

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME II

SECOND REGULAR SESSION

April 3 - April 16, 1986

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STATE OF MAINE
PROCLAMATION

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND SPECIAL SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Wednesday
May 28, 1986

In Compliance with a proclamation of His Excellency,
Governor JOSEPH E. BRENNAN, the Senators convened in
the Senate Chamber at 10 o'clock in the morning.

Senate called to Order by the President.

Prayer by Reverend Norman Shaw of the Church of the
Nazarene in Millinocket.

REVEREND SHAW: Our Father in Heaven, gracious
creator of all mankind in this universe and the
sustainer of all things, we come before You this
morning beseeching You, our Father, to be here in
this place. That You would give us wisdom, that You
would guide our direction, that You would watch over
this Senate this day. We ask Lord that You would
give the leadership Your guidance and direction in
the name of Jesus Christ our Lord, Amen.

The Secretary will read the Proclamation.

WHEREAS, there exists in the State of Maine an
extraordinary occasion whereby Maine's corrections
system is very much in need of change and
improvement; and

WHEREAS, lack of sufficient program alternatives
for released prisoners and less serious offenders
pose an undesirable risk to public safety; and

WHEREAS, the Governor's Blue Ribbon Commission on
Corrections has issued a report outlining steps to
deal with the immediate situation as well as to
launch longer term solutions; and

WHEREAS, legislative action is necessary to
implement those recommendations; and

WHEREAS, the State of Maine has received over \$15
million from the oil overcharge suit against Exxon;
and

WHEREAS, these monies must be allocated by
legislative action, to permissible energy programs as
defined by the so-called Warner Amendments; and

WHEREAS, there are certain items of unfinished
business which demand the immediate attention of the
Legislature,

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 of the Capitol in Augusta on
Wednesday, the twenty-eighth day of May, 1986 at ten
o'clock in the morning in order to receive
communications, enact legislation to implement
recommendations of the Governor's Blue Ribbon
Commission on Corrections, allocate monies received
from the oil overcharge suit against Exxon and
conduct such other legislative business as may be
necessary and appropriate.

In testimony whereof, I have
caused the Great Seal of the
State to be hereunto affixed
GIVEN under my hand at Augusta
this 8th day of May in the
Year of our Lord One Thousand
Nine Hundred and Eighty-Six.

S/JOSEPH E. BRENNAN
Governor

S/Rodney S. Quinn
Secretary of State

Which was READ and ORDERED PLACED ON FILE.

The Roll being called, the following Senators answered to their name:

Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CHALMERS, CLARK, DIAMOND, DOW, EMERSON, ERWIN, GILL, HICHENS, KERRY, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

30 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 VIOLETTE of Aroostook, the following Senate Order:

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 requested the Sergeant-At-Arms to escort the Senator from Aroostook, Senator VIOLETTE to deliver the message to His Excellency, the Governor.

Out of order and under suspension of the Rules, on motion by Senator CLARK of Cumberland, the following Senate Order:

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 requested the Assistant Sergeant-At-Arms to escort the Senator from Cumberland, Senator CLARK to the House of Representatives to deliver the message.

Off Record Remarks

THE PRESIDENT: The Chair is very pleased to welcome back and recognize in the rear of the Chamber, the Senator from York, Senator Dutremble.

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

Subsequently, the Senator from Cumberland, Senator CLARK reported that she had delivered the message with which she was charged.

Out of order and under suspension of the Rules, on motion by Senator VIOLETTE of Aroostook, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both Branches in the Hall of the House at 10:30 in the morning, 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 Chair requested the Sergeant-At-Arms to escort the Senator from Aroostook, Senator VIOLETTE, to the House of Representatives to deliver the message.

At this point a message was received from the House of Representatives borne by Representative DIAMOND of Bangor, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
ADMINISTRATIVE OFFICE OF THE COURTS
P.O. Box 4820 DTS
Portland, Maine 04112

May 14, 1986

Dear President Pray:

It is my honor and personal pleasure to transmit to you and each of the other Senators of the 112th Legislature a copy of the Tenth Annual Report of the Administrative Office of the Courts, pursuant to the provisions of 4 MRSA 17.10.

Sincerely,

S/Dana R. Baggett
State Court Administrator

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

Subsequently, Senator VIOLETTE reported he had delivered the message with which he was charged.

The Following Communication:

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
STATE HOUSE - STATION 21
AUGUSTA, MAINE 04333

May 15, 1986

The Honorable Charles P. Pray
President of the Maine Senate
and
The Honorable John L. Martin
Speaker of the Maine House of Representatives
Augusta, ME 04333

Dear President Pray and Speaker Martin:

As provided in Legislative Resolves, Chapter 55 (1977), we, the undersigned, are pleased to submit the following as our annual report on the status of fish passage at the Augusta Dam. During the past year, the fisheries agencies have developed a fish restoration plan for the Kennebec River and have selected waters within the drainage where anadromous fish will be restored; this information is necessary for the Federal Energy Regulatory Commission to make its decision on the need for fish passage at the Augusta Dam.

Prior to submittal of this information to the FERC, a number of upriver dam owners (Central Maine Power Company, Scott Paper Company, Pittsfield Manufacturing Company, and Benton Falls Associates), collectively known as the Kennebec Hydro Developers Group, have met with the Department of Marine Resources to propose a cooperative restoration program involving funds provided by the hydropower group. Unfortunately, the Augusta Dam owners are not a party to this proposed agreement. Since these upriver dams are also in the process of federal relicensing, the state fisheries agencies have proposed that fish passage facilities be installed after passage is provided at the Augusta Dam. The upriver dam owners have proposed a fish trucking program in lieu of immediate fish passage, along with a long-term commitment to install permanent upstream and downstream passage facilities at their dams. This program would begin immediately upon execution of the proposed cooperative agreement.

The state fisheries agencies feel that the agreement with the upriver dam owners would result in accelerated fish restoration on the Kennebec as we will be able to stock fish upriver while litigating the fishway issue at the Augusta Dam. Since the support of the U.S. Fish and Wildlife Service is critical to obtaining fish passage at Augusta, we have sent a copy of the draft agreement involving the upriver dam owners to the U.S. Fish and Wildlife Service for their concurrence. As soon as we hear from the U.S. Fish and Wildlife Service, we will pursue the Augusta Dam fish passage request before the FERC.

We have enclosed copies of our fish restoration plan and draft agreement along with correspondence to the U.S. Fish and Wildlife Service for your information. If you have any questions concerning the Kennebec Restoration Program, we would be pleased to meet with you or your staff at your convenience.

Respectfully submitted,

S/Glenn H. Manuel
Chairman Atlantic Sea Run Salmon Commission and
Commissioner Department of Inland Fisheries and
Wildlife

S/Spencer Apollonio
Commissioner Department of Marine Resources and
Member Atlantic Sea Run Salmon Commission

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

Senator BUSTIN was granted unanimous consent to address the Senate on the Record.

Senator BUSTIN: Thank you Mr. President, Ladies and Gentlemen of the Senate. In regards to the Expression of Legislative Sentiment for Ivy Michaud. I just want to make a few comments about this wonderful woman who has always been at very tea, coffee or anything that I have been to at the Blaine House. She has always had the most pleasant of smiles and has been extremely helpful in anything you have organized. I don't want to let this go by without something On the Record recognizing that she is here and is sitting here with a lot of her co-workers. I just think she is a wonderful person and has given very good service to the State.

STATE OF MAINE
PUBLIC UTILITIES COMMISSION
242 STATE STREET
STATE HOUSE STATION 18
AUGUSTA, MAINE 04333

May 19, 1986

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

Dear President Pray:

The Second Regular Session of the 112th Legislature passed a Joint Resolution relating to the fuel cost adjustment for Central Maine Power Company, Bangor Hydro-Electric Company, and Maine Public Service Company. The Legislature requested that action be taken prior to May 19, 1986 to reduce the fuel clause adjustment to reflect reductions in the price of oil. As we foresaw before passage of the resolution, the May 19 deadline has proven very difficult to achieve, although we have been able to do so as to Maine Public Service Company as a result of agreement among the parties to the case. This letter is intended to bring you up-to-date on the status of the fuel clause adjustments.

One point must be emphasized at the outset: The fuel clause is fully reconciled including interest costs so that neither the company or ratepayers are injured by over or under recoveries because these are paid back, with interest, in the following year. The interest is at the utilities pretax cost of capital, which has been close to 20%. Thus consumers are not harmed by any delays in implementing fuel cost adjustments resulting from decreases in oil prices. Still, extreme fluctuations are undesirable in both directions, so we will continue to work toward the earliest possible reconciliation of the clauses of the remaining utilities.

The status of the three largest utilities is as follows:

With regard to Maine Public Service, a fuel clause reduction of \$2.1 million was approved by the Commission on May 9, 1986 in conjunction with approval of the sale to Eastern Utility Associates of Maine Public's Seabrook investment. The net effect of the EUA sale and fuel clause stipulations will be a \$1 million rate reduction on July 1, 1986, assuming the EUA sale is finally consummated. By agreement of the parties and with the approval of the Commission, the implementation of the fuel clause reduction was deferred to July 1, 1986 in order to make all of the changes at one time and avoid large month-to-month bill fluctuations.

Which was PASSED.

Sent down for concurrence.

Off Record Remarks

At this point a message was received from the House of Representatives, borne by Representative DIAMOND of Bangor, informing the Senate that the House of Representatives Concurs with the proposition for a Joint Convention, to be held in the Hall of the House, at 10:30 a.m., for the purpose of extending an invitation to the Honorable Joseph E. Brennan, Governor of the State of Maine, to attend the Convention and make such communication as pleases him.

The Following Communication:

With regard to Central Maine Power Company, the fuel clause is before the Commission by way of a §291 complaint and a filing from Central Maine Power. On May 9, 1986, Central Maine Power Company filed a \$67.7 million fuel clause reduction, which it has proposed to offset against a \$45 million base rate increase in 1986. If that reduction is approved, CMP currently estimates increases in its fuel clause in 1987 and 1988 of \$77.5 million and \$93.5 million respectively due to anticipated payments to cogenerators and small power producers expected to come on line or order to displace Seabrook, which would have cost even more. Notice of the proposed reduction filed by CMP has been issued. An intervention deadline of May 27 has been set and a pre-hearing conference has been scheduled for May 28, 1986.

With regard to Bangor Hydro-Electric, on April 10, 1986 the PUC initiated an investigation into Bangor Hydro's fuel clause. Bangor Hydro responded on April 17, 1986 that it would file for a revised adjustment as soon as possible, and that it was at that time preparing a complete fuel filing beginning with a June 1, 1986, 12 month projection. The Commission received the filing from Bangor Hydro this morning.

In conclusion, please note that the May 19 deadline was never realistically achievable for all three utilities. The procedural rights of the parties alone assured that it could not be met without unanimous consent, which occurred only in the MPS case. Furthermore, certain other cases could not prudently have been set aside when one acknowledges that the relative importance of this matter is diminished considerably by the fact that utilities are not permitted to keep fuel clause overcollections in any case. Chief among these other cases were the sales to EUA of the three utilities' shares of Seabrook, which was contingent on - among other things - our approval. The fact that that approval preceded the Chernobyl accident may have substantially improved the chances that the sales will actually take place.

Sincerely,
S/Peter A. Bradford
Chairman

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

May 13, 1986

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

Dear Madam Secretary:

Please be advised that I have made the following appointments:

Pursuant to my authority under the Resolves of 1986, Chapter 86 I have appointed Mr. Edward Gorham, Ms. Lynn Duby, Mr. Paul Falconer, Mr. Robert Mittel, and Senator John Tuttle to the Maine Commission to Examine Chemical Testing of Employees.

Pursuant to my authority under the Public Laws of 1986, Chapter 711, I have appointed Senator Barbara A. Gill to the Committee to Advise the Department of Human Services on AIDS.

Pursuant to my authority under the Resolves of 1986, Chapter 85, I have appointed Hugh Caulkins to the Maine Commission to Commemorate the Bicentennial of the U.S. Constitution.

If you have any questions about these appointments please let me know.

Sincerely,

S/Charles P. Pray
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

May 16, 1986

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

Dear Senator Pray:

This is to inform you that I am today nominating William Blodgett of Waldoboro for reappointment to the Board of Environmental Protection.

Pursuant to Title 38 M.R.S.A Section 431, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

May 16, 1986

Thank you for your assistance in this matter.

Sincerely,

S/JOSEPH E. BRENNAN
Governor

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

Dear Senator Pray:

This is to inform you that I am today nominating Annee Tara of Freeport for appointment to the Citizen's Forestry Advisory Council.

Pursuant to Title 12 M.R.S.A Section 5101-B, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources 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.

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

May 19, 1986

May 19, 1986

Senator Ronald Usher
Representative Michael Michaud
Chairpersons
Joint Committee on Energy and Natural Resources
112th Legislature
Augusta, Maine 04333

Senator Ronald Usher
Representative Michael Michaud
Chairpersons
Joint Committee on Energy and Natural Resources
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated William Blodgett of Waldoboro for reappointment to the Board of Environmental Protection.

Please be advised that Governor Joseph E. Brennan has nominated Annee Tara of Freeport for appointment to the Citizen's Forestry Advisory Council.

Pursuant to Title 38 M.R.S.A Section 431, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Pursuant to Title 12 M.R.S.A Section 5101-B, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of 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

Which was READ and ORDERED PLACED ON FILE.

Pursuant to Title 39 M.R.S.A Section 91, 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

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

Which was READ and ORDERED PLACED ON FILE.

May 16, 1986

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

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

Dear Senator Pray:

May 16, 1986

This is to inform you that I am today nominating Ellen A. Gorman of Portland for appointment to the Workers' Compensation Commission.

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

Pursuant to Title 39 M.R.S.A Section 91, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Dear Senator Pray:

Sincerely,

S/JOSEPH E. BRENNAN
Governor

This is to inform you that I am today nominating Gwendolyn Gatcomb of Winthrop for reappointment and Vendeau Vafiades of Freeport for appointment to the Maine Labor Relations Board.

Which was READ and ORDERED PLACED ON FILE.

Pursuant to Title 26 M.R.S.A 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.

The Following Communication:

Sincerely,

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

S/JOSEPH E. BRENNAN
Governor

May 19, 1986

Which was READ and ORDERED PLACED ON FILE.

Senator Michael E. Carpenter
Senate Chair
Joint Committee on Judiciary
112th Legislature
Augusta, Maine 04333

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

Dear Chair:

Please be advised that Governor Joseph E. Brennan has nominated Ellen A. Gorman of Portland for appointment to the Workers' Compensation Commission.

May 19, 1986

Which was READ and ORDERED PLACED ON FILE.

Senator Dennis L. Dutremble
Representative Edith S. Beaulieu
Chairpersons
Joint Committee on Labor
112th Legislature
Augusta, Maine 04333

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Gwendolyn Gatcomb of Winthrop for reappointment and Vendean Vafiades of Freeport for appointment to the Maine Labor Relations Board.

May 19, 1986

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

Senator Zachary E. Matthews
Representative Paul F. Jacques
Chairpersons
Joint Committee on Fisheries and Wildlife
112th Legislature
Augusta, Maine 04333

Sincerely,

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

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Nathan Cohen of Eastport for reappointment, F. Dale Speed of Princeton for appointment, and Dr. A.S. Appleby of Skowhegan for appointment to the Inland Fisheries and Wildlife Advisory Council.

Which was READ and ORDERED PLACED ON FILE.

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

Sincerely,

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

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

May 16, 1986

Which was READ and ORDERED PLACED ON FILE.

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

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

Dear Senator Pray:

This is to inform you that I am today nominating Nathan Cohen of Eastport for reappointment, F. Dale Speed of Princeton for appointment, and Dr. A.S. Appleby of Skowhegan for appointment to the Inland Fisheries and Wildlife Advisory Council.

May 16, 1986

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

Thank you for your assistance in this matter.

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

Sincerely,

S/JOSEPH E. BRENNAN
Governor

Dear Senator Pray:

This is to inform you that I am today nominating Roderick E. Farnham of Bangor for reappointment and Ann Gilbride (Nancy) Hill of Waterville for appointment to the State Personnel Board.

Pursuant to Title 5 M.R.S.A Section 591, this nomination will require review by the Joint Standing Committee on State Government 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:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

May 19, 1986

Senator Thomas H. Andrews
Representative Dan A. Gwadosky
Chairpersons
Joint Committee on State Government
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Roderick E. Farnham of Bangor for reappointment and Ann Gilbride (Nancy) Hill of Waterville for appointment to the State Personnel Board.

Pursuant to Title 5 M.R.S.A Section 591, this nomination will require review by the Joint Standing Committee on State Government 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

May 19, 1986

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

Dear Senator Pray:

This is to inform you that I am today nominating Peter Cloutier of South Portland and William Hughes 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:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

May 19, 1986

Senator Larry M. Brown
Representative Ada K. Brown
Chairpersons
Joint Committee on Education
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Peter Cloutier of South Portland and William Hughes 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.

May 19, 1986

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

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

Which was READ and ORDERED PLACED ON FILE.

Dear Senator Pray:

This is to inform you that I am today renominating Jon A. Lund of Hallowell for appointment to the Maine State Retirement System Board of Trustees.

The Following Communication:

Pursuant to Title 5 M.R.S.A Section 1031, this nomination will require review by the Joint Standing Committee on Aging, Retirement and Veterans and confirmation by the Senate.

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

Thank you for your assistance in this matter.

May 22, 1986

Sincerely,

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

S/JOSEPH E. BRENNAN
Governor

Which was READ and ORDERED PLACED ON FILE.

Dear Madam Secretary:

Pursuant to my authority under Senate Rule 36, I have appointed Senator Nancy Randall Clark to serve as Acting Chair of the Joint Standing Committee on Aging, Retirement, and Veterans.

The Following Communication:

Senator Clark replaces Senator Mary Najarian, who resigned from the Senate last month.

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

Please let me know if you have any questions about this appointment.

May 19, 1986

Sincerely,

S/Charles P. Pray
President of the Senate

Senator Nancy Randall Clark, Acting Chairman
Representative Daniel B. Hickey, Chairman
Joint Committee on Aging, Retirement and Veterans
112th Legislature
Augusta, Maine 04333

Which was READ and ORDERED PLACED ON FILE.

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Jon A. Lund of Hallowell for reappointment to the Maine State Retirement System Board of Trustees.

The Following Communication:

Pursuant to Title 5 M.R.S.A Section 1031, this nomination will require review by the Joint Standing Committee on Aging, Retirement and Veterans and confirmation by the Senate.

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has withdrawn his nomination of Jon A. Lund of Hallowell for reappointment to the Maine State Retirement System Board of Trustees.

Sincerely,

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

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

May 20, 1986

Which was READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.P. 976

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

May 23, 1986

Dear Senator Pray:

This is to inform you that I am withdrawing my nomination of Jon Lund of Hallowell for appointment as a member of the Maine State Retirement System Board of Trustees.

Pursuant to Title 5, MRSA Section 1031, this nomination is currently pending before the Joint Standing Committee on Aging, Retirement and Veterans.

Thank you for your assistance in this matter.

Sincerely,

S/JOSEPH E. BRENNAN
Governor

The Honorable Charles P. Pray
President of the Senate
112th Legislature

The Honorable John L. Martin
Speaker of the House
112th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today four Bills and one Resolution were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on May 23, 1986 as follows:

Which was READ and ORDERED PLACED ON FILE.

APPROPRIATIONS

Bill "An Act to Provide Emergency Funding for Sheltered Workshops" (Emergency) (S.P. 971) (L.D. 2416) (Presented by Senator PERKINS of Hancock) (Cosponsored by: Representative FOSTER of Ellsworth, Representative DIAMOND of Bangor) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

May 22, 1986

Bill "An Act to Appropriate Funds to Maintain Certain Unemployment Offices" (S.P. 972) (L.D. 2417) (Presented by Senator TUTTLE of York) (Cosponsored by: Speaker MARTIN of Eagle Lake, Representative BEAULIEU of Portland, Senator VIOLETTE of Aroostook) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Senator Nancy Randall Clark, Acting Chairman
Representative Daniel B. Hickey, Chairman
Joint Committee on Aging, Retirement and Veterans
112th Legislature
Augusta, Maine 04333

ENERGY AND NATURAL RESOURCES

Bill "An Act Creating a Moratorium on Further Approval for Landfills for Out-of-state Waste" (Emergency) (S.P. 973) (L.D. 2418) (Presented by Senator TUTTLE of York) (Cosponsored by: Representative MURPHY of Berwick, Senator DIAMOND of Cumberland, Senator ANDREWS of Cumberland) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

STATE GOVERNMENT

Resolution, Proposing an Amendment to the Constitution of Maine Providing for Filling a Vacancy in the Office of Governor after the Convening of the Legislature and before the Governor-elect is Inaugurated (S.P. 974) (L.D. 2419) (Presented by Senator VIOLETTE of Aroostook) (Cosponsored by: Senator PERKINS of Hancock, Senator CLARK of Cumberland, Senator GILL of Cumberland) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

TAXATION

Bill "An Act to Amend the Tax on Tobacco Products" (Emergency) (S.P. 975) (L.D. 2420) (Presented by Senator VIOLETTE of Aroostook) (Cosponsored by: Senator TWITCHELL of Oxford, Representative MCCOLLISTER of Canton, Representative JACKSON of Harrison) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

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. 979

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

May 23, 1986

The Honorable Charles P. Pray
President of the Senate
112th Legislature

The Honorable John L. Martin
Speaker of the House
112th Legislature

Dear Mr. President and Mr. Speaker:

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 Committees and ordered printed on May 23, 1986 as follows:

AGING, RETIREMENT AND VETERANS

Bill "An Act to Expand Veterans' Employment Benefits to Veterans of Recent Military Actions" (S.P. 977) (L.D. 2423) (Presented by Senator MAYBURY of Penobscot) (Cosponsored by: Senator ERWIN of Oxford, Representative Paradis of Old Town, Representative Clark of Millinocket)

APPROPRIATIONS

Bill "An Act to Authorize a Bond Issue in the Amount of \$6,000,000 to Deal with Asbestos in State Facilities" (S.P. 978) (L.D. 2424) (Presented by President PRAY of Penobscot) (Cosponsored by: Representative Diamond of Bangor, Senator BUSTIN of Kennebec, Senator DOW of Kennebec)

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:

112TH LEGISLATURE

May 22, 1986

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

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 84 of the Private and Special Laws of 1986, we have today appointed Sen. Jean B. Chalmers, of Rockland, and Rep. Patrick E. Paradis, of Augusta, to represent the Joint Standing Committee on the Judiciary on the Maine Sentencing Guidelines Commission.

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

THE SENATE OF MAINE
OFFICE OF PAUL E. VIOLETTE
SENATE MAJORITY LEADER

May 27, 1986

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

Dear Secretary O'Brien:

Please be advised that I have appointed Arthur Lerman of North Whitefield to the Commission on Governmental Ethics and Election Practices.

If you have any further questions on this matter, please do not hesitate to contact me.

Sincerely,
S/Paul E. Violette
Senate Majority Leader

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: Pursuant to MRSA Title 1, Section 1002, this nomination requires a 2/3 vote of the Members present and voting.

Will all those in favor of the nomination of Arthur Lerman of North Whitefield as a member of the Commission on Governmental Ethics and Election Practices please rise in their places and remain standing until counted.

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

29 Senators having voted in the affirmative and No Senators having voted in the negative and 29 being more than two-thirds of the Membership present and voting the nomination of Arthur Lerman is confirmed.

The Secretary has so informed the Secretary of State.

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

AFTER JOINT CONVENTION
IN SENATE

Senate called to order by the President.

Off Record Remarks

Senator DUTREMBLE of York was granted unanimous consent to address the Senate On the Record.

Senator DUTREMBLE: Mr. President and Members of the Senate. I would like to stand here and thank you all for all the support that you gave me during my recent illness. I really appreciated the cards, the calls, the visits and the prayers and believe me it was more encouragement than I could ever imagine and it really helped. I appreciate it from the bottom of my heart, literally. It is just great to be back here and I want to thank you all.

Off Record Remarks

COMMITTEE REPORTS

Senate

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Appropriate Funds to Maintain Certain Unemployment Offices"
S.P. 972 L.D. 2417

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize the Issuance of a Bond not Exceeding \$8,000,000 for the Financing of the Maine Inland Fisheries and Wildlife Acquisition Fund"
S.P. 695 L.D. 1781

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-550).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "B" (S-550) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish the Maine Small Business and Job Development Program"
S.P. 810 L.D. 2038

Reported that the same Ought to Pass in Second New Draft under New Title Bill "An Act to Establish the Maine Business Opportunity and Job Development Program"

S.P. 980 L.D. 2426

Signed:

Senators: MCBREAIRTY of Aroostook
BERUBE of Androscoggin
PEARSON of Penobscot

Representatives: MCGOWAN of Canaan
NADEAU of Lewiston
LISNIK of Presque Isle
C.W. SMITH of Mars Hill
CONNOLLY of Portland
CHONKO of Topsham
CARTER of Winslow

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representatives: HIGGINS of Scarborough
FOSTER of Ellsworth
BELL of Paris

Which Reports were READ.

The Majority OUGHT TO PASS IN SECOND NEW DRAFT under NEW TITLE Report ACCEPTED.

Under suspension of the Rules, the Bill in SECOND NEW DRAFT under NEW TITLE READ TWICE and the SECOND NEW DRAFT PASSED TO BE ENGROSSED.

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator CLARK for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Expand Veterans' Employment Benefits to Veterans of Recent Military Actions"

S.P. 977 L.D. 2423

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-552).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A"(S-552) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Senator ANDREWS for the Committee on STATE GOVERNMENT on Resolution, Proposing an Amendment to the Constitution of Maine Providing for Filling a Vacancy in the Office of Governor after the Convening of the Legislature and before the Governor-elect is Inaugurated

S.P. 974 L.D. 2419

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-551).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A"(S-551) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Off Record Remarks

Senator BUSTIN of Kennebec was granted unanimous consent to address the Senate On the Record.

Senator BUSTIN: Thank you Mr. President, Ladies and Gentlemen of the Senate. I hold in my hand a little note from Robert P. Cammack, the State House Tour Guide. He has written to me and said, "My Senator, please if I don't see you, On the Record, please thank the staff for all their help during this busy month of May. Without their help the State House would be complete havoc." Love Bob.

For Bob I would like to say thank you to all the staff and I was up here many times during the month of May and I watched all of the staff do their duty in helping with all of the tours coming in and out of the State House and the Senate Chamber. So thank you all.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator CLARK of Cumberland RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate On the Record.

Senator PEARSON: Mr. President, Men and Women of the Senate. I understand that at 3 o'clock this afternoon the Secretary of the Energy will be announcing that the search for a second repository for a nuclear dump site has been cancelled. I understand that the Governor's office has received some information along that line, also Senator Mitchell's office and Senator Cohen's office, from the Secretary of Energy's office.

I want to tell you that if that is true, and I have reason to believe that it is, that this is the most marvelous news that we have received in our area in a long, long time. We had fifteen hundred people turn out for one hearing one evening, fifteen hundred people is a massive amount of people in my area. I understand that the Department of Energy, in private conversations, have made comments that that number of people in our area coupled with the area down around Sebago Lake with the turn out there was the most impressive thing they saw in all of the United States. The people who turned out at those different hearings deserve an awful lot of credit. It is a credit to them because they must have believed that if they participated in orderly protest that it would work. And it did work. That participatory democracy in this Country is still alive and it still can make a difference if a person will take the time to go out to their local gymnasium or their local meeting and participate.

I can't tell you how enthused and how happy we are in our area. It was going to be, and I firmly believe a total change in the way we were going to have to live in our area. We would be forever worrying about transportation accidents, which occur on a regular basis. We would forever worry if we would be able to sell our houses, the value of our homes, the impact that it would have on the water systems in our area. All that we said, we really meant. It wasn't a razzle dazzle to try to hood wink anybody, we really believed it, we went after it and we have won. I am so very happy.

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate Off the Record.

Off Record Remarks

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

The Following Communication: H.P. 1717

COMMUNICATIONS

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

The Following Communication: H.P. 1715

May 20, 1986

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

John L. Martin
Speaker of the House
112th Legislature

May 19, 1986

Charles P. Pray
President of the Senate
112th Legislature

John L. Martin
Speaker of the House
112th Legislature

Dear Mr. Speaker and Mr. President:

Charles P. Pray
President of the Senate
112th Legislature

On May 20, 1986, one Bill was received by the Clerk of the House.

Dear Mr. Speaker and Mr. President:

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on May 20, 1986 as follows:

On May 19, 1986, two Bills were received by the Clerk of the House.

Human Resources

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on May 19, 1986 as follows:

Bill "An Act to Implement Certain Recommendations of the Blue Ribbon Commission on Corrections" (H.P. 1716) (L.D. 2408) (Presented by Representative MANNING of Portland) (Cosponsors: Senators CHALMERS of Knox, GAUVREAU of Androscoggin, and Representative PRIEST of Brunswick))

Appropriations and Financial Affairs

Bill "An Act Making Appropriations and Allocations for the Expenditure of Funds Received by the State as a Result of a Federal Court Order in the Exxon Oil Overcharge Case" (Emergency) (H.P. 1713) (L.D. 2406) (Presented by Representative NADEAU of Lewiston) (Cosponsor: Representative MCGOWAN of Canaan)

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Marine Resources

Bill "An Act to Regulate the Sale of Lobster Tails" (Emergency) (H.P. 1714) (L.D. 2407) (Presented by Representative CROWLEY of Stockton Springs)

Comes from the House READ and ORDERED PLACED ON FILE.

Sincerely,

Which was READ and ORDERED PLACED ON FILE, in concurrence.

S/Edwin H. Pert
Clerk of the House

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

The Following Communication: H.P. 1721

Comes from the House READ and ORDERED PLACED ON FILE.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

May 21, 1986

May 22, 1986

John L. Martin
Speaker of the House
112th Legislature

Charles P. Pray
President of the Senate
112th Legislature

Dear Mr. Speaker and Mr. President:

On May 21, 1986, two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committee on May 21, 1986 as follows:

Appropriations and Financial Affairs

Bill "An Act Making Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 1719) (L.D. 2409) (Presented by Representative HAYDEN of Brunswick) (Cosponsor: Senator CARPENTER of Aroostook)

Bill "An Act to Appropriate Funds Necessary to Implement an Intensive Supervision Program, to Develop Community Corrections and Treatment Programs and to Address Needs of the Department of Corrections for the Fiscal Year Ending June 30, 1987" (H.P. 1720) (L.D. 2410) (Presented by Representative MANNING of Portland) (Cosponsors: Senator CHALMERS of Knox, Representatives CARTER of Winslow, and COOPER of Windham)

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication: H.P. 1725

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

John L. Martin
Speaker of the House
112th Legislature

Charles P. Pray
President of the Senate
112th Legislature

Dear Mr. Speaker and Mr. President:

On May 22, 1986, two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on May 22, 1986 as follows:

Aging, Retirement and Veterans

Bill "An Act to Clarify the Laws of the Maine State Retirement System" (H.P. 1723) (L.D. 2412) (Presented by Speaker MARTIN of Eagle Lake) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Local and County Government

Bill "An Act to Clarify the County which is Responsible for Transportation Expenses in an Involuntary Hospitalization" (H.P. 1724) (L.D. 2413) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication: H.P. 1728

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

May 23, 1986

John L. Martin
Speaker of the House
112th Legislature

Charles P. Pray
President of the Senate
112th Legislature

Dear Mr. Speaker and Mr. President:

On May 23, 1986, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on May 23, 1986 as follows:

Legal Affairs

Bill "An Act to Amend the Liquor Laws to Allow a Vessel Corporation Owned by a Certificate Holder to Apply for a Liquor License" (H.P. 1727) (L.D. 2415) (Presented by Representative REEVES of Pittston) (Cosponsors: Representatives DILLENBACK of Cumberland and PERRY of Mexico) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication: H.P. 1731

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

May 23, 1986

John L. Martin
Speaker of the House
112th Legislature

Charles P. Pray
President of the Senate
112th Legislature

Dear Mr. Speaker and Mr. President:

On May 23, 1986, two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on May 23, 1986 as follows:

Appropriations and Financial Affairs

Bill "An Act to Establish a Legislative Task Force on Railroads to Study Tax Exemptions and Economic Subsidies to Railroads and the Future of Rail Transportation in Maine and its Effect on the Economic Viability and Stability of the State" (H.P. 1729) (L.D. 2421) (Presented by Representative CARTER of Winslow) (Cosponsors: Representatives JOSEPH of Waterville, DUFFY of Bangor, and TELOW of Lewiston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Judiciary

Bill "An Act Regarding Special Costs in Guardianship Proceedings" (H.P. 1730) (L.D. 2422) (Presented by Representative PARADIS of Augusta) (Cosponsors: Representatives DAVIS of Monmouth and DIAMOND of Bangor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication: H.P. 1733

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

May 23, 1986

John L. Martin
Speaker of the House
112th Legislature

Charles P. Pray
President of the Senate
112th Legislature

Dear Mr. Speaker and Mr. President:

On May 23, 1986, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on May 23, 1986 as follows:

Appropriations and Financial Affairs

Bill "An Act to Allow Investments of State Funds Linked to Agricultural Loans" (H.P. 1732) (L.D. 2425) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Representative SMITH of Mars Hill, Speaker MARTIN of Eagle Lake, and Senator ERWIN of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,
S/Edwin H. Pert
Clerk of the House
S/Joy J. O'Brien
Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication: H.P. 1735

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

May 27, 1986

John L. Martin
Speaker of the House
112th Legislature

Charles P. Pray
President of the Senate
112th Legislature

Dear Mr. Speaker and Mr. President:

On May 27, 1986, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on May 27, 1986 as follows:

Judiciary

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (H.P. 1734) (L.D. 2427) (Presented by Representative PARADIS of Augusta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,
S/Edwin H. Pert
Clerk of the House
S/Joy J. O'Brien
Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 1736

STATE OF MAINE
SUPREME JUDICIAL COURT

In Re Chapter 515, Public Laws of 1985

The Honorable Joseph E. Brennan
Governor of Maine
State House
Augusta, Maine 04333

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

The Honorable John L. Martin
Speaker of the House of Representatives
State House
Augusta, Maine 04333

Gentlemen:

We submit this direct letter of address¹ to you, the representatives of our two coordinate branches of government, in order to inform you promptly of our reasons for not complying with the provisions of P.L. 1985, ch. 515. We are compelled by the Maine Constitution not to follow the expressed mandate of the Legislature.

Out of respect for our coordinate branches of government, we choose to respond forthrightly rather than await an adversary challenge to our failure to act in accordance with the provisions of the statute.

With the enactment of P.L. 1985, ch. 515, which becomes effective July 16, 1986, the Legislature has directed this Court to promulgate rules governing photographic and electronic media coverage of proceedings in the trial courts of this State. Upon due consideration, this Court concludes that the governance of media access to courtrooms is within the judicial power committed to this Court by the Maine Constitution. Me. Const. art. VI, §1. Chapter 515 constitutes an exercise of judicial power by the Legislature in violation of the provisions of the Constitution allocating the powers of government among three distinct departments and forbidding any power belonging to one department from exercising any power properly belonging to another department. Me. Const. art. III,

¹A direct letter of address has been used by other courts in circumstances where the court was prevented by the separation of powers doctrine from executing a legislative mandate. See, e.g., In Re 42 Pa. C. S. § 1703, 482 Pa. 522, 394 A.2d 444 (1978).

§§ 1, 2. Accordingly, we respectfully decline to promulgate rules as contemplated by the legislative act.

The Supreme Judicial Court has previously given extensive consideration to the question of allowing electronic media coverage in the courtrooms of Maine. In response to requests from representatives of the media that they be allowed to photograph and broadcast court proceedings, this Court requested a thorough study by its Advisory Committee on Criminal Rules. In December, 1981, the Committee, after extensive examination of the issue, produced a report and recommendations. In January, 1982, this Court invited all interested parties to submit written comments upon the report. After considering, in addition to the Advisory Committee's report and comments thereon, relevant decisions of the United States Supreme Court; the actions of other states concerning media access; the official positions of the American Bar Association, the American Judicature Society, and the Conference of Chief Justices; various arguments presented in a debate between former Chief Justice Arthur J. England, Jr., of the Florida Supreme Court and Dean George Gerbner of the Annenberg School of Communications of the University of Pennsylvania; arguments advanced during the ABA's Open Meeting on Cameras in the Courtroom on January 26, 1982; and voluminous writings on the subject, this Court promulgated on April 2, 1982 the current administrative order governing media access to Maine courts.

The current order allows the media to photograph, record, and broadcast oral arguments before the Supreme Judicial Court sitting as the Law Court. As to all other court proceedings, photographing, recording, or broadcasting is prohibited, subject to minor exceptions.

The exceptions permit a judge to allow use of electronic or photographic means for purposes of judicial administration, such as the presentation or perpetuation of evidence; to allow photographing, recording, or broadcasting of naturalization and other ceremonial proceedings; and to allow photographic or electronic recording and reproduction of other court proceedings under certain conditions, including inter alia that the reproduction not be exhibited until the determination of the case has become final and that it be exhibited only for instructional purposes at educational institutions or as otherwise specifically approved by the Supreme Judicial Court.

The statute enacted by the Legislature states in relevant part:

The taking of photographs or radio or television broadcasting or transmitting of judicial proceedings in the Superior Court [and District Court/ shall be permitted upon the promulgation of and in accordance with rules adopted by the Supreme Judicial Court.

P.L. 1985, ch. 515 (effective July 16, 1986) (to be codified as 4 M.R.S.A. §§119, 182). As described above, the current administrative order does provide for photographing, recording and broadcasting of judicial proceedings other than those of the Law Court, albeit in strictly limited circumstances. Thus, Chapter 515 could be construed as requiring nothing more than compliance with this Court's existing order. The context in which chapter 515 was enacted, however, demonstrates that the Legislature intended to mandate the promulgation of rules providing generally for the photographing, recording, and broadcasting of proceedings in the Superior and District Courts. We conclude that such a mandate violates the separation of powers provisions of the Maine Constitution, and accordingly, in obedience to the Constitution and our oath of office, we decline to accept the legislative mandate as binding upon this Court.

Article III of the Maine Constitution, with double emphasis, calls for a strictly formal separation of governmental powers. State v. Hunter, 447 A.2d 797, 799-800 (Me. 1982). Section 1 of that article declares that governmental powers "shall be divided into three distinct departments, the legislative, executive and judicial" (emphasis added). Section 2 commands: "No person or persons, belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others . . ."

Article VI, section 1 of our Constitution vests the "judicial power of this State" in the Supreme Judicial Court and other courts established by the Legislature. By this provision, the people of Maine conferred all of the judicial power upon the judicial department and left none to be exercised by the Legislature, except in cases of impeachment. District Court for District IX v. Williams, 268 A.2d 812, 813 (Me., 1970); Opinion of the Justices, 157 Me. 104, 108, 170 A.2d 647, 650 (1961); Bowden's Case, 123 Me., 359, 366, 123 A. 166, 169 (1924); Lewis v. Webb, 3 Me. 326, 330 (1825).

Thus within its power, the judiciary acts with exclusive authority, Williams, 268 A.2d at 813, and any attempt by the Legislature to exercise judicial power constitutes an invasion of the province of the judiciary in violation of article III of the Constitution. Lewis, 3 Me. at 331.

At the core of the judicial power is the authority to hear and determine controversies between adverse parties. State v. LeClair, 86 Me. 522, 531, 30 A.7,9 (1894). When this Court, after thorough investigation and a complete and open airing of opposing views, decided in 1982 to limit media access, we did so to protect the judiciary's decision-making function from potentially serious and unnecessary impediment. We noted the risks that cameras in the courtroom might pose to the fairness of criminal trials, to the willingness of witnesses to become involved in criminal or civil proceedings, and to the ability of jurors to devote their full attention to the fair and impartial determination of disputes. In re Photographic and Electronic Coverage of the Courts, SJC-221 (April 2, 1982). Since this Court promulgated its 1982 Order, the Judicial Conference of the United States, adopting a recommendation of its Ad Hoc Committee on Cameras in the Courtroom, refused to allow electronic media coverage of federal court proceedings. The Ad Hoc Committee based its recommendation, as we did our 1982 Order, upon perceived risks to the administration of justice. In addition to those dangers noted in our Order, the Committee cited the additional burden that judges would face if the need to supervise media personnel were added to the already difficult task of controlling court proceedings. The Committee also noted that cameras in the courtroom would potentially give rise to additional expense and detract from the solemnity and dignity of the courtroom. Report of the Judicial Conference Ad Hoc Committee on Cameras in the Courtroom (Sept. 1984).

In discharging the judicial function, courts have crafted a process and preserved an atmosphere designed to facilitate the pursuit of truth and justice. In 1981, representatives of the media asked this Court to allow television coverage to become a part of our system of justice. We declined based on this Court's perception of potential adverse impact upon the most integral actors in the trial process. This action fell squarely within this Court's power to preserve the ability of the judiciary to function in the manner determined to be most conducive to the performance of its assigned task. See District Court for District IX v. Williams, 268 A.2d at 814 ("constitution confers on judicial department all authority necessary to exercise its powers" quoting Gray v. Clerk of Common Pleas Court, 366 Mich. 588, 595, 115, N.W.2d 411, 414 (1962)).

Through enactment of chapter 515, the Legislature has attempted to overrule a considered decision of this Court made in the exercise of its judicial power. Article III of Maine's Constitution does not allow the Legislature to review the judicial acts of this Court. Lewis v. Webb, 3 Me. at 332-33 (Legislature cannot grant appeal in finally decided case because such would nullify an exercise of judicial power); see Williams, 268 A.2d at 813 (Executive review of exercise of judicial power prohibit by article III).

Because chapter 515 violates the separation of powers provisions of the Maine Constitution, and because we have previously rejected a proposal for photographing, recording and broadcasting trial court proceedings, we are compelled to conclude that its mandate is ineffective.

Dated: April 25, 1986

Respectfully submitted

S/Vincent L. McKusick
Chief Justice

S/David A. Nichols
S/David G. Roberts
S/Elmer H. Viollette
S/Daniel E. Wathen
S/Caroline D. Glassman
S/Louis Scolnik

Associate Justices

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

COMMUNICATIONS

The Following Communication H.P. 1737

THE ADVOCATES FOR THE DEVELOPMENTALLY DISABLED
2 MULLIKEN COURT
AUGUSTA, MAINE 04330

May 14, 1986

The Honorable John L. Martin, Speaker of the House
House of Representatives
Speaker's Office
Augusta, ME 04333

Dear Mr. Speaker:

Enclosed please find a copy of the Annual Report for the Advocates for the Developmentally Disabled, Inc. We are submitting it to the Legislature pursuant to Chapter 553 of the Public Laws of 1979.

The Board of Directors greatly appreciates the continued interest and support of the 112th Legislature. We would be happy to answer any questions about the report.

Sincerely,

S/Dean Crocker
Executive Director
ADD, Inc.

Comes from the House READ and with Accompanying Papers ORDERED PLACED ON FILE.

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE, in concurrence.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON JUDICIARY

May 28, 1986

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Ellen A. Gorman of Portland, as a Commissioner of the Maine Workers' Compensation Commission.

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

YEAS:	Senators	2
	Representatives	7
NAYS:		0
ABSENT:	3	Senator Carpenter of Houlton, Representative Allen of Liberty, Representative Priest of Brunswick

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ellen A. Gorman of Portland, as a Commissioner of the Maine Workers' Compensation Commission be confirmed.

Sincerely,

S/Michael E. Carpenter
Senate Chair

S/Patrick E. Paradis
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended that the nomination of Ellen A. Gorman of Portland be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS:	Senators None
NAYS:	Senators, BERUBE, BLACK, BROWN, BUSTIN, CLARK, DOW, EMERSON, ERWIN, GAUVREAU, GILL, HICHENS KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY
ABSENT:	Senators, ANDREWS, BALDACCI, CARPENTER, CHALMERS, DIAMOND, DUTREMBLE, KANY, SEWALL, VIOLETTE
RESIGNED:	Senator NAJARIAN

No Senators having voted in the affirmative and 25 Senators having voted in the negative, with 9 Senators being absent and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Ellen A. Gorman was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

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

SENATE PAPERS

Bill "An Act Relating to Membership on the Maine-Canadian Legislative Advisory Commission" (Emergency)

S.P. 981 L.D. 2430

Presented by Senator VIOLETTE of Aroostook
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Committee on STATE GOVERNMENT suggested and ORDERED PRINTED.

Under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

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

THE PRESIDENT: The Chair would note that the Human Resources Committee is in work session at this time. Senator Gauvreau from Androscoggin, Senator Bustin from Kennebec and Senator Gill from Cumberland will be excused from Roll Calls so that they can complete the work that is before that Committee for the rest of this afternoon's session.

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

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON FISHERIES AND WILDLIFE

May 28, 1986

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Fisheries and Wildlife has had under consideration the nomination of F. Dale Speed of Princeton, for Reappointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS: Senators 2
Representatives 7

NAYS: 0

ABSENT: 4 Senator Matthews of Kennebec,
Representative Clark of
Millinocket, Representative
Duffy of Bangor, Representative
Weymouth of West Gardiner

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of F. Dale Speed of Princeton, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Sincerely,

S/Zachary E. Matthews
Senate Chair

S/Paul F. Jacques
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on FISHERIES AND WILDLIFE has recommended that the nomination of Dale Speed of Princeton be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on FISHERIES AND WILDLIFE be overridden?"

May 28, 1986

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators, BALDACCI, BERUBE, BLACK, BROWN, CARPENTER, CLARK, DOW, EMERSON, ERWIN, HICHENS, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, ANDREWS, CHALMERS, DIAMOND, DUTREMBLE, KANY, SEWALL, VIOLETTE

EXCUSED: Senators, BUSTIN, GAUVREAU, GILL

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 24 Senators having voted in the negative, with 7 Senators being absent and 3 Senators being excused and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Dale Speed was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON FISHERIES AND WILDLIFE

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Fisheries and Wildlife has had under consideration the nomination of Nathan Cohen of Eastport, as a member of Inland Fisheries and Wildlife Advisory Council.

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

YEAS:	Senators	2
	Representatives	5
NAYS:		2
ABSENT:	4	Senator Matthews of Kennebec, Representative Clark of Millinocket, Representative Duffy of Bangor, Representative Weymouth of West Gardiner

Seven members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Nathan Cohen of Eastport, as a member of the Inland Fisheries and Wildlife Advisory Council be confirmed.

Sincerely,

S/Zachary E. Matthews
Senate Chair

S/Paul F. Jacques
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on FISHERIES AND WILDLIFE has recommended that the nomination of Nathan Cohen of Eastport be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on FISHERIES AND WILDLIFE be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature the vote will be taken by the Yeas and Nays.

May 28, 1986

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators, BALDACCI, BERUBE, BLACK, BROWN, CARPENTER, CLARK, DOW, EMERSON, ERWIN, HICHENS, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, ANDREWS, CHALMERS, DIAMOND, DUTREMBLE, KANY, SEWALL, VIOLETTE

EXCUSED: Senators, BUSTIN, GAUVREAU, GILL

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 24 Senators having voted in the negative, with 7 Senators being absent and 3 Senators being excused and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Nathan Cohen was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON FISHERIES AND WILDLIFE

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Fisheries and Wildlife has had under consideration the nomination of Dr. A.S. Appleby of Skowhegan, as a member of the Inland Fisheries and Wildlife Advisory Council.

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

YEAS: Senators 2
Representatives 3

NAYS: 4

ABSENT: 4 Sen. Matthews of Kennebec, Rep. Clark of Millinocket, Rep. Duffy of Bangor, Rep. Weymouth of Gardiner

Five members of the Committee having voted in the affirmative and four in the negative, it was the vote of the Committee that the nomination of Dr. A.S. Appleby of Skowhegan, as a member of the Inland Fisheries and Wildlife Advisory Council be confirmed.

Sincerely,

S/Zachary E. Matthews
Senate Chair

S/Paul F. Jacques
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on FISHERIES AND WILDLIFE has recommended that the nomination of Dr. A.S. Appleby of Skowhegan be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on FISHERIES AND WILDLIFE be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature the vote will be taken by the Yeas and Nays.

May 15, 1986

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators, BALDACCI, BERUBE, BLACK, BROWN, CLARK, DOW, EMERSON, ERWIN, HICHENS, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, ANDREWS, CARPENTER, CHALMERS, DIAMOND, DUTREMBLE, KANY, SEWALL, VIOLETTE

EXCUSED: Senators, BUSTIN, GAUVREAU, GILL

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 23 Senators having voted in the negative, with 8 Senators being absent and 3 Senators being excused and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Dr. A.S. Appleby was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication: H.P. 1738

STATE OF MAINE
WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333

The Honorable John L. Martin
Speaker of the House
P.O. Box 250
Eagle Lake, ME 04739

Re: Workers' Compensation Regulations on Rehabilitation

Dear Speaker Martin:

The attached copy of the Rehabilitation Rules and Regulations pursuant to 39 M.R.S.A. §§81-90 is being forwarded to Legislative Leadership and members of the Labor Committee. Proposed rules and regulations were circulated earlier this year.

Michael Niss, our rehabilitation administrator, has been coordinating numerous workshops, seminars and training sessions in connection with these rules.

Also enclosed is a set of forms which accompany the rules.

The rules which implement the wage reimbursement and credit programs under the Rehabilitation Fund will be proposed for public comment shortly.

Sincerely,

S/Ralph L. Tucker
Chairman

Comes from the House READ and with Accompanying Papers ORDERED PLACED ON FILE.

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Establish an Androscoggin County Budget"

H.P. 1726 L.D. 2414

Committee on LOCAL AND COUNTY GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning Atlantic Salmon" (Emergency)

H.P. 1722 L.D. 2411

Committee on MARINE RESOURCES suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee and ORDERED PRINTED, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 1739

UNIVERSITY OF MAINE
BOARD OF TRUSTEES
107 MAINE AVENUE
BANGOR, MAINE 04401

May 19, 1986

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

Honorable John L. Martin
Speaker of the House
State House Station #2
Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

Enclosed herewith is a report adopted today by the Board of Trustees of the University of Maine providing the information requested in Joint Resolution S.P. 961 regarding the costs and feasibility of certain University programs.

The Trustees and the University administration stand ready to provide any additional information the Legislature may require.

Sincerely,

S/ Joseph G. Hakanson

Comes from the House READ and with Accompanying Papers ORDERED PLACED ON FILE.

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 1740

NEW ENGLAND STATE POLICE INFORMATION NETWORK
POST OFFICE BOX 786
RANDOLPH, MA 02368

May 20, 1986

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

Dear Clerk Pert:

The New England State Police Administrators' Conference as enacted by Title 25, Chapter 198, Section 1665 is actively involved in a Regional Information Sharing Systems Project. Participants include state and local police from the New England area.

Paragraph 14F of the Guidelines for Regional Information Sharing Systems Projects as published in the Federal Register on January 1, 1984, requires that agencies participating in Regional Information Sharing Projects notify the state legislature that such a project is operating within the boundaries.

Please accept this letter as notification of compliance with the above guidelines.

Yours truly,

S/Kenneth J. McBride
NESPIN Project Director

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended that the nomination of William C. Hughes of Brewer be confirmed.

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

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

COMMUNICATIONS

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature the vote will be taken by the Yeas and Nays.

The Following Communication:

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

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON EDUCATION

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

May 28, 1986

Is the Senate ready for the question?

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

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

Dear Mr. President:

ROLL CALL

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Education has had under consideration the reappointment of William C. Hughes of Brewer, as a member of the Board of Trustees of the Maine Maritime Academy.

YEAS: Senators None

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

NAYS: Senators, BALDACCI, BERUBE, BLACK, BROWN, CLARK, DOW, EMERSON, ERWIN, HICHENS, KERRY, MATTHEWS, MAYBURY, PEARSON, PERKINS, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

YEAS: Senators 1
Representatives 9

ABSENT: Senators, ANDREWS, CARPENTER, CHALMERS, DIAMOND, DUTREMBLE, KANY, MCBREAIRTY, SEWALL, VIOLETTE

NAYS: 0

ABSENT: 3 Sen. Gauvreau of Androscoggin, Sen. Hichens of York, Rep. Bost of Orono

EXCUSED: Senators, BUSTIN, GAUVREAU, GILL

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the reappointment of William C. Hughes of Brewer, as a member of the Board of Trustees of the Maine Maritime Academy be confirmed.

RESIGNED: Senator NAJARIAN

Sincerely,

No Senators having voted in the affirmative and 22 Senators having voted in the negative, with 9 Senators being absent and 3 Senators being excused and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of William C. Hughes was CONFIRMED.

S/Senator Larry M. Brown
Senate Chair

The Secretary has so informed the Speaker of the House.

S/Rep. Ada K. Brown
House Chair

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON EDUCATION

May 28, 1986

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Education has had under consideration the reappointment of Peter Cloutier of South Portland, as a member of the Board of Trustees of the Maine Maritime Academy.

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

YEAS: Senators 1
Representatives 8

NAYS: 0

ABSENT: 4 Sen. Gauvreau of Androscoggin,
Sen. Hichens of York, Rep. Bost
of Orono, Rep. Roberts of
Farmington

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the reappointment of Peter Cloutier of South Portland, as a member of the Board of Trustees of the Maine Maritime Academy be confirmed.

Sincerely,

S/Larry M. Brown
Senate Chair

S/Ada K. Brown
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended that the nomination of Peter Cloutier of South Portland be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators, BALDACCI, BERUBE,
BLACK, BROWN, CLARK, DOW,
EMERSON, ERWIN, HICHENS, KERRY,
MATTHEWS, MAYBURY, PEARSON,
PERKINS, SHUTE, STOVER, TRAFTON,
TUTTLE, TWITCHELL, USHER,
WEBSTER, THE PRESIDENT - CHARLES
P. PRAY

ABSENT: Senators, ANDREWS, CARPENTER,
CHALMERS, DIAMOND, DUTREMBLE,
KANY, MCBREAIRTY, SEWALL,
VIOLETTE

EXCUSED: Senators, BUSTIN, GAUVREAU, GILL

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 22 Senators having voted in the negative, with 9 Senators being absent and 3 Senators being excused and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Peter Cloutier was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON STATE GOVERNMENT

May 28, 1986

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Ann Gilbride (Nancy) Hill of Waterville, as a member of the State Personnel Board.

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

YEAS: Senators 1
Representatives 10

NAYS: 0

ABSENT: 2 Sen. Kerry of York, Sen. Hichens of York

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ann Gilbride Hill of Waterville, as a member of the State Personnel Board be confirmed.

Sincerely,

S/Thomas H. Andrews
Senate Chair

S/Dan A. Gwadosky
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE GOVERNMENT has recommended that the nomination of Ann Gilbride (Nancy) Hill of Waterville be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators, BALDACCI, BERUBE, BLACK, BROWN, CLARK, DOW, EMERSON, ERWIN, HICHENS, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, ANDREWS, CARPENTER, CHALMERS, DIAMOND, OUTREMBLE, KANY, SEWALL, VIOLETTE

EXCUSED: Senator, BUSTIN, GAUVREAU, GILL

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 23 Senators having voted in the negative, with 8 Senators being absent and 3 Senators being excused and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Ann Gilbride (Nancy) Hill was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON STATE GOVERNMENT

May 28, 1986

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Roderick E. Farnham of Hampden, as a member of the State Personnel Board.

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

YEAS: Senators 1
Representatives 10

NAYS: 0

ABSENT: 2 Sen. Kerry of York, Sen. Hichens of York

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Roderick E. Farnham of Hampden, as a member of the State Personnel Board be confirmed.

Sincerely,

S/Thomas H. Andrews
Senate Chair

S/Dan A. Gwadosky
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE GOVERNMENT has recommended that the nomination of Roderick E. Farnham of Hampden.

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

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators, BALDACCI, BERUBE, BLACK, BROWN, CLARK, DOW, EMERSON, ERWIN, HICHENS, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SHUTE, STOVER, TUTTLE, TWITCHELL, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, ANDREWS, CARPENTER, CHALMERS, DIAMOND, DUTREMBLE, KANY, SEWALL, TRAFTON, USHER, VIOLETTE

EXCUSED: Senators, BUSTIN, GAUVREAU, GILL

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 21 Senators having voted in the negative, with 10 Senators being absent and 3 Senators being excused and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Roderick E. Farnham was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Tax on Tobacco Products" (Emergency)

H.P. 1742 L.D. 2429

Comes from the House referred to the Committee on TAXATION and ORDERED PRINTED.

Which was referred to the Committee on TAXATION and ORDERED PRINTED, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft under New Title

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency)

H.P. 1719 L.D. 2409

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Making Appropriations from the General Fund and Changing Certain Provisions of Law Necessary for the Operation of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency)

H.P. 1741 L.D. 2428

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

Senate at Ease

Senate called to order by the President.

Under suspension of the Rules, the Bill in NEW DRAFT under NEW TITLE READ A SECOND TIME and the NEW DRAFT under NEW TITLE PASSED TO BE ENGROSSED, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Clarify the Laws of the Maine State Retirement System"

H.P. 1723 L.D. 2412

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-744).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-744)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-744) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

The Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Clarify the County which is Responsible for Transportation Expenses in an Involuntary Hospitalization"

H.P. 1724 L.D. 2413

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-743).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-743)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-743) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on MARINE RESOURCES on Bill "An
Act to Regulate the Sale of Lobster Tails"
(Emergency)

H.P. 1714 L.D. 2407

Reported that the same Ought to Pass.

Comes from the House with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Under suspension of the Rules, READ A SECOND
TIME and PASSED TO BE ENGROSSED, in concurrence.

Under suspension of the Rules, all matters thus
acted upon were ordered sent down forthwith for
concurrence.

On motion by Senator CLARK of Cumberland
ADJOURNED until Thursday, May 29, 1986 at 10
o'clock in the morning.