

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Permit Public Service in Lieu of Fines for Indigent Offenders Under the Drunk Driving Law" (H. P. 1427) (L. D. 1872) have had the same under consideration and ask leave to report that they are unable to agree:

Signed:

Representatives:

CARRIER of Westbrook
JACQUES of Waterville
REEVES of Newport

Senators:

TRAFTON of Androscoggin
VIOLETTE of Aroostook
COLLINS of Knox

On motion of Representative Jacques of Waterville, the Conference Committee Report was accepted and sent up for concurrence.

**Passed to Be Enacted
Emergency Measure**

An Act to Revise the Salaries of Certain County Officers (H. P. 1841) (L. D. 2436).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985 (H. P. 1848) (L. D. 2443).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Provide Voter Information on Ballot Questions (H. P. 1588) (L. D. 2095) (H. "A" H-678; C. "A" H-568).

An Act Concerning Higher Education (H. P. 1684) (L.D. 2221) (H. "A" H-668 C. "A" H-649).

An Act to Revise the Laws Governing Certification of Educational Personnel (H. P. 1839) (L. D. 2434) (H. "B" H-672).

An Act to Establish a Commission to Assess the Loss of Farmland in Maine (H. P. 1842) (L. D. 2438) (S. "A" S-389).

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

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Encourage the Use of Wood and Solid Waste as a Source of Energy in State-owned Buildings" (S. P. 879) (L. D. 2383) (H. "A" H-631) which was Passed to be Enacted in the House on April 9, 1984.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-371) as amended by Senate Amendment "A" (S-393) thereto in non-concurrence.

On motion of Representative Carter of Winslow, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Require Maintenance of Financial Responsibility by All Motorists" (H. P. 1843) (L. D. 2447) which was Passed to be Engrossed in the House on April 9, 1984.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-392) in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

Bill "An Act to Provide a Corporate Tax Credit for Donations of Technological Equipment to Educational Institutions" (H. P. 1653) (L. D. 2178) which on was the Chair ruled the Bill and Accompanying Papers not properly before the body pursuant to Joint Rule 37 in the House on March 27, 1984.

Came from the Senate with the Unanimous "Ought to Pass" as amended Report of the Committee on Education read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-592) in non-concurrence.

The SPEAKER: Pursuant to the ruling of the Chair and of the President, the rules may be suspended, the Chair will order a vote. If you wish to recede and concur, it will require a two-thirds vote of the members present and voting because it is suspension of the rules.

The Chair recognizes the gentleman from Portland, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I hope that you will agree with the Chair and not recede and concur.

The SPEAKER: All those in favor of the rules being suspended will vote yes; those opposed will vote no.

43 having voted in the affirmative and 75 having voted in the negative, the rules were not suspended.

Thereupon, the House voted to adhere.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Allow the State, Counties and Municipalities to Buy Employee Deferred Compensation Plans from Financial Institutions" (H. P. 1412) (L. D. 1834) have had the same under consideration and ask leave to report that the House recede and concur with the Senate on Passage to be Engrossed of the New Draft under New Title Bill "An Act to Create Enabling Legislation for Payroll Deductions for Individual Retirement Accounts and Simplified Employee Pension Plans and to Make Necessary Technical Changes in the Provisions of Current Deferred Compensation Statutes" (H. P. 1796) (L. D. 2371).

Signed:

Representatives:

GWADOSKY of Fairfield
COOPER of Windham
DILLENBACK of Cumberland

Senators:

VIOLETTE of Aroostook
BALDACCI of Penobscot
HICHENS of York

Committee of Conference Report was read and accepted.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I move that we reconsider our action whereby this body accepted the Committee of Conference Report.

Would someone give us a brief explanation as to the difference between the two reports and why in the Committee of Conference members of this body voted to recede and concur?

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would be more than happy to respond to the question of the gentleman from Scarborough, Mr. Higgins.

We had a bill before the Committee on State Government this year dealing with deferred compensation plans for towns and municipalities. Actually, the bill came before us because of a problem that Representative Swazey's town of Bucksport had. We had a divided report. Actually, neither report was ever debated in both branches. I think probably the titles of the bills were so long that nobody dared to get into the

merits of the bills themselves. However, there were two basic issues. One issue was to allow and create some enabling legislation to clarify our present statutes, that towns and municipalities can offer IRA's and CEP's to their employees through a payroll deduction plan. Nobody on the committee had a problem with that. That was pretty much given. The substantial difference came in one of the earlier reports which would allow towns and municipalities to offer deferred comp plans to their town employees if they so desired and they could get these plans through financial institutions.

We met in a committee of conference and the report that came out of the committee of conference was the report of the State Government Committee which no one had any problem with. It is a very noncontroversial section. It simply clarifies the language that towns and counties can offer IRA's and CEP's, which is another plan, to their employees through payroll deduction.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, I appreciate the explanation from the gentleman from Fairfield, Mr. Gwadosky. It is just unusual to see a body give up and recede and concur as easily with that. With that, Mr. Speaker, I would withdraw my motion to reconsider.

Thereupon, Mr. Higgins of Scarborough was granted permission to withdraw his motion to reconsider.

Non-Concurrent Matter

Bill "An Act Clarifying the Extension of Consumers' Freedom of Choice Regarding Insured Mental Health Services" (H. P. 1847) (L. D. 2442) which was Passed to be Engrossed in the House on April 9, 1984.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-395) in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

Bill "An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (Emergency) (H. P. 1581) (L. D. 2093) on which the Bill and Accompanying Papers were Recommended to the Committee on Taxation in the House on April 9, 1984.

Came from the Senate with the Majority "Ought to Pass" in New Draft Report of the Committee on Taxation Read and Accepted and the New Draft (H. P. 1782) (L. D. 2347) Passed to be Engrossed in non-concurrence.

On motion of Mr. Higgins of Portland, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Establish Standards and a Policy for the Compensation of Members of Boards, Commissions and Similar Organizations" (H. P. 1807) (L. D. 2389) which was Passed to be Engrossed in the House on April 3, 1984.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "C" (S-385) in non-concurrence.

On motion of Representative Nelson of Portland, the House voted to recede.

The same gentlewoman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-640) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I move that House Amendment "B" be indefinitely postponed and would speak briefly.

I know the hour is late. The amendment which is being offered today is an amendment for the Health Care Finance Commission. Many of you will remember, we passed the bill last session. It amends a bill which is the result of a study by the State Government Committee last year. The Legislative Council approved a study for us to study the problem of the proliferation of

boards, commissions, councils and authorities which many people perceive to be expanding at a more and more rapid pace in the last couple of years.

The State Government Committee spent an incredible amount of time developing a list of every single board, council, commission and authority in state government, excluding legislative committees and excluding full-time commissions, such as Workers' Compensation and Public Utilities, and we still ended up with 193 various types of boards. We decided that there were a great deal of problems with overlapping responsibilities with these boards. In many instances their expenses were not being kept properly, there was no reporting, so we developed a bill which we are very excited about. We think it is going to create some great efficiencies and help streamline the bureaucracy of this particular monster of state government.

What this bill does is place in one chapter, one Maine Revised Statute, every board which is currently in state government. We have gone through every Maine Revised Statute, took out every reference to a board and placed it in one single Maine Revised Statute.

I think the Statement of Fact in explaining this is pretty self-evident. The purpose of this Chapter is to provide the State with a complete inventory and central listing of all boards, commissions, committees, councils, authorities and any other similar organizations established by the legislature as a means of controlling the proliferation of the organizations and as a means of reducing duplication and making the most efficient use of these organizations.

It is also the purpose of this chapter to classify these organizations according to similarity of powers, duties and responsibilities in order to provide standards for the compensation and operations of these organizations.

We classified these various boards into 12 different classifications, such as we have the Occupational Group in Licensing, we have put 39 various boards in there. We had Property Assessment, we had four boards dealing with property assessment, four boards dealing with labor and management, arbitration and commodity, three boards with substantive regulatory boards, and that is what the Maine Health Care Finance Commission comes under.

We have said for the most part—and we had to use a bench mark, and we thought the most appropriate bench mark to be using was the legislative per diem. We have said for the most part, people are members of these various boards and they are doing it for public service, that we would use the legislative per diem which said for general principle that if you are going to serve on a particular board, you shouldn't be receiving anymore than the legislative per diem, except in those instances where special expertise is required to be on a particular board and where there was a shortage of supply of that expertise. In those instances, we have recommended a higher per diem, such as some of the labor relations committees and the panel of mediators. It requires a very special expertise and it is difficult to get people to serve on those types of boards. In those instances, we have said yes, indeed, they do deserve more.

The amendment before us deals with the Health Care Finance Commission. After studying the 193 boards, we felt that an appropriate per diem would be \$100 per day, not \$150 per day as is currently authorized.

I think the gentledady from Portland, Mrs. Nelson, will be presenting some arguments why she feels that they do deserve \$150 a day, and I want to thank the gentledady for being very up front with us and the committee in letting us know ahead of time that she was going to be amending that. We appreciate the manner in which she brought it before us, but even at \$100 a day, no other committee in state government will be paid more than the Health Care Finance Commission. I think the chairman of the Maine Labor Relations Board also gets \$100 for their particular

meetings.

Because of the nature of the board, we believe that \$100 a day is more than adequate compensation for a public service on any board in the State of Maine, and I would urge you to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentledady from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I thank the fine chairman for not only his work but his committee's work on this bill. It is over 150 pages long and I commend them. I think it is a fine and honorable job, and those of you who were here last session know how hard the Committee on Health and Institutional Services worked to get you a bill that you could be proud of that could work, and the Health and Institutional Services Committee presented you with a unanimous report, a bill which, by the way, was sponsored by two members of this House, Representative Gwadosky and Representative Brannigan, and in that original bill was a per diem of \$150 a day. The majority of the payment of that \$150 a day is an assessment by the hospitals. That assessment has already been in place.

The hospital associations of 42 hospitals pay \$780,000 to run this commission and from the General Fund we pay \$125,000. The ratio is really quite great. The amount of money saved, if that is what you are looking for, is \$8,000 out of the total budget of \$780,000, so we are not talking about saving real money, we are talking about a principle.

This commission is the newest commission in the state of Maine and it regulates an industry of \$800 million. There are currently five members of that commission who put in hundreds of hours unpaid for and that are only paid for the hours in which they meet at the finance commission. There are people presently serving on this commission who accepted the job, which was monumental, in part because of the fee that was promised them—this was promised them. This is not a commission established in 1930 or 1940 but a commission we established in 1984 by 1984 standards of compensation. The assessment is there. We are not taking that out of anyone else's pocket. You are asking people who are, indeed, specially qualified, with special expertise, to wrestle with a program that will probably be in time more powerful, let's say, than the PUC.

This is an industry, and mind you, it is a monopoly, an industry that is supposed to be controlled on behalf of the consumer. We are looking for health quality and access of care. We fought for this, men and women of the House, we had a joint caucus on this. Men and women of the House, our committee studied it for a year and a half and we gave you a bill which you believed in and which you trusted and inside it was a fee for \$150, and now, two months after this commission has started, you are now saying that you can't afford or you don't believe that they are worth that amount of money and you are going to make everybody that is on the commission the same.

Now I ask you, it's baseball season, right? Not everybody on a baseball team gets paid the same salary. We are asking in this amendment—and not that this bill has not been amended because indeed it has, there were fees that were changed in the other body, they changed the Parole Board, they changed a commission that deals with agriculture, so this is not something new. We are not asking anything different in that sense. What we are asking is a committee of a whole, and although my name is on the amendment, is to say don't break faith. You promised these people that that is what you would pay them for this enormous amount of work. If you feel in a year's time that this is too much money, fine, but I think it is very unfair since the assessment is already there. It is assessed by the very people they plan to regulate and those people want the assessment to remain the same.

This is a very fair and equitable amendment only placing back into statute that which we all

did just last year. I ask you for the support of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Manning.

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I know it is awful late, but I just have to get up and tell you that we as a committee met, some of us met with the Health Care Finance Board last week and there was some discussion about this. One of the members who I know, I was talking to her and I said, how much work are you doing? She said, I'll tell you, it has been good bedtime reading for me for the last four or five months. Those people probably put in more time than any other board in state government when you consider what they have to do. We have 42 different hospitals in the State of Maine. We have one that just went on line, Jackson-Brook, about three months ago, we have another one in Auburn that is being talked about. They have to set standards every year what their budget is going to be and they have to come up with many numerous things for those hospitals to do and I am just pleading with you.

I know \$150 sounds like a lot, but those people probably put in a good three and a half or four days a week on the materials that they have to read before they have to set standards.

I heard about the Maine Labor Relations Board. I have been in front of the Maine Labor Relations Board. Let me tell you, ladies and gentlemen, it is a piece of cake in the Maine Labor Relations Board compared to dealing with the Health Care Finance Board.

I would hope that we would be able to go along with this. I think it is a promise. When we had these people in front of our committee, they told us it was a sacrifice but they understood that they would be paid for it and paid for it at \$150. I don't think some of those people would serve if it was down to \$100. I think when we have people that come on board—we just had these people last October, I think it was, and I just feel that maybe we can look at this, maybe in two or three years down the road we might be able to address it but this \$150 means a lot to these people because they took the job with the \$150 and they are putting in a lot of time and effort.

Like I say, it is much more than the Maine Labor Relations Board or the Environmental Protection Board. Let me tell you, I have been in front of both of those boards and it is nothing compared to the Health Care Finance Committee.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I think I am sacrificing here tonight myself on the per diem.

I want you to know that there are 159 pages in this bill and I agree with everything these people said, but this was a unanimous report of the committee. We listened to all these people. Everybody's bowl is being gored, they all wanted more, and I think Representative Gwadosky did an excellent job heading up this report and I hope you support him.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Just to respond to a couple of the comments that were made and to further explain why we feel that this amendment which calls for \$150 a day is completely out of line.

One of the things I said we looked at was the expertise required to be on a board. On the Health Care Finance Commission, there is nothing in the statute that says you have to have expertise. One member of the board has to have five years of some hospital experience within the last ten years; the others are consumers. I kind of wish that they were concerned and if a reduction from \$150 to \$100 meant that they were not going to serve on the board anymore, I wish they had come to the public hearing. We had at least 12 work sessions on this bill and nobody from the commission ever came.

We did hear from the staff and in examining

the structure, it is true, and I am proud of the Health Care Finance Commission, I think they are doing a wonderful job, I was pleased to co-sponsor that bill, but the fact is, the staff does an awful lot of that work. They are an independent agency and the staff for the Health Care Finance Commission gets paid better than any other independent agency in state government. The Chief Executive Director is in Range 91, which means he gets paid \$37,000 to \$54,000; the Deputy Director gets paid \$32,000 to \$48,000; general counsel, \$30,000 to \$45,000. There are three or four more, I could go on, they are all in the twenty, thirty, forty thousand dollars. The staff is doing an incredible amount of work for this board.

It is not to say that they don't do a tremendous amount of homework and they don't get reimbursed for it, but neither do we. We serve in the legislature and I don't have to tell you how much time you spend on bills and everything when you go home. We don't get reimbursed for that work, we don't get reimbursed for the work we do here.

They have got some lawyers, they have got Wally Haselton, I am sure that a reduction of \$50 is not going to mean anything to that gentleman in the per diem.

Once again, we are talking about public service. I hate to think \$50 one way or another is going to make the difference for some of these people. I think in the instance of one member of that commission, she may not serve on that board anymore simply because she can't afford to, but there is no small line waiting to get on that board, there are more people than you would ever hope to have waiting in line to get on that board.

It is a unanimous committee report. We examined 193 different boards and we feel very comfortable with the per diem included in this. We think the proposed amendment for \$150 a day is completely out of line and I would ask for your support in indefinitely postponing the amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I will be brief but I do think this is important.

I don't use the standard of my working here and the 90 hours a week that I put in as a standard for paying anybody else. I don't use the standard of how much the staff is getting paid. We are talking about people, and presently and honestly there are only four people who are now on that Commission, one person is barely there at all, he is not getting paid, there are people on that board who are law professors, professors in economics, they are fine public servants who were told by this legislature, this very legislature, that they would be paid \$150 a day. You said that, that was a unanimous report, but there is nothing sacred in a unanimous report. This very committee allowed an amendment in the other body. No report is perfect.

I do hope that you will stop and think of what we have done; no money is coming out of the pocket of the state, the very people who want this are the people who are paying for it. I ask you to think very carefully and hope that you will vote for this very fair and equitable amendment. You cannot compare this commission to other commissions and you shouldn't.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to put things into perspective. The people that are supporting this \$50, which seems to be very little to them, means eight weeks of work to the minimum wage earner on a bill that we previously defeated and the same people who are supporting this are the people who defeated the other bill.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Manning.

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: That is right, Representative McHenry. I voted against the minimum wage but

I didn't promise the people of Maine that I was going to vote for the minimum wage and I didn't promise these other people that I wouldn't go along with the rest of this \$150. I think there are two different issues. I know that that issue is going to come up and it is going to come up probably when the minimum wage comes up again but a promise is a promise. We promised these people \$150. I know where this bill is going.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Fairfield, Mr. Gwadosky, that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 12 in the negative, the motion did prevail.

Thereupon, Senate Amendment "C" (S-385) was read and adopted.

The House voted to concur.

Passed to Be Enacted

An Act to Modify Early Retirement Plans for State Employees Hired After August 31, 1984 (H. P. 1832) (L. D. 2426).

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

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Mayo.

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Speaker, I move that the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from Thomaston, Mr. Mayo, moves that the rules be suspended for the purpose of reconsideration. Is there objection?

The Chair hears objection.

Mr. Mayo of Thomaston requested a roll call.

More than one fifth of the members present expressed a desire for a roll call, which was ordered.

The SPEAKER: The pending question before the House is on suspension of the rules. This requires a two-thirds vote of all those present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 471

YEA—Ainsworth, Allen, Andrews, Beaulieu, Benoit, Bost, Bott, Brodeur, Callahan, Carroll, D.P.; Clark, Conary, Connors, Connolly, Crouse, Davis, Diamond, Drinkwater, Foster, Gauvreau, Greenlaw, Handy, Higgins, L.M.; Jackson, Kelly, Ketover, LaPlante, Lebowitz, Lisnik, Locke, Mahany, Masterton, Mayo, Melendy, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Murray, Nelson, Paradis, P.E.; Pines, Reeves, P.; Robinson, Roderick, Rolde, Rotondi, Scarpino, Seavey, Smith, C.B.; Soule, Sproul, Stevens, Stevenson, Strout, Thompson, Tuttle, Walker, Webster, Wentworth, Weymouth, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Carroll, G.A.; Carter, Cooper, Cox, Crowley, Curtis, Daggett, Day, Dillenback, Erwin, Hall, Hayden, Hickey, Holloway, Ingraham, Jacques, Joyce, Kiesman, Kilcoyne, Lehoux, Livesay, MacBride, MacEachern, Macomber, Manning, Masterman, Matthews, K.L.; Maybury, McCollister, McGowan, McHenry, Moholland, Nadeau, Norton, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pouliot, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.W.; Soucy, Stover, Swazey, Tamaro, Theriault, Vose, Willey, Zirkilton.

ABSENT—Baker, Carrier, Cashman, Chonko, Cote, Dexter, Dudley, Gwadosky, Higgins, H.C.; Hobbins, Jalbert, Joseph, Kane, Kelleher, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; McPherson, McSweeney, Michael, Racine, Telow.

64 having voted in the affirmative and 65 in the negative, with 22 being absent, the motion did not prevail.

Mr. Mayo of Thomaston requested a roll call on enactment.

More than one fifth of the members present expressed a desire for a roll call, which was

ordered.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Mayo.

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I apologize from the start for taking your time tonight. I realize that it is late but you have to understand one thing, this bill affects my district a great deal.

I represent the town of Warren and the town of Thomaston and in those towns there are two facilities, the minimum security facility at Warren and the Bolduc Unit and the Maine State Prison in Thomaston. This retirement bill is going to affect the quality of those institutions and I wish to present some information to you tonight so you can understand what you are doing.

First and foremost, I wanted to point out again that the unfunded liability of our retirement system was not—was not caused by the special plans. The unfunded liability of our retirement system is not being enhanced by the present special plans.

As far as cost savings are concerned, I would like you to consider the increased cost to the State of Maine if we do away with this early retirement system, and I am speaking specifically about the early retirement system as it affects the Maine State Prison in Thomaston—increased sick time, increased disability retirement, and ladies and gentlemen, what is the cost of human life? What is the cost of human life when someone is stretched beyond their physical capabilities in that institution? When there is a riot, when those prisoners, and I would point out to you that those are the people that can't fit into society and they are put in that institution, an institution which I feel is substandard, and they break out, where do they go? I will tell you where they go. The first place they hit is the town of Thomaston. That facility is less than a mile from my house.

I would like to read something to you. It is a sworn deposition given to the Attorney General by the Commissioner of Corrections, Commissioner Allen. "I think that after a person has been in corrections for an extended period of time, such as 20 years, they generally have experience in a great deal of combat duty, so to speak, direct contact with the clientele who are very difficult in terms of their behavior, conduct. Obviously, they haven't been able to function in society as a whole and they are turned over to the people in the Department of Corrections. There is a great deal of stress and anxiety in working with these people and it is my belief that over an extended period of time we should have a mechanism within our department and within our retirement system so that those who feel the stress to the extent that it hinders and impedes their performance, that they should be able to get out of the system without penalty."

My concern, ladies and gentlemen, is for security, security for the prison guards, and very importantly to me, security for the citizens for the towns of Thomaston and Warren.

I would also like to point out that many people have said that this retirement plan should be taken away and we should properly compensate the people that work inside in an institution. It was also pointed out that some of the other people who are covered under this retirement system were paid quite handsomely. They talked about salaries of \$20,000 and \$16,000. Well, I would point out to you that for a prison guard at Maine State Prison the pay range is between \$11,000 and \$13,000. When those guards enter that door in the morning and the bars close behind them, they are inside that facility with the people we have deemed aren't able to be out in society.

I would also like to point out something that has been very frustrating to me as a Representative from the towns of Thomaston and Warren. The prison guards weren't originally included in this bill and they were only added in two weeks ago. They were added in the day before the public hearing on the bill. Prison guards weren't originally considered.