

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Twelfth
Legislature

OF THE
STATE OF MAINE

VOLUME II

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April 3 - April 16, 1986
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The House was called to order by the Speaker.
Prayer by Hon. Michael E. Carpenter, Aroostook.
The Journal of May 29, 1986 was read and approved.
Quorum call was held.

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

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

Emily Ellis, of Brooks, whose number "40" was the first number to be retired, in honor of her academic and athletic accomplishments, which include 19 University of Maine records, more than any other University of Maine at Orono athlete; (HLS 1131) by Representative WHITCOMB of Waldo. (Cosponsors: Representatives BOTT of Orono, STEVENSON of Unity, and Senator SHUTE of Waldo)

On motion of Representative Whitcomb of Waldo, was removed from the Special Sentiment Calendar.

Was read.

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

Representative WHITCOMB: Mr. Speaker, and Members of the House: I think there has been a considerable amount of publicity regarding Emily Ellis and, I might add, very much deserved.

I would like to ask for your indulgence for a minute to tell you a little bit, as we have heard before, about the rest of the story.

Emily Ellis is truly one of the outstanding athletes ever to come from the State of Maine. We made this Resolution before the House of Representatives and the Senate today for a couple of reasons, certainly to recognize Emily and also to recognize the place of women athletes in the State of Maine. We have some very famous women athletes.

Another very important reason is that Emily comes from a very rural part of the State of Maine. It is more than ten miles from Emily's house to her high school gymnasium.

Emily's father is here today. That is a conspiracy on her and the part of a few other people. Fifteen years ago, I clearly remember when Mr. Ellis and his wife and the somewhat smaller Ellis girls accompanied their parents with high school basketball teams all over the state, when they were not outstanding basketball teams.

One stretch of the time -- I clearly remember it, being a small part of it -- they accompanied the varsity basketball team that lost 25 games in a row. The Ellis family stuck with it and they also made up their mind that, even in a rural school system, they could do better. So, Mr. Ellis, is a full-time school principal by day but by night he and many others organized a pee-wee basketball program. They start as soon as they are old enough to hold basketballs and now have trained the youngsters so that every year we see the Mount View Basketball Team appear in the State Championships, both men and women.

Mr. Ellis, perhaps not knowingly at the time, set up a program that enabled his daughters to achieve the full potential that they have. If it had not been for their efforts over the last 15 years, his daughter might not be Maine's unofficial ambassador to Finland, being a professional athlete (Emily is now a professional athlete or training to be for the Finnish National Basketball Team).

In this Resolution, Emily has been recognized many times as it said. She certainly is deserving of that, holding 19 University of Maine records and certainly a score of high school athletic awards but we need to recognize that there is a program behind that. Even in our poor rural Maine school systems, they can produce championship basketball players and be very proud of it.

It is with a great deal of pleasure that we recognize, not only Emily, but her father, Vaughn Ellis, and a program in Maine that builds top athletes.

Subsequently, was passed and sent up for concurrence.

PAPERS FROM THE SENATE

The following Joint Resolution: (S.P. 985)

JOINT RESOLUTION CONCERNING UNDERGROUND STORAGE TANK REMOVAL RULES

WHEREAS, a survey of retail, commercial, residential and publicly-owned underground storage tanks has estimated that there may be over 23,000 such tanks in Maine, not counting abandoned tanks; and

WHEREAS, that survey also indicates that underground storage tanks are concentrated near population centers; and

WHEREAS, underground storage tanks which have reached the end of their useful life must be removed to avoid damage to the environment and other tanks are frequently removed when property changes hands, land use changes or for other reasons; and

WHEREAS, underground storage tanks which are being removed often contain liquid, gases or vapors which are explosive, flammable or toxic; and

WHEREAS, these facts present an immediate threat to the health and safety of workers removing underground storage tanks and to members of the public living or working nearby; now, therefore, be it

RESOLVED: That We, the Members of the 112th Legislature, express to the Department of Environmental Protection our concern as to the need to study the removal of underground storage tanks and the appropriateness of issuing rules designed to protect workers and members of the public. The Legislature hereby expresses its support for the adoption of rules dealing with (1) the adoption of basic safety standards for personnel engaged in the removal of underground storage tanks and (2) special safety precautions to be taken for removal of underground storage tanks located in densely populated areas; and be it further

RESOLVED: That, in the conduct of any study and promulgation of rules, the Legislature urges the department to consult with representatives of the Department of Public Safety and the Department of Human Services and appropriate local officials, including fire chiefs, police chiefs and civil emergency planning officers; and be it further

RESOLVED: That the Legislature urges the Department of Environmental Protection to report to the First Regular Session of the 113th Legislature on the conduct of its study and on the development of its rules.

Came from the Senate, read and adopted.

Was read.

Representative Michaud of Medway offered House Amendment "A" (H-766) and moved its adoption.

House Amendment "A" (H-766) was read by the Clerk and adopted.

The Joint Resolution was adopted as amended in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Implement Certain Recommendations of the Blue Ribbon Commission on Corrections" (H.P. 1749) (L.D. 2434) which was passed to be engrossed as amended by House Amendments "B" (H-761) and "C" (H-764) in the House on May 29, 1986.

Came from the Senate passed to be engrossed as amended by House Amendment "B" (H-761) and Senate Amendment "A" (S-559) in non-concurrence.

Representative Higgins of Scarborough moved the House adhere.

Representative Carroll of Gray moved the House recede and concur.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would ask for the yeas and nays.

This morning we are faced with rather a bit of a complexity in the rules. The other body has attached an amendment to the bill which I guess I would call a relatively minor amendment. It changes an aspect of the bill from "may" to "shall" and also removes the House Amendment which we adopted last night dealing with mandatory 90 day service of sentence prior to being eligible for the ISP program.

By the action of receding and concurring, we are in effect negating the action that we took last night and are removing from the bill the provision that says that people who are convicted of crimes and who want to go on to ISP, will have to serve 90 days before they are eligible for the program. I don't think we need to debate that particular issue again today. It was debated at length last night, that is the parliamentary procedure that we are in now.

I would hope that the House would vote against the motion to recede and concur so that we could adhere and stick to our original position on the

bill. I feel that it is an important aspect of the bill and certainly much more important than the amendment that was offered in the other body -- which, in my opinion, could be cleared up in a simple errors bill somewhere down the road. I don't think it is a terribly major change in the legislation. I am sure there may be those who would argue otherwise but I would submit to you that that is simply a camouflage and a smoke screen in an attempt to get the bill in a parliamentary procedure where you can't vote against it.

I am saying to you today that I think we can vote against the motion to recede and concur so that the House can adhere and stick to its original position on the bill.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, when the gentleman from Scarborough offered his amendment, I asked him whether he would then support the bill and of course, after the amendment was put on, he did not.

I guess what concerned me was the point that was made that these people now who are going to be serving 90 day sentences will all be serving them in the county jails. I am somewhat concerned about my own county jail because the figures that we got, for example, as they relate to my own York County show that right now York County Jail has a capacity of 33 beds. We are building 25 more beds to add to that but by 1990, our population will be, if nothing is done, if this bill is killed, as the gentleman from Scarborough would like, we will have to serve 95 prisoners.

If this bill is passed without the amendment, there would be an additional 7.8 prisoners that would come to York County.

What I would like to ask the gentleman from Scarborough is, if he knows how many prisoners will be coming to the York County Jail because of the amendment that he has put on?

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

The Chair recognizes that Representative.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think every member of this body has an obligation to attempt to make a piece of legislation that they perceive as being bad, better. Whether or not they intend to vote for it at a later date, I think is not the issue. I stood up here and offered what I felt was a amendment to a bill that I perceived as putting the bill into a better position if it was going to be enacted.

I said, right from the outset, that I had some real concerns about the legislation and I expressed them right up front. I don't think it should come as any surprise to anybody that I voted against the bill. I still don't think that relieves me from an obligation, or you or any other member of this body, from trying to attach amendments that would make it more palatable to us and the general public.

As far as the issue of county jails go, I would say if the gentleman or anyone else here is concerned about whether or not these convicted criminals are going to be sent back to the county jails, then they ought to concern themselves with the other aspect of this bill that says the state is now going to send all the other prisoners back to the county jails

anyway. So, I don't think we have broken any big test of faith here because one of the biggest aspects of the legislation we have in front of us now is, as I said earlier, to eliminate our responsibility for the criminal and send it back to the counties themselves. So, I don't think that is an issue here.

I think the issue here is, do you want to set these people free without serving one single day in jail or in the prison or don't you? If you are in favor of setting people free earlier, then you are going to vote to recede and concur. If you think they ought to do some time, then you are going to vote against that motion to recede and concur and you are going to vote to adhere.

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

Representative SIMPSON: Mr. Speaker, Members of the House: The question to the Representative from Scarborough was, how many people would York and other counties have to pick up as a result of this bill? The estimate we have is that 70 state prisoners would be going back to the county jails. The county that would be receiving the most would be 12 and I would like to know the answer to that question.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair if I may, to the Representative from York, Representative Rolde.

The major part of your argument against this amendment requiring a minimum 90 day sentence for any of the participants in the ISP program seems to be that the room simply is not there for them. It seems that we are having a problem with priorities today in that in the eyes of society anyone who is sentenced to a term of 6 months or longer clearly has committed a crime that society feels is more severe than someone who commits a crime where they have to serve 48 hours in jail. Because of your obvious concern for the overcrowding problem, would you favor repealing the mandatory minimum jail sentence for OUI offenders to reduce the overcrowding problem so that they could get some of the criminals behind bars where they belong?

The SPEAKER: Representative Zirkilton of Mount Desert has posed a question through the Chair to Representative Rolde of York, who may respond if he so desires.

The Chair recognizes that Representative.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make two points. The first, I think, relates to the fact that the amendment that was put on wasn't very carefully thought out in that I can understand the logic of wanting people to serve an initial jail term. Quite honestly, that did not bother me too much. I think they should have thought of it -- if they wanted to change the amendment, they should have made certain that those people would serve it in a state prison setting.

I would also make the point that there are now prisoners who are in county jails who would be going back to the state. The figure of 70 that we are using is a net figure, not the total figure.

To talk about the OUI situation, that did come up in the committee. We talked about it to the extent that we have decided that a study committee that our committee has looking at that the DEP program should

look at the entire OUI program, not in the terms of changing the mandatory sentence, but to perhaps decide that that mandatory sentence can be served in a different facility. For example, in a place where they might not just sit in a jail cell and watch television for those 48 hours but where they might get some treatment for their alcohol problems or get some understanding of the problems of alcoholism. I think it is very important that we look at that.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I have listened very closely to my good friend from York yesterday and today. He made so many repeated references to the sheriff from Hancock County that each time I went out through the double doors, I expected to see the sheriff there. He quoted that sheriff, saying that there was no problem with the bill in terms of dumping state prisoners in the county jails but, at no time yesterday, did I hear any communication from the gentleman from York about the York County Commissioners or the York County Sheriff as to their attitude about the bill in general. Today, when a responsible amendment to that bill is threatened in terms of a parliamentary motion, then York County is brought out, in terms of the impact upon York County.

I would like to pose a question to the gentleman from York, Mr. Speaker.

I would ask the gentleman from York, what is the position of the York County Commissioners and the York County Sheriff as communicated to the York County Legislators?

The SPEAKER: Representative Murphy of Kennebunk has posed a question through the Chair to Representative Rolde of York, who may respond if he so desires.

The Chair recognizes that Representative.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The reason that I mentioned the Sheriff of Hancock County a number of times yesterday was because he came before our committee and because I asked him a specific question as to what he felt about intensive supervision. To quote an old television show, "I was just reporting the facts."

I have not been in communication with the York County Commissioners or the York County Sheriff nor had they been in communication with me. Frankly, I don't know what their position is at this particular point.

The question that I asked the gentleman from Scarborough, and I was quoting the figures given to us as to what the present situation is in York County and the additional prisoners of the net 70 that would come to York County Jail and my question was, if this amendment stays on as it is written, those prisoners who will do the 90 days in County Jail, what would that impact be?

The SPEAKER: Representative Rolde of York has posed a question through the Chair to Representative Murphy of Kennebunk, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from York, as a legislator who follows the county budget process very closely, the gentleman from York is very much aware that the new addition to the jail in York County is running at capacity. We all are aware of that.

Every member of the York County Delegation received a letter from the Commissioners stating their vehement opposition to the proposal in terms of dumping prisoners. Knowing those conditions at the York County Jail, not only as a member of that committee would I have listened very carefully to what the Sheriff from Hancock County had said, if for some reason I didn't receive that letter from the York County Commissioners, I would have called them to find out their position and the impact on York County.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask the gentleman from Kennebunk -- I did not receive that letter. I am not sure what the date was, whether it was before we came into session or before we changed the bill. I know there was tremendous opposition on the \$34 and I worked hard on the committee to change that. I remind the gentleman that, at one point, I even made a motion in the committee to strip the county part out of the budget until I was satisfied that the counties would be paid for the actual cost. I don't know if the York County Commissioners and the Sheriff are aware that that change has been made.

The SPEAKER: Representative Rolde of York has posed a question through the Chair to Representative Murphy of Kennebunk, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: The letter was received by all members of the delegation prior to the convening of the Special Session. It questioned the dollar cost but it stated emphatically opposition to the concept and the problems of overcrowding in York County. So, whether it is \$34 a day or \$110 a day, you can't fit prisoners into a county jail that has no space.

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

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: As Chairman of the York County Delegation, I feel that I should rise at this time to shed a little light on this.

I attended a meeting shortly before this session with the York County Commissioners and also the Sheriff from York County. There were several other legislators there. They were adamantly opposed to this bill as was the Sheriff. That was the bill as it was written at that time.

As to their feelings towards the bill after it has been revamped, so to speak, I cannot answer that. I do know that they were very much opposed to this bill and the main reason being that, even with the new jail and the addition that has just been completed now, we are operating at capacity.

While I am on my feet, I would like to ask a question to anybody that might answer. It seems there has been this amendment that we put on the bill, I understand has been stripped off now, in regard to the 90 days -- I was under the impression, correct me if I am wrong, that if we do nothing, if this bill dies and we keep operating the same way we are now, we will have about the same influx of prisoners that we would have if we put this amendment on there.

I kind of get the feeling when they say that every prisoner that comes out or ever person that is sentenced out of the court is going to have to spend

90 days in the county jail before they go on this program. We don't have this program now. If they are sentenced, they very well might go to the state prison or they might go to the county jails. I think this is a judge's prerogative in many places to have them incarcerated wherever he sees fit.

I can't see where you come up with this idea that, if this amendment goes through, everybody that is sentenced is going to have to spend 90 days in the county jail. The bill is still going to be intact as far as A, B, and C crimes are concerned. A majority of them aren't even going to qualify anyway or they wouldn't want to put them on this program -- so to stand here and say that everybody that is going to be sentenced out of the court system is going to have to spend 90 days in the county jail before they can go on to this program, I don't quite follow the line of thinking on that. Maybe I am off on the wrong track, maybe someone ought to enlighten me a little on the subject.

The SPEAKER: Representative Ridley of Shapleigh has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I think the answer to the gentleman's question and the thing that concerns me is that a certain number of these prisoners that we are talking about would be, under ordinary circumstances, going to a state prison. Under this amendment, they would automatically be going to county jails because anybody whose sentence is under six months (I believe) initially and then nine months would go to a county jail.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think the Representative from Shapleigh, Representative Ridley, has brought up as good an argument as I have heard so far. I think the opponents of the amendment are trying to lead us into believing that somehow this is going to create terrible havoc. I would remind those people that there are, under this proposal, some 200 people who would be eligible for this ISP program. If that is the case, and if they have to serve 90 days now instead of a year, we are saving nine months in some facility. So, I think rather than setting them free immediately, and we are asking them to serve 90 days instead of a year or two years or whatever the case might be, we are actually opening up space.

As far as the argument that we ought to send them to the state prison or some state facility, that is contrary to the policy that is in the bill. The reason we are here is, there isn't any room at the state facilities.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Nelson.

Representative NELSON: Mr. Speaker, Men and Women of the House: I am not sure I understand what the Representative from Scarborough is saying. As I understand the bill, correct me if I am wrong, any person serving a sentence under six months would go to the county jail. So, if these people under the amendment were to serve three months, they would all have to go to a county jail.

If a person with an A, B, or C crime and they

were sentenced for more than a year, they would then go to the state jail, state facility.

So, if a person were on ISP and they were sentenced by the court under the present legislation without the amendment, the court could say, I am going to sentence you to a year in a correction facility and one year for ISP and then two years for probation -- that person, under the law, not amended, would go to a state facility. So, the court under the bill, not amended, could send that person to a state facility. The court, under the amendment, would have to send them to a county jail. So, there is no question you are taking the option away from the courts, forcing the courts to send that person, willy-nilly, no matter what the charge, directly to a county jail.

We are talking about overcrowding, we are talking about the concerns that the sheriffs have about overcrowding in your county jails. This amendment would send these people, mandate these people, to go right to your county jail. That is exactly what we are here talking about. We don't want that.

I urge you to vote with the motion to recede and concur.

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

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

Do I understand from the previous speaker that you are going to strip the power from the judge that he has to sentence people to only one correctional institution? In other words, the judge is not going to be able to say, I sentence you to six months in the state prison -- he is going to have to say, you have got to go to the county jail? Now he has the right or the privilege to send him to any jail he wants to -- you are stripping him of that power?

The SPEAKER: Representative Ridley of Shapleigh has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Nelson.

Representative NELSON: Mr. Speaker, Men and Women of the House: That is exactly what that amendment would do, not the bill, but the amendment. It would force the judge to send that person, no matter what the crime, to a county facility.

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

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: If this is true, then I am afraid I am going to have to change my mind. I was under misinformation, unless someone can come out to dispute what has been said and show that it would be otherwise, I am afraid I am going to have to go against this amendment.

Representative Higgins of Scarborough was granted permission to address the House a third time.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I can assure you that that was not my intent. If for some reason, the committee or the chair of the committee feels that is what the amendment does, then I suggest that the House recede and we will add an appropriate amendment that does what I had intended to do.

I will explain what I had intended the amendment to do. Before a person would be eligible for the ISP program, they would have to serve 90 days in a facility and then they could become eligible for the

Intensive Supervision Program. I was not under the impression that I had asked for a mandatory 90 day sentence to a jail for every single crime. It was my intent that the amendment be drafted in such a way that, before someone could be let free on ISP, that they had to serve 90 days in a facility.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Men and Women of the House: I urge you to vote no on the pending motion and stay with the amendment that we passed last night because I think it is a very smart and reasonable amendment.

A few of the people that talked with me late last night and urged me to stay with the amendment did so because they felt that the judges discretion in many of these cases were too lenient, that the judges themselves were letting people back out on the street that they really shouldn't.

This legislature sets minimal and mandatory sentences on many crimes. I think it is perfectly proper for this body to mandate convicted felons to serve at least 90 days before they go out on the ISP program. That is all we are talking about, the Intensive Supervision, or if you will, I believe, the not so very intensive supervision program.

I urge you to stay with the amendment.

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: I am afraid that I, in my understanding of the last few days, do not agree with the Representative from Portland, Representative Nelson.

This amendment, as you read it, has nothing to do with where the judge will sentence them. It simply says that it has to do with the first 90 days of that sentence. If the judge had sentenced him any period of time under a year, if this bill goes into effect, yes, then the county jails would be affected. If the sentence is more than a year for certain crimes, as described in the bill, then the judge has all kinds of discretion of where to place them. So, I do not agree with the premise that was made by the Representative from Portland.

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

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Let me see if I can clarify this just a little bit. The amendment as drafted, and looking at it any way it is drafted says, the person has been incarcerated for the first 90 days of his sentence. That means a sentence of 90 days. Any way you read the legislation, if you are going to be sentenced for 90 days, if you are going to be eligible for the Intensive Supervision Program, if you are convicted of an A, B, or C crime, that 90 days must be served in a county institution. That is the way the bill is written, that is the way it always has been since we started working on it, that has not changed at all.

When the Representative from Scarborough spoke in that he would like to figure out a way of doing that, I was trying to figure out a way of doing that. If you are going to sentence a person to 90 days, if he or she is eligible for Intensive Supervision, a program that is established as an alternative to incarceration or imprisonment with very rigorous preconditions, with a very thorough investigation and

analysis of that person who is going to be going out on Intensive Supervision, with input from the department, from the attorneys, from the communities, from the community programs that that person is going to be going in, if you are going to put him in jail for 90 days, it is going to have to be in a county institution. There is no way around that, the way this bill is now written.

I would urge you to vote with the motion to recede and concur so we can send this on its way.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: It seems what is happening here is that the opponents of this particular amendment or the philosophical argument behind the amendment are trying to pick it apart, not based on its merit, but based on its technical ability in whether or not it is going to limit the judge in his opportunity to sentence them this way or that way.

Clearly, we have the opportunity to straighten that language out, not to limit the judges parameters with which he can deal. That really is not an argument at all.

With regard to the heavily restricted conditions placed on this ISP program, I urge you to read this white sheet which lists the first two as curfew and travel and movement restriction. It reads like a laundry list of grounding conditions that we were all were under when we were children and our parents did something to us for doing something that they really didn't appreciate.

I think our responsibility today is to the people of this state to protect them. That is what we are here for. Simply releasing people out, with them never having served a single day in prison, is not protecting them, it is shirking our responsibility, it is the cheap, easy way, out of a long term expensive problem.

I submit to you that the people of this state are not going to be happy with the legislature that releases convicted criminals without them ever having served one day behind bars. It simply is not right.

With regard to the OUI situation and all that sort of thing, you are going to have a study on that, you are going to look at this -- how can you walk out of here with someone who has been convicted of an OUI charge, doing a mandatory 48 hours, and someone who has been convicted of a much more serious crime, never serving a day behind bars? Where is the logic? It just isn't there, it just doesn't pass the straight face test.

I am not an opponent of this ISP program. I think there are some merits to it but I don't think that it should be something that you just give to someone and release them immediately. It just isn't right. They have committed a crime, they should spend some time behind bars and then be released to a program like this so they know what they will be going back to if they violate the terms and conditions that go with being under this ISP program. Jail is what happens to them if they don't listen to the terms in here. They ought to know what they are going to go through if they violate those terms.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Nelson.

Representative NELSON: Mr. Speaker, Men and

Women of the House: I just wonder if we could focus in on what we have. All we have is an amendment, all we have are words. In the bill, as written, the judge has the choice to sentence that person who is convicted to anywhere he thinks its appropriate. Under the amendment, he has to go to a county facility.

Currently, the judge can choose which facility he goes to, depending on the crime. Under this amendment, it doesn't matter what the crime is, he has to go to a county jail.

We are not talking about ISP and the concept, it isn't willey-nilly out on the street -- anybody goes. There are three tests. One of them has to be that the Department of Corrections believes that this person is appropriate and that, in the judge's wisdom, he does too.

The third one has to be that the person wishes to be on the program. Don't cloud the issue. The issue here today is, we are talking about the amendment, what the amendment does, and how it flies in the face of all the reasons why some of you have opposed the bill itself. You are going to be overcrowding the county jails. We are here today to deal with a problem of overcrowding, not to intensify it.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: As anyone who has ever been involved with research or study or anything like that will tell you the truth is an elusive thing. Never in my experience have I seen the truth more elusive than I have in the debate on this bill and this amendment.

On one hand in caucus, I listened to people tell me that more prisoners from this state, on the county levels, will economically benefit the county. Then I hear the same people tell me that more prisoners from the state are going to cause a financial hardship and overcrowding problems in the county. From those same people I ask, which is the truth?

I am listening to situational arguments, circular logic, rationales that are brought up and created on the spot to justify a position with no basis on reality.

I just listened to a gentleman read a sentence, Paragraph F of the amendment that says, "that the person has been incarcerated for the first 90 days of his sentence." Then I heard another respected legislator stand up, back up that position and say, let's not cloud the issue. I say to both of those individuals, perhaps a course in remedial English would help you not to cloud or to clear up the issue.

Let's read it. "That person has been incarcerated for the first 90 days of his sentence." His sentence could be life and, after the first 90 days, he could come up for consideration. His sentence could be three years and, after the first 90 days, -- it does not say that he is sentenced to 90 days, which would bring him under the sections of this bill that would place him into the county facility. It says, after the first 90 days of his sentence.

The simple fact of the issues that we are talking about is, every one of those offenses in A, B or C crimes, has a penalty in excess of the one year sentence. Sentence, not period of incarceration, sentence, that is a requirement for placement in the county jail. If someone is sentenced to three years

and he is eligible for this program, he is sentenced to three years, he will go to a state facility and after 90 days, he is eligible for entrance into the program.

Once again, let's get it straight, let's look at the truth, people. Are more prisoners going to help the county? Fine. That is what we said on the initial bill. If that is the truth and you support the initial bill, you should be supporting this amendment. If more prisoners are going to create a crisis in the county, then that is right, you would be opposing this amendment, but you should be opposing the bill too. Make up your minds folks -- is it white or is it black, is it a sheep or is it a wolf, but don't tell me it is a sheep on one side and it is a wolf on the other, because we all know that that isn't the way it is.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Law.

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: I have got just two cents worth to add, no where near as eloquent as our previous speaker, I admit that.

Right now under the bill, there are five criteria which allows the person to be sentenced with the Intensive Supervision Program. This other one adds a sixth. That is all it does. It doesn't say a thing about whether the criminal is going to spend the time in the county jail, the city jail, or the state prison.

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

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

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I really believe that we have been sidetracked by this amendment. I believe that we have to go back to the real reason for instituting the ISP program. We need to bring this back to the attention of this body.

As you will recall, the judges wanted one other choice. If they didn't want to put someone in prison, they wanted something in the middle, rather than leaving them out on probation. This is what we were instituting for them, rather than put someone out on probation with very little supervision, they wanted something where we could help to keep these people productive members of society while helping them get treatment and supervision to rehabilitate them. Let's not take this away from the judges. If we are going to give them those 90 days, some of these people would be losing their jobs to be able to continue to provide for their families while the judges made sure that we were going to treat them. Let's do away with this amendment and continue to vote for this bill the way it was intended to be, to help the judges, not to hinder them.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: Last night, when I spoke on the overall bill, I had mentioned I had the feeling of

being on a car lot. It is beginning to feel like a used car lot when sales are slow.

There was a signal yesterday in that joint caucus that this is a flawed bill. After two to three hours of questions, there should not have been one microphone in the air. After three hours at one point, there were 12 in the air. More and more as I listen to the proponents of this bill, it takes me back to an experience on a used car lot, when I fell for the hype and I got about 15 feet out beyond the driveway and I came back, asked for my money back and they said, didn't you see this sign, we don't guarantee your vehicle beyond the downward ramp of this driveway. I had been taken.

This amendment that is on the bill might allow this bill, if this legislature passes this bill, which I hope it does not do, to at least get that vehicle to the nearest gas station to be repaired. I would hope that this House would stand by its judgment of the other day, keeping this amendment on this bill.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Cooper.

Representative COOPER: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday when we debated this amendment, I didn't speak on it. I didn't think I had to, I had heard so much concern expressed about what this bill might do to counties with overcrowding and such, that I just didn't imagine that you would pass this amendment.

I am not sure what the impact would be. My guess is from my calculations that in Cumberland County, it may add up to 4500 bed days, that would be 50 prisoners at 90 days each. I don't know from the debate how many of those people that have gone to the county jail to begin with and how many would have gone to state institutions. I have a real concern, and I hope you do too about supporting a bill where we don't know what the impact is going to be.

This amendment has not gone before the committee, I guess, for any lengthy study. As a former County Commissioner, I have a great deal of concern about what the potential impact is on my county. I guess, as the previous speaker mentioned, the length of debate on an item indicates there is a problem with it. I think we have been debating this amendment for over an hour. I think there are definitely some concerns and problems.

I would urge you to defeat the amendment and perhaps come back and look at it during the regular session. If you are going to do this for an Intensive Supervision Program, then you certainly should do it for those people that can be let out now on probation with very little supervision. It doesn't make a whole lot of sense to me to say, we are going to put somebody out and they are going to be under strict supervision, but we are going to put them in jail for 90 days first. But, if the judge wants to, he can let those same people go without almost no supervision and they don't have to go to jail at all.

I think the whole process needs to be looked at but that specific area, I think, should be looked at during the regular session so we have more time with it.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening

patiently like the rest of you for the past three days so I figure maybe I can get these thoughts in. I think they may be worthwhile, maybe not.

As Representative Murphy said yesterday, he and I worked for six years, to get a preventative detention law that gives the judges the right to deny bail at post-conviction of dangerous criminals. Representative Allen also worked as a sponsor on this bill.

In this way, it is the violent, the mixed up, the drug abusers, the booze influenced and the just plain incorrigibles that can be held if we have the jail cells to put them in. The judge would be able to separate the bad from the not so bad.

I don't like this bill any better than most of you but we cannot afford to leave this explosive situation in the jails a day longer. I agree with most of the things that Representative Ridley and Representative Murphy said.

The Sheriffs I have talked to think this is worth doing. Many states are using this system successfully and the Maine County Commissioners, 15 out of 16 counties favor it, and they also oppose (according to their lobbyists) this 90 day amendment. I say, let's do it. It just may work, not perfect, but better than what we have got.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I have refrained from taking part in this debate. I am not an expert on prisons, I am not a member of the committee that debated the bill, heard the bill and has brought out something for us to deliberate on. I am an expert on the district that I represent. I represent District 24 in South Portland and, right in the middle of that district, is the Boys Training Center.

The Boys Training Center, as you may think, is a juvenile establishment, supposedly, for juvenile criminals and for other criminals who have committed very minor offenses. I wish that was true but it is not. Having lived in that district for the past 40 years, on a nice sunny day in June or July, you can stand on 95 and see the people who are prisoners (we will call them) at that establishment. You can see them coming down over the hill onto Rt. 95 and thumbing their way to the beaches or wherever else they may be going.

The people who live in that neighborhood are very used to having their homes broken into, burglarized, and just general vandalism.

The people that I represent are not very familiar with this bill but I do know that they feel that we are a society of laws. In a society of laws, you either live within the law or you are punished. Now, if you think that you are being punished by having to make contact with somebody who is supervising you, by telephone or by personal eye to eye contact, I really doubt if that is what I would consider punishment.

I just hope you will think a long time about putting more people out on the streets. We are not debating whether they are innocent or not, they are guilty of a crime. If you feel this is punishment, fine go ahead. I just don't feel that way.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: I was the co-sponsor of the

OUI bill for the Governor. I don't think, at that time, that we knew the impact that OUI would be on the counties at that time. As I have listened to the debate, I finally decided to ask someone from corrections what the impact of that OUI Bill was. In 1985, there were over 7,000 admitted under OUI and the average length of stay was 7 days. I really didn't believe it myself until I just found that out. I think that needs to be information to share with you today.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Carroll of Gray that the House recede and concur. Those in favor of that motion will vote yes; those opposed will vote no.

73 having voted in the affirmative and 69 in the negative with 8 being absent and 1 vacancy, the motion did prevail.

(See Roll Call No. 346)

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

PASSED TO BE ENACTED

An Act to Implement Certain Recommendations of the Blue Ribbon Commission on Corrections (H.P. 1749) (L.O. 2434) (H. "B" H-761; S. "A" S-559)

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

Representative Diamond of Bangor requested a roll call vote on enactment.

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

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

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and women of the House: What is before you for final enactment is not a party issue. It is a clear philosophical issue. I think that vote last night was indicative that it is not a party issue in terms of members of the other party who voted against engrossment.

You have before you a bill which, in simplistic language, says that the new policy of the State of Maine in terms of corrections, and let's be clear, there is no policy up to this point. After seven years, there is no corrections policy. It is before you for enactment right now. In simplistic language, that very liberal corrections proposal says, it will be the policy of the state to put convicted felons, convicted prisoners, out on the street. By voting for this bill, you will be saying to your constituents that convicted rapists, convicted drug dealers, will not spend a day in jail. They will immediately return back to that community where the rape occurred and where the drug transaction occurred.

We have a cancer in this state in terms of

cocaine and, if you vote yes today, your philosophy is that this state's corrections policy will be, put them out on the street without a day in jail. That is clear.

If you vote no, your very clear policy is, that when people commit crimes against the citizens of this state, when they do your constituents wrong, they will be convicted and they will go to jail.

We have a problem in this state right now about what happens in jail. We tried to bring a proposal to this Special Session on corrections, on corrections, to deal with the overcrowding problem at Thomaston, to renovate the East Wing to provide additional bed space, to try and prevent the federal government from taking over Thomaston like they did Pineland.

The bill was circulated, a bond issue for \$18 million. We couldn't get enough votes out of leadership, six votes, to bring a corrections bill before a Special Session on corrections. We have had almost 30 bills before us, including lobster tails, and dealing with succession in the Senate and the Governorship.

The members of this House know there are drastic problems in the East Wing at Thomaston. That bond would have been a first step to correct horrendous conditions that probably this Fall will be brought home through the federal courts as it was with Pineland. That issue isn't before you because there were members of leadership who know that Democrats and Republicans agree, things aren't right at Thomaston and they need to be corrected. That issue was kept from you, you will not be voting on it but we voted on lobster tails at this session.

The other very clear policy by voting no is that, people who put Maine citizens at risk, convicted in the courts of harming their fellow citizens, belong in jail but that we must then begin to provide what we do not provide now, rehabilitation. We do not provide education after seven years of no policy, we have no job training program within that prison. Rather than take those positive steps of relieving the overcrowding by more beds, moving from temporary to permanent beds and begin a positive program at turning those prisoners around, while at the same time protecting the Maine citizens, we have a proposal here -- send them back out on the street.

Much like the used car salesman the last two days, we have heard about that intensive personal contact. We were told in the joint caucus and reaffirmed last night that that convicted rapist, that convicted drug dealer, back in the community, will have intensive contact, which could be a phone call. You have a very clear choice. Vote yes, put him back on to the streets or no and let's begin a series of constructive steps after protecting the public to begin to turn these citizens who are convicted criminals around so we don't have that revolving door that exists at Thomaston today.

I would urge you to vote no so we can begin to take some positive steps to correct a crisis.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: In the six years that I have served with Representative Murphy in the Legislature, I don't remember a time when he has ever spoken with more emotion on any particular issue. I think that is to his credit. Obviously, he believes very deeply in what he has been saying and I respect him for that.

However, I think a lot of what he has said does not have a lot of substance to it -- simply in looking at what this legislature has been talking about for the last three days and looking at what this legislature had done for the last seven years as far as corrections is concerned and looking at the work that has gone into the document that we are now being asked to vote on.

As you will remember, many, many hours ago, this legislature first considered a report of the Human Resources Committee, an eleven to one report, in favor of the package we are about to take action on.

It is a well thought out plan, it is one that was based on several studies, based on hundreds of hours of work by legislators, experts in the field and based on proven experiences in other states. It is a complicated plan and, as many of you know, it is so complicated that it is very difficult for any person to be an expert on any single provision. We are lucky in that the Human Resources Committee has developed an incredible amount of expertise on this bill. Each member of that committee specializes in a certain area.

Through our joint caucus yesterday and through discussions in the hall, I think we have been able to deal with the concerns that have been raised, at least trying to do so, and trying to explain exactly what is taking place. The confusion does not exist solely in this body but outside in the halls as well. Again, those members of that committee and others in this legislature have been able to educate those who have not spent as much time on this as others to exactly what is involved. It is something that many feel comfortable with now and I think it is something that is putting the state in the right direction.

A few minutes ago, distributed to us was L.D. 2439, "An Act to Authorize a General Bond Issue in the Amount of \$15 Million for the Construction and Renovation of Correctional Facilities" -- that concern and need for renovation of existing facilities and acquisition of additional facilities, was something shared by both Democrats and Republicans in this legislature. It was something that was not an original part of the bill presented to the legislature but it is something that is coming before us as well, subsequent to this vote that we are about to take. It demonstrates that the legislature looked at all components of the corrections problem, realized that yes, in our opinion, some action has to take place. While it may be a little presumptuous on my part, I assume that there is significant support for that bond issue in this legislature to put it out to the voters in November. We have dealt with a number of areas and in a very multi-faceted problem, dealt with as much of that problem as can be reasonably be dealt with at this time.

We are, contrary to what my friend in the other corner said, going to deal with more than simply the problem first presented to us. We will deal with the need for additional facilities, for upgrading facilities but we are also going to deal with the inadequacies in our present law.

Contrary to what Representative Murphy said, this is not an issue that is simply yes or no, black or white, it is too complicated to deal with in such a simplistic term. I think the hyperbole that we heard this morning is unfair when it comes to dealing with this issue. It is unfair to the committee members

who have worked countless hours on this issue and it is unfair to the people of Maine to imply that we are doing something that is so totally offensive, as what was suggested by the other corner.

We have a bipartisan report that has been presented to us. I think it deals very well with the problems at hand and it also will keep our options open for the future. I think it is appropriate, it is rational and it has been tested.

I ask that today you enact this bill, let it go down to the other body and let's put into place a corrections package that compliments the work that this legislature had done for the past seven years.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I heard once again the floor leader of the Republican Party refer to the magic number of seven. He said nothing has been done in corrections for seven years. You know if I was a suspicious man I would begin to believe that maybe Representative Murphy is referring to the fact that nothing has been done for seven years simply because the fact that Joe Brennan has been Governor for seven years. But, all of us that attended the joint caucus heard the Governor and the truth of the matter is, that very little has been done in corrections in 50 years. Unfortunately, Joe Brennan has not been Governor for 50 years.

Representative Murphy talks about the thing to do is to send out this bond issue. Sounds wonderful. The only problem I have is that the people of the State of Maine continually defeat bond issues for building bigger and better jails. I can't speak for everybody's constituents but I can tell you how my constituents feel, they do not want to build jails. They do not want to build better and prettier and nicer and more comfortable jails because they think people that commit crimes should be punished. A lot of my constituents, unfortunately or fortunately, would like to go back to the days the Governor referred to of the four by four deep dark hole in the bottom and feed them the food that was fit for pigs and make them go to the bathroom in a Maxwell House coffee can if they had to. That is what they want to go back to. Unfortunately, we can't do that.

Another thing my constituents would love to see is they would love to have the federal government take over Thomaston. Then it would be their problem, not our problem, and let the feds run it the way they think it should be run. That is not going to happen either.

I believe it is a proven fact that just putting people in jail and throwing away the key does not work because, as soon as they get out, they are right back to the same old thing.

In the eight years I have been here, we have been arguing this same thing. I dare say that some of you who have been here 20 years, as Representative Carter has, have been hearing the same old arguments.

I really find it amusing that Representative Murphy would lay this scenario out so that anybody who votes to try to find an answer because that is what we are trying to do, find an answer to an age old problem, is voting against motherhood and apple pie and they are going to leave my constituents open to random rape and drug dealing and murder and nothing is going to be done about it. That is the scenario he has laid out here.

We all know that Representative Murphy has a very good skill at being very illustrious in his debate and he has laid this scenario out so some of you may be a little intimidated in voting for this package. I am not going to be intimidated because I would suggest to the Representative from Kennebunk that this package we have before us is the best that anyone else has had to offer.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: In response to the gentleman who just spoke, let me say there is not a person in this state who has ever intimidated me. There have been some that scare me once in a while but there isn't a son of a gun on the face of the earth I won't stand up to, the gentleman from Waterville included.

I may not be an expert on any part of this bill but there is one thing I know, that there is no corrections program in this country and certainly none in this state that has a zero recidivism rate. One thing we can guarantee is that some individual on this program at some time, when he is released, is going to commit another offense. We are creating the situation to allow that offense to occur and everyone who supports the creation of that situation, in my opinion, is an accessory to the crime.

Some of you people may be willing to create a situation where an individual on this program creates a second offense. Some of you may be willing to be a party to the sexual abuse of a child. I am not. Be it on your heads. Some of you may be willing to create a situation that would allow a rape of an innocent woman. I am not. Be that on your heads. Some of you may be willing to create a situation that will result in the murder, the death of an innocent Maine citizen, during the commission of another crime. I am not. Be that on your heads, be the grief, the suffering, the heartache, the personal loss and the economic loss guaranteed is going to happen by the passage of this bill. Be that on your heads, I will not stand for it.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Men and Women of the House: The good gentleman from Kennebunk, Representative Murphy, is right on target on this issue. In the four years that I have served here, I cannot recall a piece of legislation that has passed that would have the detrimental effect that this legislation will have on the life, health, and well being of the people of the State of Maine and the people that I represent. If we pass this bill tomorrow, the day after, we are saying that the State of Maine has become a less safe place to live and raise a family.

I hope you vote no on this legislation. This is just awful and it is going to have tragic consequences.

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

Representative WENTWORTH: Mr. Speaker, and Members of the House: Some of you may remember approximately a year ago at this time when a certain convicted criminal in one of the Berwicks was released. He had injured mentally and physically a small child, was released to his home, two doors from hers, to wait an appeal. The parents, many legislators and the citizens appealed to the Governor

to do something about it. He said that it couldn't be done.

Now, before you vote today, ask if you have the right to release innumerable numbers of people of this sort on your constituents without a voice of your constituents being heard.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to rise on this issue because of the facts of where I reside. Many people would accuse me of a parochial issue, many people accuse me of talking about my home district too much but I care about that district and love my home town. I have lived their all my life. I have lived in the same house all my life and that house is less than a mile away from the institution which has been mentioned so much today.

I hope you will all remember that Thomaston is a nice little town too. Besides the prison, there are a lot of nice families that live there, a lot of families that I care very deeply about that I would like to talk to you about. Those families are the families of the guards that work inside that institution.

I have been hoping since I have come to this legislature that we could start to do something about the problem in that institution. I believe this legislation is a good step in the right direction. I believe it has been well thought out.

I would urge this House today to put aside partisan bickering on both sides of the aisles, to put aside sensational statements that don't relate to the facts of the case here. I would urge this House to let cooler heads prevail. Let's look at the facts, let's discuss the issues, let's not get into bickering, let's not get into posturing what is going to happen in November.

This is a serious problem. I ask you to remember the guards at Thomaston, at Windham, the guards at the other correctional institutions and the guards in our county jails. We have to do something about our corrections problem and I think this is the best step we can take. I am very happy to see today that L.D. 2439 has been distributed so we can possibly do something about the East Wing in that institution in Thomaston.

I would urge you all to come down to Thomaston this summer, tour the facility, but also look at the nice town as well.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Men and Women of the House: You'll see how cool the heads of the people back home are going to be when they find out that there are going to be drug dealers, rapists and child molesters out there in the street in their communities without ever having to serve a day of their sentence.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: Those people that live in Thomaston that I represent and those that live in Warren and other places, know about those people because they are right there in that community. I would submit to you, if we don't do something about Thomaston, those people who are inside that facility may some day all come out of that facility all at once and whose constituents would be put at risk then?

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Ingraham.

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I worked for ten years in the District Attorney's Office. I have seen the process, I have seen the criminals. Two years ago, my house was robbed, they left a ten inch blade butcher knife on my dresser. I came in the back door, they went out the front. Do you think if they caught those people that I want them on the street?

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: I would remind this House that the judges, who we have been talking about again and again, have in fact responded to many of the concerns which have been raised by the public and by this legislature. I would remind this House that there are sentences currently being handed out for crimes and are some of the most severe sentences that have been given during the past half century.

What I would also remind this House is that we need to approach the corrections problem in a systemic way. Not only do we need to build more beds, when we have a bill that would enable us to do that, but we need to provide the judges with some flexibility in those situations which are not going to be the majority of situations where intensive supervised, virtual house arrest, is useful and would enable the prisoner to be reintegrated into society.

Judges are tough, they have responded to the concerns here. Victims do have the chance to appear and do appear regularly at the time of sentencing. The department itself is going to take a careful look at these prisoners who are going to be put on ISP. This is only one part of a total approach to corrections. I think it is a useful part that gives some flexibility, it is not the total solution but it is a step in the right direction. I would urge you to support it.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Kimball.

Representative KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: In sitting and listening to the debate, what comes to my mind is we are talking about something that is a crime. I think that what is a crime here today is that we have taken some fairly good ideas, we have worked hard on them in committee. We have thought about those ideas, we know that in other states those ideas have been tried and that they work.

In committee, we also talked about renovation that would need to be done to do just exactly what Representative Priest is talking about to try to approach the situation in a systemic kind of way and that is, to relieve some of the pressure of overcrowding at the prisons and, at the same time, try to give the judges different sentencing options.

Unfortunately, what has happened is that we are trying to do this all in a short period of time, too short. We are, in some cases, scaring the daylights out of one another in terms of what could happen and what might happen.

Our figures, in terms of what we have been trying to deal with, in terms of prisoners coming back to the counties and what would happen at the prisons in terms of reducing those populations, haven't always been figures that we could rely on. I do believe the community corrections and ISP is a good way to go, I do.

I supported that bill, I am on the Majority Report. I do think, however, that unless we address the issue of overcrowding at the prisons and I am pleased to see this bond here, (the bond wasn't a part of the original package) that package as a total, would not be complete.

I am not sure that we have given it enough time. I do believe that community corrections and ISP can work and I think it will work. The issue around both of those is whether or not they are done in a correct and appropriate manner in terms of placement of prisoners. The only way that we are going to be assured of that, I want to remind you again, is that we do something to reduce the overcrowding problems at the prisons.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to Representative Kimball, if I may.

These other states that we keep hearing about where this is working well — are they required to serve any time before they are put under this program or simply put under the program?

The SPEAKER: Representative Smith of Island Falls has posed a question through the Chair to Representative Kimball of Buxton, who may respond if he so desires.

The Chair recognizes that Representative.

Representative KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: In the ISP program, it is the determination of the judge. In other words, the judiciary is the final decision making body that is going to determine whether the person is going to spend part of that sentence in prison or begin directly in ISP.

It doesn't necessarily mean if a person becomes a candidate for ISP that they are going to be involved in that program. Again, the decision is made by three different bodies. One, the prisoner has got to want to do it, first of all. Secondly, the Department of Corrections, in its assessment, has to recommend that that happen. Thirdly, the Judiciary then has to decide whether or not that person can do it.

There is no direct route into ISP. Okay? There has always got to be the assessment and recommendation and finally the decision by the Judiciary. I hope that answers your question.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: What I am hearing this morning is the attitude that every one that is convicted of a crime is going to go back on the street. I don't think this is the intent of the law.

Mr. Speaker, I would like to address a question through the Chair to Representative Nelson.

What percent of those convicted in any one year might end up back on the street under this law?

The SPEAKER: Representative McCollister of Canton has posed a question through the Chair to Representative Nelson of Portland, who may respond if she so desires.

The Chair recognizes that Representative.

Representative NELSON: Mr. Speaker, Men and Women of the House: First of all, not every person who is convicted of a crime will fall under the

guidelines of ISP. Number one.

Number two, it is projected that there will be a maximum number of 250 people on the program to work successfully but it will be a long time before you hit the maximum of 250 people under the ratio of two offices to 25 people. So, you are not putting 250 people out on the street all at one time and not every person who is convicted of a crime is appropriate or eligible.

If I may, Mr. Speaker, since I am on my feet, I just want to make something clear. Currently, a rapist could get three years, one year in jail and two years on probation of which he is one out of 144 people that this probation officer is going to review. You know from what we heard, that that is not always successful. That same rapist, should he be eligible, not that he is automatically, would spend a year in jail, one year under house arrest getting treatment and should he fail in any of that year in any of the restrictions of ISP, he goes back to jail to finish his sentence. Should he complete it successfully, he has two years on probation. So, that same rapist, under the same conditions, should they deem appropriate, would have better supervision and hopefully care, treatment and then two years of probation. If anything, we have done more to protect the citizens of the state, than less.

Representative Bott of Orono was granted permission to address the House a third time.

Representative BOTT: Mr. Speaker, Members of the House: Thank you for allowing me to speak a third time.

Let's suppose you let out 100, 150, 200, 250 people out on the street — it doesn't take a mathematician to figure out what the odds are in that case of having one reoccurrence, one situation like we had from AMHI. Believe me, I listened to the father of that young girl who was raped and killed when he came before before my committee. All it takes is one instance. If there are 250 people out, we have got to be lucky 250 times. I don't want to take that kind of chance with the people of the State of Maine and I don't believe that responsible members of this body want to either.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clear up just one thing because I know this is a very emotional thing. In Subsection 1263 of the amendment, it states "that anybody who committed a crime with a dangerous weapon, that person would not be eligible for ISP."

The gentlelady from Houlton indicated that the persons that were in her home had a ten inch butcher knife. In that case, ladies and gentlemen, they would not be eligible for ISP.

Let me give you a statistic that a lot of people haven't heard in the last couple of days because I have given you a lot of them. 40 percent of the people who have been sentenced to the Department of Corrections come out the door with no supervision whatsoever, 40 percent. 60 percent of them are coming out with what they call a split sentence. But 40 percent are coming out with no supervision whatsoever. ISP could put that supervision in place. I think that is what we really should be looking at, remembering that the person who walked into the store with a gun or a knife and held up your store, would not be eligible for ISP. The person who

robbed Representative Ingraham's home would not be eligible for ISP. I think you should look at that section. If you don't believe me, go get the book, take a look at what that book says.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Bonney.

Representative BONNEY: Mr. Speaker, Ladies and Gentlemen of the House: Rapists, dope peddlers are people with devious minds. If I were one of them in another state and we passed this law, I would say Maine is a vacation land and I am going up there and I am going to rape and I am going to sell dope all over the state and I am going to call my buddies in from all over the country and say this is the greatest place there ever was for you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Hayden.

Representative HAYDEN: Mr. Speaker, Ladies and Gentlemen of the House: It has been several days now since we heard the Governor address us on this issue. He really was seeing the future when he talked about part of the challenge that we had to face here and that was to break out of some of our own intellectual prisons in order to grapple with the problem that is so easy to exaggerate. In order to grapple with the problem, where the real truth of it lies, is in our fears and in our most fundamental threats to our own safety. It is easier not to do anything about the problem and then we don't have to take the responsibility for trying to live with the state that we are creating that all of us, people who agree with this legislation, people who disagree with this legislation, know that we have to do something.

The facts in this legislation are that it is not going to change crime, it is not going to erase criminals from the face of the earth, but the facts are also that what this legislation does, rather than give license to crime, is it phases criminals back into our community. It doesn't give an excuse for someone to walk free and to return to town without facing any punishment. In fact, it does something to deal with the very serious problem we have right now, which is that a person can be convicted of a serious crime and serve probation and get essentially no supervision at all and essentially no phase in. It doesn't take the power away from judges to have discretions of how sentences should be doled out.

I don't need to tell you in this chamber that that sometimes is a very controversial issue. The temptation is to say, when the crime is in my town, I know what that man deserves. But in our heart of hearts, we know that is not the system that we have in this country. It is not the system we should have.

What this legislation does, and it does it courageously, is give the chance for the people that we have given the responsibility to in this society to have another arrow in their quiver to deal with criminals reentering the community, which ultimately they have to do, unless ladies and gentlemen, we have capital punishment. Ultimately, they have to return.

There is no more tempting piece of legislation we are going to have in any session to claim that we are risking the lives of our children, that we are risking the lives of our families. This is a hard problem, this is a courageous answer and very sensibly, it is a modest answer. It is not trying to paint a fresco with just one brush. It is modest, it is intelligent, it gives discretion and choice to the people in society that we have given that discretion and choice to. It is reasonable, reasonable people

can differ, but I beseech all of you to deal with the fact of this legislation and not the fears that lie deep inside our own brains.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: In brief response to the Representative from Brunswick, returning a convicted criminal to this program without that person ever having served a single day behind bars, is not phasing them into the system, it is returning them immediately without them ever having served any time incarcerated.

Mr. Speaker, I would like to pose a very brief question if I may.

It has been said that anyone who commits a crime using a dangerous weapon will not be eligible for this program. My question is, are these (holds out hands) considered a dangerous weapon? There are many, many crimes that are committed with bare hands. Someone can mercilessly beat the living daylights out of another person with their bare hands. Someone can kill another person with their bare hands. Are these hands considered a dangerous weapon?

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I do not rise in particular to answer the question of my friend, the gentleman from Mount Desert because I think perhaps his question and comments that many of us, (perhaps the ten or fifteen) do not believe themselves to be experts on this bill this morning. I have been listening to the rhetoric flying high, it is as hot as the temperature outside and it is as damp and dingy as the feeling of that weather.

I have been here for eight years as a member of this body. Perhaps not until this morning can I say to you that I really am not very proud to be a legislator in this chamber listening to the demagoguery that goes on in this particular bill. This isn't the people's business that is going on, this is a campaign for them. The charges that are flying, the heated rhetoric, the debate, the highfalutin words and statements — I think these comments and these types of comments are far more apropos to a debate at a Rotary Club or a Lions Club meeting or even a high school debate. I really wouldn't impugn a Rotary Club with that kind of demagoguery.

The closer we get to November, the more tempting it is for us to confuse the issues and make everything so clear. All I think we are doing is, no one is really listening to us, I don't think the press is really listening to us anymore and we are not listening to each other. We are prolonging the debate, spending the taxpayers money foolishly, I might add, to be here for this type of stuff. This is really the first time in eight years that I have heard this high a tone of rhetoric and accusations about, if you vote for this type of bill, voting to let rapists and prisoners and all types of degenerates and drug pushers out of prison and putting them next door to your sister's bedroom or something like that.

People, you know I think we sometimes earn our reputation. The press sometimes has a good time with us and we have earned it. We give them all the

ammunition they need.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Dillenback.

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I have also served six years in this House and I am very proud to have served here. I hope that perhaps I will serve in another body. I will tell the gentleman from Augusta, I think this has been an excellent discussion. I think the people have to say what is on their minds. We do not have the wisdom of Job, we are here to settle a difficult problem.

Maybe I don't know the answers and maybe you think you know the answers but I am going to tell you, when you go home and your constituents talk to you, you will find out what their answer is and they do not want people, who should be in jail, walking the streets of their town. That is all there is to it. It is common sense, it is simple and you will find out in the next few months whether it is rhetoric or not.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnham.

Representative FARNHAM: Mr. Speaker and Members of the House: I live in a town where a convicted rapist was let loose for six months because of the judge's misdecision. In that town, the people living within one mile or two miles of that house where that man was free, no supervision, no nothing, those neighbors armed themselves -- people who had never even shot a gun before. They were scared to death and now we are going to do it all over again.

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

Representative CARRIER: Mr. Speaker and Members of the House: I have a very personal approach to this problem. I really don't take any sides politically or otherwise because, first of all, I am very concerned about the people of Westbrook. Not that I have concern for the people of the rest of the state but, if everybody in here takes care of the towns that they represent, the problem will be taken care of much easier and much faster.

To the statement of whether your hands are lethal weapons, I think he knows the answer. We have a gentleman here in back, when he was in his prime, he was a boxer and I think the lawyers will agree, that under certain circumstances, hands can be lethal weapons.

That is not what I am really interested in. I am interested in keeping -- the same words that I used yesterday -- the bums in jail where they belong. They are in there because they have done some wrong to society regardless of the degree.

I have said this before, that I hope nobody has the same experience or anything close to it, I had an experience where one of these people almost killed one of my sons. I don't appeal to you on that ground. I just appeal to your good common sense that this can happen to you right on your street. This is what you want to think about. You want to think about these crooks and these bums that are on the street and whether they are going next door or whether they are going to your door. It doesn't matter the degree of pain and the degree of hardship and heartbreak that they bring you, it hurts the same everywhere.

I don't think these people, at any time, should

be given the freedom to put them on the streets.

I have picked on judges some because the fact is I think that the basic thing to fix this correction system is to get more qualified judges than we have now.

The fact is that the record will show that some of these judges that were appointed now or before anybody else's administration are not qualified to be there. They should not have been there. They have a past record of being bad people to start with and the degree of law doesn't make them any better either. I think that is where we should start. Starting the next session, whoever is Governor, we should study the system of appointments. We have had all kinds of appointments in the last eight years and only one of them failed.

People are not that perfect. I don't care how many people you bring in front of committee, they are not that perfect. I think we should look at that system first.

I have heard for the last two days here -- I have been taking all kinds of notes -- that is why it might sound as if I am rambling but I am not.

We pay more attention today to the criminals than we do to the victims or even to the people of this state -- never mind if they are victims or not. They deserve our consideration.

Two weeks ago in the Portland paper, whoever wrote the article, and I imagine they meant well -- how bad we are because we keep these people under bad conditions up to South Windham. Well, I happen to live, as my father from Westbrook does, right between two places. How wonderful, you get a taste of everything. Just like Mr. Macomber says, he lives closer to these people in South Portland than we do. Then you have got South Windham on the other end. So they tell you over there how these murderers -- you read the article in the Portland Sunday Telegram -- go again to the woman part of it to make it worse -- how bad they are treated, how they are harassed by the guards and everything else.

They are not, they are just getting their just desserts, that is all, there is not enough of their just desserts. They have killed somebody, they have been convicted for 15 or 20 years, we shouldn't cater to these people. We shouldn't cater to them at all. We have to think about the people that are with us and never mind this rehabilitation. Rehabilitation doesn't work. We have had suggestions in here but where do these poor people go, these poor criminals go when they get out? Who cares?

When you go into the service, you come out -- is there anybody there to take you by the hand and say, go over there and get this job or get this for free or get this or that? Nobody does. There is a big difference, they served their country, they did not tear it down by tearing down people.

I am very concerned about the safety of the people of this state and I have many other concerns. It is not a lack of compassion. It is not a lack of compassion for certain individuals that try to make it after they get out of prison. Some of them pay their dues but they are going to find it hard to get back into society, but if they are determined to do well and they are consistent, they will do well.

We have talked about passing something. It says about the Blue Ribbon Commission. I don't want to get into individuals but what is this Blue Ribbon Commission?

Yesterday in caucus, they told us how great a

certain judge is. I don't even know the judge but I will tell you something, I do know what he passes and what his sentences are and what his interests are and where his lack of knowledge is. This is not the type of judge that people in this state want. You know who the people in this state want for judges, what type of judges they want, whether you agree with them or not — they want judges such as Benoit up in Farmington. They want judges like Steve Perkins down in the Portland area. They want judges like Carl Bradford in the Portland area. They also want somebody by the name of Brennan (oddly, in name only) that is down south. They do a tremendous job. Why? Because they take those criminals and they give them what they are supposed to get. They have a certain amount of compassion.

Talking about the Blue Ribbon Committee, there is nobody here that sat on this committee — is there somebody in here that sat on there? They don't care about this. Certain individuals don't care but what do they want? They want a new courthouse down in the southern part of the state and they already have three down there. These are the facts, ladies and gentlemen.

I have had dealings with Commissioner Allen on a very personal basis involving some of my family. I think he does a tremendous job. I think that the solution, as much as I hate to spend my money for that is, building prisons, okay? You talk about Thomaston — I have been down there looking — sure the poor guy has got a little cubical about ten feet square.

You know what we saw the day that we went there (and those that were with me saw it) we walk in there at ten o'clock in the morning and the guy is sitting there looking at TV. I can't even look at TV in the day time, I have to make a living. There he is brooding, so I asked the guard, "What is the matter with this guy anyway?" He said, "He has been upset for a week because some of his girlfriends in the other wards have gone home. So, what are we allowing down there anyway? This is the truth, ladies and gentlemen. You go down there and you will find out yourself. You have had an open invitation to go down there but don't bypass the little places you should really see. These are the people that they want to let out on the street.

I read the paper this morning, I can read English a little bit, but look at what happened in Rockland yesterday. But don't look at just what happened in Rockland, look at what is going to happen to that guy. He is going to get a slap on the hand by some easy going judge up there and go home.

Don't let it happen, think about it. Put yourself into a position that it might happen to you, your wife, your kids or your mother or grandfather or anything else, think about it that way. If that isn't close enough to you, think about your friends on the street, the ones that you have to live with, the ones that you depend on if sickness hits you in the middle of the night and, indeed, the whole community. Let's not tear out the convictions our local policemen in our communities worked so hard to get. Let's not tear out the judges sentences and let the commissioner or whoever let them out if they want. The judge gives the sentence and it should be binding. He should be the only one that takes it off if he wants to.

I am sure that when they give sentences, they think about the overcrowding. You know they say, we

really want to build a 500 bed thing. We don't need 500 beds. If you need 140 beds, let's build 140 beds. When you first got married you didn't go out and buy a ten room house if you couldn't afford it — you bought a four room house. Then, when you got your third kid, you added on to it. So, let's do it gradually, but efficiently.

Let's back the judges. As far as I am concerned, give them the discretion. They don't have to give them anything. They already have the discretion. All they have got to do is put some good judges in there and check on their character. Make it your duty, along with your legislative duties in this House, that when somebody is nominated for judgeship that you go up there and talk in favor of him or talk against him. I think that is the greatest service you can do.

I am not in favor of this bill because I don't want those people to walk out free on the street while they are supposed to be in prison. My last request is, if they put some correctional probation officers in there, and I assume there would be if this passes, I want to be one of them. I will take care of them. You don't have to ask me the question how often I will be there. I will be one of them and you can keep my wages along with it too.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Cooper.

Representative COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I was waiting for Representative Carrier to speak because I tend to be low key and people go to sleep. I appreciate him getting everyone's attention for me.

I think we have all had some concerns about Intensive Supervision. I have had those same concerns and they have been expressed here today.

I think we need to look toward what we know and not what we fear. ISP was not only recommended by the Blue Ribbon Commission, it was also recommended by the Ehrenkrantz group as part of its master plan. There was also a study done at the University of Southern Maine by the graduate students, a public policy in management program called "Aspects of Implementing an Intensive Supervision Program" by Wendy Chervbini, Michaela Loisel, Donald Macomber with David Cluchey, the Faculty Advisor. They reviewed ISP, looked at it where it exists in Georgia, North Carolina, New Jersey, Vermont, Alabama and Florida. The conclusion of that 50 page report was that Intensive Supervision Programs are viable alternatives to our incarceration that combine legitimate punishment with rehabilitative treatment. That is obviously a very short summary of the whole thing.

It seems to me, through all the studies and recommendations, all of these things that we have been hearing about that may happen with rapists and whatever simply have not been documented. They are fears but they seem to be taken care of by the way the programs have been run. So, I would ask you to support this program and vote for its passage.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Ladies and Gentlemen of the House: You walk down the halls here and you hear the department people and others say give us something to work with, give us an alternative. I think we are willing, but not this. This is the most significant change in the criminal

justice system, I think, that we have seen in perhaps the state's history. If we are not able to beat this back today and I think we might, but if we are not, I am confident we are going to win in the end.

This issue, I think, more than any other in the 112th, may allow us after the November elections to change the makeup of the 113th Legislature so we could prevent such liberal thinking from becoming such liberal legislation.

Governor Brennan, in his speech before us earlier, said that we are in an intellectual prison. Perhaps I am, perhaps I have been for many years, I don't know. He said that we needed to escape from this rut to envision new possibilities. Perhaps that is true also but this is not the new possibility that we need to escape to.

The SPEAKER: The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I cannot bring myself to vote for this radical measure today. I would hope that if this measure does pass that every drug trafficker and every drug dealer in the State of Maine will be prosecuted by our U.S. Attorney, Richard Cohen and not under the state system. I can assure you that those people will go to jail if they go before Judge Conrad Cyr or Judge Carter in the federal court. They will not be put under Intensive Supervision, they will be sentenced to incarceration.

I am terribly bothered by what this bill will do to our law enforcement community. What incentive will there be for any law enforcement officer to pursue his duties if he is faced with the prospect that the person who is guilty of a felony, who is guilty of a serious crime, is going to be given a slap on the wrist and a key to the jail — right out the door with out having served one day in jail?

Governor Brennan, in his wisdom, felt that some period of incarceration would be a deterrent to drunk driving. I dare say the Governor was right. I think that some period of incarceration is a deterrent to drunk driving. Thank goodness we do have a tough drunk driving law in the State of Maine because it is saving perhaps a life here and there. We are perhaps deterring a few homicidal drivers, yes, homicidal drivers, from getting behind a wheel after too many drinks.

But where is the consistency in saying that a short period of incarceration will deter people from drunk driving? Where is the consistency with a philosophy that says, there are people who are guilty of crimes, warranting a sentence of one to three years in jail, who should not spend one day in jail but should be put under Intensive Supervision?

About this Intensive Supervision, the so-called tripartite test. Tripartite test — the accused be convicted is a part of that trinity. The convicted felon, the convicted law breaker, is given the option of deciding whether he wants to go to Maine State Prison and perhaps end up in the East Wing or whether he wants to be put under Intensive Supervision.

Look at the conditions of Intensive Supervision. He must undergo urinalysis tests, terrible. He must make contact with his supervisor at least five times a week, terrible. He may not travel outside of his — what, state, county, town, terrible. This is a terrible burden on the criminal to be put under Intensive Supervision. It is a terrible alternative to the East Wing of Thomaston. I dare say there are

very few who would refuse this alternative.

I would like to address another point that the gentleman from Portland so carelessly dismissed in saying that the robber who invaded the home of our Representative from Houlton would not have been eligible for the Intensive Supervision Program. He is dead wrong. That is just the guy that would be eligible because he did not commit a crime with a weapon. He went in and robbed the house. Now, he may have left a butcher knife on the table but there is no proof that he used that butcher knife in the commission of the crime of breaking and entering and robbery. So, let's not just jump at the conclusion, — oh no, he is not the kind that would be eligible, he is just the kind that would be eligible.

We were given this idea of saying that the murderer is not eligible for Intensive Supervision. The irony there is that most murderers are not going to commit a second murder. I think that has been proved by criminologists, that most murders occur in a situation either within a family or a close friendship relationship. So, most murderers are not apt to go out and murder a second person. So, isn't it a relief that the person convicted of murder is not eligible for ISP, but yet a person who is a rapist or a person who breaks into another's house in the night time, he is eligible for ISP. I submit to you that those are the people who build up the statistics of recidivism in our criminal population.

My friends, I cannot go back to the people of Lincoln County or of my district and tell them that, in this short session, we have taken a seriously flawed bill from the Governor's Office, we have reworked it in the Committee on Human Resources and we have come out with a package that is acceptable to me or to the people of the State of Maine because I don't believe that that is responsible legislation at all.

I urge you to vote against this and to give this matter serious consideration so that when we come back here next January we can come forward and debate it and come forward with a package that does make sense, both from a standpoint of criminology and protection of the people of the State of Maine.

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

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a couple of comments. I realize we have been harping on this thing probably longer than we should have but it is a very serious problem and there are a lot of us that have mixed feelings and emotions.

I would like to say that, just a few minutes ago, I talked with our Sheriff in York County. You can rest assured that he is not in favor of this bill, he is adamantly opposed to it.

I can't help but think this bill wouldn't even be before us if there wasn't a shortage of cell space, not only in the counties but in the state, especially the state facilities. I don't think this is really going to answer the problem. As I said yesterday, we should grab the bull by the horns and come up with some money. If you are going to dance, you have got to pay the fiddler and we have got to build some more cell space.

There is another document before us, a bond issue, and I think we should give a lot of consideration to that.

I am not death against the proposed bill. I think it would be a good bill to work in conjunction

or should I say that if we had ample cell space, then maybe this bill would work. I am afraid that this thing is going to be used to ease up the congestion or the overcrowding in the jail and they are going to use it for plea bargaining. I know the people back in my area, and I hear it day after day after day, that these people go in jail and you let them out the back door, they aren't serving their sentence. We make tougher laws and they find ways to get around them. Having worked in the system for a good many years, I can't help but agree with them.

I would hope that you would vote against this legislation and maybe work on some real constructive stuff on the bond issue or something to build some more facilities.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I was very glad to see that my good friend communicated to this House his conversation with the York County Sheriff in the hall and that his earlier opposition continues to be his present opposition.

Also, a point of clarification to my good friend from York, that talking with that York County Sheriff, his last conversation with the Hancock County Sheriff, prior to his leaving on a fishing trip was that he was opposed to this proposal.

My staff has called the Chairman of the York County Commissioners who has indicated the Resolution that was sent to every member of the York County Delegation of their vehement opposition -- that continues to be their position.

I think as we close this debate, I would like to talk about the process. We have seen, I guess, that the characterization of this bill has been rush. I don't think there was a copy of the bill available to the public to look at until the day before the hearing. That is either a signal that there is some concern about the concepts within that bill or that it was very sloppily put together. People didn't have their act together but we are being asked to enact in statute something that really wasn't available until 24 hours before the hearing, with plenty of notice in terms of Special Session.

All day yesterday, all day today, there were times it was difficult to hear my fellow Representatives because of the teams of arm twisters from the second floor who have inhabited the area behind the glass and have filled the halls. Those in both parties that have been lobbied by those arm twisters from the second floor who say, "don't worry, we can work it out," "it will be okay," "it might take a while but we will get the kinks out of this thing" -- when this goes into effect, my dear friends, they will not be here, they are leaving.

The men and women of this House are the ones that are going to have to face the problem of the clunker that is before us. Those people from the second floor that say "don't worry," they are leaving town folks, they are not going to be here. When those incidents begin to occur in your community and my community and people begin to ask why and who, those people saying, "don't worry, everything is okay," they are gone, but if you survive November, you are the one that has to answer the why and the who.

The present policy of this state is warehousing, that is wrong. We, the 112th and 113th, have the moral responsibility to address that problem, to begin to deal with the warehouse problem, to deal

with the lack of rehabilitation, the lack of sexual abuse counseling, the lack of job training programs. That is the current policy. It isn't right and it has got to change.

This proposal is flawed. It is you and I that will turn our lights on, green or red, who will be setting the policy and will bear the responsibility to our fellow citizens in terms of if it works and if it doesn't.

The gentleman from Orono, in talking about 250 Russian Roulette shells out there, one explodes, five, ten explode, it is our families, it is our fellow citizens and the why and the who, is us. I would urge you on this motion, with this flawed bill, this rushed bill to say, this is not the answer. I would urge you to vote no.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I really feel that I have spoken much too much on this issue. I had not really wanted to speak again but the gentleman from Kennebunk did mention my name and I think I should respond.

It is very difficult to approach this very highly emotional issue with a sense of reason. It is particularly difficult when you feel that your integrity has been impugned, as I do feel my integrity has been impugned by the gentleman from Kennebunk, who has sort of likened me and others who are supporting this bill to used car dealers who are apparently pushing this for some ulterior motive.

I just want to say that, as a member of the committee, I came down to Augusta to the hearing on this bill with a totally open mind. I tried to keep that open mind throughout the testimony that was given to us. I listened to all the sides. I listened to a man that I respect very much, Don Allen, who I think has been a very tough Commissioner of Corrections. I have never heard anybody call Don Allen a cream puff or a coddler. He is a tough guy who led one of the most incredible lockdowns in the entire country and gained control of the State Prison.

I had very many objections to this bill. I worked hard to change some of those things. The fact that my county people still do not support it. I at least gave a good faith effort and an effort in conjunction with the people representing the County Commissioners Association and the Maine Municipal Association.

The Hancock County Sheriff was mentioned -- I think if the gentleman from Kennebunk would go back over the Record of what I said, I never said that that gentleman supported this measure. I repeated what his answer to me was when I asked him what his position was about Intensive Supervision.

I am going to support the bond issue even though people down in my area have told me that they do not like the idea of building new prisons. In fact, I rather facetiously said, I thought we should make it part of the University of Maine Bond Issue because, people down my way, look upon our prisons as graduate schools of crime, that we send people down there to get completely educated in all the wonderful techniques of committing further crimes.

Obviously, the bill that we are putting out is not a perfect bill. In many ways, the ISP is an experiment. If it were an experiment that had never been tried anywhere else in the country, I would obviously be opposed to it.

I would like to respond to the gentleman from Falmouth who said that drug pushers and all kinds of criminals will be rushing here to this state. Well, that is impossible because they are already rushing to Alabama, Arizona, California, Florida, Georgia, Illinois, Louisiana, New Jersey, New York, North Carolina, Ohio, Texas and Washington where this program has already been tried. It has been in Georgia for the last four years. Florida, where they have chain gangs and electrocution, it has been there since 1983. So, we are going down a road that has been tried before, it will not be perfect. I cannot stand here today and tell you it will be perfect.

I would also urge you to think of what would happen if the only thing that came out of this legislature was a bond issue to build more jails and that was turned down by the people as they have turned them down before. I would ask you to consider that.

At this point, Speaker Martin appointed Representative Diamond of Bangor to act as Speaker pro tem.

The House was called to order by the Speaker Pro Tem.

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

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I hope, as I complete my remarks and return to the rostrum that the newspapers tomorrow will not carry comments of the Representative Murphy like they carried the last time.

I, like every other legislator, can and sometimes do, speak on the floor. I do not do so because I come down from on high but because I also represent legislative districts and have for a number of years.

There are a number of things that have disturbed me this morning. First of all, I knew that we should have had this debate last night because I knew we would hear the same things over again today that we had heard all day yesterday. Frankly, nothing has changed.

Second, I am concerned by the obvious attempts by some to question the integrity of legislators. I hope I have not done that in my service to this body. What is within one's mind is very difficult to determine. Only the person who speaks the words knows for sure. We can make all kinds of assumptions and frankly, most of the time, we are wrong.

When we hear about what little we have done in seven years or what we have done, I have to sort of bring it back, I guess, from the perspective of my service here as a member of the legislature. I guess you are going to get, to some degree, a history lesson of my 22 years of service to this body. I have served here under a Republican Governor, an Independent Governor and two Democratic Governors and soon to be a third. I say that, knowing full well, what is coming down the road.

The irony of it all is that we have built more prisons in Maine and we have put more people behind bars in the last seven years of this "liberal

Governor" than we have in all the remainder of the years that I have served in this body. The irony is that we have put more people in jail, percentage wise, since the turn of the century.

I hear comments of "build more jails, we need more" -- doesn't that tell you something? That our system is not working? That something is wrong out there? It does to me and it should to you. We can argue the point that we told the justices to be stronger in certain things and we have but that really is not the issue. The issue is, why is the system not working? If we agree that it is not working, it means that we have to try something else. I think those people who know what we have done and gone to visit places like Charleston, for example, know that what we are trying in Charleston, is working. The people of that area support the facility because they actually see something tangible occurring, that minimum security, very often, works better than the other. That to help and try to educate, to try to improve, to try and help members of those people incarcerated might, in the long run, be better.

Then I always get to something that has gnawed me as long as I have been concerned about people who are sent to jail. I always like to go back and look as to how many of them were represented by a good attorney, the best attorney that money could buy. What I find, for the most part, is that poor people are the ones that are there. They are the ones with the long sentences, they are the ones that are forgotten as was the person that was forgotten at the Augusta Mental Health Institute after he had been committed some 25 odd years before for observation from Thomaston. When we were doing the deinstitutionalization, we found this person who should not have been at the Augusta Mental Health Institute at all. He should have been released from the State Prison some 20 odd years before. Some of you were in this body when that happened -- at least two of you were here, the Representative from Corinth and the Representative from Winslow.

Then I wonder what society has done for its own. From time to time, I go to court on behalf of others and you all know that I have been accused of practicing law without a license and I tell my lawyer friends that you can't disbar me because I have never been barred. What I find interesting there is the plea bargaining going on that you are so concerned about. Remember, plea bargaining occurs when you have an attorney and you are paying him or her. Look at who is in jail and why they are there and how long they are there, what the sentences are and why. You might just be shocked.

I know that it is difficult for some people who have recently moved to Maine to understand what has happened. I wish the Representative from Kennebec, Representative Murphy, had lived in Maine longer so he could know what the history has been in the 22 years that I have served in this body and to see what has happened.

I am not sure that this bill will work the way that the proponents say it will. I am not sure of anything until it is implemented. That is true with this piece of legislation and many others that I voted for but you know what? In the years that I have been in this body, I have never seen a perfect piece of legislation that has never been amended -- year after year after year -- by Errors and Inconsistencies or whatever else.

We recently gave the University, for example, \$15 million. I guarantee you that in January, we will be amending that because it is not perfect. I frankly don't think that 151 people will ever write a piece of legislation that is perfect to everyone's satisfaction because, if you do, it would not be perfect and it won't work. There is only one perfect person in the world and that is the person speaking at any given time, with the words that he is uttering, with the desires that he or she has — that is the only perfect person I have ever met.

I find one thing even more ironic today and that is those people who can't accept the good faith of the Department of Corrections and the Commissioner. You know, I remember when the present Commissioner was nominated, I remember that the people who opposed his nomination said, he was too strong, he was absolutely too rough on criminals and, therefore, they wanted someone more liberal in that position. That is why I feel so comfortable with this legislation because Don Allen said to me, it is a workable piece of legislation and it will work. With that kind of commitment, I know that it is the right thing to do.

Finally, I would simply say this — that to all of you of both the Majority and the Minority Parties, the real reason why so many people are concerned about this issue is pure politics. There is nothing wrong with raw politics, I suppose. At least, we ought to admit it. Be honest with one another and say, I want this issue before the voters of Maine this November, let them whip you with it. Then we will see what the final result is.

I have been here, as I said, 22 years, longer than the Representative from Kennebunk has been in Maine, and I know this — I have seen issues that were issues today, gone tomorrow. I have seen issues that were not issues today, be issues in the campaign. One that comes to mind quickly is how some people thought they were going to ride the waves in the June primary or the November election on nuclear dumps. You all know who they are and all of a sudden, you saw that issue disappear. Don't you kid yourself, forget politics, do what is right on an issue and, in the long run, you will serve yourself and the people of the state much better.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: Again, I think we see another clear signal that this bill has been and is in trouble. The bill was about ready to die in a committee workshop and the Speaker went up, and with his extraordinary presence and effort, saved the bill.

The bill is in trouble today and the Speaker leaves the podium, comes out on the floor, in an effort to save the bill.

He and I do agree on one thing in terms of the perception of the issue. As he indicated very clearly, this bill puts them out on the street. There is another position that, within the institutions of this state, we begin to do what we should have been doing all these years — education, rehabilitation and job training.

On the last day of the Regular Session, when the gentleman from Eagle Lake left the podium, came down on to the floor and in a very mean attack, personal attack, upon a fellow representative, I thought he had reached as low as one could go. But today, to the Representative from Eagle Lake, shame on you for

suggesting that there is some time test for loving this state and caring about the people of this state. I have been in public life for 14 years, elected as selectman, served as Chairman of the Board, completing my third term here representing the citizens of Kennebunk and to assume that I do not have equal rights and to assume maybe my heart isn't as full as yours because of a time test, I wish I could convey to you the hurt that you have caused me today.

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

Representative MARTIN: Mr. Speaker, Members of the House: The last thing I would want to do is cause personal hurt to the Representative from Kennebunk, Representative Murphy. Political hurt is another matter.

Let me just say that the point that I was making, lest it be forgotten, was that there is a history and history is important. One can achieve that in a couple ways. One can read about it. One can actually have seen it happen — my point being was that I have seen what has happened in 22 years in this body, it does not negate the fact that the Representative from Kennebunk could not have done that since he was not here. It doesn't change that at all. I can make no apologies for that. I welcome all people into this state, most of the time. So, that is not the issue.

Finally, I think it matters most of all that the record be clear on issues. If I vote for something, I need to be responsible for that vote. I may not be able to defend myself and if I can't, then the public will serve me appropriately.

I may not always agree with the Representative from St. George, for example, or the Representative from Kennebunk or anyone else but it is not me that makes the decision whether you are here, it is your constituents.

If I can go into your legislative district and convince them that you are not serving them, which you will try to do to me in a campaign, that is perfectly legitimate and no one should ever question that process. If I can't defend myself against outside attacks, then I don't deserve to be a member of this body and I will not adequately represent the people of my legislative district.

Unfortunately, as I said earlier, we are not dealing with this legislation as we ought to because there are so many other things thrown into it, outside issues that shouldn't even be considered. That is why, I guess, I plead with you today, even though I know that it will not make a difference but at least we ought to be honest with ourselves and with the people that we represent that we are taking this position for (1) political reasons, if that is what it is; (2) for personal reasons as the Representative from Houlton has pointed out in her case. I understand that. In my case, I am accepting the face value of the Commissioner of Corrections, the Human Resources Committee, the Governor of this state and correctional experts who have said, it has worked, we believe it will work here. It may not. If it does not, we will have to change it, eliminate it, streamline it or do something else.

When you make a major policy change, they don't come easy and most people don't appreciate it at the time. But remember, for those of you who have taken any government courses at all, high school or in college, there are two kinds of leaders, there is the

leader who attempts to lead, based on the information available to them at any given time or there is the kind of leader who runs a public opinion poll and decides without education, without knowledge, that that is the way to go because that is where the people want to be led. You have to decide, I guess, which one of those you want to be.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Houlton, Representative Ingraham.

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to an earlier comment by the Representative from Eagle Lake. This is a personal opinion, it isn't politics where I am coming from, it is fear.

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

Representative SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to relay a story that might pull this together for everyone.

There was reference to what occurred in the committee as far as the Speaker coming up and interfering and meddling with the situation that was taking place.

I think this story might tell you a little bit about where we have come with this bill. At that particular time, the committee was at the stage where we were looking at the county reimbursement situation.

Representative Rolde, at that time, was so upset with his understanding of that process that he had made a motion to wipe out that section. It was a very emotional situation. It was a very uncertain situation for every member of the committee. At that particular time, the Speaker came into the committee, (this was close to nine o'clock at night) to see how we were doing. As is his custom, he made a few comments about the way things were going and people started jumping up and down every side of him for his opinion on a situation at that point. He didn't know what we were doing, he didn't know what we were talking about.

No offense to the Speaker, I think his reaction to that was to recognize, to listen to what we were saying and to get involved in the process and he made at least two or three more appearances before that committee. He got involved in what that committee was doing with the issues that we were discussing and the problems that we were discussing were very complicated.

Many people came in with perceptions that were later changed, questions in their minds that were answered. One of the questions today that was never really answered, to evaluate the proposal of people going to go to jail for a mandatory three months sentence -- what is the cost going to be? What is the impact going to be? That wasn't meant to put the thing down, it was meant to find out. That is what the committee wrestled with, that is the process.

The Representative from Kennebunk never came before the committee either to interfere or to meddle or to learn or to offer anything, never to propose anything, never to explain what are we doing, where are we at with this thing, are we making any progress? I am not blaming him or criticizing him for that or praising him for not doing that, I am simply relaying to you how that committee operated, how difficult the issues that came before us were.

Questions that we asked (for the Representative from Houlton) of the fear, the kinds of anxieties that we dealt with, would these people going on ISP, for example, would the victims of their crime be

notified? We already have laws that notify the victim that they are coming for sentencing and what that sentence will be. They have an opportunity to make their comments and give their input into that situation.

The people on ISP, if you go through the rational process that would be involved, the judge, the corrections officer, they would take into account the victims feelings if there was a situation as bad as the Representative from Houlton had described. But, if you get involved in this thing, if you read it, if you think about it, if you give the committee some credit for the four days that they did work on this, you will understand that all the questions that people are asking today, their emotions are very valid. Some of the things that have been said have been way off base though.

One story that I would like to correct for the Record, the Speaker did not meddle in what the committee was doing. In fact, he got shot down so fast that he said, maybe I ought to listen to what is going on here and find out what is really happening with this committee.

I wish, given the amount of time that has taken place today, that the Representative from Kennebunk had come before the committee and expressed his concerns there. It would have been much more helpful for all of us if those things had been talked about in committee and then, instead of the analogy to a used car salesman, which I found pretty offensive too, we could have discussed this thing in a much more rational way and we could have gone, whatever our decision was today, back to our constituents and explain to them the second or third phase of this whole program. That is just one story and I hope that everyone will look at the whole debate that has taken place today in that perspective.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Harper.

Representative HARPER: Mr. Speaker, Ladies and Gentlemen of the House: History is indeed important, as you pointed out. I would like to share a little bit of my own with you.

It is part of my experience as a volunteer of the court to work very closely with people who are released from prison. I am very interested in the Intensive Supervision Program idea. It pretty much describes the type of work which I did as a volunteer of the courts while working with a probation officer. I believe the idea of ISP has great merit, but certainly never prior to a period of time of careful evaluation in a controlled environment. I think of that as jail or prison.

It is my observation that many are entrenched in relationships in their own communities. They are entrenched in attitudes and in behavior ways. Many of these are very angry people. They are, many times, rebellious people, some with very little sense of what is right and what is wrong.

I also have found them to be very capable people in presenting a facade of cooperation, meekness and

even very charming people, as long as that facade suits their need at a particular moment.

I think there are very real dangers in ISP without a period of prior confinement for evaluation. I agree that there are many changes needed in the correction system, many changes. But I also feel that there should be much more careful, very careful, thought. I cannot support this bill as it stands. I think it is unworkable as it stands. I think it is even dangerous as it stands. I would urge the rest of you in this House to not support this bill.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I, too, like the gentleman from Eagle Lake, am extremely disturbed about what I have been hearing here today. I thank the gentleman for his wealth of experience in 22 years of history of this state government. I am well aware of the importance of history. However, the gentleman from Eagle Lake neglected to make one comment. It is a real well known one. It says, he, who does not learn from history, is doomed to repeat it. I would say that, after 22 years of experience with banded measures for corrections, I would have hoped that the gentleman would have learned that one more banded isn't going to solve it any better than the others did.

Let's go down a little further and we spoke about how much work this current administration has done for corrections, about the fact that it has opened up more facilities than any other administration in history. That is true and I give the gentleman credit, all those individuals credit. But along with that goes the fact that, under this administration, we have had the greatest increase in percentage of offenders than we have in any other administration in the history of this state.

Let's look at that -- yes, something is wrong with the system. The people that are creating this system that we are currently running, our current executive, our current legislature and our current Department of Corrections, there is something wrong and perhaps the great liberalization of our treatment of convicted felons in this state is part and parcel of the gross increase in people who are committing offenses and being convicted and sentenced.

We look again to our Executive Branch to bring forth a proposal. They bring us forth another proposal, a quick proposal, a hasty proposal, one that we have got to deal with in three days.

When someone comes to me as a legislator or as a businessman or as a person with a proposal, I look at their track record. This administration is batting zero. Every proposal that has come down the pike hasn't worked because if it had, we wouldn't be in the situation we are in now. What reason do I have to believe that someone with a batting average of zero, in five minutes or three days, is going to come up with something that is going to resolve the problem, that is going to be perfect?

If any one of you was faced with that situation as an individual, you would laugh at it.

The gentleman from Eagle Lake was also correct, issues come and issues go. When this issue is over, this issue will be gone. But there is one thing that doesn't come and go, it comes and comes and comes. If you look at the history of this state and its law

enforcement, the criminals come and they come and they come. If you let them out and they do it again, they go in and they do their term and they come out and they do it again. This isn't going to change that, it is going to give them more opportunity to do it again.

Finally, I agree with the gentleman from Eagle Lake, that a leader who bases his opinion on public polls is a foolish person. But I will say to you, that a leader who bases his positions on projected futures, without taking into consideration the lessons of the past, is not only foolish, he is dangerous. That is just what this bill does. It takes into consideration projected futures without the lessons of the failures of the past and we will be creating a dangerous situation to the people of this state.

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I can assure you, if anything I am, it is a very naive politician and I don't really think any of you are interested in what happened in our committee, it is much too complicated for any of you to be at all interested in.

I am disappointed though that we can't think about the difference between a good concept and a good bill because I think that is basically what we are arguing about here. I don't think anybody that I have listened to in the last four or five days has questioned the concept. I think the struggle that we had in such a short time -- I hate it when people keep talking about the time element here -- is to try to get a decent bill that people can live with but, much more importantly, the people can work with.

The thing I would like to say right at the moment that disappoints me more than anything, and it is why I think we have been arguing for the past few hours, is that the Majority Report came out thinking it was pure. There was a recommendation made, I don't know how many hours ago, it seems like forever, which a majority of you last night wanted and the majority of the committee refused to accept that this morning or last night or whenever. I think that is too bad because it implies that that bill was perfect when it came out of committee and nobody but nobody should tamper with it.

Last night, you heard a slight improvement, perhaps, on it and the result by turning that down, has resulted in these last few hours of, I think, distressing conversation. I would think at this point, you are going to have to decide whether you do like the end result or whether the concept perhaps needs some different attention. Only you will know, politics or no, heaven knows where that comes into it, but there certainly are some concepts here that you are going to have to struggle with and you are going to have to live with.

Representative Bott of Orono was granted permission to address the House a fourth time.

Representative BOTT: Mr. Speaker, Men and Women of the House: Thank you for hearing me out a fourth time. I would just like to point out that if you look at recent Maine history, you will see that mistakes have been made in letting people out on the street that shouldn't have been made and those mistakes have resulted in tragedy.

I, for one, am voting on the side that I feel is best for protecting the health, life and well being of the Maine citizens, the people that we represent,

in opposing this legislation.

A comment was made earlier that somehow legislation that we passed is imperfect and that all legislation has to be amended down the road. Well, I want to leave with you one thought, one question, that I believe you all must answer before you vote on this legislation -- is there any one among us who can introduce an amendment that would bring back someone's life? That will fully compensate a tragedy that has occurred? I think not. I think we should be on the safe side and I think we should turn down this legislation.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: I have become deeply disturbed during the course of this debate because at the outset, I also felt that this was a flawed bill but a very good concept.

I still feel that there are many aspects of the bill that will need to be closely watched. I would expect, if this bill does pass, that as responsible members of this body, we will closely follow what happens within the Department of Corrections and, of course, as the plans for the implementation of an Intensive Supervision Program are developed.

I would like to remind us all that we are not voting today to put rapists, sexual abusers, drug dealers or other dangerous criminals out on the streets in the neighborhoods of our cities and towns. What we are doing is putting into law the possibility for a third alternative to probation or prison. We must remember that today many convicted criminals are not sent to prison. We have been told that several times during these days of debate but I think it gets forgotten very quickly that they are put on probation and not sent to prison today, yesterday, tomorrow.

The program of Intensive Supervision will not be appropriate for most of the criminals convicted in our courts. It will not be used for most of those people. We are not passing today the details of the plan of Intensive Supervision that will be implemented by the Department of Corrections and the courts. It is not our job today to pass those details or to develop those regulations. The specifics of how this third alternative will be implemented, this Intensive Supervision, must still be developed. We are not the criminologists and we are not the corrections professionals and we shouldn't try to take over their role. Our role is to put into law the alternatives to give the authority to the courts and the Department of Corrections to set up this program, to decide for whom it is appropriate, how the plan will be implemented, what are the specifics of the plan. We, as responsible members of this body, should follow closely that development.

I have talked with Department of Corrections people at great length and I shared with them my skepticism, my assessment that this was an incomplete proposal, that there were many pieces of a total puzzle that were not there. Who will support the families, who will provide the counseling, who will deal with community relations, the job placement, the educational placement? In short, all the pieces of a plan for any individual person convicted of a crime and sentenced to Intensive Supervision, will have to be worked out before Intensive Supervision is recommended for that convicted person. I was assured

that the Department of Corrections has no intentions of implementing Intensive Supervision for a person unless they can work out all the details, all the pieces of the plan for that person in his or her situation and in the particular part of the state where that person will be residing. That means that even if, because of the crime, because of most aspects of the situation, a person would be deemed eligible or appropriate if some of these other services are not available, then that person will not be eligible for Intensive Supervision, at least not at that particular time.

Let me take a moment to talk to you as a Human Services professional. What I heard in the last several days from many people in this body is very disturbing when we talk about people who commit crimes. I understand the concerns of my fellow legislators with regard to the safety of their family, their friends, their neighbors and their constituents. I share your concerns but I also know that not everyone who commits a crime has wanted to commit that crime. Not everyone who is judged to be a criminal by our courts of law wants to be a criminal.

I would ask you, if you have not done so, to go to the library and take out the book which Dr. Lloyd Ohlin co-authored back in 1960 entitled "Delinquency and Opportunity." I read that as a graduate student and I have looked at it a number of times since and I have thought about it many, many times. He talks about situations in our society, in our cities and towns that put youth in our society on different tracks from where their parents want them to be, from where they want to be, from where we want them to be as members of society.

I feel that if we can provide, in a courageous and compassionate fashion, the right programs, the right support and the right alternatives at the right time, we can turn the tide for many of these people. For them, Intensive Supervision may well be the right alternative.

When I was 19 I had a friend whose brother was convicted of a crime. He was 18 at the time. I accompanied her when she visited him in prison about once a week. For one year, the only role model he had were other criminals. I experienced and shared the frustration of his sister and of their family during that time. Because, as Representative Rolde indicated, prison provides a further education in crime.

I will not give you the details of what has happened to him during the rest of his life but he was not able to escape from the effects of that one year. I have always thought that had he been in a program of a different kind, provided with a different type of education during that year and different role models, he may well have turned out to be a different adult. I believe that his life today may very well have been that of the kind of citizen that we want people to be in our society.

I believe we need to give the Department of Corrections a chance. I am not sure that we won't need to be more specific about some aspects of the program and to put more specifics into the law but we can do that in January. We can add those provisions but I think we need to get started now. I have given a great deal of thought to this over the last several days.

I would repeat, I don't believe that we have before us a law that is anyway perfect, it will never

be perfect, but I think it gives us a chance to acknowledge that our system today has failed, that we need to chart a new course. As you press your button, I would ask you to keep in mind that 18 year old — would you want to give him a chance to change direction, to chart a new course? If so, then you will support this bill.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to enacted. Those in favor will vote yes; those opposed will vote no.

73 having voted in the affirmative and 72 in the negative with 5 being absent and 1 vacancy, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(See Roll Call No. 347)

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

PAPER FROM THE SENATE

The following Communication:

The Senate of Maine
Augusta

May 30, 1986

Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its former action whereby Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency), H.P. 1748, L.D. 2433 was passed to be engrossed as amended by House Amendments "A" (H-746), "B" (H-747), "C" (H-748), "D" (H-749), "E" (H-750), "G" (H-752) and Senate Amendment "A" (S-565).

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act Amending the Charter of the Farmington Village Corporation" (Emergency) (H.P. 1760) (L.D. 2440) (Presented by Representative ROBERTS of Farmington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Committee on Local and County Government was suggested)

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

The following item appearing on Supplement No. 9 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative CARTER of Winslow, the following Joint Order: (H.P. 1759)

Ordered, the Senate concurring, that Bill "AN ACT Making Appropriations and Allocations for the Expenditure of Funds Received by the State as a Result of a Federal Court Order in the Exxon Oil Overcharge Case," H.P. 1753, L.D. 2436, and all its accompanying papers be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

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

PASSED TO BE ENACTED

An Act Regarding Special Costs in Guardianship Proceedings (H.P. 1730) (L.D. 2422) (C. "A" H-763)

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

(At Ease)

The House was called to order by the Speaker.

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

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

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

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

Appropriations and Financial Affairs

Bill "An Act to Authorize a General Bond Issue in the Amount of \$15,000,000 for Construction and Renovation of Correctional Facilities" (H.P. 1758) (L.D. 2439) (Presented by Representative NELSON of Portland) (Cosponsors: Senators GAUVREAU of Androscoggin, GILL of Cumberland and Representative MANNING of Portland)

(Ordered Printed)
Sent up for concurrence.

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

PAPERS FROM THE SENATE

Non-Concurrent Matter

An Act to Establish the Maine Business Opportunity and Job Development Program (BOND ISSUE) (S.P. 980) (L.D. 2426) which failed of Passage to be Enacted in the House on May 29, 1986.

Came from the Senate Passed to be Enacted in non-concurrence.

Representative Carter of Winslow moved the House recede and concur.

Representative Higgins of Scarborough requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is recede from failing of Passage to Be Enacted and Concur with Passage to Be Enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

93 having voted in the affirmative and 53 in the negative with 4 being absent and 1 vacancy, the motion to recede and concur did not prevail.

(See Roll Call No. 348)

Subsequently, the House voted to adhere.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for Filling a Vacancy in the Office of Governor after the Convening of the Legislature and before the Governor-elect is Inaugurated (S.P. 974) (L.D. 2419) (C. "A" S-551) on which the House Insisted on its previous action whereby the Resolution failed of Final Passage in the House on May 29, 1986.

Came from the Senate with that Body having Adhered to its former action whereby the Resolution was Finally Passed in non-concurrence.

Representative Gwadosky of Fairfield moved that the House recede and concur.

The same Representative requested a division on that motion.

The SPEAKER: The pending question before the House is the motion of Representative Gwadosky of Fairfield that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

62 having voted in the affirmative and 65 in the negative, the motion did not prevail.

Subsequently, the House voted to adhere.

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

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

BILL RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1759)

An Act Making Appropriations and Allocations for the Expenditure of Funds Received by the State as a Result of a Federal Court Order in the Exxon Oil Overcharge Case (H.P. 1753) (L.D. 2436)

- In House, Passed to be Enacted on May 29, 1986.

- In Senate, Passed to be Enacted on May 29, 1986.

On motion of Representative Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby L.D. 2436 was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby the bill was passed to be engrossed.

The same Representative offered House Amendment "A" (H-767) and moved its adoption.

House Amendment "A" (H-767) was read by the Clerk and adopted.

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

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act Amending the Charter of the Farmington Village Corporation (H.P. 1760) (L.D. 2440)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

(At Ease)

The House was called to order by the Speaker.

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

(At Ease)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED

An Act Making Appropriations and Allocations for the Expenditure of Funds Received by the State as a Result of a Federal Court Order in the Exxon Oil Overcharge Case (H.P. 1753) (L.D. 2436) (H. "A" H-767)

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

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

PAPER FROM THE SENATE

Ought to Pass in New Draft/New Title

Report of the Committee on Energy and Natural Resources on Bill "An Act Creating a Moratorium on Further Approval for Landfills for Out-of-state Waste" (Emergency) (S.P. 973) (L.D. 2418) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Create a Study of Solid Waste

Disposal Policy in Maine" (Emergency) (S.P. 982) (L.D. 2431)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "E" (S-567)

Report was read and accepted and the New Draft read once.

Senate Amendment "E" (S-567) was read by the Clerk.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the Chair if I may.

Is Senate Amendment "E" germane?

The SPEAKER: The Chair would rule that Senate Amendment "E" is not germane.

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

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

(At Ease)

The House was called to order by the Speaker.

ORDERS

On motion of Representative BOST of Orono, the following Joint Resolution: (H.P. 1756) (Cosponsors: Speaker MARTIN of Eagle Lake, Senator PEARSON of Penobscot and Representative DIAMOND of Bangor)

JOINT RESOLUTION CONCERNING THE YEAR OF THE FLAG

WHEREAS, there is no greater, more beautiful and instantly recognized symbol of our Nation and its ideals, traditions and values than the flag of the United States. In recent years, citizen awareness, interest and appreciation of the flag and its relationship to our American heritage have increased; and

WHEREAS, the thirteen stripes of red and white remind us of the courage and steadfastness of those who pledged their lives, their fortunes and their sacred honor to found this great experiment in democratic government. The white stars on a field of blue stand for the 13 original colonies that formed the nucleus of the new Nation and the 37 states that have become part of our Nation since then. Those many stars recall the sage of our growth as we spanned a continent; and

WHEREAS, the colors of our flag signify the qualities of the human spirit we Americans cherish: Red for courage and readiness to sacrifice; white for pure intentions and high ideals; and blue for vigilance and justice; and

WHEREAS, nineteen eighty-six marks the 200th anniversary of the first call for a Federal Constitutional Convention and the year of rededication of the Statute of Liberty, another mighty symbol of what America means; let it also be the year we, as a people, commemorate our flag as the proud banner of freedom, for which generations of patriots have fought and died, the sign and symbol of a people ruled by a constitution that protects all and exemplifies our hopes and our history; now, therefore, be it

RESOLVED: That We, the Members of the 112th Legislature, through this recognition of the Year of the Flag, encourage the People of Maine to renew their appreciation of the flag and its relationship to our heritage, through appropriate celebrations honoring the flag.

Was read and adopted and sent up for concurrence.

On motion of Representative HARPER of Lincoln, the following Joint Resolution: (H.P. 1752) (Cosponsors: Representatives JACKSON of Harrison, HICHBORN of LaGrange and GREENLAW of Standish)

JOINT RESOLUTION EXPRESSING APPRECIATION TO
RONALD W. REAGAN, PRESIDENT OF THE UNITED STATES,
FOR HIS DECISION REGARDING NUCLEAR WASTE DISPOSAL

WHEREAS, an attempt to locate a second high-level nuclear waste disposal site in the eastern region of the United States commenced under the previous Administration in 1978 and the current Administration has seen fit to draw to a close the selection process of such a disposal site; and

WHEREAS, this Administration recognized the ecological, geological, economic and logistic problems involved in placing a nuclear disposal site in eastern United States; and

WHEREAS, the economy of the State of Maine was threatened by the ongoing dilemma of potentially being chosen as a site for waste disposal, such a prompt decision was particularly welcome; and

WHEREAS, the entire Maine Congressional Delegation and the citizens of Maine have spoken with one voice in opposition to any such proposal and also expressed their unanimous support to bring this matter to an early conclusion; and

WHEREAS, all the thousands upon thousands of citizens, who testified and wrote letters on behalf of Maine an embodied the "voice" which Albert Einstein referred to when he said, "To the village square we must carry the facts of atomic energy . . . from there must come America's voice"; now therefore, be it

RESOLVED: That We, the Members of the 112th

Legislature, hereby express our appreciation to the Honorable Ronald W. Reagan, President of the United States, and his administration for the decision taken on May 28, 1986, to withdraw from consideration a second high-level nuclear waste disposal site in the eastern region of the United States; and be it further

RESOLVED: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the Secretary of the United States Department of Energy, the Maine Congressional Delegation and Governor Joseph E. Brennan in our sincerest appreciation

Was read.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Harper.

Representative HARPER: Mr. Speaker, Ladies and Gentlemen of the House: The people of the State of Maine have carried a heavy burden of anxiety these past few months as they struggled with a very serious issue of a high level nuclear waste disposal site possibly being located here in our state.

The people of Maine have responded in unanimous opposition. A great number of meetings have been faithfully attended, many letters have been written, speeches have been presented and prayers have been offered. The united voice of our people has spoken from the village squares of our State of Maine and that voice of our people has been heard.

A prompt decision has been made by President Reagan to withdraw our state as a potential dumping site.

On behalf of the people in the town of Lincoln and in my own district 133, and I am sure representing the thoughts of many of the citizens of the State of Maine, I wish to thank the members of this State Legislature who have contributed of their time, their energy, their talent and their resolve in resisting the threats to our environment and to our very way of life. Your support and your encouragement and the able leadership that has been provided is deeply appreciated.

I thank you.

The SPEAKER: The Chair recognizes the Representative from LaGrange, Representative Hicbhorn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: In the Bottle Lake Complex area, the reaction of the citizens to the suggestion that a nuclear waste repository be located in their locality, was one of shock. After the first wave of hysteria, the people actively articulated reasons for opposing the idea. These reasons included geological, ecological and environmental, sociological and legal reasons. There was the serious concerns for the health, happiness and welfare of all man kind. And common sense prevailed.

I am very happy on behalf of all my constituents to cosponsor a Joint Resolution expressing their appreciation to Ronald Reagan, President of the United States, for his decision regarding nuclear waste disposal.

On motion of Representative Hayden of Brunswick, tabled pending adoption and later today assigned.

On motion of Representative HIGGINS of

Scarborough, the following Joint Order: (H.P. 1757)

Whereas, there has been no clear assessment of the fiscal impact of Public Law 1983, chapter 859, "AN ACT to Implement the Recommendations of the Commission on the Status of Education in Maine," on local property taxes and many municipalities are faced with increasing those taxes; and

Whereas, the role of the State in financing education has not been clearly defined or reassessed in the last 10 years; and

Whereas, the equity of the school finance formula should be reviewed periodically; and

Whereas, reforms mandated by that Act without adequate State funding have jeopardized local school budgets and threatened local decision making; and

Whereas, the potential costs to municipalities of rules promulgated to carry out that Act have not been thoroughly researched; now, therefore, be it

Ordered, the Senate concurring, that the Joint Select Committee on Education Funding is established. The committee shall consist of 13 members representing the Joint Standing Committee on Education, the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Taxation. Of these members, 2 shall be appointed by the President of the Senate, one shall be appointed by the Senate Minority Leader, 6 shall be appointed by the Speaker of the House and 4 shall be appointed by House Minority Leader; and be it further

Ordered, that the Legislature encourages and invites the participation and advice of the superintendents of schools, elected town councillors and managers, school board and school committee members and teachers; and be it further

Ordered, that the joint select committee assess the impact of the education reform law and rules promulgated pursuant to that law on local property taxes and school budgets and the role of the State in financing education; and be it further

Ordered, that the members of the joint select committee shall not receive compensation, but shall be reimbursed for their necessary expenses; and be it further

Ordered, that the joint select committee submit its report, together with any necessary legislation, to the First Regular Session of the 113th Legislature by March 15, 1987.

Was read.

Representative Brown of Gorham offered House Amendment "A" (H-770) and moved its adoption.

House Amendment "A" (H-770) was read by the Clerk and adopted.

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

Representative HANDY: Mr. Speaker and Members of the House: First, I would request a division on passage.

This Order that is before you today establishes another bureaucratic layer to review the impact of the Education Reform Act.

Apparently, the sponsors of the Order do not know of the Advisory Committee that the Department of Education has established to research all these issues in the particular Order that we are debating today.

Aside from that, not only would this be duplicative, it would be triplicative because in addition to that advisory committee, which would be in addition to the one that Representative Higgins seeks to establish, the Audit and Program Review Committee, the subcommittee on Education reviewing the Department of Education, (of which I serve as an adjunct member from the Education Committee) will be reviewing many of the same issues again that are included in this Order which that particular commission would address. Among them are, (I am reading from the preliminary issues list from the Audit Committee): Review the funding levels for the administration of the requirements of the Education Reform Act of 1984; Review the present school financing formula; Review the system by which services are delivered in the Curriculum Division of the Bureau of Instruction; Review the alternative funding sources for the delivery of special education services; Review the administration of Block Grants; Review the overall finances, organization and staff of the Department of Education; Review class size. Those are just a few of the issues that the Audit Committee will be reviewing and I see no reason to create yet a third commission at taxpayers expense to do the same thing.

I would hope that you would oppose passage of this Order.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Brown.

Representative BROWN: Mr. Speaker, Men and Women of the House: I am well aware of the other studies that are supposedly going to be done. I also think that it is necessary that we have another committee. The Education Committee will be the one that will be working with this Advisory Committee on the school funding problem and the problem that the municipalities are going to be facing when the reform act comes into full legislation.

I am also aware of the Committee of Audit and Program Review because I am also on that. It is going to review the present school financing formula but I don't think they will have time to go into any great depth of that problem. I still believe it is necessary for this Joint Order that Representative Higgins has put in. In the first place, there was a problem about the makeup of the committee so we decided that the Education Committee should be the one that should be working with this other committee. I hope that you will pass the Joint Order.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: As most of you know, I have chaired a committee over the past year to look at property taxes in Maine as a whole and part of our study includes the impact of educational reform.

I talked this morning with Representative Higgins and with Representative Brown and the intent of this Joint Order, as amended, which is to review the educational funding formula, a review that will be done, not by any special commission but will be done

by the Education Committee, I think that is highly appropriate.

The committee that I chair, we will certainly be giving a report on the impact of educational reform but the educational funding formula and the intricacies of that formula are not something that we will spend a lot of time reviewing. I think in view of the fact that we all know that there will be increased demands on local taxation unless the state addresses that issue from the Education Reform Act, in view of that, I think it is highly appropriate that the Education Committee review the funding formula. I think this Joint Order is appropriate.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would request a roll call.

The reason that I introduced this Joint Order was because (I think some of you are facing the same problem that I am) back home, I was subjected to some real serious and deep criticism by members of the school board and the town council here not too long ago. Their concern was that we had passed the Reform Act a couple of years ago, which I cosponsored at the time, the Governor's bill, which I had some reservations about over one particular part but, in general, supported overall. I felt it was the right thing to do for the people and the children in the State of Maine at the time.

Since that has been passed, enacted into law, there have been a number of things that have taken place -- we passed a minimum teachers salary here a year or so ago, the state board has taken some action in setting up some rules and regulations that local boards have had to deal with and it has created a hardship, I believe, to some extent on the local taxpayer.

The concern that was expressed to me was one of increased mandates, not enough money to go with them, and reduced state subsidy. In fact, in Scarborough's case, despite the fact that we are increasing our aid to education at the state level -- two years ago, we appropriated \$293 million state dollars for that program. This last year it was \$315 million. That is a \$22 million increase in our aid to education. That is a substantial amount, approximately 7 percent and yet, in Scarborough's case, we are getting a more than \$200,000 cut in the amount of money we are receiving. With the increased mandates that they have purported to analyze, it is going to cost them around \$100,000 or more to deal with those mandates. So, we are talking about an effective increase of almost \$300,000 or more on the local taxpayer in Scarborough, despite the fact that there are \$22 million more going into the formula.

I have read the Portland paper, I don't read the Bangor paper, but I know that there are a number of communities in the greater Portland area that are facing this same kinds of problems. I feel that they need to be addressed by the legislature, by the legislatures Committee on Education. I had originally set up, as you can see in the original order, a special select committee, but after talking with the good Representative from Gorham, we decided that Education would be the better place for it to be handled and I agreed with that.

I think it should be done by the legislature. I don't think it should be done by the bureaucracy. I

think they have some credibility that we need to assess. I think that the committee itself and this legislature should do that because we are the ones that appropriate the money, we are the ones that pass the laws that increase the mandates to the people. I would hope that you would support the Order.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Men and Women of the House: I would hope the House today would vote against the pending motion. However, being a realist, if the amendment is adopted, I do want members of the House to know what is already in place to address this problem, for the Record.

Near the close of the Second Regular Session of the 112th, the Joint Standing Committee on Education, through its House and Senate Chair, directed the Department of Education and Cultural Services, Maine School Management and the Maine Teachers Association to collaborate and determine the fiscal impact of the Education Reform Act of 1984.

The department, in this directive, will take the lead role and already has, and the constituencies will prepare a report as soon as possible. This report, as designated by the Education Committee, will report to the 113th Legislature. Commissioner Redmond has established an Advisory Committee on School Funding headed by newly appointed Deputy Commissioner, Ralph Egers, formerly Superintendent of Schools in South Portland. The committee is composed of 13 members representing the Department, MSMA, MTA, Maine Municipal Association, an individual teacher, principal, superintendent and a school board member. I am told that the committee held its first meeting on May 22nd.

The Committee has been charged, as Representative Handy alluded to earlier, with doing an in depth review of the fiscal impact, which concerns all of us, of the requirements of the Reform Act especially as they relate to the current role of the funding in funding education and sources of state revenue.

Very briefly, I would like to list the very capable members of the Advisory Committee which has already met. As I mentioned, Ralph Egers, Deputy Commissioner; Lucille Johnson, Division of School Management; Bill Richards, Division of Curriculum; Rodney Hatch, Superintendent; Dan Calderwood, Maine School Management; Tom Harvey, MTA; William Priest, School Board Member; William Cummings, Principal; Tom Vassallo, Maine Teachers Association; Pam Taylor, Maine Teachers Association; Kay Rand, Maine Municipal Association; Robert Powers, Principal; and Michael Aube from the State Board of Education.

We all acknowledge that there is a problem. I think it can be capably addressed by this group. If the amendment is adopted, I certainly hope that this Advisory Commission would work very closely with the Education Committee to resolve this problem.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: In responding to the previous speaker, I would like to say that the entities that he mentioned were certainly deeply involved in the Reform Act that was eventually to become our law.

This morning I received a letter from the Superintendent of Schools of School Union #42, Oak Hill Community School District. "Dear Representative Davis: As you are aware, the Legislative Reform Act

of 1984 is having a dramatic effect on the schools. Thus far, two towns have held their budget meetings with support from local citizens. However, a strong feeling running through the community is that the legislators should not be mandating programs without proper funding. For example, the \$13.5 recommended teachers' salary for 1986-87 breaks down as follows: -- then he goes on to list the towns -- for instance, the town of Sabattus to raise this salary to this figure is \$95,296 and their block grant was \$23,000, almost three times what they have to raise as they are receiving from the state.

As I said before, the State Department of Education had their input and now they want to revise it. They should have been thinking before they put this in place. Litchfield, almost four times as much as the block grant amounts to, that they are going to have to raise themselves.

I won't go into all the figures but it says, "the above reflects a serious shortfall of funds in all communities. In addition to many other mandates, it is creating a serious financial demand on these communities which will only become more serious with next years legislation. The new standards are appropriate but the local property taxes cannot provide much further financial support. We ask you to please consider the effect on the local taxes before the proposed legislation is acted upon." Then they go on to invite the legislators to their meetings of June 7th and June 14th.

One more time, these same entities that Representative Bost has mentioned had a great deal to do with this bill that was enacted. I think that the legislature and especially the Education Committee should have strong input on this and make the revisions that will give these towns a break. So, I hope you will pass this piece of legislation.

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

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

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

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

I would like to ask the gentleman from Scarborough, how much this is going to cost and where will the money come from?

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

The Chair recognizes that Representative.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: My understanding of that situation is that from the amendment that was offered by the Representative from Gorham, Representative Brown, is that the Legislative Council would authorize the expenditures of the committee. As I recall from my past service on that illustrious board, they more or less set the guidelines and the dollar amounts that they would allow for meetings and Chairs of the committee, I suspect, would make a recommendation as to the amount of money they would

need to run the study.

The SPEAKER: The pending question before the House is passage of the Joint Order as amended by House Amendment "A." Those in favor will vote yes; those opposed will vote no.

131 having voted in the affirmative and 1 in the negative with 18 being absent and 1 vacancy, the Joint Order was passed as amended and sent up for concurrence.

(See Roll Call No. 349)

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

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

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act Making Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (H.P. 1761) (L.D. 2441) (Presented by Representative PARADIS of Augusta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

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

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Create a Study of Solid Waste Disposal Policy in Maine (S.P. 982) (L.D. 2431)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

PAPER FROM THE SENATE

The following Joint Resolution: (S.P. 987)

JOINT RESOLUTION HONORING SENATOR BARBARA A. GILL OF SOUTH PORTLAND, CHAIRMAN OF THE EASTERN REGIONAL CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS

WHEREAS, Senator Barbara A. Gill of South Portland is the current Chairman of the Eastern Regional Conference of the Council of State Governments; and

WHEREAS, the council is the only national organization that brings the 3 branches of government together to consider problems of concern to all; and

WHEREAS, Senator Gill has distinguished herself in carrying on the council's mission to improve State Government without regard to branch, region, election, appointment or political party; and

WHEREAS, her leadership, unselfish interest and boundless energy in performing the duties of this worthy organization have materially contributed to the betterment of our State and Nation; and

WHEREAS, it is the desire of the Senate and House of Representatives and the people that they represent to formally recognize the accomplishments of this outstanding woman and high esteem and affection in which she is held; now, therefore, be it

RESOLVED: That We, the Members of the 112th Legislature of the State of Maine, now assembled in this special session, take this opportunity to acknowledge and commend the Honorable Barbara A. Gill, Chairman of the Eastern Regional Conference of the Council of State Governments for her invaluable service; and be it further

RESOLVED: That a suitable copy of this joint resolution be appropriately presented to Barbara as a tangible token of the sentiments expressed herein and with the sincere best wishes of her colleagues.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to appropriate Funds Necessary to Implement an Intensive Supervision Program, to Develop Community Corrections and Treatment Programs and to Address Needs of the Department of Corrections for the Fiscal Year Ending June 30, 1987" (H.P. 1720) (L.D. 2410) reporting "Ought to Pass" in New Draft (H.P. 1762) (L.D. 2442)

Signed:

Senators: McBREAIRTY of Aroostook
BERUBE of Androscoggin
PEARSON of Penobscot

Representatives: MCGOWAN of Canaan
NADEAU of Lewiston
LISNIK of Presque Isle
CONNOLLY of Portland
CHONKO of Topsham
CARTER of Winslow

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

Signed:

Representatives: SMITH of Mars Hill
HIGGINS of Scarborough
FOSTER of Ellsworth
BELL of Paris

Reports were read.

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

Under suspension of the rules, the bill was read a second time.

Representative Bell of Paris offered House Amendment "A" (H-775) and moved its adoption.

House Amendment "A" (H-775) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Bell.

Representative BELL: Mr. Speaker, Men and Women of the House: As this body probably knows by the supplement, the Appropriations Committee met this afternoon to deal with the appropriations bill for the corrections package. There was concern in the committee about the Intensive Supervision portion.

It was the intent of the Minority Report to offer an amendment to establish pilot programs to see how Intensive Supervision would be implemented in various areas of our state, both urban and rural. The idea was to give the Department of Corrections time to report back to the 114th Legislature about the cost associated with Intensive Supervision and the effectiveness of that program before implementing Intensive Supervision on a statewide basis.

Therefore, if this body would support this amendment, it would reduce the total number of intensive supervisors from 20 to 6 so that the department could begin with some type of a pilot program. I would urge this body to support this amendment.

The SPEAKER: The Chair recognizes the

Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I think we have argued this point back and forth, back and forth. It seems to me -- if you are going to do it, you should do it.

I move the indefinite postponement of House Amendment "A."

Representative Bell of Paris requested a roll call vote.

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

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

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

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

As I read this amendment, I direct my question to Representative Bell -- you talk of a pilot program, is this going to be in a specific area? I have my doubts whether they could cover the whole state with ten people, let alone three teams. Is this going to be in a specific area that you are going to do this?

The SPEAKER: Representative Ridley of Shapleigh has posed a question through the Chair to Representative Bell of Paris, who may respond if she so desires.

The Chair recognizes that Representative.

Representative BELL: Mr. Speaker, Men and Women of the House: The intent of this amendment would be to have an urban site, a rural site and some site in between, certainly up to the Department of Corrections. We did not take the liberty to suggest where that site would be.

I think earlier in the debate there was some concern by people in rural Maine that people from our particular areas may be somewhat limited in being involved in this program.

I, for one, would be interested in how those teams do, so, if the 114th Legislature agreed, we could implement it appropriately statewide, if that was the decision at that point. We would have more information to make a better decision, in my mind.

The SPEAKER: The pending question before the House is the motion of Representative Jacques of Waterville that the House indefinitely postpone House Amendment "A." Those in favor will vote yes; those opposed will vote no.

76 having voted in the affirmative and 53 in the negative with 21 being absent and 1 vacancy, the motion did prevail.

(See Roll Call No. 350)

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

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act Making Corrections of Errors and Inconsistencies in the Laws of Maine (H.P. 1761) (L.D. 2441)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED

An Act to Appropriate Funds Necessary to Implement an Intensive Supervision Program, to Develop Community Corrections and Treatment Programs and to Address Needs of the Department of Corrections for the Fiscal Year Ending June 30, 1987 (H.P. 1762) (L.D. 2442)

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

Representative Murphy of Kennebunk requested a roll call vote on enactment.

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

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

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

67 having voted in the affirmative and 61 in the negative with 22 being absent and 1 vacancy, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(See Roll Call No. 351)

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

PAPER FROM THE SENATE

Non-Concurrent Matter

Joint Order relative to establishment of the Joint Select Committee on Education Funding (H.P. 1757) which was passed as amended by House Amendment "A" (H-770) in the House on May 30, 1986.

Came from the Senate with the Joint Order and accompanying papers indefinitely postponed in non-concurrence.

Subsequently, the House voted to adhere.

The Chair laid before the House the following item: Joint Resolution: (H.P. 1752) JOINT RESOLUTION EXPRESSING APPRECIATION TO RONALD W. REAGAN, PRESIDENT OF THE UNITED STATES, FOR HIS DECISION REGARDING NUCLEAR WASTE DISPOSAL which was tabled earlier in the day and later today assigned pending adoption.

Representative Diamond of Bangor offered House Amendment "A" (H-772) and moved its adoption.

House Amendment "A" (H-772) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: The announcement made a couple of days ago by the Department of Energy that Maine and the other eastern states were no longer actively in the running for a second repository for high level waste was understandably greeted with much enthusiasm here and, of course, we made note of that at the time of the announcement.

The Resolution presented this morning by Representative Harper recognizes that. However, in reading that Resolution, I found a number of significant factual errors and as a result, I thought we should amend it to make clear what indeed the case was and also to go beyond that and to express our desire, not only to recognize that we are temporarily out of the running but to ask that we be taken off the list permanently.

The amendment I have just presented does that. It not only commends those in the decision making positions in Washington for their action, it also commends those people in our Congressional Delegation for their efforts and the people of Maine, including members of this legislature, for their work on behalf of this state. It also asks that the Reagan Administration and our Congressional Delegation and the Department of Energy go beyond that, not only postponing any action to include Maine and the other states, but to take action to delete from the Nuclear Waste Act, the authorization for a second repository.

For that reason, I hope you will go along with acceptance of this amendment. It is consistent with the positions this legislature has taken in the past prior to the announcement and I think it also corrects a number of factual errors contained in the proposal presented to the legislature this morning.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I have had an opportunity to read through House Amendment "A" and there appears to be some technical problems with that amendment in terms of certain assumptions and errors of omission by the gentleman from Bangor.

I would like to have the individual, since he has done the research, indicate to the House who the sponsor was of the law as it moved through the Congress and what the vote was in both Houses of Congress when that was passed?

The SPEAKER: Representative Murphy of Kennebunk has posed a question through the Chair to Representative Diamond of Bangor, who may respond if he so desires.

The Chair recognizes that Representative.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: In response to the gentleman's question, I cannot tell him at this time the names of the sponsors who sponsored the Nuclear Waste Policy Act of 1982. I wish I could. I do know that, according to information provided to me by the Department of Energy, it was signed into law on January 7th, 1983 by President Reagan. That contradicts the statement in the Resolution presented this morning in which reference is made to the Carter Administration taking action in 1978. I thought that was a significant enough change to deal with.

In addition, it commends the administration, and I quote in the second paragraph, "for recognizing the ecological, geological, economic and logistic problems involved in placing a nuclear disposal site in the eastern United States" as the reason for the action taken a couple of days ago. In fact, I have a copy of the letter from the Secretary of Energy in which he says that the reason to delete Maine and the other eastern states was done "because of the progress in siting the first repository and the uncertainty of when a second repository might be needed for that action, this temporary action was taken." So, that obviously, was a significant error and I am sure nobody in the legislature would want to pass anything with such a grievous error in it.

I think if you look at the information that was provided to all of us several months ago by the Department of Energy that it goes on in great detail to talk about the history of this and to lay the blame of creating this monster at anyone's feet, would be unfair. Every administration, over the past few decades, has been involved in the problem of dealing with high level waste and low level waste. In fact, you might as well go back to 1957 when the first commercial use of nuclear power went on line. It was the Eisenhower Administration that first raised the question of how were we going to deal with high level waste. Obviously, subsequent administrations dealt with that question as well. You could even go back to the Roosevelt Administration and the Manhattan Project and lay the blame there for the development of the problem that we now face.

To answer the gentleman's question, I hope I have covered his concerns but, indeed, this was a law that was signed into law in 1983. It was passed in 1982 by Congress and as a result, I think that that ought to be clarified for the Record.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I am surprised the gentleman from Bangor didn't go a little further in terms of his research. It is my understanding the sponsor of that law was Moe Udall. I think we are aware of what party he is in.

I also think the gentleman should have been aware that in both Houses it was a unanimous voice vote, the President had no other choice but to sign that in terms of the numbers being so overwhelming in terms of a veto. I think he has also conveniently left out, and I can provide him with copies of both articles and speeches by President Jimmy Carter, who was the leading advocate of this project or this drill that we have moved through, as well as information of leading members of his party.

I think we are going back and forth, I think the Resolution expressed appreciation and relief. I almost sense a feeling from what I observed in the hall that day and from the comments that I am hearing, a little regret, maybe a little dismayed that this issue is no longer with us.

Representative Diamond of Bangor was granted permission to address the House a third time.

Representative DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: In case there is any confusion, in no way, did I want to put political blame or credit anywhere as far as the need to address the problem of high level and low level nuclear waste in this country. I would not want to make a political issue out of that, after all that indeed would be wrong.

Just to set the Record straight, it was not the Carter Administration, but the Nixon Administration that first authorized the development of this program of storage of high level waste. I will let it go at that.

(Off Record Remarks)

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I think as the Speaker has indicated, we are kind of doing a little filling here in between printing.

I was amazed at one time that the Speaker, while we were on a television program, blamed President Nixon for the mess that Maine's Workers Comp was in. Now the gentleman from Bangor blames this whole last bill upon former President Nixon.

It is interesting to note that the gentleman indicated that he didn't want this legislature to make any type of error while it is here. We can't even get an Errors and Omissions Bill through this legislature. We are trying a second time around to get it because there was an error in the Errors and Omissions.

Mr. Speaker, I move the indefinite postponement of House Amendment "A."

Representative Diamond of Bangor requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote

yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the Representative from Edgecomb, Representative Holloway.

Representative HOLLOWAY: Mr. Speaker and Members of the House: Somehow, I would like to get this amendment around into the posture where we might adopt both Resolutions. It seems rather ridiculous to be up here nit-picking on whose Resolution is the best one. I don't know what posture we have to get in, to backtrack a little bit, but it almost seems like we perhaps should not indefinitely postpone this Resolution, to adopt it and to also adopt the previous Resolution rather than try to amend it.

So, if the leadership on either side could help me get this in the proper posture, that is what I would like to do.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Brannigan.

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House: A plague on both your houses. I would like to get this in the position where we could kill both of them.

We are all relieved, especially those who lived and worked so hard near those sites, but the fact is that there has been some joking about the harassment that we have been put through in the last several months and I think maybe we should not forget that and go on to say how glorious and wonderful this decision is. It is great that it happened but it is terrible that we had to even have to come to that point. So, I say a plague on both your houses. I say we vote against both of these things and that we restrain ourselves so we don't have any Resolutions about how much harassment we have had to go through and how much torture.

The SPEAKER: The pending question before the House is indefinite postponement of House Amendment "A." Those in favor will vote yes; those opposed will vote no.

99 having voted in the affirmative and 21 in the negative with 30 being absent and 1 vacancy, the motion did prevail.

(See Roll Call No. 352)

On motion of Representative Ridley of Shapleigh, the Joint Resolution was indefinitely postponed.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

PASSED TO BE ENACTED

Emergency Measure

An Act Making Appropriations from the General Fund and Changing Certain Provisions of Law Necessary for the Operation of State Government for the Fiscal Years Ending June 30, 1986 and June 30, 1987 (H.P. 1755) (L.D. 2438)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

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

PAPER FROM THE SENATE

The following Communication:

The Senate of Maine
Augusta

May 30, 1986

Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its previous action whereby it Indefinitely Postponed Joint Order (H.P. 1757).

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

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

PAPER FROM THE SENATE

Non-Concurrent Matter

Bill "An Act to Authorize a General Bond Issue in the Amount of \$15,000,000 for Construction and Renovation of Correctional Facilities" (H.P. 1758) (L.D. 2439) which was referred to the Committee on Appropriations and Financial Affairs in the House on May 30, 1986.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-568) without reference to a Committee in non-concurrence.

Representative Pines of Limestone moved that the House recede.

Senate Amendment "A" (S-568) was read by the Clerk.

On motion of Representative Carter of Winslow, Senate Amendment "A" (S-568) was indefinitely postponed.

Representative Pines of Limestone offered House Amendment "F" (H-776) and moved its adoption.

House Amendment "F" (H-776) was read by the Clerk. The SPEAKER: The Chair recognizes the Representative from Portland, Representative Nelson.

Representative NELSON: Mr. Speaker, Men and women of the House: I simply wanted to remind the members of this body that this was introduced in a bipartisan spirit where people worked from both sides of the aisle and in both bodies and we thank you all for your efforts.

Subsequently, Senate Amendment "F" was adopted. Representative Carter of Winslow offered House Amendment "G" (H-777) and moved its adoption.

House Amendment "G" (H-777) was read by the Clerk and adopted.

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

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

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Bond Issue in the Amount of \$16,000,000 for Construction and Renovation of Correctional Facilities (H.P. 1758) (L.D. 2439) (H. "F" H-776; H. "G" H-777)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the

Constitution, a two-thirds vote of the House being necessary, a total was taken. 108 voted in favor of same and 1 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

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

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

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

PAPER FROM THE SENATE

The following Joint Order: (S.P. 986)

Whereas, the Legislature has attempted to resolve the problematic issue of necessary improvements to the Maine corrections system; and

Whereas, the Legislature in L.D. 2439, H.P. 1758 has proposed a General Fund bond issue in the amount of \$16,000,000 to renovate and construct correctional facilities and this shall be submitted to the voters on November 4, 1986; and

Whereas, the Legislature finds it important that the electorate of the State should be informed how the available proceeds from the possible issuance of bonds will be spent; now, therefore, be it

Ordered, the House concurring, that the Joint Select Committee on Improvements to the Corrections System is established. The committee shall consist of 15 members appointed jointly by the President of the Senate and Speaker of the House as follows: Four Senators and 11 members of the House of Representatives, representing the Joint Standing Committee on Human Resources and the Joint Standing Committee on Appropriations and Financial Affairs. The joint select committee shall select one of its members to serve as chairman; and be it further

Ordered, that the joint select committee shall survey the status of the State's correctional facilities and recommend the allocation of funds from the proceeds of the General Fund bond issue authorized pursuant to L.D. 2439; and be it further

Ordered, that the joint select committee report its findings and recommendations, especially with regard to how the money resulting from the proceeds of the bond issue should be spent, to the Legislative Council by September 15, 1986; and be it further

Ordered, that no finding or recommendation may be

made by the joint select committee unless that finding or recommendation is approved by at least 2/3 of the members of the joint select committee; and be it further

Ordered, that the Legislative Council shall take such action as it may deem necessary to inform the voters prior to the general election as to the proposed allocations of funds from the General Fund bond issue.

Came from the Senate, read and passed.

Was read and passed in concurrence.

At this point, the Speaker appointed Representative DIAMOND of Bangor on the part of the House to Inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

Representative Smith of Island Falls was granted unanimous consent to address the House.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to be on a flowery note. Earlier on, we had some pretty flowery speeches. Mine is not. I will say I have a heavy heart, but nevertheless, I waited three days for a bill to come from the second floor. It hasn't shown up yet. We have means that we could bring it up but I realize the cost involved and I knew that we could not get it by the Senate.

Why did the bill come about to start with? It was because of lies told to us, the committee (Fish and Wildlife Committee) by the Commissioner, Glenn Manuel. I am standing here telling you this because nothing makes me more angry than being lied to. The department is lacking financially but the credibility is also sadly in need of fixing.

The committee voted this bill out 10 to 3, 10 for it, 3 against. The House passed it 111-28. The other body voted 18-13 for the bill. Now the Governor as much as suggested to us that we do not know what we are doing and he knows best but he is listening to the guy who told us the original lie, Mr. Manuel, who said the system would not go into effect unless we, the committee, was unanimous with him.

It is often said that two heads are better than one, but in this case, I guess one head is better than 129 which seems to be the total number who voted for this doe permit system.

We had a confirmation hearing, three members were supposed to come before us, again the commissioner stood up and said one of the members was at the doctor because of illness and could not appear. I said, at that time, I can't vote for a man I have never seen nor had a chance to question. A motion was then made that we table it and take it up at a time when he could appear and that carried. Fifteen minutes later that gentleman appeared before our committee. Where was he? In the broom closet, in the Governor's office? I don't know. But I believe we were lied to again.

I don't like that. I am sure you men and women

here don't like to be lied to. I like story telling, yes, but when I am talking to somebody about business and things that are important to me, I want the truth and if I don't get it, then I am not listening to that gentleman again.

Apparently, the Governor would rather listen to him than he would to us.

Well, this bill isn't the end of the world for me but I just wanted to go on Record in case I am not back here again to let you know my concerns about this bill. I feel that we have been taken. I thank you for listening.

The motion prevailed and at 11:02 p.m., Eastern Daylight Saving Time, Friday, May 30, 1986, the Speaker declared the House adjourned without day.

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

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

The Chair appointed the following members on the part of the House to wait upon His Excellency, Governor Joseph E. Brennan, and inform him that the House has transacted all business before it and was ready to receive any communication that he may be pleased to make.

Representatives BEAULIEU of Portland
 NELSON of Portland
 MASTERMAN of Milo
 CONNERS of Franklin
 DRINKWATER of Belfast
 SMITH of Mars Hill
 BRODEUR of Auburn
 HIGGINS of Portland
 HAYDEN of Brunswick
 BELL of Paris
 MURRAY of Bangor
 BONNEY of Falmouth
 DESCOTEAUX of Biddeford
 RIOUX of Biddeford

(Off Record Remarks)

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

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

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

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