

# 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

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:

114TH MAINE LEGISLATURE

August 21, 1989  
Honorable Joy J. O'Brien  
Secretary of the Senate  
State House Station 3  
Augusta, Maine 04333

Dear Madam Secretary:  
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 Sarah Shed of Hallowell and 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  
President of the Senate  
S/John L. Martin  
Speaker of the House  
Which was READ and ORDERED PLACED ON FILE.

Senator CAHILL of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator ERWIN of Oxford, RECESSED until the sound of the bell.

After Recess  
Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Senator ESTY for the Committee on STATE AND LOCAL GOVERNMENT on Resolve, to Revise the Kennebec County Budget (Emergency)

S.P. 686 L.D. 1807

Ought to Pass

Senator ESTY for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Relating to Various Commissions, Task Forces and Committees" (Emergency)

S.P. 688 L.D. 1809

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

Under suspension of the Rules, the Bill READ TWICE.

On motion by Senator CLARK of Cumberland, Senate Amendment "A" (S-451) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

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

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS 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

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-454).

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

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-455).

Signed:

Senator:

PERKINS of Hancock

Representatives:

FOSS of Yarmouth  
FOSTER of Ellsworth  
HIGGINS of Scarborough

Which Reports were READ.

Senator PEARSON of Penobscot, moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-454) Report.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Thank you Mr. President. Mr. President, men and women of the Senate. I urge you to reject the present motion in order that I may move the Minority Report with Committee Amendment "B". We have worked long and hard and of course our prison system is one which has little glamour for anyone, except that it seems that the populous of our State has made a resounding statement that they and the others that are in Corrections do not want to be soft on crime. Therefore, the Minority Report places before the people of State of Maine this fall a bond issue in the magnitude of forty-nine and a half million which would address the maximum security portion of the prison at Thomaston, as well as the Youth Center, as well as some reconstructive work at Thomaston and other parts of the system. It would be very easy and I think both Reports, if you look at them, address similar things, the only difference being that you would be placing before the people for this fall the fourteen and a half portion. In the opinion of those who we have placed in charge of our Corrections System, we cannot afford this time frame, because as of August 17, 1989 we had in our prison system fifteen hundred and forty-one people and we had beds available for one thousand and eighty-three. So, we were four hundred and fifty-eight beds short at that time, including twenty people who are in the federal part of the system. It would be very easy to say that we should address this and we should study it. The studying, ladies and gentlemen, has been done. My good friends on the Judiciary Committee have issued sentencing guidelines, which have presented stronger and mandatory sentences for more serious crimes so that

when they are sent to our system, we have little or no choice. The choice has been made and while I have no problem with alternative sentencing and other mechanisms of sentencing, frankly, we need all the help we can get. But, the time for protecting or incarcerating the people sentenced to our system is now and the time for the protection of the people within the system, as well as the people who work within the system, is now. Therefore, I would urge you to reject the present motion in order that we could make a motion to Accept the Minority Report.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. The Majority Report calls for a bond issue to be floated this November for a juvenile facility. It is my understanding, although I am certainly not an expert in Corrections, far from it, a lot of people know a lot more about it than I do about it and I think they always will. It is my understanding that if we don't separate our juveniles from the adult population that we will be in violation of all the federal standards and can end up in a situation similar to what we were like in the Pine Land Suit. That is something that we must do. Clearly, it has to be one of our top priorities. The Majority Report then calls upon a thirty-five million dollars bond issue to be issued in the following November election. The contents of which and the disposition of the monies to be recommended by the Committee on Corrections and determined by the Maine Legislature. The Committee on Corrections would be charge to report by February 1 and then we would be charged with sending the bond issue out the following November. There are all sorts of reasons for that and among them is that there is a honest difference of opinion and, frankly, I am confused. There is a honest difference of opinion as to what we ought to be doing in our prisons, what kind of facilities we ought to be building and what kind of people ought to be housed in them. I hasten to add that already there has been a bond issue passed for a hundred bed maximum security facility which has not yet been constructed. If there is a great need for a great deal of haste, there is already legislation in place to begin the bricks and mortar construction of it right now. What we are talking about is adding to that.

The good Senator from Hancock, Senator Perkins has said, in his opening remarks, that if his particular measure were passed we wouldn't be "soft on crime". I have heard much of that in the last day or two. I have read it in the papers, I have had the reporters of the State House tell me that even the Chief Executive Officer of this State has said that, and indeed, I heard it on the radio myself. I want to quote from the Bangor Daily News, Tuesday August 22, 1989. It seems that Commissioner Donald Allen, who is the Commissioner of the Corrections Department, was in Machias and he said in Machias, I suppose it was to some service organization or something, making remarks in Machias, "Commissioner Donald Allen accused lawmakers of passing an increasing number of new "get tough" laws without providing the adequate resources for his Department to deal with them." On the one hand the Governor is saying that we are soft on crime and on the other hand his Commissioner is saying that we are too tough.

It is not a new thing, I suppose every administration has problems with the right hand not knowing what the left hand is doing, but this is an indication that on the one hand we are passing laws,

at least in his opinion, that might be too tough to provide the facilities for it, and on the other hand the Governor is telling us we are getting soft on crime if we don't do what he wants. Before the Committee on Appropriations and Financial Affairs, and I dare say before the Corrections Committee before that, came a number of different people who have honest differing points of view.

We have the Maine Council on Churches who said that we ought be looking at our statutes and the way we deal with people. Are we providing adequate rehabilitation? Are we providing skills that these people need when they get out? They believe anyway that we have not addressed those things, we simply throw money at bricks and mortar and we are not addressing the symptoms we are just building prisons. So, there is some differences of opinion here. Frankly, I will tell you that I have problems with every solution that I have heard, including the one that is currently before us. There didn't seem to be anything in my mind, although other people felt crystal clear that we ought to do such and such in order to do such and such. In my mind even my motion I have made has its faults. They all do. The problem is if we are going to put it a lot of the thirty-five million dollars and ten million dollars a year in order to run it, we ought to be doing it right. This is an attempt to give the Corrections Committee a chance to deal with this portion of the bond issue.

I will also say that I find it ironic personally, as a Legislator, that last year an attempt was made to lower the level of the bond issue of the state on the part of the Executive Department because they said they thought we were bonding too much. One of these issues separated in two parts, two different questions, in order that we wouldn't float too many bonds at once and now they are saying float them all, do it all at once. I don't know exactly what has changed between when we met in June and now with regard to their mind of the number of bonds that would float. If there is a need for prisons, a maximum security prison, a minimum security prison, a juvenile prison, we ought to build them. I don't have any question in my mind about that at all, but people who appeared before us who seemed to know more than I did about it, indicated that this particular maximum security thing had not been as well thought out as it ought to have been. Keeping in mind that they already have the authorization to build a hundred bed unit. If you are confused as I was about the issue you probably know exactly where I am now. It is not an easy question, it simply is not an easy question. I suspect anybody who tells you that they have an easy answer to it, it is just one of those things that comes along in life where I have been able to see almost everybody's point of view and said to myself, well there are people who know a lot more about it than I do and they ought to have a chance to work this out.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. This is a difficult question and it is a complicated question, it is confusing and it is emotional, there is no doubt about that. But, with all due respect to the good Senator from Penobscot, Senator Pearson and I do have a lot of respect for that Senator. I think he knows that, I am not fooling, I really appreciate his opinion, I go to him often to seek his advise and yesterday the respect I had for him kind of rose, because I learned he had a telephone on his desk. I do have a lot of respect for him.

I would today ask that to spite that, this Senate perhaps would reject the notion or the concept of splitting the bond issues, the fourteen and a half one year and the thirty-five million dollar the next year. I would like to share with you, as briefly as I can, a few of the reasons why I have come to the position I have on this issue. The first one is the area of need. I am not an expert in Corrections, as the Senator from Penobscot, Senator Pearson admits he is not, I am not on that Committee and I haven't been particularly involved in this issue until recently. It has been brought to my attention that there is a tremendous need out there in the corrections community. I have talked with Commissioner Donald Allen and I think Commissioner Allen is another person that has a lot of respect among every Legislator from both sides of the aisle. I do respect his opinion and I do believe what he has to say and he says that he feels that it is absolutely imperative that we have that new maximum security facility and that we have it as soon as possible. I think the Senator from Hancock, Senator Perkins, talked about the overcrowding and it is a big problem. Because of that overcrowding we are housing many of the inmates currently in Thomaston in recreational spaces. We are putting them in classrooms, we are putting them in corridors, we are putting them in what open space that the prison did have and that is now being used to house these prisons and we are even putting them in shower stalls. The shower facilities are now housing prisons. Because of this overcrowding, it has become impossible for us to separate the minimum security inmates, the medium security inmates, and the maximum security inmates. Those people are all together now and that sometimes can present a security risk, quite frankly.

This is not a particularly popular issue in many of our Legislative Districts. In fact, I was on television the other night and I have received several phone calls to the comments I made on television and my constituents say that they don't want the prison at Thomaston to be some hotel. Well, ladies and gentlemen, I don't think there is one single member of this Senate that believes that the prison in Thomaston is a hotel. We are talking about nineteen inmates who currently are sleeping on mattresses in corridors. They share two sinks and they share two toilets, nineteen people sharing two toilets. Thirty-six inmates share one shower. The cells for some of the life prisoners are six feet by seven feet and I am not very good with those things, so I had to visualize what six feet by seven feet is. My bathroom at home is six feet by seven feet. Now, that is the home of those people, that is where they are going to live for perhaps the remainder of their life. Now those cells are becoming double occupancy. Two people in a six foot by seven foot cell. We are using our recreational space and our open space to house these prisoners, more and more of the prisoners have to stay in their cells and that causes discontent and boredom among the prisoners and that causes a security risk. Why am I talking about security? Because Commissioner Allen believes the staff at the Thomaston prison is at risk because of these overcrowding problems we are having there. I think we, the Legislature, if we refuse to pass this bond issue, both parts of this bond issue, are responsible for the staff.

I think we have done the right thing in the past years, in my nine years of the Legislature, because we have responded to our constituents. They have told us repeatedly that they are tired of this Legislature and they are tired of the Judiciary from

mollycoddling criminals. We have done the right thing, we double sentences in the areas of drug trafficking, rape, and many of the more violent crimes. I say good for us, I think we have done a good job and I think we all need to be applauded on that. I think we have indicated this Legislature, both parties, that we say that we are tough on crime, but I think it is time that we put our money perhaps where our mouth is today and do something to provide adequate facilities for the criminals that we are telling Donald Allen and the rest of the Corrections Department in this State that they now have to take care of.

I think that we have to send the bond issue, in its entirety, to the voters this November so that they can look at the issue, closely, without all the bother of a Gubernatorial election, Legislative elections, Congressional elections, all those elections that will occur in 1990. Let's send it to them this year, 1989. I think they deserve a voice on this issue and I just fear that if we put it off, we are going to face more of a disaster than is currently in the prison system in Maine. If that disaster continues to escalate, there is a possibility that the federal government will come in and take over our prison in Thomaston. If that happens, Commissioner Donald Allen is not going to have a darn thing to say about that. The Governor isn't going to have anything to say about that, this Legislature isn't going to have anything to say about that, and the citizens of Thomaston and Warren won't have anything to say about that.

Every night over the last few weeks when I listen to the news, I am so proud when I hear that President Bush's home in the summer is Kennebunkport Maine. It puts Maine on the front page of the national news every single day and I am proud about that. I wouldn't be so proud, ladies and gentlemen, if I read that the federal government came in and had to take over our state prison, or that there was a major uprising in our state prison because we, the Legislature, refused to deal with this issue.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. I, for one, am not unclear about what we should do. I feel very clear and I feel very strong about these issues. To be called soft on crime, I won't take that personally, because look at where I was at as Chairman of the Judiciary Committee, the work I have done and am doing and intend to do on the computerization of criminal issue records and the work we did and I worked hard on to beef up our prosecutorial ability in this state this past year. No, not soft on crime, tough on crime, but I will be darn gone if I am going to be tough on the taxpayers without good cause and that is what we are being asked to do if we were to support the Minority Report.

I ask you to support the Majority Report, because the Minority Report is tough on taxpayers without really fully knowing what they are doing. We cannot afford it to do it that way, I believe. They are asking us to buy a thirty-five million dollar, two hundred beds, that is just to build them, that is not to staff them. That is just two hundred, we have to take care of fifteen hundred prisoners. We have to look at the whole of it. Two hundred beds. If we put thirty-five million into that and then the operational costs and the Corrections people can't really give us an idea, they think it will be over five million dollars a year for just those two hundred beds and that is today's prices. As before, we add on the great amount that we are going to be

paying our state workers. If we were to build these two hundred beds, I believe, there would be another eight to ten million dollars just for those beds. We are ballooning these costs up into the next Legislatures and we can't afford to do that and we especially can't afford to do it when we are not sure what we are doing. I don't believe anyone is sure that we need to spend all of that money on just those two hundred maximum security beds. We already have one hundred going. You know what is going to happen? The worst criminals are going to go into the best place. We have one hundred beds supposedly going, they are still bogged down in wetland dispute, you never know when they are going to get going.

Let's take the time and do what we know we need to do. The various pieces that need to be done for the whole Corrections System, four and a half million for the Maine State Prison, that is what we are asking you to do this November and then next November and I don't consider elections of Governors and Legislators a bother, I think it will bring great interest to that election, rather than just political junkies that vote in November and a few other people. We are committing ourselves and I didn't want to do that, but I agreed to do it, we are committing ourselves to thirty-five million dollars a year from November. Let's take a look at it and if everybody comes back and says we must have that full thirty-five million and the ten million to run it a year for those two hundred beds, okay. But, I don't believe that we really know whether that is the best way to spend our money.

I do believe that if we do that, we have a sapped our will and our ability to take care of the full spectrum of need. We will not be able to go on and do our job to be tough on criminals at all levels. We will just have built and staffed two hundred beds for the worst of them. We need to take care of all of them. So, I urge you to support the Majority Report, we will do our job with that and we will not be too tough on the taxpaying public of this state. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. First I have a question to ask, but I do want to state for the Record that as a member of the Corrections Committee, when we heard as we often did from the Maine Council of Churches, they sometimes concern me greatly. The security, the health and the safety of our citizens. I am sure the Council is concerned about, but I think their methodology is sometimes a little awry, but I needed to state that. The question for me today with these two proposals, and I specifically would address the question to the Minority signers, is that if we are going to spend fifty million dollars here and we talk about trying to make sure that the tough and the serious offenders as all of us in this Chamber, Democrats and Republicans, want to make sure that they are put behind bars and locked up for their transgressions. Are they going to be occupying this new maximum security prison? What type of classification system are we putting in place with this fifty million dollars? Do we have a system and a center that will make the correct decisions and evaluations about prisoners so that we protect the health and the safety of our citizens? What type of system are we putting in place.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Thank you Mr. President. Mr. President, men and women of the Senate. As you all

know, I presently serve on the Education Committee, but I have had past experience dealing with Corrections. I also have a juvenile facility in my back yard. I could very comfortably say and very parochially say fourteen and a half million dollars is fine, because it is going to give something to my community, something we need very desperately, a juvenile facility that has a fence around it and will keep the young people that need that type of incarceration there.

I have to say in response to my seat mate here, Senator Matthews from Kennebec, of what kind of system are we building, a better system if we Accept the Minority Report. A better system than what we have presently. The system we have presently has many needs. I have to applaud the Council of Churches and the Civil Libertarians for coming to the Committee and becoming involved in the liberties that people as persons are entitled to have, looking out for what their future might hold. We have people who have committed crimes, they are not trespasses or transgressions, they are crimes. They are crimes that have been perpetrated against people for the most part and against property, also. These are multiple offenders, we are not coddling by putting them in prison, they have gone through the system multiple times and they have finally been convicted and they have been sentenced. We have an obligation, as a State, to provide housing for those people. If you look at what the obligation is of the Department of Corrections, if goes far beyond just providing housing and that is all we are doing right now. We are doing it inappropriately, inadequately, and it is a shame. When I stop and think of the prison at Thomaston and perhaps the idea of "double ceiling" the east wing, because we don't have room for prisoners, it is appalling. I just don't understand how this Legislature cannot act on the bond issue.

The good Senator from Penobscot, Senator Pearson, questioned how the Governor, at this point, was willing to go with such a large bond issue. I think the Governor bit the bullet and decided that this was the way to go.

Since we passed the 1987 bond issue, we have had over two hundred and forty plus people who have been sentenced to the Correctional Department. Two hundred and more people sentenced. We have ninety-one or more lifers who are in the prison system and we have the possibility of six young people who may spend the rest of their lives because of murders that they have committed, who may be sentenced to the prison system and the Correctional System. I think we really have to do something. I know it is a large amount. As I said before, parochially I could say, sure just pass the small bond issue. I am not interested in just being parochial. I have been around the prison system a long time and I got to a point to when I would go through the prison they all knew who I was because they would holler down, "Senator Gill, how are things in South Portland?" I have spent my time up there and I have been there enough to have them recognize who I was when I went in there.

I just feel that we are not helping them out, we are not educating them, we are not recreating them, there is just no facility. Unless we do this, we are going to be in dire straits and the federal people will probably come in. I am afraid of litigation. I think in the past we have averted litigation, because we have been able to hold out the hopes of more additional beds being built. Now, if we don't pass this bond issue than that gets thrown out the window and we could be right in the situation again where litigation is pending.

I think that the people who we have in the institution go out of the institution and they commit further crimes because we are not able to do anything for them. We get an open door effect, they are out and in and out and in. The State of Maine actually should be ashamed of themselves for not doing more, in regard to providing some activity, some technical skill to those people as they go out so that they will stay out and perhaps get a job and become taxpayers instead of tax burdens. I know that my constituents don't want to spend money unnecessarily either, but they also want to feel safe and secure on the streets where they live, whether it is South Portland or Millinocket. So, I would urge you to Accept the Minority Report.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I rise this afternoon not only because of my general interest, but also because I had the occasion three years ago to serve as Chair of a Select Committee on Corrections, which, in fact, fashioned recommendations for allocations of beds in the last general bond issue on Corrections in 1986. In fact, from that set of recommendations the voters of this state did approve one hundred new beds for maximum security classification inmates.

I find myself in general agreement with many of the preceding speakers and that is probably because all of us in the room recognize that we have a fiduciary as well as a moral obligation to provide adequate housing for inmates who are in the custody of our Corrections System.

It seems to me the real question is not whether or not we ought to add beds, the question is have we really pursued a logical, intelligent, and rational process in deciding how best to allocate the beds in our Correction System. I do have some concerns.

Frankly, in 1986, when the Department of Corrections approached our Committee, it made a very compelling case for some one hundred new maximum security beds and I note with some degree of awry interest that several years later those beds are not even under construction, a point I think which everybody in this room should be very concerned about, because the situation, as the good Senator from Cumberland, Senator Gill, has commented quite accurately that the situation has grown worse in the past three years and Commissioner Allen is correct, we do need those maximum security level beds.

But, I have some questions. In 1986, the Legislative Committee, which I chaired, placed several recommendations not only that we would add one hundred new beds of maximum security tenor, but also we developed a classification building. A building that would house all inmates when they were initially placed into the custody of the Commissioner of Corrections and of course that classifications building has to be of maximum security level because we have a mix of inmates entering the system. I am curious in looking at both Reports, as to whether that issue has been addressed, whether we are going to build a classifications building for all incoming inmates.

Beyond that, all of us in this room are painfully aware of the inadequacies and deficiencies in the current structure in Thomaston. The east wing of that facility has been a subject of much litigation, most recently in *Inmates v. Lovell*. Judge Gignoux ultimately decided that the state system barely met Constitutional standard. As has been pointed out by other speakers, it is incumbent upon us to address the problems in Thomaston. In 1986, our Committee

recommended that no later than 1989 the Governor and Legislature devise and implement a system to down size by fifty percent the bed space in the east wing of the Maine State Prison. That is to remove one hundred and ten beds and put them in either the Maine State Prison or in other maximum security level facilities. So, any plan that I am asked to consider should, at the very least, provide for the logical transfer of one hundred and ten beds out of the east wing of the Maine State Prison. That should be done forthwith, I will not accept anything other than that.

I am having a hard time putting these concerns in the context of a generalized debate on whether we are posturing ourselves as to whether we are tough enough on crime. If it was simply politics as usual, I suppose I could accept that, but as Senator Gill from Cumberland has pointed out the situation is far more serious than that and we are going to have to work collectively, collegially, and rationally to resolve our problems.

Maine is not unique, every single state in the Union has significant problems in its Correction System, so we are not alone. The states which have had success have done so when the Executive and Legislative Branches of government have worked well together. The states which have failed and failed abysmally have failed because either or both Branches have failed to address the problem.

In 1986, it was the unanimous recommendation of the Joint Select Committee on Corrections that we establish a Legislative Committee solely on Corrections, because the Human Resources Committee was certainly inundated with work then, and certainly is now, and could not devote enough time to the beguiling problem of Corrections. I commend all the members on the Joint Select Committee on Corrections for the work that they have done.

I am concerned and mind you that I am not intimately involved in this discussion, I have not had day to day contact with people from the Governor's office or the Committee members, but my impression generally is that there is not an ongoing dialogue and communication between both Branches of government and that is an absolute sine quanon if we are going to succeed in our mutual goal to resolve our Corrections problems.

As the Senator from Cumberland pointed out, we cannot accept lowering this issue to a simplistic political slogan, it is far more important than that. I suppose I speak for many of us, both parties in this Body, when I confess that I don't have any single rational solution in terms of allocation of bed space. I am a little concerned when I see that we are being asked to spend thirty-five million dollars for two hundred beds in the Maine State Prison and as I read the Amendments today, it appears that the entirety of the thirty-five million dollar bond would go simple to maximum security beds at the Maine State Prison. Were that to be the case, we already have three hundred and fifty-five beds at the Maine State Prison of maximum security level. We have another one hundred beds authorized and if we are going to add two hundred more beds we have six hundred and fifty beds of maximum security level. That would be over forty percent of the beds in our Corrections System that would be maximum security. If that is the case, and I am multiplying six hundred into fifteen hundred beds, I am a little concerned. I recognize that we have an absolute obligation to appropriately house individuals who are serving long term sentences. On the other hand, I think we all recognize the great majority of individuals who are sentenced into our institutions serve much shorter sentences in the range of eighteen months to five



years. Many of them secure good time and actually serve shorter periods than that in jail or in prison. Even with the enhanced penalties, because of recent legislation which this Body has adopted over the past few years, you will still see the great majority of individuals serving sentences in the two to five or six year range. Given that, I don't really know why we would be housing those individuals in our maximum security facilities, it seems to me that you probably put them in a medium security facility and encourage work release programs such as are going on now in the Men's Correctional Center.

It is a keen professional disappointment to me and I am sure to all who are working on Corrections to watch the downgrading of the Men's Correctional Center in Windham. The facility when it was initially brought on line was an excellent correctional facility and it did, in fact, provide for the fusion short term incarceration with rehabilitation and education. It also provided a ready contact in the community for people who were assigned to that facility.

We all are cognizant of the problems of overcrowding in Thomaston. We certainly should be aware that the overcrowding in Windham is worse than the crowding in Thomaston. Double celling goes on, the facility which was made for two hundred is housing over four hundred people.

So, I guess the question that I would have is shouldn't we make some rational allocation of bed space among all the different classifications? I am not certain that I accept completely the recommendations of the Maine Council on Churches either. Frankly, I think there has to be some middle ground. But, what I am being asked, apparently, is to accept a package which would put together, if we adopt the Minority Report, thirty-five million dollars going entirely into one level of classification. I think the most prudent approach is to devise a rational allocation of beds. Frankly, we should not be discussing this issue at 12:22 on August 22. We should already have a plan which has been worked out between both Branches of government. It does neither the Governor or this Body any credit to be debating this issue at this point in time. I think all of us in the room are committed to properly housing individuals who are sentenced to the custody of our correctional institutes. Frankly, I feel that we do not have a responsible, rational option available to us at this time. It is for those reasons that I will, in fact, support the Majority Report which would call for the fourteen and a half million dollar allocation immediately, because there seems to be consensus on developing the juvenile facilities in our state in South Portland and in Bangor. I would strongly recommend, as hard as I possibly can, that everybody involved in this discussion put a prompt end to the political posturing so we can get on to the business of devising a rational system of allocating bed space for individuals who are committed to our Corrections System. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Dillenback.

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. I commend you for your politeness and the way in which this discussion is going. We all know what the problem is and we all know what the answer is. The answer is very clear. We have a Governor and a Commissioner who have come forth and said that we need jails. We need two hundred units built in Thomaston. I don't know too much about jails, but I do know something about construction. If you build

one hundred beds it is one price, maybe one hundred and seventy-five thousand dollars per unit. If you build two hundred, it may be one hundred thousand dollars per unit. There is an economy in doing this. We have already spent five hundred thousand dollars preparing for those beds. What we need to do is complete the job.

I have listened to the debate here today. The wonderful discussion of all the problems we have in jails, how people should be treated, how we should allocate beds. Do you think the average citizen out there knows how we should allocate beds or gives a darn? He wants people put in prison and he wants them put there now. He wants a place for them. We are playing politics here. You know what the answer is, I know what the answer is, and I know what is going to happen. It is ridiculous.

We have a Governor and we have a Commissioner and we should listen to them. The Commissioner should do the allocation. I don't want the federal government coming in here and taking over our jail and tell us how much we are going to spend and where we are going to spend it.

You talk about the great expense to the taxpayer. Who is going to make the decision on this? Only the taxpayer. The taxpayer is going to have the opportunity. All we should be arguing about is do we give the taxpayer the opportunity to vote on this. Here we are going to rebuild the jails, we are going to do all of these great things. We, the greatest minds in the state, supposedly. Let's let the citizens make this decision. That is all we are doing, you are making a mountain out of a mole hill. We have to give the people the opportunity to say whether they want to build jails, not we here. What is the alternative? You talk about the great expense to the taxpayer. What are these bonds? These bonds go out for twenty or thirty years. Does it make any difference if the bond is put out very shortly or in February? The construction will probably take a year or two, this isn't going to be done overnight. Do you know what the problem was? The Governor tried to make a deal on this. He tried to offer to pay the actual cost to the people of Thomaston of any expenses that they have from having a jail in that area. It was rejected. So, what are we talking about here today? Let's put the thing out and let's build the jails and let's do it all at once. Let's not do it piecemeal so you can say I voted for jails, I want to vote for the whole thing. So, I am going to oppose the Majority Report.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. I am Senate Chair of the Corrections Committee and I do know the issue and I do know the need for bed space. I have discussed very much, longer than I care to, about where those beds should be. Right now I would like to throw all of those beds right out the window, because one of the things that angers me is that the good Senator from Cumberland, Senator Dillenback, has just indicated that let's get the political thing out of the way. Well, for your information and for the good Senator Dillenback's information it never was a political issue. If you look at the Record, I have worked very closely with Commissioner Allen in developing what we have been doing in Corrections for the last two, three, four, five, and six years. There is no politics. I had a member of the press call me from the Kennebec Journal to tell me of a quote that was given in a Republican caucus about my and the Democrats making this a political issue by creating a crisis at Thomaston in the way we created

a crisis at AMHI. Well, I am sorry, but the answer I gave to that reporter was that in the first place, I, nor any Democrat created a crisis at AMHI. The crisis is there, it was not created by anybody. The crisis at Thomaston is there, it isn't created by anybody and before that comment was brought to my attention, nobody including the Republicans on the Committee or the Commissioner's office, or the Commissioner himself, nor the Governor, ever indicated that it was a political issue or that a crisis was being created.

Everybody, including most of the speakers speaking today, has indicated that in fact there is a crisis and if anyone ever step foot in the east wing and saw what I can only describe as a bee hive, you would be just as scared as anybody else who visited there. Consider spending your days and nights in a cell block that is tiered one on top of the other, talk about the Tower of Babel, that is really the Tower of Babel. Try to control that. Imagine if you will those guards in there trying to control that kind of humanity in that kind of a situation, with this kind of heat and humidity that we have had this year and we had last year. Try to imagine that and put yourself in that position and tell me whether you would want to be that guard there. Even would you want to be that prisoner there. That is a choice you don't have, the guards fortunately have a choice of being there or not, they just don't have a choice of whether or not they are going to earn their money for their living that way or not. Consider that and so it is not a political issue, it is not creating a crisis. The crisis is there for us to handle.

Let's get down to the brass tacks of what needs to be done in Corrections. I need at this time to bring up the fact that the Governor pocket vetoed a juvenile corrections Bill that is part and parcel of this adult corrections. He pocket vetoed that. Now, there has been a lack of communication. I have not in the four or five years that I have been dealing with Corrections sat down and talked this matter over with the Governor. I have talked very much with the Commissioner and with the Department and they have been very corporative and we have had very good communications. We have come to some consensus. That hasn't been the problem. The problem has been that we worked for two years as a Commission on juvenile corrections and all of a sudden, after that two years with the Department sitting there, with the probation people sitting there, with everybody that has anything to do with juvenile corrections sitting at that table to have a Governor then pocket veto it, without ever communicating with the Committee about why he was vetoing that Bill. It is something that can be corrected. I have now, at quarter of eleven, sat down with the Governor on this day. We are now going to, with your corporation, call up the juvenile corrections Bill from the Governor's desk. We will amend out the offending portion for the Governor, we will deal with that offending portion in the January Session, with the consent of the Council, and we will pass out the juvenile corrections Bill. That is a big step and I thank the Governor for taking that step. That makes me be able to deal with this adult corrections issue much more reasonably, because I was not reasonable when a Governor could just carte blanche pocket veto a juvenile corrections Bill knowing all the work that was done. He accepted that kind of reasoning and has accepted to bringing that back up. That is one thing. So, I am very satisfied with that.

Secondly, the fee for service issue is indeed an issue, as far as I am concerned it is not a political issue. It is a survival issue for towns that have to

house these state facilities. As you all know, I have a great deal of that property here in Augusta. I am not, and you can thank me for this, going to debate that issue here, I will merely bring it up, because it is an issue that needs to be debated later.

But, the Governor has accepted an amendment and is now preparing that amendment so that the new construction can get some kind of pay back. He has agreed to that, just be aware that might be coming up and I don't know what form that is going to take. So, I am please with that, although it does not, in fact, help Augusta. But, I am willing to fight that battle when it is properly before me.

Now, let's get onto what the housing should be for these people and what corrections is all about. Corrections is about the laws that the Judiciary Committee passes and that we pass in this Body about what puts people in jails and prisons. It is what we do. It is the laws we make that determine the sentences of these people, that determine how dangerous they are. It is what we do here. I will tell you that we are not doing our job. We are trying to, we have set up a mechanism where we can start communicating within the legal community about how sentencing is done and maybe get some good dialogue going on that, we have tried for years and I think we have a good mechanism that we can do that. That is one of the things that you can do. The second thing that you can do is community corrections or rehabilitation, or treatment. All of those things that you can do, and I think it starts with the juveniles. In fact, it starts with the zero to five group, but thank God we don't incarcerate them at this point. It starts there and you can start there to try to keep down your prison population. But, sure mathematics would tell you as your population grows in the state, your population at your institutions, whether they be prisons, jails, of mental health institutions, is going to grow. There is no way you can get around that. Third, Thomaston is not, has not been, nor ever will be a maximum security prison. We call it that, we say we house maximum security prisoners, but it is not, with any sense of the word, by any of the Correction officials that I have talked to, a maximum security prison. Keep that firmly in mind and know we will not be housing maximum security prisoners in Thomaston once those three hundred beds or five hundred beds are built. You will be doing a shifting. In order to do that shifting, you need to build the other beds or you don't get anywhere ever.

So, quite frankly, my particular battle was lost when we put out the bond issue for one hundred beds at Warren. I did not want that. Some of you members will remember that I pushed very hard for the Correction Facility to go to Pine Land and to regionalize mental retardation. I still think that should happen, but unfortunately, I lost that battle, I lost it when we put out the bond issue and it got voted on for the one hundred beds at Warren. Yes, the Senator from Cumberland, Senator Dillenback, is correct to construct an one hundred bed facility in Warren, put all of that money into it and not add onto it as we intended to do, is not maximizing your dollars at all. It simply isn't. I still don't like it, I still don't like it at Warren. I still think it should have been somewhere else, it absolutely should have been off I-95 so that it would be more accessible, but that battle has been lost unless you can reverse it now of the one hundred beds. That is all you can do, because once you made that commitment you started down the road of building your five hundred beds at Warren.

I have talked to the Commissioner and he is

trying valiantly to keep the number down to the three hundred. Quite frankly, I don't think he is going to be able to. I think he is going to be back in here or some Commissioner of Corrections asking for those additional two hundred beds. I really think that is what has to happen. Even the building that has been proposed now and is in the planning stages, is going to leave you two hundred and seventy-eight beds short when the building is finished. My only hope for that is to impact enough on people for the community corrections by not putting them in the prisons in the first place, to avoid that particular catastrophe.

The sadness for me is in even accepting the plan is that the east wing is still going to be operative. That is the sad part. It will be reduced down, it will be renovated, it will be better space, but it will still be prisoner beds and what I wanted to see was prisoner beds, yes, but I wanted to see a treatment unit for alcoholism and drug abuse. I wanted to see a good after care component. There is controversy in the field about how that works or whether that works. I just happen to think that it would and I think we could be a very progressive state by being able to do that. But, that doesn't look like that is on the books and that saddens me, but I will still work toward making that happen. That doesn't mean that I think that you don't have to build two hundred maximum security beds, because you do. You have to do it, you don't have a choice. You do have a choice about how you accomplish it. I wish we still had the choice about where we put it.

So, having said all of that, I still say to you that we have made and we will continue to make the mistakes about where we put these beds. We do have to do something. I understand and I will support the Majority Report, because that is the Report that I think is the responsible one at this present time. I understand there will be some amendments, because I think that both prisons should go through, the one for the juveniles and the renovations and the two hundred beds for the maximum security. However, I, personally, and this is my own personal bias, do not want to jeopardize the juvenile component for the adult component. So, I would support and hopefully that amendment will be accepted, an amendment that would send both bond issues out in November, but separate them out, but that is my own bias, my own commitment to juvenile corrections, which is where I think we need to be. Because my heart is where the kids are and I really think that we can change the quality of our adult lives by changing the quality of the kids lives and that is what I would like to do. So, I will be supporting the Majority Report until there is something more positive put before me. Thank you.

Senator CAHILL of Sagadahoc requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator PEARSON of Penobscot, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-454) Report.

A Division has been requested.

Will all those Senators in favor of the motion by Senator PEARSON of Penobscot, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-454) Report, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator PEARSON of Penobscot, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-454) Report, PREVAILED.

Senate at Ease  
Senate called to order by the President.

The Bill READ ONCE.

Off Record Remarks

Committee Amendment "A" (S-454) READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (S-454).

Off Record Remarks

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

PAPERS FROM THE HOUSE  
House Papers

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

Committee on UTILITIES suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-721), without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-721), without reference to a Committee, and ORDERED PRINTED, 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:

PAPERS FROM THE HOUSE  
House Papers

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

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, 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:

COMMITTEE REPORTS

Senate

Ought to Pass

Senator TITCOMB for the Committee on HUMAN RESOURCES on Bill "An Act to Ensure Prompt Collection of Certain Outpatient Health Care Data"

S.P. 0675 L.D. 1796

Reported that the same Ought to Pass.  
Which Report was READ and ACCEPTED.

Under suspension of the Rules, the Bill READ TWICE.

On motion by Senator GAUVREAU of Androscoggin, Senate Amendment "A" (S-453) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

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

On motion by Senator HOBBS of York, RECESSED until 2:00 this afternoon.

After Recess

Senate called to order by the President.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act to Revise the Charter of the Madawaska Water District

H.P. 1301 L.D. 1799  
(C "A" H-720)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Authorize Aroostook County to Make Certain Expenditures in the Renovations of the Houlton District Court

H.P. 1302 L.D. 1800

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

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

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

Tabled - August 22, 1989, by Senator CLARK of Cumberland.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (S-454)

(In Senate, August 22, 1989, the Majority Ought to Pass as Amended (S-454) Report READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-454) READ.)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "B" (S-464) to Committee Amendment "A" (S-454) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. Just for clarification for the Members of the Senate this Amendment puts the thirty-five million dollar bond issue on the adult correctional facility to November of 1989 to coincide with the other correction bond issue. So, there should be two separate bond issues on the ballot in 1989, one for the fourteen and a half and one for the thirty-five million dollars. So, they are both on the 1989 ballot.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. I would just like to thank the good Senator from Penobscot, Senator Baldacci, for offering that Amendment and encourage the rest of the membership to consider it very carefully. The goal of the Republican caucus and the Executive Branch in this government was to get the maximum security facility on the ballot in November of 1989. This will accomplish that and I hope it will have your support.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. From the remarks that I made before lunch, you are probably well aware that I disagree with this Amendment. It is quite obvious that those who would vote for it have made up their minds that a two hundred bed maximum security prison at a cost of thirty-five million dollars to build and eight to ten million dollars a year to run is a decision they made that that is the highest priority in our Correctional System that they will find other monies to do all the other needed things that we need for community corrections, for minimal security, for medium security. It sounds like some people feel that they have it just right and we are asking the voters, I believe, to vote for it. I cannot stand here and vote saying that we should ask the voters this year to do all the things with the fourteen and a half million and on top of that to commit ourselves to two hundred beds at one hundred and seventy-five thousand dollars per bed and then commit ourselves to all the downstream costs for those two hundred beds, I say again as I said this morning, I think we are going to sap our abilities financially and our will to straighten out the Correctional System if we put it all in that one type of facility for the most difficult and most serious criminals in our system. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I have tried to stay away from inflammatory remarks in regards to this particular issue and I don't think they are really appropriate today. I would just as soon deal with this issue and let the people decide in November as to what they would like us to do. But, I do think the point needs to be made that we are bulging at the seams and it cannot wait. The cost of not doing it is going to be a lot more expensive than the cost of doing it. I recognize the operating expenses, I recognize what we are proposing to do here today, but the other costs on the other side of the ledger would be much more expensive and would take the control completely away from our hands. I have visited the site, as many of you have, and it really is a tragic situation. If we don't act now we will be held responsible. Thank you.

On motion by Senator BALDACCI of Penobscot, Senate Amendment "B" (S-464) to Committee Amendment "A" (S-454) ADOPTED.

Committee Amendment "A" (S-454) as Amended by Senate Amendment "B" (S-464) thereto, 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.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act Concerning Operator Licenses Held by Persons 15 Years of Age

S.P. 682 L.D. 1801  
(C "A" S-452)

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. I would like to pose a question through the Chair to any Senator who may care to respond. I have gotten a lot of questions about fifteen year olds and a lot of their parents are asking if we did something to up the age. I would like to know what this Bill does, because I know I am going to be asked about twenty times.

Off Record Remarks

THE PRESIDENT: The Senator from Penobscot, Senator Pearson, as posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. When this Legislature passed this measure in the First Regular Session of the 114th Maine Legislature, there was a grandparenting provision, which allowed those who currently held driver licenses and were fifteen years old, that grandparenting provision provided that they would not have to return those licenses. What this Bill does is to provide a further grandparenting provision, which was generated by parents and youngsters effected, as well as those in the process of providing instruction for people seeking driver licenses, that provides that people who have secured their permits and people who have applied for their permits up to the effective date of the original law

to be grandparented. That effects approximately twelve hundred fifteen year olds in our state. As the result of this provision, which was unanimously endorsed by the Joint Standing Committee on Transportation, there will be additional revenue generated for the state. It really does effectively address what was inadvertently omitted and what was brought to the attention of this Legislature since we had adjourned. Thank you Mr. President.

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

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

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act to Control the Installation of Underground Oil Tanks in the Shoreland Zone

H.P. 1294 L.D. 1787  
(C "A" H-719)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Relating to the Inspection of Sample Ballots Prior to General, Primary and Special Elections

H.P. 1308 L.D. 1812

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency  
An Act to Fund and Implement Collective Bargaining Agreements with Employees of the Judicial Department

S.P. 671 L.D. 1792  
(C "A" S-447)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency  
An Act to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Certain Employees Excluded from Collective Bargaining

S.P. 679 L.D. 1797

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act Concerning Errors and Inconsistencies in the Laws of Maine" (Emergency)

S.P. 687 L.D. 1808

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-461).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-461) READ.

On motion by Senator HOBBS of York, under suspension of the Rules, Senate Amendment "A" (S-462) to Committee Amendment "A" (S-461) READ and ADOPTED.

On further motion by same Senator, under suspension of the Rules, Senate Amendment "B" (S-463) to Committee Amendment "A" (S-461) READ and ADOPTED.

Committee Amendment "A" (S-461) as Amended by Senate Amendments "A" (S-462) and "B" (S-463) thereto, ADOPTED.

Under suspension of the Rules, READ A SECOND TIME.

On motion by Senator BUSTIN of Kennebec, Senate Amendment "B" (S-460) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. To put the fears of the Body at ease as to what this Amendment is. In June what we did through the Appropriations process when we upped the fees for a lot of things in the Secretary of State's office, we upped the fee for notary public, but we also changed the "may" carry a seal or "have" a seal to "shall" carry a seal. This makes in all practical terms a notary public's license worth fifty dollars and I don't think that is what we want to do in this State. We haven't done it

since the 1970's and I think we ought to go back to the "may" and that is all this Amendment does.

On further motion by same Senator, under suspension of the Rules, Senate Amendment "B" (S-460) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on LEGAL AFFAIRS on Bill "An Act to Improve Enforcement of Liquor Licensure Laws"

H.P. 1291 L.D. 1784

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-723).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-723).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-723) 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 Engraving Department.

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

PAPERS FROM THE HOUSE

Joint Order

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.

Comes from the House READ and PASSED.

Which was READ and PASSED, in concurrence.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

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)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially 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 WEBSTER of Franklin, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by same Senator, Senate Amendment "A" (S-458) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

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

Senate at Ease

Senate called to order by the President.

On motion by Senator KANY of Kennebec, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Make the Land for Maine's Future Program Effective and Publicly Accountable" (Emergency)

H.P. 1312 L.D. 1815

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, 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:

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act Relating to Various Commissions, Task Forces and Committees

S.P. 688 L.D. 1809

(S "A" S-451)

On motion by the Chair, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is ENACTMENT.

A vote of Yes will be in favor of ENACTMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, HOBBS, KANY, MATTHEWS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, THE

NAYS:

PRESIDENT - CHARLES P. PRAY  
Senators BRAWN, CAHILL, CARPENTER, DILLENBACK, EMERSON, GILL, GOULD, HOLLOWAY, LUDWIG, PERKINS, RANDALL, WEBSTER, WEYMOUTH, WHITMORE

ABSENT:

Senators ANDREWS, COLLINS

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, and 19 being less than two-thirds of the entire elected Membership of the Senate, the Bill FAILED OF ENACTMENT in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator CAHILL of Sagadahoc, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

All matters thus acted upon were ordered sent forthwith.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act to Improve Enforcement of Liquor Licensure Laws

H.P. 1291 L.D. 1784

(C "A" H-723)

This being an Emergency Measure and having received the affirmative vote of 23 Members of the Senate, with No Senators having voted in negative, and 23 being less than two-thirds of the entire elected Membership of the Senate, the Bill FAILED OF ENACTMENT in NON-CONCURRENCE.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent forthwith.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Ensure Prompt Collection of Certain Outpatient Health Care Data

S.P. 675 L.D. 1796

(S "A" S-453)

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act to Fund and Implement Collective Bargaining Agreements with Certain Employees of the Maine Vocational-Technical Institute System

S.P. 672 L.D. 1793

Senate at Ease  
Senate called to order by the President.

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Senate at Ease  
Senate called to order by the President.

Off Record Remarks

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

On motion by Senator WEBSTER of Franklin, RECESSED until the sound of the bell.

After Recess  
Senate called to order by the President.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act Concerning Errors and Inconsistencies in the Laws of Maine

S.P. 687 L.D. 1808  
(S "A" S-462; S "B" S-463 to C "A" S-461; S "B" S-460)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Relating to Various Commissions, Task Forces and Committees" (Emergency)

S.P. 688 L.D. 1809  
(S "A" S-451)

In Senate, August 22, 1989, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-451).

In House, August 22, 1989, PASSED TO BE ENACTED.

In Senate, August 22, 1989, FAILED OF ENACTMENT in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE

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  
(S "B" S-464 to C "A" S-454)

In Senate, August 22, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-454) AS AMENDED BY SENATE AMENDMENT "B" (S-464) thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-454) AND HOUSE AMENDMENT "A" (H-725) in NON-CONCURRENCE.

Senate at Ease  
Senate called to order by the President.

The Senate ADHERED.  
Sent down for concurrence.

Non-concurrent Matter

Emergency

An Act to Improve Enforcement of Liquor Licensure Laws

H.P. 1291 L.D. 1784  
(C "A" H-723)

In House, August 22, 1989, PASSED TO BE ENACTED. In Senate, August 22, 1989, FAILED OF ENACTMENT in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "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" (Emergency)

S.P. 680 L.D. 1798  
(C "A" S-449)

In Senate, August 21, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-449).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-449) AS AMENDED BY HOUSE AMENDMENT "A" (H-726) thereto, in NON-CONCURRENCE.

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

Non-concurrent Matter

Bill "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 Senate, July 1, 1989, PASSED TO BE ENACTED, in concurrence.

RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1311.



Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-724) in NON-CONCURRENCE.

On motion by Senator BUSTIN of Kennebec, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Resolve, Concerning the Development of a New Master Plan for the Capitol Area (Emergency)

H.P. 1172 L.D. 1626

Tabled - August 21, 1989, by Senator BUSTIN of Kennebec.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-551) AS AMENDED BY SENATE AMENDMENT "B" (S-448), thereto

(In Senate, July 1, 1989, PASSED TO BE ENACTED, in concurrence.)

(RECALLED from the Governor's Desk, pursuant to Joint Order S.P. 670, in concurrence.)

(In Senate, August 21, 1989, Senate Amendment "A" (S-433) to Committee Amendment "A" (H-551) INDEFINITELY POSTPONED. Senate Amendment "B" (S-448) to Committee Amendment "A" (H-551) READ and ADOPTED.)

On motion by Senator BUSTIN of Kennebec, the Senate RECONSIDERED whereby it ADOPTED Senate Amendment "B" (S-448) to Committee Amendment "A" (H-551).

On further motion by same Senator, Senate Amendment "B" (S-448) INDEFINITELY POSTPONED.

On further motion by same Senator, Senate Amendment "D" (S-455) to Committee Amendment "A" (H-551) READ and ADOPTED.

Committee Amendment "A" (H-551) as Amended by Senate Amendment "D" (S-455) thereto, ADOPTED in NON-CONCURRENCE.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

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

Under suspension of the Rules, all matters thus acted upon were ordered sent forthwith.

Off Record Remarks

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

Bill "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" (Emergency)

S.P. 680 L.D. 1798  
(C "A" S-449)

Tabled - August 22, 1989, by Senator DUTREMBLE of York.

Pending - FURTHER CONSIDERATION  
(In Senate, August 21, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-449).)

(In House, August 22, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-449) AS AMENDED BY HOUSE AMENDMENT "A" (H-726) thereto, in NON-CONCURRENCE.)

On motion by Senator PEARSON of Penobscot, the Senate RECEDED and CONCUR.

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:

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Make the Land for Maine's Future Program Effective and Publicly Accountable" (Emergency)

H.P. 1312 L.D. 1815

In Senate, August 22, 1989, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-727) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.  
Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Off Record Remarks

On motion by Senator ERWIN of Oxford, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Establish the Bureau of Juvenile Corrections"

H.P. 1147 L.D. 1590  
(H "A" H-569 to C "A" H-496)

Tabled - August 22, 1989, by Senator BUSTIN of Kennebec.

Pending - FURTHER CONSIDERATION  
(In Senate, July 1, 1989, PASSED TO BE ENACTED, in concurrence.)

(RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1311.)

(In House, August 22, 1989, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-724) in NON-CONCURRENCE.)

On motion by Senator BUSTIN of Kennebec, the Senate RECEDED FROM PASSAGE TO BE ENACTED.

On further motion by same Senator, the Senate RECEDED FROM PASSAGE TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate RECEDED FROM ADOPTION of Committee Amendment "A" (H-496) as Amended by House Amendment "A" (H-569).

On further motion by same Senator, the Senate RECEDED FROM ADOPTION of House Amendment "A" (H-569) to Committee Amendment "A" (H-496).

On further motion by same Senator, House Amendment "A" (H-569) to Committee Amendment "A" (H-496) INDEFINITELY POSTPONED.

On further motion by same Senator, Committee Amendment "A" (H-496) INDEFINITELY POSTPONED in NON-CONCURRENCE.

House Amendment "A" (H-724) READ.

On further motion by same Senator, Senate Amendment "A" (S-466) to House Amendment "A" (H-724) READ and ADOPTED.

House Amendment "A" (H-724) as Amended by Senate Amendment "A" (S-466) thereto, ADOPTED in NON-CONCURRENCE.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

An Act to Fund and Implement Collective Bargaining Agreements with Certain Employees of the Maine Vocational-Technical Institute System

S.P. 672 L.D. 1793

Tabled - August 22, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, August 21, 1989, PASSED TO BE ENGROSSED.)

(In House, August 22, 1989, PASSED TO BE ENACTED.)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

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)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

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)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, all matters thus acted upon were ordered sent forthwith.

On motion by Senator BRANNIGAN of Cumberland, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

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

H.P. 1307 L.D. 1811

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act Relating to Various Commissions, Task Forces and Committees

S.P. 688 L.D. 1809

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMITTEE REPORTS

House

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

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

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

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)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative,

and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

Joint Order

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

Comes from the House READ and PASSED.  
 Which was READ and PASSED, in concurrence.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act to Establish the Bureau of Juvenile Corrections

H.P. 1147 L.D. 1590  
 (S "A" S-466 to H "A" H-724)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Bond Issue

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

S.P. 673 L.D. 1794  
 (S "B" S-464 to C "A" S-454)

This being a Bond Authorization Act and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the Membership present and voting was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Secretary of State.

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

ORDERS

On motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to His Excellency, Governor John R. McKernan, Jr., informing him that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day and to receive such communication as he may be pleased to make.

Which was READ and PASSED.

The President appointed the Senator from Cumberland, Senator CLARK to deliver the message to His Excellency, the Governor.

Subsequently, the Senator from Cumberland, Senator CLARK reported that she had delivered the message with which she was charged.

On motion by Senator DUTREMBLE of York, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

Which was READ and PASSED.

The President appointed the Senator from York, Senator DUTREMBLE to deliver the message.

Subsequently, the Senator from York, Senator DUTREMBLE reported that he had delivered the message with which he was charged.

At this point, a message was received from the House of Representatives, borne by Representative GWADOSKY of Fairfield, informing the Senate that the House had transacted all business before it and was ready to Adjourn, Without Day.

Off Record Remarks

On motion by Senator EMERSON of Penobscot, at 10:42 p.m. on Tuesday, August 22, 1989, the Honorable CHARLES P. PRAY, President, declared the Senate of the First Special Session of the 114th Legislature, ADJOURNED SINE DIE.