always a part of the justice system but there are many other parts to it as well. We have to deal with those parts which are important to us as the opportunity to do so presents itself. Such an occasion occurs this evening. We must decide whether or not we are going to send a message from this House to those parties who are involved in the justice system at all levels, the criminal justice system, that is the police officers on the beat, the people who bring criminals into the court system and those people who actually work within the court system to achieve a modicum of justice for the people of Maine. Justice because there have been transgressions of laws which this House decides is important enough to make memorable note of.

The question is, whether or not we will eviscerate the courage which they have on a daily basis to confront these criminals in the various places where they are forced to confront them. The

question is, whether or not we will give them an opportunity to do their job so that in the final analysis we will know that we have done our part as part of the justice system to ensure that the criminal justice system works.

The idea that prisons are places of Corrections is simply error. Prisons have not corrected much in the history of the world and there is not much likelihood that any that we pass would correct any of the people who come to its doors. But the fact of the matter is that a part of the equation of the criminal justice system is the prisons themselves. They have to exist in order for the system to work. The judges who come before the Judiciary Committee of this Legislature ask that, when they are mandated to place sentences upon people who are convicted of crimes, that there be some place for those people to go so that their lives, their efforts in the criminal justice system, will not be made a mockery of. That is the problem that we really deal with.

I recognize that there are peripheral and difficult issues that are involved in this. There are, for instance, questions of about whose hometown the prison is going to go in. Those are different and difficult political and practical problems that we have to deal with. If and to the extent that we ignore (as this House seems to want to do) the criminal justice system, then the system will fail and it will be our fault, it will lie on our heads. The easy band-aid approaches that we have taken, the kind of name calling that we do, and it is the kind of name calling that is appealing in the political arena, should cease here and we should consider what it is with which we deal. If we do not have the courage to act as a part of a justice system that we ourselves are an important part of, then we should not consider ourselves capable of running the state in the egotistical manner we sometimes do.

I think that the motion should be defeated. I think the amendment of Representative Foss should be allowed.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: As I read it, the only issue before this body tonight is when and in what form we will submit a bond issue to the voters of the State of Maine in terms of building Corrections facilities.

The amendment proposed would submit the whole of it altogether in one issue. The amendment we previously dealt with would submit the juvenile portion in the adult portion in two separate issues but the same year.

The underlying motion would submit the juvenile portion this year and the adult portion next year. That is a pretty simple issue, it seems to me, an issue that I would hope that any debate in the future could focus on if there is going to be any further debate. We have ranged far and wide with emotional calls one way or another as to what we ought to be doing in Corrections and where and when and all sorts of things. The only issue that this amendment poses to us is whether we ought to be putting this out to the voters in one bond issue. I submit that it makes more sense for the voters of this state to have two separate things to look at. I would further submit that it is more likely to pass if we submit them on two separate years which is what the underlying committee amendment proposes to do.

I believe that if we submitted all of it in one package or all of it in the same year in two separate packages that the adult portion would fail or the adult portion and the juvenile portion together would

fail because the adult portion would pull the juvenile thing down.

Now that is a pretty simple issue, it seems to me. I guess I just call upon all of us to focus on that issue and that issue only. We are all in agreement that both the adult and the juvenile portion ought to be submitted to the voters. All of these reports require that. I would call upon people to think clearly about what the issue is and also as to how it is most likely that all of this gets passed. It seems to me the best way to get it passed is to do what the underlying committee amendment proposes to do, submit one thing this year and the other thing next year. That way I think it is more likely to be supported by the voters of the state.

The SPEAKER: The Chair would like to clarify the issue. The pending question before the House is the indefinite postponement of House Amendment "A." If you are in favor of the amendment, it will consolidate the bond issue into one, \$49 million to be voted this Fall. If you are opposed to that position, then you take the opposite side. That frankly is the only issue before the body at this time and that is the only matter in which the Chair will allow debate.

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would hope, and it is very difficult for this Representative to go against the majority of the Democrats on the Appropriations Committee. It is not easy....

The SPEAKER: The Chair would ask the Representative to refer himself to the specific purposes of the amendment at this time.

A roll call has been ordered. The pending question before the House is the motion of Representative Carroll of Gray that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL NO. 161

YEA - Adams, Anthony, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gwadosky, Hale, Handy, Heesch, Hichborn, Hickey, Hognlund, Holt, Hussey, Jacques, Joseph, Ketover, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Mahany, Marston, Mayo, McGowan, McHenry, McKeen, McSweeney, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; O'Dea, Oliver, Paradis, J.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Ridley, Rolde, Rotondi, Ruhlman, Rydell, Sheltra, Skoglund, Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Aliberti, Allen, Anderson, Ault, Begley, Butland, Carroll, J.; Curran, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hastings, Hepburn, Higgins, Hutchins, Jalbert, Kilkelly, Lebowitz, Libby, Look, MacBride, Macomber, Manning, Marsano, Marsh, Martin, H.; McCormick, Melendy, Merrill, Murphy, Norton, O'Gara, Paradis, E.; Parent, Pendleton, Reed, Seavey, Sherburne, Simpson, Small, Smith, Stevens, A.; Stevenson, Strout, B.; Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Bailey, Carter, Cashman, Conley, Dellert, Gurney, Hanley, Jackson, Lord, McPherson, Nutting, Paradis, P.; Pines, Richard, Richards.

Yes, 82; No, 54; Absent, 15; Paired, 0; Excused, 0.

82 having voted in the affirmative, 54 in the negative, with 15 being absent, the motion to indefinitely postpone did prevail.

Subsequently, Committee Amendment "A" was adopted. Under suspension of the rules, the Bill was read the second time.

Representative Lisnik of Presque Isle offered House Amendment "A" (H-725) and moved its adoption.

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

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

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, I would pose a question to the Chair. Not having been in this position before, I wonder, without the Emergency preamble on it, it would still be on the ballot in November because it is a bond issue?

The SPEAKER: The Chair would answer in the affirmative.

The Chair laid before the House the following matter: An Act to Make Supplemental Appropriations and Allocations for Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991 (S.P. 680) (L.D. 1798) (C. "A" S-449) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Lisnik of Presque Isle, under suspension of the rules, the House reconsidered its action whereby L.D. 1798 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" (S-449) was adopted.

The same Representative offered House Amendment "A" (H-726) to Committee Amendment "A" (S-449) 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 following item appearing on Supplement No. 21 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act to Clarify the Procedures for Placement of Existing Utility Lines Underground (H.P. 1307) (L.D. 1811) (S. "A" S-458)

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. 121 voted in favor of the same and 5 against and accordingly the Bill was 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.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

BILL HELD

An Act to Make the Land for Maine's Future Program Effective and Publicly Accountable (Emergency)(H.P. 1312) (L.D. 1815)

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby L.D. 1815 was passed to be enacted.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 1815 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-727) 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, was ordered sent forthwith to the Senate.

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 28 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act to Make Supplemental Appropriations and Allocations for Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991 (S.P. 680) (L.D. 1798) (H. "A" H-726 to C. "A" S-449)

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. 109 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.

The following item appearing on Supplement No. 29 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act to Make the Land for Maine's Future Program Effective and Publicly Accountable (H.P. 1312) (L.D. 1815) (H. "A" H-727)

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. 106 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.

The following item appearing on Supplement No. 31 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Resolve, Concerning the Development of a New Master Plan for the Capitol Area (EMERGENCY) (H.P. 1172) (L.D. 1626) (S. "A" S-433 to C. "A" H-551)

- In House, finally passed on July 1, 1989.
- In Senate, finally passed on July 1, 1989 in concurrence.

- Recalled from the Governor's Desk pursuant to Joint Order (S.P. 670)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-551) as amended by Senate Amendment "D" (S-465) thereto in non-concurrence.

The House voted to recede and concur.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 32 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative MELENDY from the Committee on Housing and Economic Development on Bill "An Act to Break the Cycle of Homelessness in Maine" (EMERGENCY) (H.P. 1297) (L.D. 1790) 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. 34 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Non-Concurrent Matter

Bill "An Act to Establish the Bureau of Juvenile Corrections" (H.P. 1147) (L.D. 1590) which was Passed to be Engrossed as amended by House Amendment "A" (H-724) in the House on August 22, 1989.

Came from the Senate Passed to be Engrossed as amended by House Amendment "A" (H-724) as amended by Senate Amendment "A" (S-466) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 33 was taken up out of order by unanimous consent:

FINALLY PASSED

Emergency Measure

Resolve, Concerning the Development of a New Master Plan for the Capitol Area (H.P. 1172) (L.D. 1626) (S. "D" S-465 to C. "A" H-551)

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. 121 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 27 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to Various Commissions, Task Forces and Committees (S.P. 688) (L.D. 1809)

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. 117 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.

The following item appearing on Supplement No. 30 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Non-Concurrent Matter

Bill "An Act to Authorize General Fund Bond Issues in the Amounts of \$35,000,000 and \$14,500,000 for Construction and Renovation of Correctional Facilities" (EMERGENCY) (S.P. 673) (L.D. 1794) which was passed to be engrossed as amended by Committee Amendment "A" (S-454) and House Amendment "A" (H-725) in the House on August 22, 1989.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-454) as amended by Senate Amendment "B" (S-464) thereto in non-concurrence.

On motion of Representative Carroll of Gray, the House voted to recede and concur.

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

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 35 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 1313)

ORDERED, the Senate concurring, that the following specified matters be held over to any special session or the Second Regular Session of the 114th Legislature:

COMMITTEE	BILL
Appropriations and Financial Affairs	(H.P. 1303) (L.D. 1804) - An Act Concerning Reimbursement to Municipalities with Certain State Facilities
Education	(H.P. 1305) (L.D. 1805) - An Act Concerning Geographic Isolation Grants

Was read and passed and sent up for concurrence.

The following item appearing on Supplement No. 26 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish the Bureau of Juvenile Corrections (H.P. 1147) (L.D. 1590) (S. "A" S-466 to H. "A" H-724)

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. 117 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.

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

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

**PASSED TO BE ENACTED
Bond Issue**

An Act to Authorize General Fund Bond Issues in the Amounts of \$14,500,000 and \$35,000,000 for Construction and Renovation of Correctional Facilities (S.P. 673) (L.D. 1794) (S. "B" S-464 to C. "A" S-454)

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

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: We have spent a lot of time on this issue this evening. For clarification, this is the only measure that we have before us, the only measure we will have this Special Session to deal with the Corrections crisis.

There will be, when we enact this, two questions that go out in November on November's ballot. One question will deal with a \$14.5 million bond issue for juveniles and other correctional facilities. The second question will deal with a \$35 million bond issue for adult correctional facilities. I would urge your support.

Mr. Speaker, I request the yeas and nays.

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 Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Men and Women of the House: I wish I could vote for anything that would give money to correct inefficiencies in our correctional system facilities especially as it applies to youthful offender facilities. I can't vote for any of these amendments or bills that have been presented to us today.

I am committed to speak for the Record on behalf of a minority, a very unusual minority of constituents and people in Maine who don't have much voice.

In today's Kennebec Journal, our Chief Executive was quoted as saying "People will wake up to the fact that some Democrats have positioned themselves to take blame for potential serious problems at the prison if the bond issue is defeated." I hope people will wake up instead to the sad likelihood that legislative prison battles are too often political chess games with peoples lives as the pawns. We are leading the public to believe that building more warehouses for people who break the law will lower

the crime rate or make us tough on crime, but that is wrong and a real leader would tell the people so.

The prospect of prison doesn't deter street criminals and most of the criminals out there, 75 percent of them are out there, free. It doesn't deter street criminals at all. There is an enormous body of evidence that clearly shows that doing away with parole, refusing to try alternative sentencing, instituting more and longer prison sentences and tying judges hands with mandatory sentencing, is counter-productive at great cost to us all.

Every single day we turn people back into our towns and cities more enraged, more bitter and more knowledgeable about how to commit serious crimes. We not only squander our peoples money, we make them more vulnerable to crime.

The prison system is a proven failure nationwide. Instead of bowing to the federal government's threats, we should tell them that we want to change the way we deal with Corrections in this nation and fiscal conservatives particularly have to stop funding these failures.

In America, we lock up more people per 100,000 population than any other country in the world except for Russia and South Africa. Yet, we have the highest crime rate. A study by the Research Center of the National Council on Crime and Delinquency examined the case histories of over 100,000 offenders released on parole and found that those people who served less time in prison almost invariably performed better.

I would like to beg your indulgence to read a few paragraphs from a letter I received recently from a person who has lately served time at Thomaston in the recent past.

"For starters, you say that most legislators are not experts at corrections. Well, don't worry, neither are the experts. If they were, there would be no need for prisons or very little need, that is. I think that it is a problem that needs to be addressed soon if there is to be any hope of curbing crime in the future." Dr. Alfred Snowe of the University of Michigan and former Warden of the Minnesota State Prison is as close to an expert on Corrections as there is. He says that the average prisoner spends an average of 15,840 hours in jail but only 30 hours of this time is spent on rehabilitation corrections. He says that rehabilitation does not take place in prisons, prisons are a punishment and punishment is a vengeance concept. Vengeance breeds vengeance.

I don't have to tell you that the Maine Department of Corrections does not work, it is rather obvious. The Commissioner cries out for funds to build new prisons — why? The ones we have now are doing the job they were designed to do.

I could read you more but I just want to quickly tell you about someone who has been also been in our prison and I know that we need to correct some of the deficiencies, we don't need to lock up so many people to protect ourselves but that famous east wing you have been hearing about today — I know a young man born on the coast of Maine who was beaten up a lot as a kid and sexually and physically abused and was hit by a truck when he was a young man. He stole cars for a little while to go joy riding and stole beer. He ended up in the east wing because we didn't know what to do with him. He was so badly hurt in the head that he is mentally injured as well. At heart, he is really a sweet person, I knew him as a kid. He was enrolled in a program of education that I ran from my own home called "Other Ladders" — I taught him how to swim. He was very badly treated in prison and he was put out on the streets, you can't blame

him for saying, no, I don't want to take job training just at the end because he has always been afraid of the authorities, he has good reason to be since childhood. He is back in jail now after being out last summer. We had nothing for him, nothing. There is still nothing and there are a lot of people like him around. He was in the east wing, he is not dangerous. The people in the prison told me he wasn't dangerous, he has only ever hurt himself but those are the people who end up in the east wing because we don't have anything else to do with them.

Yesterday we heard from our Honorable Minority Leader in this chamber, that one budget bill was better than another because it was "slightly more conservative." We have an opportunity in dealing with Corrections in this forward looking State of Maine to be, not only a great deal more effective than we are about Corrections, but enormously more conservative. It is in our power to appeal to reason and not sensationalize peoples fear of crime. If we really mean to reduce crime, we could better spend \$35 million on teachers, job developers, day care workers, more Head Start programs, an all inclusive program of educational excellence. All inclusive, including those kids who come from families that don't know how to take care of kids. I hope we won't be intimidated by threats of being called "soft on crime." Dear fellow colleagues of the Maine State Legislature, I can't vote for this because I want us to be "real on crime." It is in our power.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: I voted for those laws to impose stricter sentences on convicted criminals because I believed that was good public policy. I also recognize that we have a responsibility to provide prison space for those people who are sentenced under those laws. I don't believe that our responsibility ends by simply voting for a bill like this. We also have a responsibility to make sure that the tax dollars spent providing prison space is spent wisely, effectively, and efficiently. I believe that this bill as amended and now before us advocates that responsibility.

This bill, instead of having the legislature allocate that \$39 million, will have the Department of Corrections allocate it. That means we've spent the way the Department of Corrections wants it to be spent, whether there is any proper planning, whether that is the most effective means of dealing with our Corrections problems and so on. The legislature will have no more to say about it.

The Majority Report that this body twice supported earlier this evening did not advocate that responsibility. I hope that this body will continue to support the position it held earlier, that the legislature should take responsibility for spending this money, not the Department of Corrections.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 162

YEA - Aikman, Aliberti, Anderson, Anthony, Ault, Begley, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Chonko, Constantine, Cote, Crowley, Curran, Dexter, DiPietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gwadosky, Hale, Hastings, Hepburn, Hichborn, Hickey, Higgins, Hoglund,

Hutchins, Jalbert, Ketover, Kilkelly, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, MacBride, Macomber, Manning, Marsano, Marsh, Martin, H.; McCormick, McSweeney, Melendy, Merrill, Mills, Murphy, Nadeau, G. G.; Norton, O'Gara, Paradis, E.; Paradis, J.; Paul, Pederson, Pendleton, Pineau, Plourde, Pouliot, Priest, Reed, Ridley, Rolde, Ruhlin, Seavey, Sheltra, Sherburne, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Tamaro, Telow, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb, The Speaker.

NAY - Adams, Cathcart, Clark, H.; Clark, M.; Coles, Daggett, Graham, Gurney, Handy, Heeschen, Holt, Hussey, Jacques, Joseph, LaPointe, Luther, Mahany, Marston, Mayo, McGowan, McHenry, McKeen, Michaud, Mitchell, Moholland, O'Dea, Oliver, Rand, Rotondi, Rydell, Strout, D.; Tardy, Townsend.

ABSENT - Allen, Bailey, Carter, Cashman, Conley, Dellert, Hanley, Jackson, Lord, McPherson, Nadeau, G. R.; Nutting, Paradis, P.; Parent, Pines, Richard, Richards, Swazey.

Yes, 100; No, 33; Absent, 18; Paired, 0; Excused, 0.

100 having voted in the affirmative and 33 in the negative with 18 being absent, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The Speaker appointed Representative GWADOSKY of Fairfield on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

Subsequently, Representative GWADOSKY reported that he had delivered the message with which he was charged.

At this point, a message came from the Senate borne by Senator DUTREMBLE informing the House that the Senate has transacted all business before it and was ready to adjourn without day.

The Chair appointed the following members on the part of the House to wait upon His Excellency, Governor John R. McKernan, Jr., and inform him that the House had transacted all business before it and was ready to adjourn without day.

- Representative PRIEST of Brunswick
- Representative PAUL of Sanford
- Representative JALBERT of Lisbon
- Representative LAPOINTE of Auburn
- Representative LAWRENCE of Kittery
- Representative PLOURDE of Biddeford
- Representative MURPHY of Berwick
- Representative BEGLEY of Waldoboro
- Representative STEVENS of Sabattus
- Representative TUPPER of Orrington

Subsequently, the Committee reported that they had delivered the message with which they were charged.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative WENTWORTH.

Representative WENTWORTH: Mr. Speaker, and Members of the House, I move the House stand adjourned sine die.

The SPEAKER: The Representative from Wells, Representative Wentworth, moves that the House adjourn sine die. Is this the pleasure of the House?

The motion prevailed and at 10:39 p.m., Eastern Daylight Saving Time, Tuesday, August 22, 1989, the Speaker declared the House adjourned without day.

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION
JOURNAL OF THE SENATE

In Senate Chamber

Tuesday

August 22, 1989

Senate called to Order by the President.

Prayer by the Honorable Edwin C. Randall of Washington.

SENATOR RANDALL: Let us pray. O God, Who calls us to yet the beginning of another Legislative Day, we give You thanks this morning that we are gathered here renewing acquaintances and doing the business of the State. O Lord, we ask that Your blessing be with us to guide us and keep us this day, dealing with both Members of this Chamber and staff of this Chamber as we proceed to do that which You would have us do. In the name of Your Son, our Saviour, Jesus Christ. Amen.

Reading of the Journal of Yesterday.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Authorize Aroostook County to Make Certain Expenditures in the Renovations of the Houlton District Court" (Emergency)

H.P. 1302 L.D. 1800

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Bill READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Ought to Pass As Amended

The Committee on UTILITIES on Bill "An Act to Revise the Charter of the Madawaska Water District" (Emergency)

H.P. 1301 L.D. 1799

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-720).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-720).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-720) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication: