

# 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

Amendment that is currently on the bill and House Amendment "A" is no longer necessary at this point in time.

Subsequently, House Amendment "A" (H-1158) to Committee Amendment "A" (H-1136) was indefinitely postponed.

Committee Amendment "A" (H-1136) as amended by Senate Amendment "A" (S-661) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1136) as amended by Senate Amendment "A" (S-661) thereto 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.

The Chair laid before the House the following matter: Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (EMERGENCY) (H.P. 1547) (L.D. 2185) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-1192).

Representative Jacques of Waterville offered House Amendment "T" (H-1228) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "T" (H-1228) was read by the Clerk and adopted.

Representative Macomber of South Portland offered House Amendment "N" (H-1219) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "N" (H-1219) to Committee Amendment "A" (H-1192) was read by the Clerk and adopted.

Representative Mitchell of Vassalboro offered House Amendment "Q" (H-1222) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "Q" (H-1222) to Committee Amendment "A" (H-1192) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: It is very important that this budget go forward in a very balanced way and a way that encourages economic growth and development. We have found an opportunity here to make sure that the Workers' Compensation rate for the Maine Mariners can be more in line with what they deserve by requiring the Bureau of Insurance to adopt a rule to classify them properly. I hope you will adopt this amendment so that we can encourage their stay in Maine to help us prosper in the next year.

Subsequently, House Amendment "Q" (H-1222) to Committee Amendment "A" (H-1192) was adopted.

Representative Rotondi of Athens offered House Amendment "FF" (H-1252) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "FF" (H-1252) to Committee Amendment "A" (H-1192) was read by the Clerk and adopted.

Representative Graham of Houlton offered House

Amendment "A" (H-1203) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "A" (H-1203) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative GRAHAM: Mr. Speaker, Men and Women of the House: Saves state \$100,000. Prevents creation of new state bureaucracy. Thank you.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "A" (H-1203) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

60 having voted in the affirmative and 66 in the negative, House Amendment "A" (H-1203) to Committee Amendment "A" (H-1192) failed of adoption.

Representative Nadeau of Saco offered House Amendment "B" (H-1204) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "B" (H-1204) to Committee Amendment "A" (H-1192) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: If you flip to the back side of this and read the Statement of Fact it says it all. This amendment removes the Board of Education wherever that board is referenced, we now say the Commissioner. It saves approximately \$100,000.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "B" (H-1204) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

15 having voted in the affirmative and 109 in the negative, House Amendment "B" (H-1204) to Committee Amendment "A" (H-1192) failed of adoption.

Representative Nadeau of Saco offered House Amendment "C" (H-1205) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "C" (H-1205) to Committee Amendment "A" (H-1192) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: Very simply, this amendment eliminates the State Planning Office completely, nobody picks this up. Total savings is about \$1 million. It has been my personal mission for about a year to figure out what they do and I haven't figured it out yet. I think in the spirit of trying to cut things, this is on target.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "C" (H-1205) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 73 in the negative, House Amendment "C" (H-1205) to Committee Amendment "A" (H-1192) failed of adoption.

Representative Anthony of South Portland offered House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192) was read by the Clerk.

The SPEAKER: The Chair recognizes the

Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I don't think I can be quite as brief as the previous speakers. The administration proposes privatizing the Maine Youth Center, that is to say turning either all or parts of it over into private hands and have it exist as a private entity.

The Maine Youth Center is the place where virtually most or at least certainly all of the most serious juveniles are sent if they are found to have committed a juvenile offense. It is a discreet entity has a campus-type setting as all of you have seen, I am sure, near the airport if you pass by on Interstate 295 and it has been functioning relatively successfully.

This proposal would disseminate that (disseminate is probably the wrong word) but it would create a variety of private providers running discreet cottages on the Youth Center grounds, thus dividing up what is one entity into a series of private entities that would all be right there, supposedly trying to get along together in dealing with issues such as security.

We had a long hearing last Friday on the Youth Center grounds to hear what the administration plans to do. The plans are rather nebulous. The idea is to save \$2 million by getting Medicaid funding. You can support Medicaid funding for a lot of these kids and you could support placement for a lot of these kids in residential treatment centers but to do it by dividing up the Youth Center into little fiefdoms on that one campus is not the way to do it. It makes it a very disorganized project and one that will be very difficult to accomplish. Thus, this amendment proposes taking out the \$2 million dollar savings that is proposed.

The administration says that they can save \$2 million in the 1992-93 fiscal year. We believe that that is unlikely to take place even if the privatization goes forward. The whole budget of the Youth Center is around \$10 million dollars and last year they only spent \$8.6 million, so you see they are talking about substantial savings that they believe can happen. But, the RFP's haven't been prepared, they were not at all clear as to what the RFP's would be, they don't even know what the RFP's would be.

We believe that the only sensible thing would be to have the development of RFP's go forward and then have legislative approval. So, this proposal calls for legislative approval prior to any privatization of all or part of the Youth Center.

I didn't want to actually try to fill a \$2 million dollar hole. I thought that, if they think they can do it, let's just put the legislative approval on and have them come to us with proposals and leave the \$2 million savings in the budget. I was told by the Office of Fiscal and Program Review that that couldn't be done. If you are requiring prior legislative approval, you have to take out the \$2 million savings. Therefore, the \$2 million comes out and I then propose covering that by an across-the-board cut. Across-the-board as defined in prior legislation is across-the-board except for General Fund, AFDC, Entitlement programs and the like. The total cut across-the-board is three-tenths of one percent or, in other words, \$3 out of every \$1,000 and that is the way I balanced the budget through this. In other words, there is no additional

expenditure, what there is is a three-tenths of one percent cut across-the-board in order to save the Maine Youth Center in its current form and allow any privatization proposals to be carefully thought out in advance and come for legislative approval as to how they propose doing it.

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

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: The American Correctional Association came to the Maine Youth Center, looked at the proposal and I will quote directly from their letter to the Commissioner. "It is doubtful that a fiscally sound and professional, competent private, non-profit organization could be found to operate Maine Youth Center under present conditions at the savings of \$2 million by July 1st, 1992." It is not just our opinion that this can't be done, it is the opinion of this organization as well. I urge your support for this amendment.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: The goals of this amendment are clearly laudable. We discussed it at great length in the committee. Currently, the law that is on the books dealing with the powers and duties of the commissioners pretty much entitle the commissioners to move forward with plans that are now being proposed. Although we understand what the Representative from South Portland would like to do, we understand what the Committee on Corrections went through, this amendment would put a stop to all those plans, it would infringe upon the commissioners duties.

In order to really do and accomplish what the Representative from South Portland would like to do, the entire statute should be looked at, not just in the single confines here.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to reply briefly. This would not stop the planning process. The planning process would go forward. In fact, it would only require that the RFP's be approved prior to being put out to bid. As to whether or not it ought to happen system-wide, there is another amendment that will be offered later which has no fiscal impact which deals with the other facilities. I dealt with this one specifically in this amendment because there is the \$2 million hole that has to be filled to the fiscal note.

I cannot express to you how deeply I feel about the craziness of trying to set up a series of fiefdoms on the Youth Center grounds, it just doesn't make sense. I am not opposed to having a variety of the kids there placed in residential treatment centers and having Medicaid eligibility created to support those kids and have some federal funding coming into this state to help, but the way to do it as proposed here, it just doesn't make sense.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: As you heard the other day, we had a hearing at the Youth Center. By the time we got finished at that hearing, we had 19 unanswered questions. I don't want to go through it but I will

read the first four so it will just give you some idea.

"What written approval from the federal office do we have that we can in fact receive Title 19 Medicaid reimbursement if we privatize the Maine Youth Center?"

If the state were to undertake the privatization, then subsequently federal rules would change on Title 19 — how would the state deal with it?

Who will have the liability for the crimes committed by the youths in a privatized program either against the staff members, state employees, or against private citizens on any escape?

Finally, how would escape prevention and recapture programs be undertaken if portions of all the Youth Center were privatized? Would there be increased responsibility for the local law enforcement agencies under the privatization facilities, who would be deputized to arrest the escapees?"

Maybe you don't know but the employees of the Maine Youth Center are deputized under the state law to arrest any escapee. We don't allow that for any private residential program.

If this program goes completely private, any of those people working on the Maine Youth Center grounds, will have no power to arrest anybody. We had grave concern from both the South Portland Police Department and the Portland Police Department. I am sure if Westbrook realized they had a hearing, they would have been there because I know youths have gone into Westbrook and also surrounding areas of Scarborough and Gorham.

There are 19 unanswered questions that they cannot answer. Within 100 days, this administration wants to privatize or start to privatize the Maine Youth Center. The RFP hasn't even been written. I think we should really take a hard look at this amendment because it is going to be very difficult to answer all these questions before we leave here whenever we do in the next few days.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 61 in the negative, House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192) was adopted.

Representative Bennett of Norway offered House Amendment "I" (H-1211) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "I" (H-1211) to Committee Amendment "A" (H-1192) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: This amendment accomplishes two objectives, first it will restore more tree growth reimbursement money to those towns in our state to take advantage of that and that has already been accomplished by "FF" to some extent.

Secondly, it eliminates the Maine Health Care Finance Commission and it accomplishes these goals with no net effect on the General Fund and perhaps now a net surplus.

With the passage of "FF", we have already taken care of the 116 late filing towns to some extent. This amendment would provide yet more funds for the tree growth program for all filers in 1991 and for

the municipalities who filed this year. Most of these communities are small municipalities with a largely volunteer town government. Their assessors and selectmen serve as the Town Manager in many cases, some have filed late in previous years and they experienced no penalty. Being small communities, this reimbursement money is vital to their operation.

You may ask, how can you justify even this one year paying for more tree growth money or any property tax relief measure with the hospital assessment that was earmarked for the administrative costs of the Maine Health Care Finance Commission. Well, I called the hospital administrator of the hospital in my town of Norway, Stevens Memorial Hospital, and they are one of those small hospitals that the Maine Health Care Finance Commission is supposed to protect, he was 100 percent supportive of this plan. Why? Because of two reasons. One is that MHCFC doesn't work anyway. It doesn't help his hospital.

Secondly, he has to pay "a conservative estimate" \$50,000 per year and maybe as much as \$100,000 per year in lawyers fees, accounting and paperwork costs, plus the drain of time and energy from some of his most talented administrators on top of the assessment that Stevens Memorial would be burdened with. You will find hospitals, large and small across the state, that will support this use of their assessment money. The reason is that on top of the assessment, MHCFC's morass of bureaucratic red tape cost Maine hospitals an estimated \$3 million in in-house expenses. By passing this amendment, we will be fighting higher health care costs, eliminating useless and counterproductive red tape and bureaucracy and providing real property tax relief for communities across Maine right now. That benefit may provide a net gain for the General Fund. I urge your vote for the pending motion.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I hope you will vote against this amendment and very briefly I will tell you a couple of the reasons why.

We have to remember that between 1985 and 1990, the cost of hospital services per capita increased by 53.2 percent nationwide and 74 percent in our neighboring state of New Hampshire which is not regulated. During the same period, the rate of increase in Maine was 47.2 percent. In 1990 alone, the decrease, the diminished cost of those hospital increases saved Maine payers roughly \$16 million dollars in the cost of their hospital care. We have to remember that in Maine, we require our hospitals to provide services to everyone without regard to a patient's ability to pay. There is an unequal burden of that charity and bad debt care across the state. The commission assures that the burden of bad debt and charity care is fairly distributed among all those who can afford to pay. This guarantee eases the impact of these uncompensated care on all hospitals, especially the small rural hospitals who may be serving an increasing number of patients for whom hospitals are no longer affordable.

Lastly, I would like to tell you that the dissolution of the Maine Health Care Finance Commission on July 1, 1992 would have a very deleterious impact on two groups in our state. The first group is those who are on Medicare and purchase

Medicare supplement policies and secondly to those persons who are purchasing individual health insurance policies, it would mean an immediate increase for those persons purchasing Medicare supplement policies equal to approximately 1 1/2 percent of their monthly premium, that is 85,000 people in our state. It is a \$10 million direct loss of subsidies that Blue Cross, who is insuring most of the people with Medicare supplements, they would not be able to negotiate terms with each individual hospital across the state and to all the elderly citizens and our citizens with disabilities who are on Medicare, it would mean an immediate increase starting July 1 and the Bureau of Insurance would have no choice but to grant that increase in premiums, a \$10 million direct loss. I ask you to vote against this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "I" (H-1211) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

28 having voted in the affirmative and 93 in the negative, the motion did not prevail.

Representative Marsano of Belfast offered House Amendment "K" (H-1215) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "K" (H-1215) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: This amendment relates to something which is before us every day and that is the statutory adjournment deadline which always appears on our calendar. If you look at Page 4 of your calendar today, you will see that this session is supposed to adjourn on April 15, 1992. That is provided for as a result of Title 3, Section II and in a sense that entire section is before you in the proposed amendment but it proposes really (with the exception of changes that meet the Revisor's drafting manual) it does nothing except change the month from June to May.

That statute is one which I learned about in a very difficult way. It was only after I had been here a term that I realized what the significance of the statute was. Because the circumstances with respect to the existence of the statute have changed so dramatically as a result of the deappropriation which shows up on Page 52 of the budget which takes about \$1,400,000 out of our budget by deappropriating it, I wanted to offer this amendment so that the next legislature will have some idea about what is going on with respect to the fiscal position of this legislature. That probably is confusing, I know I have done more than my ten seconds but this is very important to me and it should be important to you and let me explain.

We are motivated to have a statute by an expressed requirement to the Constitution and that appears in Article IV, Part Third, Legislative Powers, Section I, "The Legislature shall enact appropriate statutory limits on the length of the First Regular Session and of the Second Regular Session." Each legislature is required to adopt a statute which fixes the time by which it will adjourn. Historically, we have not concerned ourselves with that in any of the sessions. What we

have always done is to adopt implicitly the statute which is in effect, which is Title 3, Section 2. That has never been a problem realistically because the money has always been there. The circumstances now are dramatically different, the money is not there. If we come in with a statutory adjournment date by having implicitly adopted it when we get here next year, those who will be the legislature, we will have a statutory adjournment date which we cannot meet. I say that because the money is simply not there.

When we proposed the original legislative budget, there was a significant amount of discussion about the fact that it was appropriated only through June 4th of 1993. That was, I hope, the date that would be included in the language in the budget to reduce that to that point because the legislature, during its final days, cost about \$72,500 a week to run, somewhere between \$67,000 and \$72,000 depending on the kind of week it is.

What we need to do is focus on the fact that we have reduced the monies by even more than that which would have allowed us to have a statutory adjournment date on June 4th. In fact, I took out less by reducing it only one week than I think it should be. I feel as though that gives the legislature, the 116th, an opportunity to focus on the fiscal requirements that it will be confronted by. If it elects to have a longer session, and it may by adopting a different version of Title 3, Section 2, then it would have to have a companion fiscal note appropriating that money.

We are in desperate straights in this legislature in my view. I think we have cut too much money out. I realize that is not popular with my party but I say that because this legislature has a responsibility to act for the people of Maine. I feel that one of the actions which we need to do is be fair with ourselves and let us know what money is available to do what we can do and to force ourselves, as we have this session, to work. The difference is that this session the money was appropriated. In fact, usually there is a little bit extra money appropriated to cover any overruns that we might have. We are running too tightly now on a fiscal basis. We need this in order to have the legislature effectively managed and I suggest to you that this amendment should be adopted. It has no effect on money, it is simply good business practice and I urge its adoption.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I understand and appreciate the efforts of the Representative from Belfast, Representative Marsano. I understand what he is trying to accomplish but this amendment won't really accomplish anything. We have worked effectively here together since the first part of January to go through this legislative process in an expedited manner. We have done so because we have been able to utilize some management techniques, both in the committee, Legislative Council, staff, everybody pulling together to accomplish what many thought was an impossible task. We are poised to adjourn three weeks early. It wasn't a statute that told us to do that, we did it because we knew we had to.

I don't think it is appropriate for this legislature to tell the next legislature what the time frame should be for their operation. There may be some new innovative way to save even more money

and to adjourn some time later than the date prescribed. It may save money because there may be a whole gap in the middle that maybe people would like to shut the legislature down. That is one way it could be accomplished. This amendment really would not allow the legislature to be flexible, to do what is necessary to meet its deficit reduction target. We have done a very good job of that in the last three years. We have met our targets, we have cut the money we needed to cut and I am pretty proud of that.

I am not attempting to criticize my good friend and colleague, Representative Marsano, I wouldn't do that now since he is taking leave of this chamber. I am going to miss these little debates with him, I truly am. I would ask this House to reject this amendment, it really does not accomplish anything in a positive vein. In fact, it might be in a negative vein because it may tie the hands of those that will be here in the next legislature, whoever they may be.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: Because this is my last session here and because this matter is so important to me, for personal reasons that I have experienced since I worked in this legislature, I want to take one final stab at convincing you that you should do it.

My good friend from Thomaston, Representative Mayo said, and he and I have agreed on so much this session that it is surprising that we disagree on this, one legislature should not bind another. Let me tell you ladies and gentlemen that, unless you act responsibly by adopting this amendment, you will leave on the books a distortion and that distortion will be reflected in what is in Title 2. The only thing that is going to happen is you are going to change the word from "June" to "May" if you adopt my amendment and that will be consistent with the money that is there. If you don't, you are propagating a fiction in this. The fiction is as a result of the money that we no longer have to cover that amount of time. We ought to be honest with those who will succeed us.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: The statutes of the State of Maine indicates that we have a mid-April adjournment date. If that is the case, we are propagating a fiction right now. I am not concerned about that at all. The next legislature will deal with its budget as this one has and will work cooperatively, I am sure, to end its session in an expeditious manner as we have this one. This does not produce anything and I don't think it is necessary.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Men and Women of the House: I have to admit that there is a great deal that the good Representative Marsano said that lost me somewhere. One thing that I understand is there is a call here for shortening the First Regular Session of the Legislature. My gut feeling is, here we go again trying to reduce the impact of the legislature in state government. So, I urge you to vote against this amendment.

I might add, yes, we have done a good job this session but I, for one, would like to have had a little more time for communication among the various

legislators and I think really we have had to move too fast. I understand the dire consequences of the situation we find ourselves in but I also hope that we will not be in that situation permanently and certainly we do not want to undermine the legislative bodies. I urge you to vote against this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "K" (H-1215) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 70 in the negative, the motion did not prevail.

Representative Kilkelly of Wiscasset offered House Amendment "L" (H-1216) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "L" (H-1216) to Committee Amendment "A" (H-1192) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: This amendment allows the Lincoln County Law Library to remain open. It does that by an agreement between the County Commissioners and members of the Bar Association and other folks that are very concerned. What we have done is that this is a continuation of what happened in 1992 and that is that the Sheriff's Department provide security for the Lincoln County Court House, we would defer \$5,000 of the reimbursement for the security and transfer that money to the Law Library. That would resolve our problem through this year so the Law Library would be able to remain open and the complex would remain intact. There is no impact on the budget, it is a revenue-neutral bill.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "L" (H-1216) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

81 having voted in the affirmative and 35 in the negative, House Amendment "L" (H-1216) to Committee Amendment "A" (H-1192) was adopted.

Representative Richards of Hampden offered House Amendment "M" (H-1217) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "M" (H-1217) to Committee Amendment "A" (H-1192) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Men and Women of the House: This amendment does not have any net General Fund impact one way or the other. What I tried to do and I have been trying to collect data over the last two months extracting information from various agencies, Corrections, local P and P districts with how the \$1 million we have for community correctional services is disbursed throughout the state. The state has six P and P districts (probation and parole) and in that you have community-based programs, you have out-patient treatment, residential treatment, residential placement and monies are divided throughout those various agencies, private contracts for instance.

What has happened over the last year and a half in cuts is that we have cut a lot of these private contracts that provide services to a broader range of

people at about a third of the cost. The problem is that a lot of those dollars went to group placement, residential treatment agencies throughout the state that some P and P workers believe are inefficient, ineffective or don't service their particular area. The fact of it is that by the apparent nature of that institution, they readily drain the money because of survival. Unfortunately, the private contracts are cut. What I tried to do was come up with some kind of a formula that would take the million dollars or whatever money is in that pot and distribute it equitably throughout all 16 P and P districts. To give you an example, the current distribution of dollars in District 1, which is Cumberland County, is about \$157,000. Right now, Cumberland County is holding about 17.6 percent of the caseload throughout the state. That is adult and juvenile P and P clients. District 3, which has 25 percent of the caseload, currently is receiving about 11 percent as opposed to 12 percent for Cumberland County of those dollars and they have the highest caseload. I think I have practiced in this area dealing with juveniles and adults over a period of time that shows that community correctional based services has a big impact and recidivism if you can get that person early. I think District 3, with the highest case load in the state getting 25 percent of that caseload and having one of the smallest amount of community correctional dollars, speaks for itself.

The other great disparity that we have in here is that we have District 5 (which is Aroostook and Washington Counties) which has 9.1 percent of the caseload throughout the state. They receive approximately 30 percent of the correctional dollars — actually it is more than 30 percent, I think it is close to 35 percent of the correctional dollars.

The problem is not for any rhyme or reason, the problem is that we have group placements, we have residential treatment which is a short-term placement, group placement sometimes is long-term and the long-term placement agencies we have is based on the family teaching model and they contract out to services which require additional money. It is a very expensive program, it is a vanguard and has been here for a number of years. Over the last couple of years, it has drained and competed with those people that need services more so than those put in placement homes. They, throughout the whole state, service 50 juveniles, but the trade-off is that you have hundreds of juveniles that need the services more that don't have those community-based corrections dollars for their particular district.

What I am attempting to do in spreading the dollars through each district equitably is to allow the P and P district, the supervisor, to identify a needs efficiency model and a geographic where necessary model to be able to deliver these services. Cumberland County, Aroostook County, Washington County, Penobscot County all have similar services, they all have similar problems but they don't have dissimilar problems and they need different services. It ties or frees their hands at this point to be able to contract out for those services. It also allows these particular districts to identify omnibus programs like "Project Rebound" which they could be docked on their amount of money that they are getting and based on population and whether they under-use it or over-use it, is fine, but it is treated equally.

What I based distribution on is population. I

tried to do it by caseload but that is a variable factor and wouldn't work so I did it on population alone. To give you an example, every single district with the exception of one, District 5, will have an increase in dollars for community correction dollars. What that means is that perhaps the group homes in Aroostook County would be hurt the most. The ones in the other parts of the state would not be. Despite that fact, as I understand it, they would also be eligible at that point for a draw down on federal dollars, federal dollars that would take care of or making up a balance of funds.

I guess I have said enough about this amendment. The bottom line is, I have tried to develop a formula, I spent a lot of time on it, I think it equitably distributes the monies throughout the districts and allows more efficient services for those particular people on probation and parole, juveniles and adults. I hope you support this amendment.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this amendment. I didn't plan to speak in regard to any of these amendments but I don't think this is, with all due respect to the good Representative, the proper vehicle to start redoing probation and parole. There should be a hearing, there should be due consideration given and I urge you to vote against the amendment.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Men and Women of the House: I am actually surprised to hear my colleague oppose this bill. I fully respect his position in why perhaps you should vote against this but the fact of it is that District 3, which is currently receiving 11 percent of those dollars with the highest caseload in the state, would actually triple the amount of money they receive.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "M" (H-1217) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

26 having voted in the affirmative and 84 in the negative, the motion did not prevail.

Representative Manning of Portland offered House Amendment "O" (H-1220) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "O" (H-1220) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: This was a recommendation that was given to the Committee on Appropriations. From what I understand, Appropriations thought that the Committee on State and Local Government was going to do this. We have talked to the State and Local Government staff person and this mirrors what they did in their bill but he said they needed to go a little further and this bill did exactly what they did, it took the appropriations, this saves \$115,000.

The bill basically does away with the Division of Community Services, moves some of their functions over to the Department of Human Services, sets up a new way of distributing funds for the Children's



check-off, it goes now to the Child Abuse and Neglect Councils. We talked about this in our committee quite a bit and it was a committee recommendation to the Appropriations Committee. I hope you go along with it.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "O" (H-1220) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 57 in the negative, the motion did not prevail.

Representative Anthony of South Portland offered House Amendment "P" (H-1221) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "P" (H-1221) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: House Amendment "P" deals with the whole issue of private providers throughout the Department of Corrections other than the Youth Center. The Department of Corrections has developed a proposal and consulted with us about privatization of the health services at the Maine Correctional Center. We really did not take a position against that. During the course of that discussion, it also was brought out that there is some thought of spreading that system wide and have private providers meet the health needs of all the Corrections Department clients. That may be a good idea but from my point of view, we have to try it at Windham first and really see if it works, see how it works, give it six months or a year in practice and find out, does this thing work or not? Then if it does, go system wide with it.

There was also some discussion about other — or at least I have heard rumors of privatization of food services at the state prison at the other correctional facilities. They may be very good ideas, I am not opposed to them, but I do think that they are major policy changes and they should be subject to legislative review and approval. This amendment would put into statute that privatization of existing facilities or services that are now provided through state employees would have to come to the legislature for approval before they are undertaken. I urge your support.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "P" (H-1221) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 57 in the negative, the motion did not prevail.

Representative Daggett of Augusta offered House Amendment "U" (H-1230) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "U" (H-1230) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: We have already listened to a fair amount of discussion regarding the proposed privatization of some of our state institutions. I

am somewhat embarrassed to even have to offer this as an amendment because I think it is part of what would be considered appropriate management practice. The amendment would require that the closure or privatization of any of our state institutions, any plan would call for the continued delivery of equivalent services, demonstrated cost savings, and it lists the costs that must be compared, those would be the additional costs of providing the same service. That is, if the service would require the state to still provide certain kinds of equipment or personnel in order for the service to be provided.

The next cost would be the pro-rated share of existing administrative salaries, benefits, rent, equipment costs, etcetera. So that you can understand this particular piece of it, to explain that, if there is a function that is being contracted out, it does not always mean that you can reduce all of your administrative costs. Those administrative costs that could not be reduced would have to be considered as a part of the cost of privatizing that institution.

The third thing that would have to be considered is the cost for continuing the inspection, supervision and monitoring of any contract. I hope that you will be supporting this.

Unfortunately, when we are talking about privatizing our state institutions, we are talking about privatizing something which is not available in the private sector. We had a communication here earlier from the National Federation of Independent Business and I would like to read to you what it says. It suggests privatizing government services, it suggests that "opportunities be identified and unacceptable ways of government unfairly or unnecessarily competing with private enterprise be identified." I would suggest to you that our state institutions are not an appropriate place because it is not a way that state government competes with private enterprise, so in the very least, these standards should be held before considering contracting out or closing any of our institutions. I hope that it will have your support.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: Because of my interest in similar legislation and support of legislation introduced in this session in privatizing the private sector, this one is even more devastating in its content simply because there are hidden costs here. They are not simple costs that you can identify and say so many pieces of furniture, so much for labor. The subjective costs are the devastation to the services that we are providing in these special areas. I am not saying this without having some input — I attended two of the conferences on privatization of Pineland and I cannot convey to you the experience that one has in visiting, when I visited, those areas when they were faced with this issue of privatization. This is not a business privatization that can be identified, it involves the body, the soul, the family unit, it involves so much that you cannot put in dollars and cents. Enough is enough, I urge you to support this amendment.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Hichens.

Representative HICHENS: Mr. Speaker, Members of the House: I urge you to support House Amendment

"U." Personally, I am against privatization in any manner but I am especially against privatization where it deals with lives, lives of people who cannot deal with their own life because of their mental problems, mental retardation and so forth and the lives of families who are concerned. I have had a great many people contact me regarding privatization, especially of Pineland and I hope that you will consider these people, their concerns, their frustrations and vote in favor of this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "U" (H-1230) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

78 having voted in the affirmative and 22 in the negative, House Amendment "U" (H-1230) to Committee Amendment "A" (H-1192) was adopted.

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

Representative Boutilier of Lewiston offered House Amendment "W" (H-1236) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "W" (H-1236) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I tried to keep it to ten words but I couldn't seem to do it on this serious issue. I want to speak very briefly to this.

As most of you are aware, there is a case currently pending in Cumberland County dealing with Warren Cole and there are serious allegations of child molestation as well as allegations of manipulation, coercion and other things dealing with various law enforcement agencies including the Sheriff's Department, local law enforcement and the State Police. I feel strongly that these allegations have got to be dealt with quickly, if they are proved false, then they need to be dealt with and removed from the public arena. If they are true, the problems have to be rooted out and dealt with just as quickly.

I am concerned that the AG's office, which is our top law enforcement in terms of investigating this case, does not have sufficient resources or personnel to deal with this case effectively. In fact, an investigation had already been conducted which said there was not sufficient evidence to show coercion, manipulation and other kinds of wrong doings which have subsequently been reopened because further evidence, witnesses, etcetera, have come forward. In my opinion, the reason they came forward after the fact is that there was not sufficient resources and staff within the AG's office to find these people and to uncover this evidence. I think it is incumbent upon that department and upon our Attorney General to find that material. I asked him if he had sufficient resources and staff assigned to do this effectively and completely and he told me he did not. I then

asked him, what would he need to do it thoroughly and completely? He asked me to allow him to look at that. He came back at a further date and said, "What I need" (and what I have requested in this bill) "is a temporary position dedicated to the Cole case which would be an investigator/researcher from July 1 to December of this year."

The cost of that is \$27,720. It is not a lot of money compared to the other amendments we are looking at on this budget but it is significant and it is important. Those dollars would terminate in December of this year and go back to DHS. It does not eliminate any positions, it takes salary savings from a vacant administrative position.

I would hope you would take this motion seriously and I urge you to support this amendment.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I have worked with Representative Boutilier on the need for this investigation and totally concur with his comments.

However, the funding of that in a limited period position in the Fraud Unit is something I don't believe we ought to be doing now because it is a time limited position and we are risking the access to some federal funds in that area. I would hope that we could vote to kill this amendment but I would suggest that the Representative work with the Department of Human Services and perhaps we could find some funding in another area.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would urge you to kill this amendment. I think it is unnecessary. The reason that I say it is unnecessary is because every time we have a controversial case, are we going to be able to have to hire special people to do this? I know this is a very serious problem because the Lally's are my constituents. No one is closer to that case than I am because I talk to them on a weekly basis and have had the AG at their home. I have asked for investigations into the Sheriff's and the State Police Department to find out where all the problems lie. I think that is being done and, truthfully, I think DHS has had many, many problems and if there is a vacant position in DHS, God knows they need it. They should probably fill that position at DHS for something they need, not that I don't think the Lally case is not important, I do. I think it is a horror story that has been going on for many, many years. I would urge you not to support this even though I know how serious this problem is and we have many cases like this that are happening weekly.

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

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: I would urge your support for this issue, the cloud around this investigation needs to be cleared. This is a very serious matter, it has implications statewide. It is very intense in my particular area living nearby and I would like to see that cloud cleared up. I think this is an appropriate way to do it.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "W" (H-1236) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those

opposed will vote no.

A vote of the House was taken.

48 having voted in the affirmative and 73 in the negative, the motion did not prevail.

On motion of Representative Mayo of Thomaston, tabled pending adoption of Committee Amendment "A" (H-1192) as amended by House Amendments "T" (H-1228), "N" (H-1219), "Q" (H-1222), "FF" (H-1252), "D" (H-1206), "L" (H-1216), and "U" (H-1230) thereto and later today assigned.

LORD of Waterboro  
ANDERSON of Woodland  
MARSH of West Gardiner

Minority Report of the same Committee reporting **"Ought Not to Pass"** - pursuant to Public Law 1991, chapter 415, section 4 on same Bill.

Signed:

Representatives: SIMPSON of Casco  
POWERS of Coplin Plantation  
MITCHELL of Freeport

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

#### SENATE PAPERS

##### Ought to Pass as Amended

Report of the Committee on Banking and Insurance reporting **"Ought to Pass"** as Amended by Committee Amendment "A" (S-649) on Bill "An Act to Ensure Financial Solvency of Insurers through Accreditation" (S.P. 957) (L.D. 2425)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-649) as amended by Senate Amendments "A" (S-660) and "B" (S-670) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-649) was read by the Clerk.

Senate Amendment "A" (S-660) to Committee Amendment "A" (S-649) was read by the Clerk and adopted.

Senate Amendment "B" (S-670) to Committee Amendment "A" (S-649) was read by the Clerk and adopted.

Committee Amendment "A" (S-649) as amended by Senate Amendments "A" (S-660) and "B" (S-670) thereto were adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-649) as amended by Senate Amendments "A" (S-660) and "B" (S-670) thereto in concurrence.

##### Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting **"Ought to Pass"** - pursuant to Public Law 1991, chapter 415, section 4 on Bill "An Act Regarding Plastic Rings and Other Plastic Holding Devices" (S.P. 967) (L.D. 2446)

Signed:

Senators: BALDACCI of Penobscot  
TITCOMB of Cumberland  
LUDWIG of Aroostook

Representatives: JACQUES of Waterville  
COLES of Harpswell  
HUGLUND of Portland  
GOULD of Greenville

Came from the Senate with the Majority **"Ought to Pass"** Report read and accepted the Bill passed to be engrossed.

Reports were read.

On motion of Representative Jacques of Waterville, the Majority "Ought to Pass" Report was accepted, the bill read once.

Under suspension of the rules, the bill was read a second time and passed to be engrossed in concurrence.

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

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

#### SENATE PAPER

Bill "An Act to Certify Nonprofessionals Working in Chiropractic Offices" (S.P. 959) (L.D. 2428)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-699).

(The Committee on Reference of Bills had suggested reference to the Committee on Business Legislation.)

Under suspension of the rules and without reference to a Committee, the bill was read once.

Senate Amendment "A" (S-699) was read by the Clerk and adopted.

Under further suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Senate Amendment "A" (S-699) in concurrence.

#### CONSENT CALENDAR

##### First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First