

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Fifteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME VI**

**SECOND REGULAR SESSION**

House of Representatives  
March 10, 1992 to March 31, 1992

Senate  
January 8, 1992 to March 9, 1992

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
SECOND REGULAR SESSION  
SENATE ADVANCE JOURNAL AND CALENDAR  
22nd Legislative Day

In Senate Chamber

Monday

March 9, 1992.

Senate called to Order by the President.

Prayer by the Honorable John J. Cleveland of Androscoggin.

**SENATOR JOHN J. CLEVELAND:** Good morning. Whereas it is our custom to begin these proceedings in prayer and meditation on the work we do here, I would like to share with you this morning a letter I recently received from a constituent written in the form of a Psalm.

"Dear Senator Cleveland, The politician is my shepherd, I am in want. He maketh me lie down on park benches. He leadeth me beside the still factories. He disturbeth my soul. Yea, though I walk through the valley of the shadow of the Depression and Recession, I anticipate no recovery for he is with me. He anointeth my small income with great taxes. My expenses runneth over. Surely unemployment and poverty shall follow me all the days of my life, and I shall dwell in a mortgaged home forever. Sincerely, Your Mother."

Let us pray. "O Lord gives us the wisdom to utter words which are gentle and tender...for tomorrow we may have to eat them." Amen.

Out of order and under suspension of the Rules, on motion by Senator **DUTREMBLE** of York, the following Senate Order:

**ORDERED,** that a message be sent to the House of Representatives proposing a Convention of both Branches in the Hall of the House at 10:45 in the morning, for the purpose of extending to the Honorable Robert L. Woodbury, Chancellor of the University of Maine, an invitation to attend the Convention and make such communication as pleases him.

Which was **READ** and **PASSED**.

The Chair appointed the Senator from York, Senator **DUTREMBLE**, to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

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

**COMMUNICATIONS**

The Following Communication: S.P. 941

**115TH MAINE LEGISLATURE**

March 6, 1992

Senator Michael D. Pearson  
Rep. Dorothy A. Rotondi  
Chairpersons  
Joint Standing Committee on Fisheries and Wildlife  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Eugene L. Churchill of Orland for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA Section 7033-A, this nomination will require review by the Joint Standing Committee on Fisheries and Wildlife and confirmation by the Senate.

Sincerely,  
S/Charles P. Pray  
President of the Senate  
S/John L. Martin  
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **FISHERIES AND WILDLIFE**.

Sent down for concurrence.

The Following Communication:  
**UNIVERSITY OF MAINE  
MARGARET CHASE SMITH CENTER  
FOR PUBLIC POLICY  
15 COBURN HALL  
ORONO, MAINE 04469**

March 3, 1992

The Honorable Charles P. Pray  
President of the Senate  
State House Station 3  
Augusta, Maine 04333

Dear Senator Pray:

In accordance with 1967 Public Law, Chapter 493, I am pleased to enclose copies of the Report for the 1991 Maine State Government Internship.

Due to budget constraints, we are unable to distribute the report to all members of the Legislature this year, but do have a few extra copies available should you need them.

In the summer of 1991, twenty-one Maine College students were placed in six State Agencies for a twelve-week paid work experience. Again, these students were able to contribute to their State Government and enable Departments to complete important projects; simultaneously, students gained a valuable learning experience, as attested by both supervisors and interns.

We are pleased to be associated with the program and would be happy to answer any questions you might have.

Sincerely,  
S/Steven Ballard  
Director

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE**.

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION**

March 5, 1992

The Honorable Charles P. Pray  
President of the Senate of Maine  
State House  
Augusta, Maine 04333  
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Peter Bell of Northeast Harbor, for appointment to the Maine Maritime Academy Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3  
Representatives 10  
NAYS: 0  
ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Peter Bell of Northeast Harbor, for appointment to the Maine Maritime Academy Board of Trustees be confirmed.

Sincerely,

S/Sen Stephen C. Estes S/Rep. Nathaniel Crowley, Sr.  
Senate Chair House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

On motion by Senator **ESTES** of York, Nomination Tabled until Later in Today's Session, pending **CONSIDERATION**.

**SENATE PAPERS**

Bill "An Act Authorizing the Town of Rockport to Refinance Certain Temporary Bond Anticipation Notes Issued for Its Wastewater Project" (Emergency)

S.P. 942 L.D. 2405

Presented by Senator **BRAMN** of Knox  
Cosponsored by Representative **NASH** of Camden  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**.

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

Bill "An Act to Reestablish the Tax Credit for Intrastate Airlines" (Emergency)

S.P. 943 L.D. 2406

Presented by Senator **THERIAULT** of Aroostook  
Cosponsored by Speaker **MARTIN** of Eagle Lake and Representative **PARADIS** of Frenchville  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

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

**SECOND READERS**

The Committee on Bills in the Second Reading reported the following:

**Senate As Amended**

Bill "An Act to Repeal the Laws Governing State Investments in Companies Doing Business in South Africa"

S.P. 868 L.D. 2215  
(C "A" S-585)

Bill "An Act to Implement a Comprehensive Ambient Toxics Monitoring Program"

S.P. 876 L.D. 2237  
(C "A" S-598)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

Bill "An Act to Develop a Statewide Voter Registration File"

S.P. 811 L.D. 2010  
(C "A" S-596)

Which was **READ A SECOND TIME**.

On motion by Senator **WEBSTER** of Franklin, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED, AS AMENDED**.

Senate at Ease

Senate called to order by the President.

**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and Later Today Assigned (3/5/92) matter:

**RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Clarify Succession to the Positions of Treasurer of State and Secretary of State

H.P. 1478 L.D. 2090  
(C "A" H-932)

Tabled - March 5, 1992, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, February 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-932)**, in concurrence.)

(In House, March 4, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-932) AS AMENDED BY HOUSE AMENDMENT "A" (H-1032)** thereto, in **NON-CONCURRENCE**.)

(In Senate, March 5, 1992, **ADHERED**. Subsequently, **RECONSIDERED**.)

On motion by Senator **BERUBE** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

Off Record Remarks

At this point, a message was received from the House of Representatives, borne by Representative **GWADOSKY** of Fairfield, informing the Senate that the House of Representatives concurred with the

proposition for a Joint Convention, to be held in the Hall of the House, at 11:00 o'clock, for the purpose of extending to the Honorable Robert L. Woodbury, Chancellor of the University of Maine, an invitation to attend the Joint Convention and make such communication as pleases him.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

**AFTER CONVENTION  
IN SENATE**

Senate called to order by the President.

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

**NOMINATION** - of Peter Bell of Northeast Harbor for appointment to the Maine Maritime Academy Board of Trustees

Tabled - March 9, 1992, by Senator **ESTES** of York.

Pending - **CONSIDERATION**

(In Senate, March 9, 1992, Communication from the Committee on **EDUCATION READ** and **ORDERED PLACED ON FILE**)

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Peter Bell of Northeast Harbor be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **Education** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators None  
**NAYS:** Senators **BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY**

**ABSENT:** Senators **ESTY, PEARSON**

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Peter Bell, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

**ORDERS OF THE DAY**

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

Bill "An Act to Develop a Statewide Voter Registration File"

S.P. 811 L.D. 2010  
(C "A" S-596)

Tabled - March 9, 1992, by Senator **WEBSTER** of Franklin

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**  
(In Senate, March 9, 1992, **READ A SECOND TIME**)

Senator **WEBSTER** of Franklin requested that the Secretary read the Reports.

Senator **WEBSTER** of Franklin requested a Division.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator **MILLS**.

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Many states across the Country are either implementing Statewide Voter Registration files or are looking into the process. We had this Bill before our Committee to implement a Statewide Voter Registration file. We discussed the merits of the Bill. There were a lot of people in favor of it and some that were worried about it from municipalities. We have a study set up under this Bill that is being absorbed by the Secretary of States Office. The Elections Committee which I serve on with other members of the Legislature and municipalities across the State, we meet approximately once a month to go over election laws. It is of no cost to the State. We discuss different things that we want to have within the State or not within the State. This study calls for that Body to look into a Statewide Voter Registration file and to report the pros and cons of it along with the municipality members and to report back next year to the Legislature.

Originally when this Bill came before us with the study, it was nearly unanimous in favor of the Bill. I went away for a week and when I came back the Bill was signed and suddenly I was in the Minority. I don't know what happened. It is a study and is absorbed. It is a Committee that already meets anyway and will be helping to study this over the next year. I hope you will support going forward with it because I think it is an issue that this State should look in to whether they want to move towards a Statewide Voter Registration file or not. Thank you Mr. President.

Senator **WEBSTER** of Franklin requested and received leave of the Senate to withdraw his motion for a Division.

Which was **PASSED TO BE ENGROSSED, As Amended**.  
Sent down for concurrence.

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

**ORDERS**

**Joint Order**

On motion by Senator **CLARK** of Cumberland the following Joint Order:

S.P. 944

**ORDERED**, the House concurring, that Bill, "An Act to Clarify the Laws Related to Credit Cards," H.P. 1410, L.D. 2022, and all its accompanying papers be recalled from the Governor's desk to the Senate.

Which was **READ** and **PASSED**.

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

**ORDERS OF THE DAY  
Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and Later Today Assigned (3/4/92) matter:

Bill "An Act to Implement the Jobs Creation Bond Package" (Emergency)

H.P. 1708 L.D. 2389

Tabled - March 4, 1992, by Senator CLARK of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, March 4, 1992, **READ A SECOND TIME.**)

(In House, March 3, 1992, **PASSED TO BE ENGROSSED.**)

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I understand this is the language which would implement the Bond Package that failed for enactment last week. I would be curious as to whether this Bill would be of use without the language of the Bond Package. Perhaps someone could explain that to me. Thank you.

**THE PRESIDENT:** The Chair would advise the Senator that this item is up for Passage To Be Engrossed and it still has several readings between the two Bodies.

On motion by Senator MATTHEWS of Kennebec, Senate Amendment "C" (S-595) **READ.**

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. Reading from the Statement of Fact, Ladies and Gentlemen of the Senate, this amendment requires that the performance standard as required by the Department of Economic and Community Development of Municipalities in contracting for the use of funds provided under Part A be required by other agencies contracting with municipalities for the use of these funds. It simply uses the job criteria we worked on in the Committee to apply to agencies that may apply for these dollars under the municipalities provision. The amendment deletes some agencies that may be awarded Bond proceeds and make deductions in the amount of the Bond Issue. This amendment adds an appropriation and allocation section and a fiscal note. Thank you Mr. President.

On motion by Senator MATTHEWS of Kennebec, Senate Amendment "C" (S-595) **ADOPTED.**

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

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

The Chair laid before the Senate the Tabled and Later Today Assigned (3/5/92) matter:

HOUSE REPORTS - from the Committee on JUDICIARY on Bill "An Act to Amend the Maine Health Security Act"

H.P. 1093 L.D. 1593

(C "B" H-967)

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-966).

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-967).

Tabled - March 5, 1992, by Senator WEBSTER of Franklin.

Pending - Motion by Senator GAUVREAU of Androscoggin to RECEDE AND CONCUR (Roll Call Ordered)

(In House, February 27, 1992, the Majority **OUGHT TO PASS AS AMENDED** Report READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-966).**)

(In Senate, March 3, 1992, the Minority **OUGHT TO PASS AS AMENDED** Report READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-967) in NON-CONCURRENCE.**)

(In House, March 5, 1992, that Body **ADHERED.**)

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Holloway.

Senator HOLLOWAY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I do hope that you will defeat this motion that is currently before us so we can move on to Adhere. I do believe that the pre-litigation panels are an essential part of our Court System. I would hope that you will defeat the motion so we may go on to kill the Bill. I hope you are not concerned about the Bill going down the tubes because we are hearing from Judge Delahanty that he would be able to do administratively what the Bill would do. That way we would be able to retain the panels. Thank you very much.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. You will be pleased to learn that at the close of discussions this morning on L.D. 1593, the Senate hopefully will have no further Bills dealing with the beguiling area of medical malpractice. No one would be more pleased by that development than I. When the Committee on Judiciary heard L.D. 1593 last spring, I frankly didn't feel that the Committee should spend a good deal of time on this issue. I felt we should allow the panels to run their course and look at the issue again in the upcoming Legislative Session. I must say that the information the Committee received was rather startling in nature. That is the panels, although well conceived, are not working out as originally planned. As I mentioned to you last week in debate, there are some seventy five panels that are currently on the judicial tarmac and are waiting to take off but have not yet attained flight because of the lack of panel chairs appointed for those panels. Beyond that, there are some technical problems that I won't take your time with this morning. Each version of L.D. 1593, the Majority and Minority Report, both would have addressed those problems which are significant dealing with discovery matters in the panels.

There was an innovative concept on allowing parties to go to mediation prior to the convening of the panels. As you know, the posture of this Bill is such that if the Senate does not Recede and Concur with the action of the other Body, this Bill will go no further and there will be no Legislation this year on medical malpractice. I don't want anyone to go away from this Session with the thought that somehow because perhaps the Chief Justice of the Court may attempt to appoint some people to panels, the problem will have been resolved. In point of fact, we clearly are denying justice to several dozen litigants in our State and that is a fact of life. People will be awaiting for several years for the convening of the pre trial screening panels. I

support whole heartedly the panels and I support allocating sufficient resources, that means money, so the court can actually appoint an active retired Justice or someone else who will be paid and can actually be in the panel. These things are not occurring today and they will not occur until perhaps next year or the year after that or whenever the Legislature believes it is time to take appropriate action.

Let me leave one final thought with you. The reaction of some of the lobbyist in the health community is somewhat apoplectic. The view is, well my goodness we are going to abandon this innovative experiment in litigation. We have a viable alternative by the ages of pre trial screening panels. Let me submit to you that if an idea and a concept has merit, it will endure. People will see the inherent wisdom of the concept and they will vote to support that concept in future years. On the other hand, if one has doubts as far as a concept or idea, and they are afraid to have that idea tested, that might speak something in and of itself. I, for one, were I privileged to come back next year, would support the extension of pre trial screening panels. I certainly hope this Legislature would do that. It does call into question the wisdom of the panels when people are afraid to sunset something. The status quo is not working and no one here should labor under that delusion. It is clearly working to the detriment of the people who are trying to advance their cases in our judicial system. A vote today in opposition to the motion to Recede and Concur will, in fact, maintain the status quo which might make some people happy but will ultimately be to the detriment of people who are being denied their day in court. Thank you Mr. President.

Senator CAHILL of Sagadahoc requested and received leave of the Senate to withdraw her motion for a Roll Call.

Senator CAHILL of Sagadahoc requested a Division.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator GAUVREAU of Androscoggin, that the Senate RECEDE and CONCUR.

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

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

10 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator GAUVREAU of Androscoggin, to RECEDE and CONCUR, FAILED.

On motion by Senator HOLLOWAY of Lincoln, the Senate ADHERED.

The Secretary has so informed the Speaker of the House.

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

Bill "An Act Transferring County Jail Operations to the State"

H.P. 998 L.D. 1447  
(C "A" H-979)

Tabled - March 5, 1992, by Senator BALDACCI of Penobscot.

Pending - FURTHER CONSIDERATION

(In Senate, March 4, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-979).)

(In House, March 5, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-979) AS AMENDED BY HOUSE AMENDMENT "B" (H-1037) thereto, in NON-CONCURRENCE.)

On motion by Senator BALDACCI of Penobscot, the Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED.

The same Senator further moved that the Bill and Accompanying Papers be INDEFINITELY POSTPONED in NON-CONCURRENCE.

Senator GILL of Cumberland requested a Division.

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

Senator BALDACCI: Thank you Mr. President. Ladies and Gentlemen of the Senate. First I would like to thank the President of the Senate for helping me out with the parliamentary procedures to get this is in the proper position and also for being able to take it up today. I appreciate that. We have been dealing with this particular issue for a few years and there is no way in Gods green earth that the State is ever going to be able to take over the running of the County Jails especially in light of all the restructuring reports and the streamlining that is being proposed. It is to a large degree a lot of pandering to the local municipalities to hold out to them that they think maybe someday we will be able to take it over. The other thing is that you have to remember with the cost of running these County Jails they also receive revenues from the State if they are left in tact. In Penobscot County, for example, the County gets \$770,000 from the Community Corrections account, it gets money from the Federal prisoner account, and it also gets monies from prisoners from other counties in excess of \$1,000,000. It is much less expensive to operate these facilities than if they were going to be run by the State. I think at a time when we are trying to streamline, downsize, and restructure State Government, it probably is something we should not be encouraging at this time. Thank you.

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

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I signed onto this Bill. In the past I voted against it. I felt like the discussion was still ongoing. There really hadn't been a good discussion of the issue. Realizing there may very well be a heavy cost, I thought the subject should be discussed and either put to bed or gone forward one way or the other. The proposal that we have before us is merely to study and look at a plan and bring it back to the Legislature. There is nothing that is going to take place unless the Legislature decides it will or it won't. I thought it was an opportunity for a full blown discussion on the issue. Thank you.

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

Senator CLEVELAND: Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill simply asks for a study at this point to look at what is appropriate to do with the operation of our Jail Systems on whether or not it is feasible at some point in the future and if it is the proper procedure to proceed to implement a State role in the operation of jails. Let me remind you that one of the most expensive cost to any local County Government is the operation of the jail. By and far that is the most expensive. Let me also remind you the majority of

that cost is paid for by local property taxes. One time in our history in 1920 when we became a State, it may have made sense and was reasonable to have local operated County jails. As we approach the 21st Century, I think we need a new vision of the proper role of our Correctional System and how it ought to be an integrated function within this Society. We ought to take a careful and thoughtful look at that and not simply react to the momentary down turn in the economy. We shouldn't say it is not possible for us to look forward to do what is right but rather we would stay stuck in our current thinking that everything has to be the way it always has been. I don't think that is what the people of this State expect nor is it what we should be doing in the long term.

Let me also suggest to you that many County Jails have required to be expanded at millions of dollars of local costs to local property tax payers because the State has been unwilling and unable to provide appropriate correctional facilities. People who commit state crimes, who break laws, who are convicted by state courts, are housed in County Jails paid for by local property tax payers. There is an inconsistency there. I think we have to make a determination on what is an appropriate correctional system and what is an appropriate way in the long term to pay for that. To stop now, looking to the future, would do great harm and continue to burden to the local property tax payer with a correctional system that no longer makes sense for the 21st Century.

Let me just add one note to this. Let's suppose an individual is arrested for a State crime and put into a County Jail System. That individual is not a threat only to that County. It is not as though that prisoner can't get in an automobile and drive anywhere in the state and commit a crime. The role of that correctional system is to serve all the people of the State, not just the local tax payer. We ought to look at the appropriate way to pay for that kind of correction and whether we ought to continue to burden the most regressive form of taxation with that system. This is simply a study. It just looks at the future and recognizes that as time passes we may need to do things differently. Are they difficult times? Certainly. We shouldn't stop looking to the future to find the best solution. When the time comes to take the appropriate action, I would hope you would vote against Senator Baldacci's motion. Thank you.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate the comments from the good Senator from Androscoggin, Senator Cleveland and the Senator from Cumberland, Senator Gill. The fact is it's just a study. It has just language in it and that is all it is going to do. It is not going to do anything to anyone. The fact of the matter is if we continue to try to pander to this need to remove the burden from the property tax payers that we are somehow going to have this gold at the end of the rainbow and we are going to be able to take away that responsibility increasing the size of State Government later on because of the momentary down turn in the economy, we are not facing reality. All I am suggesting is instead of trying to build hope, instead of developing some special dedicated tax revenues to pay for this, we should

recognize that the Counties run it very efficiently. The Counties run it at a cheaper cost than the State does. The State ought to be looking at relegating more of its responsibilities to the County instead of taking away from the Counties. The Towns have to realize that if we didn't have the County Jails to take those prisoners to we would have to provide shelter for those prisoners. We would have to provide the video surveillance and everything else that goes along with that. In Bangor, we lost a prisoner through a hanging because we had outdated monitoring equipment and we didn't have enough security. If we were going to maintain that it would have cost us significantly. In Bangor there is a great feeling that the County is a duplication of the city. In reality the County is filling the void that the City can no longer afford to fill. It is an expensive one and it is being run cheaper. I think what is needed is a dose of reality in a situation of saying you can't be everything to everybody. If you want to pass a study and make everyone feel good than I think you are misleading people. I feel I can not sign onto that in all honesty. Thank you Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Carpenter.

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I seem to recall, in the last Session I served on State & Local Committee. We didn't exactly have a study for this purpose but I know we brought out five studies that were done in the past. Somebody said it is just a study and I think it is all its worth. I hope you defeat this Bill. Thank you.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. In point of fact, this is a study. In point of fact, the issue has been around State Government for a long time. It is time to have a bunch of people sit down and take a look at this and see what it is the State of Maine wants for its jail and prison system. One of the things I said the last time we debated this Bill was that Maine has a population of 1.25 million, New York City has a population of over 10 million. It has one jail system and we have sixteen jail systems. I can't tell you whether or not it is feasible for all of those systems to be folded into one. I can tell you that what the good Senator from Penobscot, Senator Baldacci has indicated about downsizing State Government and consolidating, we are really in conflict with that because if you are going to take a look at saving money you might take a look at putting sixteen systems. Everytime you have that number you also have to have the administrators and everything that goes along with it. This Bill has been amended by the other Body so it does clarify, in fact, that the Commission may develop a plan to accomplish the transfer. The Commission must first conduct a study of the feasibility of the transfer. It isn't mandated as was proposed on this Floor, that it has to come up with the actual way you would transfer. It is just a study of whether we should transfer or not. That issue is taken out.

Another issue that this Legislature has currently before them, is L.D. 2392, An Act to Repeal the Community Corrections Act. That Bill was not put in facetiously and I am offering an amendment to that when that comes up. That has to do with the fact

that the State took away some of the money and proposes to take away more that it sends to the County Government to take care of its prisoners. It is not that we do not have a problem with how we distribute money and how we take care of the prisoners. I frankly think that Kennebec County has an excellent jail system. I was the Chair of the Jail Committee that helped build that new jail. There are many issues that are involved in that. There are many issues around the pre release center that we are proposing for the City of Augusta that would involve three counties. We already recognize that we need to do some consolidation. On what level, I don't know. How funded, I don't know. I know we have to take a good look at this issue and get it behind us. We have to make some decisions once that study comes back before us. I would appreciate your voting for this Bill. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BALDACCI** of Penobscot, that Bill and Accompanying Papers be **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

A Division has been requested.

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

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

15 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **BALDACCI** of Penobscot to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE, FAILED**.

The Senate **CONCURRED**.

On motion by Senator **BALDACCI** of Penobscot, the Senate **RECONSIDERED** its action whereby it **CONCURRED**.

The same Senator requested a Division.

**THE PRESIDENT:** The pending question before the Senate is to **CONCUR**.

A Division has been requested.

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

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

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion to **CONCUR, PREVAILED**.

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

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

**COMMITTEE REPORTS**

**Senate**

**Ought Not to Pass**

The following **Ought Not to Pass** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Reported by Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** Bill "An Act to Create the Cushings Island Village Corporation"

S.P. 838 L.D. 2142

**Ought to Pass**

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Relating to Legislative Confirmation Hearings"

S.P. 894 L.D. 2299

Reported that the same **Ought to Pass**. Which Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

**Senate at Ease**

Senate called to order by the President.

**ORDERS OF THE DAY**

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

An Act to Provide Community Rating of Health Insurance Providers

H.P. 507 L.D. 701  
(H "A" H-1014; H "B"  
H-1035 to C "A" H-1007)

Tabled - March 5, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT** (Roll Call Ordered)

(In Senate, March 5, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1007) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1014) AND "B" (H-1035)** thereto, in concurrence.)

(In House, March 5, 1992, **PASSED TO BE ENACTED**.)

On motion by Senator **BRANNIGAN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT** (Roll Call Ordered).

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Unassigned Table, the following matter:

**COMMUNICATION** - regarding Governor's nomination of Caroline M. Pryor of Northeast Harbor for appointment to the Land Use Regulation Commission  
S.P. 938

Tabled - March 4, 1992, by Senator **CLARK** of Cumberland.

Pending - reference to the Committee on **ENERGY AND NATURAL RESOURCES**

(In Senate, March 4, 1992, **READ**)

Which was **REFERRED** to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**.

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

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

**Bond Issue**

An Act to Authorize Bond Issues for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine Citizens

H.P. 1707 L.D. 2388  
(S "D" S-594)

In House, March 5, 1992, **PASSED TO BE ENACTED**.

In Senate, March 5, 1992, **FAILED OF ENACTMENT** in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

Senator **MATTHEWS** of Kennebec moved that the Senate **RECEDE** and **CONCUR**.

Senator **WEBSTER** of Franklin requested a Division.

On motion by Senator **MATTHEWS** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **MATTHEWS** of Kennebec, to **RECEDE** and **CONCUR**.

A vote of Yes will be in favor of the motion to **RECEDE** and **CONCUR**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators **BALDACCI**, **BERUBE**, **BOST**, **BRANNIGAN**, **BUSTIN**, **CARPENTER**, **CLARK**, **CLEVELAND**, **CONLEY**, **DUTREMBLE**, **ESTES**, **GAUVREAU**, **GOULD**, **KANY**, **MATTHEWS**, **MCCORMICK**, **MILLS**, **PEARSON**, **TITCOMB**, **TWITCHELL**, **VOSE**, **THE PRESIDENT** - **CHARLES P. PRAY**

**NAYS:** Senators **BRAWN**, **CAHILL**, **COLLINS**, **EMERSON**, **FOSTER**, **GILL**, **HOLLOWAY**, **LUDWIG**, **RICH**, **SUMMERS**, **THERIAULT**, **WEBSTER**

**ABSENT:** Senators **ESTY**

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **MATTHEWS** of Kennebec, to **RECEDE** and **CONCUR**, **FAILED**.

The Chair moved that the Senate **ADHERE**.

Senator **DUTREMBLE** of York requested a Division.

**THE PRESIDENT:** The pending question before the Senate is to **ADHERE**.

A Division has been requested.

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

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

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion to **ADHERE**, **FAILED**.

Senator **KANY** of Kennebec moved that the Senate **RECEDE** and **CONCUR**.

On motion by Senator **DUTREMBLE** of York, Tabled until Later in Today's Session, pending the motion by Senator **KANY** of Kennebec, to **RECEDE** and **CONCUR**.

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Senate at Ease  
Senate called to order by the President.

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**ORDERS OF THE DAY**

**Bond Issue**

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

An Act to Authorize Bond Issues for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine Citizens

H.P. 1707 L.D. 2388

(S "D" S-594)

Tabled - March 9, 1992, by Senator **DUTREMBLE** of York.

Pending - Motion by Senator **KANY** of Kennebec to **RECEDE** and **CONCUR**

(In House, March 5, 1992, **PASSED TO BE ENACTED**)

(In Senate, March 5, 1992, **FAILED OF ENACTMENT** in **NON-CONCURRENCE**.)

(In House, March 9, 1992, **ADHERED**.)

(In Senate, March 9, 1992, **FAILED TO ADHERE**.)

Senator **DUTREMBLE** requested a Division.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **KANY** of Kennebec, that the Senate **RECEDE** and **CONCUR**.

A Division has been requested.

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

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

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion of Senator **KANY** of Kennebec, that the Senate **RECEDE** and **CONCUR**, **FAILED**.

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On motion by Senator **MATTHEWS** of Kennebec, **ADJOURNED** until Tuesday, March 10, 1992, at 9:30 in the morning.