

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)

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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STATE OF MAINE
 One Hundred and Eleventh Legislature
 Third Special Session
 JOURNAL OF THE SENATE
 In Senate Chamber
 Tuesday
 September 4, 1984

In Compliance with a proclamation of His Excellency, Governor JOSEPH E. BRENNAN, the Senators convened in the Senate Chamber at 7:00 o'clock in the evening.
 Senate called to Order by the President.

Prayer by the Honorable Larry M. Brown of Washington County.

SENATOR BROWN: Our Father and our Creator, the source of good as we assemble in this special session we ask for clear minds in approaching the important subject of educating our people. May we recognize the responsibilities we shoulder and commit our best efforts to finding solutions.

Keep us free of arrogance and let our strivings be for peace and mutual respect for each other.

We are ever thankful for the good we find around us and our ability to recognize and choose good over that which is not good.

Help us as a people, and especially those assembled in this Body, to choose and do what we believe to be the right thing. In Jesus' Name. Amend.

The Secretary read the Proclamation.

**State of Maine
 PROCLAMATION**

WHEREAS, there exists in the State of Maine a need to make improvements in the educational system of our State; and

WHEREAS, the Commission on the Status of Education in Maine has issued its report which makes a number of recommendations for improvements in the quality of our educational system; and

WHEREAS, it is desirable to take action in a timely fashion to enact and begin to implement these several recommendations so that Maine students and teachers can receive the benefit of these improvements as soon as possible.

NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Tuesday, the fourth day of September 1984 at 7:00 o'clock in the evening, in order to receive communications and enact legislation improving the quality of education in Maine.

Given at the Office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this seventeenth day of August in the year of our Lord Nineteen Hundred and Eighty-four.

S/JOSEPH E. BRENNAN
 GOVERNOR

Linwood F. Ross
 Deputy Secretary of State
 A true copy.

Attest: S/James S. Henderson
 Deputy Secretary of State

Which was READ and ORDERED PLACED ON FILE.

The Roll being called the following Senators answered to their names:

Senators: Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Dow, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreaarty, Minkowsky, Najarian, Pearson, Perkins, Pray, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President—Gerard P. Conley.

31 Senators having answered to the Roll, the President declared that a quorum was present.

Out of Order and Under Suspension of the

Rules:

On Motion by Senator PRAY of Penobscot ORDERED, that a message be sent to His Excellency, the Governor, informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was READ and PASSED.

The President appointed the Senator from Penobscot Senator PRAY to deliver the message to his excellency, the Governor.

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

Out of Order and Under Suspension of the Rules:

On Motion by Senator CARPENTER of Aroostook.

ORDERED, that a message be sent to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was READ and PASSED.

The President appointed the Senator from Aroostook Senator CARPENTER to deliver the message.

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

Out of Order and Under Suspension of the Rules:

On motion by Senator PRAY of Penobscot.

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House at 7:30 p.m. for the purpose of extending to his Excellency, Governor Joseph E. Brennan, an invitation to attend the Convention and make such communication as pleases him.

Which was READ and PASSED.

The President appointed the Senator from Penobscot Senator PRAY to deliver the message.

At this point a message was received from the House of Representatives through Representative Mitchell of Vassalboro informing the Senate that a quorum was present for the consideration of such business as might come before the House.

At this point the Senator from Penobscot, Senator PRAY reported that he had delivered the message with which he was charged.

(OFF RECORD REMARKS)

Out of Order and Under Suspension of the Rules:

On Motion of Senator TRAFTON of Androscoggin, the following Joint Order: (S. P. 925)

ORDERED, the House concurring, that the Joint Standing Committee on Judiciary report out a bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine."

Which was READ and PASSED.

Sent down forthwith for concurrence.

At this point a message was received from the House of Representatives through Representative Mitchell of Vassalboro concurring in the proposition for a Joint Convention to be held in the Hall of the House at 7:30 o'clock for the purpose of extending to His Excellency, Governor Joseph E. Brennan an invitation to make such communication as pleases him.

COMMUNICATIONS

The Following Communication S. P. 924:

111th MAINE LEGISLATURE
 Augusta, Maine

August 27, 1984

The Honorable Gerard P. Conley
 President of the Maine Senate
 111th Legislature
 The Honorable John L. Martin
 Speaker of the Maine House
 111th Legislature

Dear President Conley and Speaker Martin:

Please be advised that today two bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committee on Appropriations and Financial Affairs and ordered printed on August 27, 1984 as follows:

Bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for the Design, Construction and Furnishing of Court Facilities." (S. P. 922) (L. D. 2480) (Presented by Senator NAJARIAN of Cumberland) (Cosponsors: Representative JOYCE of Portland, Senator CLARK of Cumberland, Senator COLLINS of Knox)

Bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$16,500,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine." (S. P. 923) (L. D. 2481) (Presented by Senator HAYES of Penobscot) (Cosponsors: Representative LISNIK of Presque Isle, Representative RANDALL of East Machias, Representative MILLS of Bethel)

Sincerely,
 S/JOY J. O'BRIEN
 Secretary of the Senate
 S/EDWIN H. PERT
 Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication S. P. 927:
**NATIONAL TRANSPORTATION
 SAFETY BOARD**
 Washington, D.C.

April 23, 1984

Honorable Joseph E. Brennan
 Governor of Maine
 Augusta, Maine 04333

Over the last several years, victims of alcohol-involved accidents and other anti-drunk driving activists have prompted legislative and program initiatives in most States to curb drunk driving. Special task forces have been created in at least 41 States to study the drunk driving problem and to revitalize State and local programs. Enhanced driving while intoxicated (DWI) enforcement programs and tougher penalties for convicted offenders are being legislated in a number of States. Yet in spite of this increase in legislative and countermeasure activity, drunk driving continues throughout this country. Roughly the same percentage (55-58 percent) of all highway fatalities each year involve alcohol. In 1982 alone, 25,600 persons died in alcohol-involved accidents. National Highway Traffic Safety Administration (NHTSA) studies of injury-producing and property-damage accidents also demonstrate the substantial role alcohol plays in these less severe accidents. Nearly 670,000 persons are injured each year in alcohol-involved crashes and some 1,200,000 alcohol-involved property damage accidents occur yearly. Without question, drunk driving remains one of our Nation's most serious public health, transportation, and safety issues.

The tragic consequences of alcohol abuse have long been of concern to the National Transportation Safety Board, an independent Federal agency charged by Congress to conduct studies pertaining to safety in transportation; to investigate transportation accidents; to determine their probable cause; and to make safety recommendations to prevent their recurrence. Throughout the Board's history, it has observed the over-involvement of alcohol-impaired drivers in fatal highway crashes. The Safety Board has issued Safety Recommen-

tions to Federal, State, and local governments as well as to private organizations, focusing on both the specific causes of individual accidents as well as on the general factors which lead to alcohol-involved accidents on our highways.

Recently, the Safety Board has promoted several specific actions which it believes are needed to reduce significantly the number of alcohol-involved highway accidents. The first called on the States to raise the minimum legal age for drinking or purchasing all alcoholic beverages to 21 years (NTSB Recommendation H-082-18). The second recommended the implementation of citizen awareness and drunk driver reporting programs, such as the "REDDI" program (Report Every Drunk Driver Immediately) active in six States (Safety Recommendation H-82-35).

During the Safety Board's continuing search for additional measures to address the drunk driving problem, it has examined State and local programs, studied efforts in other countries, and reviewed the writings of numerous experts in the field of alcohol in transportation and highway safety. As a result of this study, the Board has been impressed at the critical need for added measures that can reduce immediately the present danger from drunk drivers who remain on our roads in large numbers. The 70 deaths and 1,800 injuries suffered by Americans each day because of drunk drivers demand no less than the most aggressive and effective short-term countermeasures.

If drunk driving is to be reduced significantly in the short-term, motorists must be convinced that there is a strong likelihood they will be arrested and penalized if they drive drunk. Most experts agree that many drunk drivers persist in their behavior because they have a perception of low risk of arrest and penalty. These facts help explain why between 1/4 and 1/3 of the drivers who drink say they believe that the chances of being caught and punished are not great enough to deter them from driving after drinking too much.

In spite of aggressive DWI enforcement in many States and localities, estimates of the probability of arrest remain relatively low, varying from 1 in 200 drunk drivers to 1 in 2,000. Moreover, the impact of increased enforcement efforts is frequently blunted by lengthening court backlogs, particularly as the judicial system struggles to impose the toughened penalties which have recently been enacted by State legislatures. The greater the penalty, the more the defendant is provoked to resist by engaging lawyers, demanding jury trials, and other procedures which cause court delays. This increased pressure on the courts leads to compromises by prosecutors and judges which translates into plea bargaining and pretrial diversion programs. Such processes frequently result in the failure to convict on the DWI charge. Thus, even in the unlikely event of an arrest, the offender has a good chance of avoiding most of the negative consequences of his or her offense.

It has become apparent that traditional DWI arrest enforcement and sanction programs alone simply cannot arrest and penalize enough drunk drivers to reduce alcohol-related deaths and injuries dramatically. 1/Additional measures are needed to enhance traditional enforcement and sanctioning programs in order to deter the 199 (of the 1 in 200) or 1,999 (of the 1 in 2,000) who are never arrested.

On April 3, 1984, the National Transportation Safety Board completed a study of two drunk driving "deterrence" countermeasures that have the potential to produce short-term safety improvements on our highways—sobriety checkpoints and administrative license revocations. 2/

1/The National Highway Traffic Safety Administration (Nichols, Gundersheimer) has estimated that if every drunk driver arrested was

prevented from driving impaired for 1 year, deaths would only decrease by a few percentage points. This is because (1) there are so many other motorists driving drunk so frequently and (2) the probability that one individual offender will be subsequently involved in a fatal crash is very small, therefore, removing a relative few would not appreciably reduce future crashes.

2/**Safety Study:** "Deterrence of Drunk Driving: The Role of Sobriety Checkpoints and Administrative License Revocations," NTSB/SS-84/01, April 3, 1984.

According to a number of State and local officials and law enforcement organizations, 3/a new technique that shows promise for deterring drunk drivers is the sobriety checkpoint or DWI roadblock, currently in use or under consideration in 21 jurisdictions and in at least 5 foreign countries. The NTSB safety study describes the experience of other countries as well as that of several States which have employed sobriety checkpoint programs. The city of Melbourne, Australia, for example, experienced significant decreases in nighttime fatal crashes and injuries involving drivers with illegal blood alcohol concentrations during a 1978 checkpoint campaign. In the U.S., the State of Delaware has reported a 32-percent drop in alcohol-related injury accidents during a period after sobriety checkpoints were in use from December 4, 1982, to August 13, 1983.

Another technique which the Safety Board believes shows promise as a deterrent to drunk driving is the administrative license revocation. While motor vehicle administrators have historically had ample statutory authority to remove to suspend the licenses of drivers who pose a threat to the public, these administrators traditionally have been conservative in the use of that power. The result has been that most motor vehicle departments take no action to suspend licenses of drivers who violate drunk driving or implied consent laws until they receive a formal notice from the court of the conviction of the individual for a drunk driving or implied consent offense. Moreover, many of those who take a chemical test and produce a result over the legal limit will also fail to lose their licenses because of court procedures which permit reduction in charges or pretrial diversion.

Under administrative license revocation laws, when a driver is stopped by a police officer who has probable cause to arrest the driver for a drinking/driving offense, the officer will ask the driver to submit to a breath test. The driver is warned that refusal of the test will result in a license suspension and is further warned that if he or she takes the test and is over the specified BAC limit, this will also result in a suspension. If the driver either refuses the test or takes the test with a result which is over the limit, then the police officer will then take the driver's license. The offender is then provided with a notice which serves both as a temporary driving permit (typically for 7 to 30 days) and as a notice that the driver has a right to request both an administrative and, ultimately, a judicial review of the suspension. The driver is, of course, not allowed to drive from the scene and is held in custody for specified period of time or released to a sober driver.

Since administrative revocation laws have only recently been enacted in most States, only a limited amount of data are available on their effectiveness. However, for those States, such as Minnesota, Iowa, and Delaware, which have used the procedures for several years, some pertinent information is available.

While a number of States are using the sobriety checkpoint enforcement system and also have administrative revocation laws, these elements were not enacted at the same time. Therefore, it is difficult to determine what the combined effect of these two countermeasures has been on accidents. However, Delaware's

experience provides the best opportunity currently available in the United States for evaluation of the combined effects of these programs.

3/A 1983 International Association of Chiefs of Police, Resolution 4R-1 endorsed the use of sobriety checkpoints.

The change in accident statistics in Delaware following the initiation of the checkpoint and administrative revocation legislation is encouraging. Between 1982 and 1983, there was a 13.8-percent decline in total fatal accidents and a 17.3-percent decline in alcohol-involved fatal accidents. The impact appeared to be even greater among injury accidents where the total decline was only 3.5 percent from 1982 to 1983 but the decline in alcohol-involved accidents was 21.9 percent. These declines occurred despite an 8-percent increase in sales of fuel in Delaware, indicating that the reduction could not be explained by reduced travel. In addition, between 1982 and 1983, there was only a small decline in fatal accidents nationwide.

Perhaps the most impressive indication of the potential impact of these two countermeasures—sobriety checkpoints and administrative license revocation—in Delaware is the number of drinking drivers involved in fatal accidents. Delaware is one of the few States which test nearly all fatally injured drivers for alcohol. When the number of drivers who are fatally injured and tested for alcohol is added to the number of surviving drivers in fatal accidents who were charged by the police with drunken driving (and also tested for BAC), the number of drinking drivers (BAC greater than .05 percent) in fatal accidents decreased by 19.1 percent from 1982 to 1983. This reduction is based on known BAC levels and is not subject to the biases which sometimes occur in police judgements regarding whether a driver was drinking. While more detailed analysis of accident data over a number of years will be required to confirm that this change can be attributed to the new law, this reduction in the number of accident-involved drinking drivers is impressive.

Based upon our review of the current literature and recent experience in national and international efforts to control drunk driving, the National Transportation Safety Board believes that general deterrence programs afford the most promising approach for the short-term reduction in alcohol-related deaths and injuries on our highways. Further, upon consideration of the information presented in its report, the Safety Board believes that the sobriety checkpoint and administrative license revocation procedures are potentially effective deterrent measures that warrant broader application by the States.

As a result of its Safety Study, "Deterrence of Drunk Driving: The Role of Sobriety and Checkpoints and Administrative Revocation," the National Transportation Safety Board has concluded that sobriety checkpoints and administrative license revocations should be an integral part of a State's comprehensive alcohol and highway safety program.

The Safety Board is aware of the use of administrative license revocation in your State.

Therefore, the National Transportation Safety Board recommends that the Governor of Maine:

Institute the use of sobriety checkpoints on a periodic and continuing basis by the appropriate enforcement agencies under your jurisdiction as part of a comprehensive Driving While Intoxicated enforcement program. These checkpoints should be conducted according to accepted procedures and constitutional safeguards. (Class II, Priority Action) (H-84-22)
Encourage local law enforcement agencies within your State to institute sobriety checkpoints on a similar basis. (Class II, Priority Action) (H-84-23)

Evaluate the effectiveness of sobriety checkpoints and administrative license revocation procedures implemented. (Class II, Priority Action) (H-84-24)

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility... to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations (P.L. 93-633). The Safety Board is vitally interested in any actions taken as a result of our safety recommendations and would appreciate a response from you regarding action taken or contemplated with respect to the recommendations in this letter.

BURNETT, Acting Chairman, GOLDMAN and GROSE, Members, concurred in these recommendations. BURSLEY, Member, did not participate.

By: S/JIM BURNETT
Acting Chairman

Which was READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication:
**U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
OF TRANSPORTATION
Washington, D.C.**

May 23, 1984

Dear State Legislator:

The Department of Transportation recently published a supplemental notice of proposed rulemaking (SNPRM) regarding occupant crash protection.

This supplemental notice requests public comment on four new alternatives which were raised by the over 6,000 comments received following the October 9, 1983 notice. As you will see from the enclosed press release and SNPRM, two of these alternatives would involve state action. Because of the widespread interest in this regulatory action, I am writing to invite your comments, particularly as they relate to the alternatives which would involve activities at the State level.

The comment period closes on June 11, 1984 and it is the Secretary's intention to issue a final decision on this matter in July, 1984.

Comments should be submitted to: Docket Section, Room 5109, 400 7th Street S.W., Washington, D.C. 20590.

With best wishes.

Sincerely,
S/JAMES H. BURNLEY, IV
Deputy Secretary

Which was READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication (S. P. 926):
**STATE OF MAINE
DEPARTMENT OF AUDIT
State House Station 66
Augusta, Maine 04333**

May 29, 1984

To the President of the Senate and the Speaker of the House of Representatives

In accordance with Title 5, Section 243, Maine Revised Statutes Annotated of 1964, as amended, an audit has been conducted of the financial records of the Judicial Department for the fiscal year ended June 30, 1983.

The examination was made in accordance with generally accepted auditing standards and the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions, promulgated by the U.S. Comptroller General and, accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

Within the scope of the examination, the financial transactions were appropriately handled, with such exceptions as may be noted in the accompanying commentary.

In our opinion, the exhibit and schedules

contained in this report present fairly the financial position of the various funds of the Judicial Department at June 30, 1983, the results of operations and the changes in fund balances of such funds for the fiscal year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

S/GEORGE J. RAINVILLE
State Auditor

Which was READ and with accompanying papers ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication:
**OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES
Washington, D.C. 20515**

June 12, 1984

TO: Secretary of State
FROM: BENJAMIN J. GUTHRIE, Clerk
U.S. House of Representatives
SUBJECT: Journal of the United States House of Representatives

Pursuant to Rule 111, Paragraph 3, of the Rules of the United States House of Representatives, directing the Clerk of the House to send at the end of each session of the Congress a printed copy of the Journal of the House to the Legislature of each state, I am forwarding, under separate cover, a copy of parts 1 and 2 of the Journal for the Second Session of the Ninety-seventh Congress for each branch of your Legislature.

Which was Read and ORDERED PLACED ON FILE.

The Following Communication:
**PENOBSCOT INDIAN NATION
Office of the Governor & Council**

June 19, 1984

The Honorable Rodney S. Quinn
Secretary of State
State House Station #101
Augusta, Maine 04333

Dear Mr. Quinn:

This is to inform you that I, D. Lorraine Dana, Tribal Clerk of the Penobscot Indian Nation, was designated as the officer to certify the Nation's approval (or disapproval) of Legislation of the State of Maine affecting Indians, to the Secretary of State of the State of Maine when required to do so by the provisions of the United States Code, Title 25, Section 1725 (e).

Pursuant to the above, I wish to inform you that Two General Meetings have been held in the Community Building at Indian Island to consider legislation affecting Indians.

The two meetings considered and approved the following pieces of Legislation passed by the Legislature at its Second Regular Session.

1. Resolves 1983, Chapter 52 — L. D. 1820
Resolve, to Authorize the Conveyance of Certain Property to the Penobscot Nation— approved at a General Meeting held April 9, 1984
2. P.L. 1983, Chapter 676 — L. D. 1821
An Act Relating to Penobscot Nation Trust Land Designation— Approved at a General Meeting held June 18, 1984.

Chapter 52 of the Resolves not being part of the Maine Implementing Act, does not require the Approval of the Tribe, but it was hereby given because of a one word Amendment to the Bill, as originally drafted and also because it concerns lands included in the Penobscot Indian Reservation by the Claims Settlement.

Very Truly Yours,
S/LORRAINE DANA
Tribal Clerk

Penobscot Indian Nation

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, the twenty-first day of June in the year of our Lord one thousand nine hundred and eighty-four.

S/RODNEY S. QUINN
Secretary of State

Which was READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication:
**STATE OF MAINE
SUPREME JUDICIAL COURT
Portland, Maine 04112**

July 19, 1984

The Honorable Gerard P. Conley
President of the Senate
State House
Augusta, ME 04333
The Honorable John L. Martin
Speaker of the House
State House
Augusta, ME 04333

Dear Mr. President and Mr. Speaker:

I am pleased to transmit herewith a copy of the "Administrative Order in Regard to Judicial Employees Labor Relations," promulgated by the Supreme Judicial Court to be effective July 25, 1984, coincident with the effective date of the Judicial Employees Act adopted by the Legislature as chapter 702 of the Public Laws of this year. The administrative order is the order recommended by the Advisory Committee headed by Dean Carignan, which also proposed the Judicial Employees Labor Relations Act, subject to those relatively minor modifications that were necessary to conform the proposed administrative order to the Act as finally passed by the Legislature. It is a source of great satisfaction to the Court, as I trust it is also to both of you and to the Senate and House Chairs on the Joint Committee on Labor, that the common goals of the legislative and judicial branches could be carried out through such a satisfactory process of cooperation. We particularly want to thank the legislative leadership and the leadership of the Labor Committee in bringing this result to pass.

With all best wishes,

Sincerely,
S/VINCENT L. McKUSICK
Chief Justice

Which was READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication (S. P. 928):
**SPECIAL STUDY COMMISSION
ON
WORKERS' COMPENSATION**

June 30, 1984

The Honorable Gerard P. Conley
President of the Senate
State House
Augusta, Maine 04333
The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04333

Dear President Conley and Speaker Martin:

We are pleased to submit to you the findings and recommendations of our study of workers' compensation insurance issues set forth in Chapter 479, Public Laws of 1983. We are also submitting to you a copy of the report of our consulting actuary whose work informed much of our study.

We believe we have conducted a most thorough study of the issues included in our mandate. Furthermore, we believe our recommendations will lead to a more rational and efficient system of establishing prices and delivering workers' compensation insurance to Maine employers for the protection of their workers. Finally, we have suggested an area for further study which may lead to other improvements in the overall workers' compensation system in Maine.

Please be assured that we stand ready to assist you, the Legislature and the Governor in any way we can to see that this study leads to meaningful changes for the people of Maine.

Sincerely,
S/JOHN E. MENARIO
S/FLOYD HARDING
S/H. ALAN TIMM

Which was READ and with accompanying papers ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication:
STATE OF MAINE
DEPARTMENT OF CONSERVATION
State House Station 22
Augusta, Maine 04333

July 31, 1984

Honorable Gerard P. Conley
President of the Senate
State House
Augusta, Maine 04333
Dear President Conley:

The enclosed report summarizes the 1983 Spruce Budworm Suppression Project and other activities of the Budworm Management Program.

Should you have any questions about the report, or if you wish to learn more about the Spruce Budworm Program, feel free to call or write the Maine Forest Service, State House Station #22, Augusta, Maine 04333 (Tel. 289-2791).

Sincerely,
S/THOMAS RUMPF
Forest Insect Manager

Which was READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta, Maine 04333

August 16, 1984

Honorable Gerard P. Conley
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333
Dear Senator Conley:

This is to inform you that I am today nominating John B. Beliveau of Lewiston for appointment as a Judge-at-Large of the District Court.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.
Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
THE SENATE OF MAINE
OFFICE OF THE SECRETARY
Augusta, Maine 04333

August 16, 1984

Senator Richard L. Trafton
Representative Barry J. Hobbins
Chairpersons, Committee on Judiciary
111th Legislature
State House
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated John B. Beliveau of Lewiston for appointment as a Judge-at-Large of the District Court.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/JOY J. O'BRIEN
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta, Maine 04333

August 16, 1984

Honorable Gerard P. Conley
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333
Dear Senator Conley:

This is to inform you that I am today nominating Vincent L. McKusick of Cape Elizabeth for reappointment as the Chief Justice of the Maine Supreme Judicial Court.

Pursuant to the Maine Constitution Article V Part 1 Section 8, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.
Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was READ and ORDERED PLACED ON FILE.

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THE SENATE OF MAINE
OFFICE OF THE SECRETARY
Augusta, Maine 04333

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Sincerely,
S/JOY J. O'BRIEN
Secretary of the Senate
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta, Maine 04333

August 16, 1984

Honorable Gerard P. Conley
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333
Dear Senator Conley:

This is to inform you that I am today nominating Stephen L. Perkins of South Portland and Herbert T. Sillsby, II of Ellsworth for reappointment as Superior Court Justices.

Pursuant to the Maine Constitution Article V Part I Section 8, these nominations will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.
Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was READ and ORDERED PLACED ON FILE.

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THE SENATE OF MAINE
OFFICE OF THE SECRETARY
Augusta, Maine 04333

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Sincerely,
S/JOY J. O'BRIEN
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta, Maine 04333

August 17, 1984

Honorable Gerard P. Conley
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333
Dear Senator Conley:

This is to inform you that I am today nominating Joan D. Susi of West Buxton for appointment to the State Harness Racing Commission.

Pursuant to Title 8 MRSA Section 261, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Thank you for your assistance in this matter.
Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
THE SENATE OF MAINE
OFFICE OF THE SECRETARY
Augusta, Maine 04333

August 17, 1984

Senator Edgar E. Erwin
Representative John M. Michael
Chairpersons, Committee on Agriculture
111th Legislature
State House
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Joan D. Susi of West Buxton for appointment to the State Harness Racing Commission.

Pursuant to Title 8 MRSA Section 261, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,
S/JOY J. O'BRIEN
Secretary of the Senate
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta, Maine 04333

August 17, 1984

Honorable Gerard P. Conley
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333
Dear Senator Conley:

This is to inform you that I am today nominating Bruce W. Chandler of South China for appointment as a Superior Court Justice.

Pursuant to the Maine Constitution Article V Part I Section 8, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.
Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was READ and ORDERED PLACED ON FILE.

ON FILE.

The Following Communication:

**THE SENATE OF MAINE
OFFICE OF THE SECRETARY
Augusta, Maine 04333**

August 17, 1984

Senator Richard L. Trafton
Representative Barry J. Hobbins
Chairpersons, Committee on Judiciary
111th Legislature
State House
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Bruce W. Chandler of South China for appointment as a Superior Court Justice.

Pursuant to the Maine Constitution Article V Part 1 Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/JOY J. O'BRIEN

Secretary of the Senate

Which was Read and ORDERED ON FILE.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta, Maine 04333**

August 17, 1984

Honorable Gerard P. Conley
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333
Dear Senator Conley:

This is to inform you that I am today nominating Edward S. Godfrey of Portland for appointment as the Chairperson, Public Representative to the Maine Labor Relations Board.

Pursuant to Title 26 MRSA Section 968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**THE SENATE OF MAINE
OFFICE OF THE SECRETARY
Augusta, Maine 04333**

August 17, 1984

Senator Dennis Dutremble
Representative Edith Beaulieu
Chairpersons, Committee on Labor
111th Legislature
State House
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Edward S. Godfrey of Portland for appointment as the Chairperson, Public Representative to the Maine Labor Relations Board.

Pursuant to Title 26 MRSA Section 968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,
S/JOY J. O'BRIEN

Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta, Maine 04333**

August 17, 1984

Honorable Gerard P. Conley
President of the Senate

Senate Chambers
State House
Augusta, Maine 04333

Dear Senator Conley:

This is to inform you that I am today nominating The Very Reverend Richard E. Harvey of Brewer for reappointment to the Board of Trustees of the Maine Maritime Academy.

Pursuant to 1941 P&SL Chapter 37, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**THE SENATE OF MAINE
OFFICE OF THE SECRETARY
Augusta, Maine 04333**

August 17, 1984

Senator Kenneth P. Hayes
Representative Stephanie Locke
Chairpersons, Committee on Education
111th Legislature
State House
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated The Very Reverend Richard E. Harvey of Brewer for reappointment to the Board of Trustees of the Maine Maritime Academy.

Pursuant to 1941 P&SL Chapter 37, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,
S/JOY J. O'BRIEN
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta, Maine 04333**

August 20, 1984

Honorable Gerard P. Conley
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333
Dear Senator Conley:

This is to inform you that I am today nominating Patricia M. McDonough of South Portland for appointment as the Commissioner of the Department of Labor.

Pursuant to Title 26 MRSA Section 1401, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**THE SENATE OF MAINE
OFFICE OF THE SECRETARY
Augusta, Maine 04333**

August 13, 1984

Senator Dennis Dutremble
Representative Edith Beaulieu
Chairpersons, Committee on Labor
111th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Patricia M. McDonough of South Portland for appointment as the Commissioner of the Department of Labor.

Pursuant to Title 26 MRSA Section 1401, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,
S/JOY J. O'BRIEN

Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**111th Maine Legislature
Augusta, Maine 04333**

August 24, 1984

Honorable Joy J. O'Brien
Secretary of the Senate
111th Legislature
State House
Augusta, Maine 04333
Dear Secretary O'Brien:

On August 15, 1984, under Chapter 84, Resolves of 1984, we appointed the following people to serve on the Task Force on Head Injuries:

Senator Larry M. Brown of Washington
Representative Thomas Andrews of Cumberland

Mr. Don Sanders of Augusta, Representative, Maine Head Injury Foundation

Ms. Betty Adams of Livermore Falls, Representative, Maine Head Injury Foundation

Mr. Paul Roane of Bath, Representative, Maine Head Injury Foundation

Ms. Joan Jordan of Wiscasset, Representative, Maine Head Injury Foundation

Ms. Priscilla Dalton of Kittery, Representative, Maine Head Injury Foundation

Mr. Ronald Welch, Designee of the Commissioner Department of Mental Health & Retardation

Meg Gardiner, Designee of the Commissioner Department of Human Services

Michael Opuda, Designee of the Commissioner Department of Education and Cultural Services

Lt. Dale Harrington, Designee of the Commissioner Department of Public Safety

Mary Z. Skorapa, M.D., Representative of the Maine Medical Association

Ms. Kathy Goodwin, Representative of Community-based Consumer-oriented Provider of Care

Sincerely,
S/ GERARD P. CONLEY

President of the Senate

S/ JOHN L. MARTIN

Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**111th Maine Legislature
Augusta, Maine 04333**

August 24, 1984

Honorable Joy J. O'Brien
Secretary of the Senate
111th Legislature
State House
August, Maine 04333
Dear Secretary O'Brien:

Pursuant to Chapter 85 of the Resolves of 1984, we appointed the following persons to serve as legislative members of the Select Committee Concerning Forest Practices in the State:

Senator Charles Dow of Kennebec

Senator Judy Kany of Kennebec

Representative Robert MacEachern of Lincoln

Representative Paul F. Jacques of Waterville

Representative Patrick K. McGowan of Pittsfield

Representative Michael Michaud of East Millinocket

Sincerely,
S/ GERARD P. CONLEY
President of the Senate

S/ JOHN L. MARTIN
Speaker of the House

Which was READ and ORDERED PLACED
ON FILE.

The Following Communication:

**STATE OF MAINE
LEGISLATIVE COUNCIL
Augusta, Maine 04333**

August 21, 1984

The Honorable Gerard P. Conley
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333

Dear Mr. President:

This is to inform you that the Legislative Council approved the establishment of a Special Select Committee to Study the Issue of Teacher Contributions to the State Retirement System at its meeting on April 25, 1984.

This committee shall be comprised of 8 members, 4 of whom shall be members of the joint standing committee having jurisdiction over education and 4 of whom shall be members of the joint standing committee having jurisdiction over aging, retirement and veterans. The President of the Senate, the Speaker of the House, the Minority Leader of the Senate and the Minority Leader of the House shall each appoint 2 members to the special select committee.

It is the intent of the Council that the Committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the First Regular Session of the 112th Legislature.

Sincerely,
S/ CHARLES P. PRAY
Chairman

Which was READ and ORDERED PLACED
ON FILE.

The Following Communication:

**THE SENATE OF MAINE
OFFICE OF THE PRESIDENT
Augusta, Maine 04333**

August 29, 1984

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

Dear Secretary O'Brien:

This is to advise you that I have appointed Senator Charles G. Dow of Kennebec and Senator Carroll E. Minkowsky of Androscoggin to serve on the Special Select Committee to study the issue of teacher contributions to, and benefits from, the State Retirement System, based on overtime and extra pay, established by the Legislative Council.

Senator Dow is the Chairperson on the Joint Standing Committee on Aging, Retirement & Veterans, and Senator Minkowsky is a member of the Joint Standing Committee on Aging, Retirement & Veterans.

Sincerely,
S/ GERARD P. CONLEY
President of the Senate

Which was READ and ORDERED PLACED
ON FILE.

THE PRESIDENT: The Chair at this time would like to call the Senate's attention to the newly decorated Chamber. Since the Legislature had voted for reapportionment which increases the membership of this body to its constitutional limit and in view of the fact that it has been 25 years since the last remodeling was undertaken to revamp the Chamber, we undertook the two projects simultaneously.

I would like to point out that the action taken is really the work of a great many people. I would like to thank those individuals who deserve special mention on behalf of the Senate:

The painting was done by: Jean-Paul Fortin

contractor and Maurice Blais was the project foreman.

The carpeting was furnished by Jerry Chase of Hallowell contractor. It was through his efforts and powers of persuasion the carpet manufacturer made special arrangements for shipping the carpet.

Sam McMaster and Fred McKinley, the installers worked virtually around the clock once the carpet arrived.

Mr. Howard Baggett, the plant manager at the mill in Georgia was extraordinarily helpful in making special arrangements for shipment of the carpet.

The sound system was put back together by Joe Davis who has done an outstanding job.

In addition to the above contractors the staff of BPI played an extremely important role in the remodeling process. As is too often the case the work of State employees is overlooked in a project like this, but much of the work in the Senate has been done by the true craftsmen who are employed by the Bureau of Public Improvements.

Jim Goulet, Assistant Superintendent of Buildings for BPI has done an outstanding job in his role as overall coordinator of the work done by both outside contractors and BPI staff.

The following BPI employees were an important part of the renovation project:

Carpenters

Richard Violette, Foreman
Richard Comeau
Curtis Clayton

Electricians

Harry Cole, Foreman
Earl Lamoreau
Mark Stufflebeam

Painters

(who are in the process of refinishing all of the Senators' desks and chairs)
Roland Gagnon
Rudy LaVallee

Window Mechanics

Camille Grenier
Harold Gagnon

and others

Scott Cormier
Maxine Pomerleau
Michael Chasse
Larry Arnold

Special thanks to Bureau of Purchases employees:

Judy Moody
Maple Christie

State House Custodial Staff, who under the supervision of Roseanne Ayotte, keep the State House in a condition which is virtually unmatched by any other public building. In addition to Roseanne, the custodians include:

Ralph Hutchinson
Judith Walker
Patrick Poulin
Dwight Maylin
Stanley Hunt
Jeanne Gray

Finally, I would like to recognize the participation of three others who have played special roles in planning and organizing the work.

Betty Tyler, of Brunswick, who has been extremely generous with her time in advising us on colors, selection of the carpet and draperies, etc.

Earle Shettleworth, Executive Director of the Historic Preservation Commission, who has taken a personal interest in the project and helped us identify people who could advise us.

David Silsby, (our own) who did a number of water color sketches of the Chamber which were invaluable in the color selection process.

Senate at Ease

Senate called to order by the President.

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

(For proceedings of Joint Convention, See

House Report.)

**AFTER JOINT CONVENTION
IN SENATE**

Senate called to order by the President.

On motion by Senator CARPENTER of Aroostook, Adjourned until 9 o'clock tomorrow morning.