

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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SECOND SPECIAL SESSION

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

In Senate Chamber
Friday
May 30, 1986

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency)
H.P. 1748 L.D. 2433
(H "A" H-746; H "B" H-747; H "C" H-748; H "D" H-749; H "E" H-750; H "G" H-752; S "A" S-565)

Senate called to Order by the President.

In House, May 29, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-746), "B" (H-747), "C" (H-748), "D" (H-749), "E" (H-750), "F" (H-751) AND "G" (H-752).

Prayer by the Honorable Beverly Bustin of Kennebec.

In Senate, May 29, 1986, PASSED TO ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-746), "B" (H-747), "C" (H-748), "D" (H-749), "E" (H-750), "G" (H-752) AND SENATE AMENDMENT "A" (S-565) in NON-CONCURRENCE.

SENATOR BUSTIN: I thought these words from Robert Lewis Stevenson with a slight paraphrase were appropriate for today. "Oh God, the day returns and brings us the petty round of irritating concerns and duties. Help us to play the man, woman, to perform them with laughter and kind faces. To let cheerfulness abound with industry. Give us to go blithely on our business all this day. Bring us to our resting beds, weary, content and undishonored. Grant us in the end the gift of sleep."

Comes from the House, that Body ADHERED in NON-CONCURRENCE.

Reading of the Journal of Yesterday.

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

On motion by Senator PERKINS of Hancock RECESSED until the sound of the bell.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. As you probably all remember the debate last evening, there are a couple of items in the Errors Bill which have caused some of you and myself some difficulty. The Committee considered sixty different amendments that would have been prepared and that had been researched prior to the beginning to this Session. Two days ago, and I want to compliment Gilbert Brewer, Martha Freeman and Peggy Reinsch from the Legislative Assistants office for having done an outstanding job, we went through those amendments in about a three hour period.

After Recess

Senate called to order by the President.

I do think, however, that it is a little bit shameful that having been out of session forty-five days, or close to it, that we have to take up sixty errors. I think maybe it should call our attention to the way we do things around here, but regardless of that. Then we were presented with eight supplements, which our people had not had time to research. Acting in good faith, we accepted two and a half, I guess you would say, of eight supplements. Now we find ourselves in a situation where some of us believe if we pass the Bill as it is amended, we are arguably doing something substantive. So therefore, I will be making the motion to Adhere, which you will recognize does kill the Bill. I feel badly about that, partly because the issue involved here is an issue that I supported back when the Legislature was still in session. I don't think this is the proper vehicle. I have worked too hard and Senator Chalmers, Senator Sewall and Members of the other Body have worked too hard to protect the integrity of this Errors process.

Off Record Remarks

There are those in this Chamber and those elsewhere on this Floor who argue that these items would not be a substantive change. But, I think where there is a division it is better to air on the side of the conservative side. Whether or not it is a substantive issue, I think is irrelevant at this point in that, if we had understood the issue two days ago as we understand it now, I think I speak for the entire Committee to a person it would have not been included in that Bill. We were under the gun and we moved a little too quickly and for that I apologize for putting the Legislature in this position this morning. But, to preserve the integrity of the Committee and to preserve the integrity of the Errors process, one of my proudest moments is the Chair of that Committee for the past two years is the fact that we haven't even had a caucus on the Errors Bill. That is something that I am very proud of because people have believed the process to be completely, one hundred percent pure. Therefore, Mr. President, I move the Senate Adhere.

On motion by Senator CARPENTER of Aroostook the Senate ADHERED in NON-CONCURRENCE.

(See Action Later Today)

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on JUDICIARY on Bill "An Act Regarding Special Costs in Guardianship Proceedings" H.P. 1730 L.D. 2422

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-763).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-763) READ and ADOPTED, in concurrence.

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

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Bond Issue

An Act to Establish the Maine Business Opportunity and Job Development Program
S.P. 980 L.D. 2426

Comes from the House FAILING of PASSAGE TO BE ENACTED.

This being a Bond Authorization Act and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the Membership present and voting was PASSED TO BE ENACTED and signed by the President in NON-CONCURRENCE.

Sent down for concurrence.

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

Senator CARPENTER: Mr. President, with regard to L.D. 2433, I move that the Senate Reconsider its action whereby it voted to Adhere and hope that you all vote against me.

On motion by Senator CARPENTER of Aroostook, the Senate RECONSIDERED its action whereby it ADHERED on:

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency)
H.P. 1748 L.D. 2433
(H "A" H-746; H "B" H-747; H "C" H-748; H "D" H-749; H "E" H-750; H "G" H-752; S "A" S-565)

(In House, May 29, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-746), "B" (H-747), "C" (H-748), "D" (H-749), "E" (H-750), "F" (H-751) AND "G" (H-752).)

(In Senate, May 29, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-746), "B" (H-747), "C" (H-748), "D" (H-749), "E" (H-750), "G" (H-752) AND SENATE AMENDMENT "A" (S-565) in NON-CONCURRENCE.)

(In House, May 29, 1986, that Body ADHERED in NON-CONCURRENCE.)

(In Senate, May 30, 1986, ADHERED in NON-CONCURRENCE.)

A Viva Voice Vote was had. The motion of Senator CARPENTER of Aroostook to RECONSIDER whereby the Senate ADHERED, FAILED.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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" (Emergency)

H.P. 1754 L.D. 2437

In House, May 29, 1986, PASSED TO BE ENACTED.

In Senate, May 29, 1986, FAILED OF PASSAGE TO BE ENACTED in NON-CONCURRENCE

Comes from the House, that Body INSISTED in NON-CONCURRENCE.

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

Senator PEARSON: Mr. President, a parliamentary inquiry. This has money on it and would go on the Appropriations Table, would it go on now or would it go on after we decided that question?

THE PRESIDENT: The Chair would answer that if the Senate Receded and Concurred, which would require a two-thirds vote, in essence we would Enacted the Bill. If the Senator wishes to place this matter on the Special Appropriations Table he should do so at this time.

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending FURTHER CONSIDERATION.

Non-concurrent Matter

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 (C "A" S-551)

In House May 29, 1986, FAILED OF FINAL PASSAGE.

In Senate, May 29, 1986, FINALLY PASSED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED in NON-CONCURRENCE.

The Senate ADHERED.

Sent down for concurrence.

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Bill "An Act to Allow Investments of State Funds Linked to Agricultural Loans"

H.P. 1732 L.D. 2425 (C "A" H-759)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator DUTREMBLE of York RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Authorize a General Bond Issue in the Amount of \$15,000,000 for Construction and Renovation of Correctional Facilities" H.P. 1758 L.D. 2439

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which was, under suspension of the Rules, READ ONCE, without reference to a Committee, and LATER TODAY ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1759

ORDERED, the Senate concurring, that 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," H.P. 1753, L.D. 2436, and all its accompanying papers be recalled from the Governor's desk to the House.

Comes from the House READ and PASSED.

Which was READ and PASSED, 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 Amending the Charter of the Farmington Village Corporation" (Emergency) H.P. 1760 L.D. 2440

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.

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

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

May 30, 1986

Honorable Joy J. O'Brien
Secretary of the Senate
112th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it failed to enact An Act to Establish the Maine Business Opportunity and Job Development Program (S.P. 980) (L.D. 2426).

Sincerely,

S/Edwin H. Pert
Clerk of the House

Which was READ

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

Senator ANDREWS: Thank you Mr. President, Men and Women of the Senate. Before we accept this communication from the other Body, I simply would like to extend my thanks to all the members of this Body, of both parties, for your encouragement and hard work on behalf of the Maine Business Opportunity and Job Development Program.

May 30, 1986

Just a few minutes ago, the other Body failed to Enact this legislation by the two-thirds required to put this on the ballot, by a handful of votes, and so we are faced with accepting this communication from the other Body. I think that it is extremely unfortunate that the other Body could not approach this issue, discuss this issue and accept the need for this kind of program, as this Body did.

I think that it is also very unfortunate that this became the object of a partisan squabble and partisan bickering. It is not me or you who is going to suffer because of the defeat of this legislation. It's over seven hundred people who don't have jobs right now, who would have had jobs in this program, that are going to be suffering. The irony is that if states surrounding the State of Maine, in fact, in thirty-nine states across this country, there have been financed programs made available and passed, to small and medium size businesses to make up for the gap of financing available through the Federal Government.

Thirty-nine states have recognized the President's Commission on Industrial Competitiveness who said that access to capital for small and medium size businesses at rates that they can afford, are the single greatest factors in approving competitiveness of our industry. Here we are, the State of Maine, surrounded by states who are helping their small businesses in this way. Right next to provinces who are helping their businesses in similar ways. Being one of the most capital poor states in this Country and having the audacity to talk about jobs and economic development and then turning our backs on those businesses who need the help.

This Bill was over one year and a half in the development and making. It was in the making by members of both parties. It had the endorsement and support of businesses and business organizations across this State. It was a need that had to be addressed and it is an opportunity that we have failed to meet. While I thank each and every one of you for the unanimous support that this Body gave this Bill, and businesses across this State, I think it is a sad day for the State of Maine and a sad day for the economy of the State of Maine. That a few individuals in the other Body cannot rise above petty partisan political bickering and recognize the economic developments needs of a very important sector of our business economy. Thank you.

Which was ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

Honorable Joy J. O'Brien
Secretary of the Senate
112th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it failed to finally pass 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).

Sincerely,

S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Joint Resolution Concerning Underground Storage Tank Removal Rules
S.P. 985

In Senate, May 29, 1986, READ and ADOPTED.

Comes from the House READ and ADOPTED AS AMENDED BY HOUSE AMENDMENT "A" (H-766) in NON-CONCURRENCE.

On motion by Senator ANDREWS of Cumberland, the Senate RECEDED and CONCURRED.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Implement Certain Recommendations of the Blue Ribbon Commission on Corrections
H.P. 1749 L.D. 2434
(H "B" H-761; S "A" S-559)

ORDERS OF THE DAY

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

Bill "An Act to Create a Study of Solid Waste Disposal Policy in Maine" (Emergency)
S.P. 982 L.D. 2431

Tabled - May 29, 1986, by Senator USHER of Cumberland.

Pending - Motion of Senator TUTTLE of York to ADOPT Senate Amendment "D" (S-563)

(In Senate, May 29, 1986, READ A SECOND TIME. Senate Amendment "D" (S-563) READ.)

Senator TUTTLE of York requested and received Leave of the Senate to Withdraw his motion to ADOPT Senate Amendment "D" (S-563).

On further motion by same Senator, Senate Amendment "E" (S-567) READ.

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

Senator USHER: Mr. President, could the sponsor of this amendment explain this a little bit, because I am concerned about future land fills that would like to be developed in the State of Maine.

THE PRESIDENT: The Senator from Cumberland, Senator Usher, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Mr. President, responding to the good Senator from Cumberland, Senator Usher's, question, as he is aware, we had an extensive meeting last night trying to address a compromise where we wouldn't hurt any existing land fills, but we had a particular problem in my area that we tried to address by this amendment. We met with the Attorney General's office, as far as the legal aspect, we met with the people from DEP, and the Senator from Cumberland, Senator Usher, was at that meeting. I won't go over the debate I went over yesterday, I am pretty sure that most of you are aware of the problems we are having in my area.

What this amendment attempts to do is to address that problem, in the hope that it will be involved with some of the good concerns of the Senator from Cumberland, Senator Usher. Essentially, what the amendment does is to allow the Department of Environmental Protection to consider past records concerning environmental criminal law violations of site location, and the development application that gives the Department the authority for denial or approval of sites of those past violations.

On motion by Senator PEARSON of Penobscot, placed upon the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

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

Off Record Remarks

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

Off Record Remarks

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

After Recess

Senate called to order by the President.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

What it is saying is that there are specific problems in my area with an individual who has repeated violations in other states. He has been convicted in a court of law and he has served time in prison. Unfortunately, if we don't pass this Bill, he is going to be grandfathered under the old law which will create tremendous problems that will burden the people of the State of Maine. I would hope that we could adopt this amendment.

On motion by Senator TUTTLE of York, Senate Amendment "E" (S-567) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

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

Senate at Ease

Senate called to order by the President.

On motion by Senator KANY of Kennebec RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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"

H.P. 1753 L.D. 2436

In Senate, May 29, 1986, PASSED TO BE ENACTED, in concurrence.

RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1759.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-767) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

On motion by Senator ERWIN of Oxford RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

SECOND READERS

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

House

Bill "An Act to Authorize a General Bond Issue in the Amount of \$15,000,000 for Construction and Renovation of Correctional Facilities"

H.P. 1758 L.D. 2439

Which was READ A SECOND TIME.

On motion by Senator PEARSON of Penobscot, Senate Amendment "A" (S-568) READ.

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

Senator PEARSON: Mr. President, Men and Women of the Senate. This is simply adding a fiscal note to this Bill that wasn't there.

On further motion by same Senator, Senate Amendment "A" (S-568) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended, without reference to a Committee in NON-CONCURRENCE.

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

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Regarding Special Costs in Guardianship Proceedings

H.P. 1730 L.D. 2422
(C "A" H-763)

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Allow Investments of State Funds Linked to Agricultural Loans

H.P. 1732 L.D. 2425
(C "A" H-759)

Tabled - May 30, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, May 29, 1986, PASSED TO BE ENACTED.)

(In Senate, May 29, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-759), in concurrence.)

Which was, on motion by Senator PEARSON of Penobscot, PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

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. 1754 L.D. 2437

Tabled - May 30, 1986, by Senator PEARSON of Penobscot.

Pending - FURTHER CONSIDERATION

(In House, May 29, 1986, PASSED TO BE ENACTED.)

(In Senate, May 29, 1986, FAILED OF ENACTMENT in NON-CONCURRENCE.)

(In House, May 29, 1986, that Body INSISTED in NON-CONCURRENCE.)

On motion by Senator PEARSON of Penobscot the Senate RECEDED and CONCURRED.

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Implement Certain Recommendations of the Blue Ribbon Commission on Corrections"

H.P. 1749 L.D. 2434
(H "B" H-761; S "A" S-559)

Tabled - May 30, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, May 30, 1986, PASSED TO BE ENACTED.)

(In Senate, May 29, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-761) AND SENATE AMENDMENT "A" (S-559).)

Senator PEARSON of Penobscot moved ENACTMENT.

On motion by Senator WEBSTER of Franklin, supported by a Division of at least one-fifth of the Members present and voting a Roll Call was Ordered.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENACTED.

A vote of Yes will be in favor of Enactment.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, ANDREWS, BALDACCI, BLACK, BUSTIN, CHALMERS, CLARK, DOW, EMERSON, ERWIN, GILL, KANY, KERRY, MCBREAIRTY, PEARSON, PERKINS, TRAFTON, TUTTLE, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, BERUBE, HICHENS, MAYBURY, SEWALL, SHUTE, STOVER, WEBSTER

ABSENT: Senators, BROWN, CARPENTER, DIAMOND, DUTREMBLE, GAUVREAU, MATTHEWS, VIOLETTE

RESIGNED: Senator NAJARIAN

20 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 7 Senators being absent, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

THE PRESIDENT: The Chair would like to take advantage of this opportunity to point out to a number of individuals who have made a decision other than to run for re-election this November to continue to serve the Legislature.

Those of us who have served with you would like to take a moment to share with you a presentation of an earlier legislative orders that were passed recognizing those former Members.

The Chair would ask that the Sergeant-At-Arms would escort the following Senators to the podium: The Senator from Androscoggin, Senator Trafton, The Senator from Waldo, Senator Shute, The Senator from York, Senator Hichens, The Senator from Aroostook, Senator McBreairty, The Senator from York, Senator Kerry, The Senator from Sagadahoc, Senator Stover. If they would all approach the Rostrum.

The Chair would also ask the Sergeant-At-Arms to escort the former Senator from York, Senator Danton, to the Rostrum. The Chair would ask the Senator from Hancock, Senator Perkins to please approach the Rostrum.

At this time, we would like to distribute to these individuals who have served the State so nobly and so well, from a tenure of sixteen years in the Senate, to those who have served less than a year. The Chair would note that the Senators from York, Senator Kerry and Senator Danton, share a seat in this 112th Session. I think it is probably the only time that two Senators representing the same district have been in the Senate photo. The Chair would like to compliment them both on that. More than that, I would like to compliment all of you on the service that you have provided your constituents and the citizens of this State over the years. State service. In appreciation, and from your colleagues, the best of luck to your future endeavors and we would like to present you with these Legislative Sentiments at this time.

Senator Kerry, Senator Danton, Senator Trafton, (Applause). The Chair would now ask if the Senator from Hancock, Senator Perkins, would present the following Legislative Sentiments on behalf of those that he shared in political philosophies.

Senator PERKINS: Thank you Mr. President. I think it is my pleasure to present to each of my caucus, and when you have a caucus as small as mine and you lose four, you have lost a major portion of your caucus, so you know what a loss I have. Particularly, if you look at the numbers of years that my caucus has served collectively, from Senator Hichens to Senator Shute, Senator McBreairty and Senator Stover.

I would like to present to Mel Shute, who is my colleague and who has kind of borne with me through these years in philosophies and others. (Applause)

To the man who has made the motion to Adjourn since he has been in the Senate and because of his eloquence and because of his humor in our caucus and in days like this, has kept us all enlightened, I say we will miss you Courtney, your eloquence and your ability to be philosophical in times like these, you will be sorely missed, Courtney Stover. (Applause)

The unorganized territories are caucusing next week and will be preparing to elect their Representative to the Legislature, and I am told that Senator McBreairty is looking towards handling the money for Aroostook County, so that he may fund whosoever campaign he chooses. Jim and I came to the Legislature at the same time and I must say that his presence here in the Legislature will be sorely missed because whatever purpose or whatever cause he has set out to do, there was none other that deferred him until that job was done. I think those things that he has done, particularly the Unorganized Territories, but for his people, are things that would never been done if it were not for James McBreairty. (Applause)

For the poet laureate and for our senior Senator who has, in years of service been here, I believe, the longest of any of us, and whose wisdom through the years has helped us through all of these long battles of changing times and changing philosophies. And whose strawberries are now coming in season and we will soon see him delivering them. Senator Walter Hichens. (Applause)

THE PRESIDENT: Again, on behalf of all of the citizens of the State of Maine, we express our deep appreciation and gratitude for the years of service you have provided the people of this State. Thank you very much. (Applause, the Members rising)

The Chair would be remiss if he did not mention that there are other Members who are leaving this Body who deserves the same attention, but since they were not here today, that did not necessarily get the attention that they deserve. The Senator from Aroostook, Senator Violette; The Senator from Aroostook, Senator Carpenter; The Senator from Cumberland, Senator Najarian, who has already left our ranks to pursue her career; and the Senator from Washington, Senator Brown. These individuals, as well, provided great insight to the legislative debate and discussions of the various issues on behalf of the people of the State. The Chair wishes them as many well wishes as I have those who are here.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act Amending the Charter of the Farmington Village Corporation

H.P. 1760 L.D. 2440

Senator WEBSTER of Franklin requested and received Leave of the Senate to abstain from voting due to an appearance of a conflict of interest.

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

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

ORDERS

Joint Resolution

On motion by Senator PERKINS of Hancock (Cosponsored by: President PRAY of Penobscot, Speaker MARTIN of Eagle Lake, Senator SHUTE of Waldo) the following Joint Resolution:
S.P. 987

JOINT RESOLUTION HONORING SENATOR BARBARA A. GILL OF SOUTH PORTLAND, CHAIRMAN OF THE EASTERN REGIONAL CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS

WHEREAS, Senator Barbara A. Gill of South Portland is the current Chairman of the Eastern Regional Conference of the Council of State Governments; and

WHEREAS, the council is the only national organization that brings the 3 branches of government together to consider problems of concern to all; and

WHEREAS, Senator Gill has distinguished herself in carrying on the council's mission to improve State Government without regard to branch, region, election, appointment or political party; and

WHEREAS, her leadership, unselfish interest and boundless energy in performing the duties of this worthy organization have materially contributed to the betterment of our State and Nation; and

WHEREAS, it is the desire of the Senate and House of Representatives and the people that they represent to formally recognize the accomplishments of this outstanding woman and high esteem and affection in which she is held; now, therefore, be it

RESOLVED: That We, the Members of the 112th Legislature of the State of Maine, now assembled in this special session, take this opportunity to acknowledge and commend the Honorable Barbara A. Gill, Chairman of the Eastern Regional Conference of the Council of State Governments for her invaluable service; and be it further

RESOLVED: That a suitable copy of this joint resolution be appropriately presented to Barbara as a tangible token of the sentiments expressed herein and with the sincere best wishes of her colleagues.

Which was READ and ADOPTED.

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

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

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

H.P. 1753 L.D. 2436
(H "A" H-767)

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Create a Study of Solid Waste Disposal Policy in Maine" (Emergency)
S.P. 982 L.D. 2431
(S "E" S-567)

In Senate, May 30, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "E" (S-567).

Comes from the House PASSED TO BE ENGROSSED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Senate at Ease

Senate called to order by the President.

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

Off Record Remarks

On motion by Senator PERKINS of Hancock RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Making Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency)
H.P. 1761 L.D. 2441

Committee on JUDICIARY 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.

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

RESOLVED: That We, the Members of the 112th Legislature, thru this recognition of the Year of the Flag, encourage the People of Maine to renew their appreciation of the flag and its relationship to our heritage, through appropriate celebrations honoring the flag.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1756

JOINT RESOLUTION CONCERNING THE YEAR OF THE FLAG

WHEREAS, there is no greater, more beautiful and instantly recognized symbol of our Nation and its ideals, traditions and values than the flag of the United States. In recent years, citizen awareness, interest and appreciation of the flag and its relationship to our American heritage have increased; and

WHEREAS, the thirteen stripes of red and white remind us of the courage and steadfastness of those who pledged their lives, their fortunes and their sacred honor to found this great experiment in democratic government. The white stars on a field of blue stand for the 13 original colonies that formed the nucleus of the new Nation and the 37 states that have become part of our Nation since then. Those many stars recall the sage of our growth as we spanned a continent; and

WHEREAS, the colors of our flag signify the qualities of the human spirit we Americans cherish: Red for courage and readiness to sacrifice; white for pure intentions and high ideals; and blue for vigilance and justice; and

WHEREAS, nineteen eighty-six marks the 200th anniversary of the first call for a Federal Constitutional Convention and the year of re-dedication of the Statute of Liberty, another mighty symbol of what America means; let it also be the year we, as a people, commemorate our flag as the proud banner of freedom, for which generations of patriots have fought and died, the sign and symbol of a people ruled by a constitution that protects all and exemplifies our hopes and our history; now, therefore, be it

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act to Create a Study of Solid Waste Disposal Policy in Maine

S.P. 982 L.D. 2431

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

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

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1757

WHEREAS, there has been no clear assessment of the fiscal impact of Public Law 1983, chapter 859, "AN ACT to Implement the Recommendations of the Commission on the Status of Education in Maine," on local property taxes and many municipalities are faced with increasing those taxes; and

WHEREAS, the role of the State in financing education has not been clearly defined or reassessed in the last 10 years; and

WHEREAS, the equity of the school finance formula should be reviewed periodically; and

WHEREAS, reforms mandated by that Act without adequate State funding have jeopardized local school budgets and threatened local decision making; and

WHEREAS, the potential costs to municipalities of rules promulgated to carry out that Act have not been thoroughly researched; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Select Committee on Education Funding is established. The committee shall consist of 13 members representing the Joint Standing Committee on Education, the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Taxation. Of these members, 2 shall be appointed by the President of the Senate, one shall be appointed by the Senate Minority Leader, 6 shall be appointed by the Speaker of the House and 4 shall be appointed by House Minority Leader; and be it further

ORDERED, that the Legislature encourages and invites the participation and advice of the superintendents of schools, elected town councillors and managers, school board and school committee members and teachers; and be it further

ORDERED, that the joint select committee assess the impact of the education reform law and rules promulgated pursuant to that law on local property taxes and school budgets and the role of the State in financing education; and be it further

ORDERED, that the members of the joint select committee shall not receive compensation, but shall be reimbursed for their necessary expenses; and be it further

ORDERED, that the joint select committee submit its report, together with any necessary legislation, to the First Regular Session of the 113th Legislature by March 15, 1987.

Comes from the House READ and PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-770).

Which was READ.

On motion by Senator CLARK of Cumberland the Joint Order and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

Sent down for concurrence.

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

Off Record Remarks

On motion by Senator BALDACCI of Penobscot RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on 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

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1762 L.D. 2442

Signed:

Senators: MCBREAIRTY of Aroostook
BERUBE of Androscoggin
PEARSON of Penobscot

Representatives: MCGOWAN of Canaan
NADEAU of Lewiston
LISNIK of Presque Isle
CONNOLLY of Portland
CHONKO of Topsham
CARTER of Winslow

ROLL CALL

YEAS: Senators, ANDREWS, BALDACCI,
BERUBE, BLACK, BUSTIN, CHALMERS,
CLARK, DOW, EMERSON, ERWIN,
GAUVREAU, GILL, KANY, KERRY,
MATTHEWS, MCBREAIRTY, PEARSON,
TRAFTON, TUTTLE, TWITCHELL,
USHER, THE PRESIDENT - CHARLES
P. PRAY

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

Signed:

Representatives: C.W. SMITH of Mars Hill
HIGGINS of Scarborough
FOSTER of Ellsworth
BELL of Paris

NAYS: Senators, HICHENS, MAYBURY,
PERKINS, SEWALL, SHUTE, STOVER,
WEBSTER

Comes from the House with the Majority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED and the NEW DRAFT PASSED TO BE ENGROSSED.

ABSENT: Senators, BROWN, CARPENTER,
DIAMOND, DUTREMBLE, VIOLETTE

RESIGNED: Senator NAJARIAN

Which Reports were READ.

Senator BUSTIN of Kennebec moved the ACCEPTANCE of the Majority OUGHT TO PASS IN NEW DRAFT Report, in concurrence.

22 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 5 Senators being absent, the motion by Senator BUSTIN of Kennebec to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report, in concurrence, PREVAILS.

On motion by Senator SEWALL of Lincoln supported by a Division of at least one-fifth of the Members present and voting a Roll Call was ordered.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BUSTIN of Kennebec to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report.

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

A vote of Yes will be in favor of the motion by Senator Bustin of Kennebec to Accept the Majority Ought to Pass in New Draft Report.

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

A vote of No will be opposed.

Senate at Ease

Is the Senate ready for the question?

Senate called to order by the President.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

Off Record Remarks

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

After Recess

Senate called to order by the President.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act Making Corrections of Errors and Inconsistencies in the Laws of Maine
H.P. 1761 L.D. 2441

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

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. 1762 L.D. 2442

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Joint Order relative to establishment of the Joint Select Committee on Education Funding
H.P. 1757

In House, May 30, 1986, PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-770).

In Senate, May 30, 1986, Joint Order and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

Comes from the House, that Body ADHERED in NON-CONCURRENCE.

Senator HICHENS of York moved that the Senate RECEDE and CONCUR.

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

Senator CLARK: Mr. President, Men and Women of the Senate. I would hope that you would oppose the pending motion to Recede and Concur, because near the close of the Second Regular Session in April, the Joint Standing Committee on Education, through its Senate Chair, Senator Brown of Washington, and its House Chair informally directed the Department of Education and Cultural Services, the Maine School Management Association and the Maine Teachers Association to collaborate and determine the fiscal impact of the Educational Reform Act of 1984. The Department of Education and Cultural Services would take the lead role and the constituencies would prepare a report as soon as possible. This report would become part of the deliberations of the 113th Legislature. As the result of that director from the Joint Standing Committee on Education, Commission Redmond has established an Advisory Committee on school funding headed by the newly appointed Deputy Commissioner, Ralph E. Yeagers, former superintendent of schools in South Portland.

The Committee is composed of thirteen members representing the Department of Education and Cultural Services, Maine School Management Association, the Maine Teachers Association, the Maine Municipal Association, the State School Boards, the State Board of Education, Maine School Boards Association, the State Elementary School Principals Association, the State Secondary School Principals Association, and individual teachers, and individual principals, and individual superintendents, and individual school board members. The Committee held it's first meeting last week on May 22. This Committee has been charged with doing an indepth review of the fiscal impact of all the requirements of the Reform Act, especially as they relate to the current rule and funding education and sources of State revenue for funding education.

It would seem cost ineffective and inefficient and particularly duplicative, both in terms of time and energy, with an emphasis cost to have still another committee established to accomplish the same task that has already been charged to this committee. The people on the Advisory Committee on school funding are closest to the data and most knowledgeable of it's impact. In addition, this committee is already adequately staffed and would require no additional staff and legislative expense paid by the tax payers of this State to complete its job. Certainly, the Advisory Committee will report its findings through the Joint Standing Committee on Education to all the other committees named in the Joint Order that is before us on Supplement 32. Namely, the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Taxation.

Last week at its first meeting, the committee embraced its purpose and its charge and initially will report on the following; they are going to be determining the financial impact for local school units for the 1987 and 1988 school year. They are going to formulate the specific recommendation to the Commissioner and the Legislature for additional funds necessary for the 1987-1988 school year. They are going to establish a process to determine cost beyond the 1987-1988 school year. They are going to formulate recommendations for alternative funding for meeting the needs of local school units in the year that costs are incurred without the two year lag time, which is currently implemented under the school finance formula.

I feel sure that the people who comprise this advisory committee have not only the experience, but the professional expertise to fulfill the charge that they received from the Joint Standing Committee on Education. I am prepared to share with you the composition of that Committee, relative to precise name, interest and title within the educational community, and will do so if I feel that is necessary for further enlightenment and clarification. Suffice it to say, that I do not believe, nor does the Senate Chair and the Majority, and the Senator from Androscoggin, Senator Gauvreau, that the Joint Order before us that would create still another task for the Committee on Education which would be, in fact, duplicative. We can all see that.

They do not feel that it is necessary and that the Order should not be approved and I would encourage and invite you to join with me in voting against the pending motion to Recede and Concur.

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

Senator HICHENS: Mr. President and Members of the Senate. I stand here tonight at a great disadvantage because I have been assured that when the good Senator from Washington, Senator Brown, left today that he had been assured that this Order was going to pass through without any difficulties at all. So I sort of relied on the word that was given to him and on his word which was passed onto me. I do not understand, all of a sudden, the opposition which has come up since this order was presented.

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

Senator CLARK: Thank you Mr. President, Men and Women of the Senate. I spent a number of minutes discussing this order with the Senate Chair of the Joint Standing Committee on Education. The Senator from Androscoggin, Senator Paul Gauvreau thinks that the action that I am recommending here is, indeed, appropriate. Senator Brown, if he were here, would be performing the task that I am performing this evening. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator HICHENS of York that the Senate RECEDE and CONCUR.

The Chair will order a Division.

Will all those Senators in favor of the motion of Senator HICHENS of York to RECEDE and CONCUR, please rise and remain standing in their places until counted.

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

9 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator HICHENS of York to RECEDE and CONCUR, FAILS.

The Senate ADHERED.

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

Off Record Remarks

On motion by Senator BALDACCI of Penobscot RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Authorize a General Bond Issue in the Amount of \$15,000,000 for Construction and Renovation of Correctional Facilities"

H.P. 1758 L.D. 2439
(S "A" S-568)

In House, May 30, 1986, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

In Senate, May 30, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-568), without reference to a Committee in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "F" (H-776) AND "G" (H-777) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

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

H.P. 1755 L.D. 2438

This being an Emergency Measure and having received the affirmative vote of 23 Members of the Senate, with No Senators having voted in negative, and 23 being less than two-thirds of the entire elected Membership of the Senate, FAILED OF PASSAGE TO BE ENACTED in NON-CONCURRENCE.

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

Senator BLACK: Mr. President, if in order, I would make the motion to Reconsider.

THE PRESIDENT: The Chair would answer in the negative, the motion would be improper because the Senator was not on the prevailing side.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, a parliamentary inquiry. Would it be proper for a person who was not in the Chamber, who has now come into the Chamber, to move Reconsideration?

THE PRESIDENT: The Chair would answer in the negative, there were no individuals on the prevailing side.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, a parliamentary inquiry. Would it be proper to Suspend the Rules for the purpose of Reconsideration?

On motion by Senator CLARK of Cumberland the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED its action whereby it FAILED to ENACT:

Emergency

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

H.P. 1755 L.D. 2438

(In House, May 30, 1986, PASSED TO BE ENACTED.)

(In Senate, May 30, 1986, FAILED OF PASSAGE TO BE ENACTED in NON-CONCURRENCE.)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was, under suspension of the Rules, PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

THE PRESIDENT: The Chair would like to take this opportunity to extend on the behalf of the Members of this Chamber, his appreciation to the Members of the Human Resources Committee in the work that it has done on the Corrections legislation and also the Appropriations Committee in dealing with the Bond issue in a very expeditious fashion. The amount of work that has gone in by that Committee and its Members in a nonpartisan and bipartisan fashion, I think that this Legislature will leave with a package dealing with the Corrections issue that this State can be very proud of.

On behalf of all of the Members of this Chamber, I would like to extend my deep appreciation and gratitude for the work and hours that they have spent on this issue. Thank you very much.

Senate at Ease

Senate called to order by the President.

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

ENACTORS

The Committee on Engrossed Bill reported as truly and strictly engrossed the following:

Bond Issue

An Act to Authorize a General Bond Issue in the Amount of \$16,000,000 for Construction and Renovation of Correctional Facilities

H.P. 1758 L.D. 2439
(H "F" H-776; H "G"
H-777)

This being a Bond Authorization Act and having received the affirmative vote of 23 Members of the Senate, with No Senators having voted in the negative, and 23 being more than two-thirds of the Membership present and voting was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ORDERS

Joint Order

On motion by Senator GAUVREAU of Androscoggin the following Joint Order: S.P. 986

WHEREAS, the Legislature has attempted to resolve the problematic issue of necessary improvements to the Maine corrections system; and

WHEREAS, the Legislature in L.D. 2439, H.P. 1758 has proposed a General Fund bond issue in the amount of \$16,000,000 to renovate and construct correctional facilities and this shall be submitted to the voters on November 4, 1986; and

WHEREAS, the Legislature finds it important that the electorate of the State should be informed how the available proceeds from the possible issuance of bonds will be spent; now, therefore, be it

ORDERED, the House concurring, that the Joint Select Committee on Improvements to the Corrections System is established. The committee shall consist of 15 members appointed jointly by the President of the Senate and Speaker of the House as follows: Four Senators and 11 members of the House of Representatives, representing the Joint Standing Committee on Human Resources and the Joint Standing Committee on Appropriations and Financial Affairs. The joint select committee shall select one of its members to serve as chairman; and be it further

ORDERED, that the joint select committee shall survey the status of the State's correctional facilities and recommend the allocation of funds from the proceeds of the General Fund bond issue authorized pursuant to L.D. 2439; and be it further

ORDERED, that the joint select committee report its findings and recommendations, especially with regard to how the money resulting from the proceeds of the bond issue should be spent, to the Legislative Council by September 15, 1986; and be it further

ORDERED, that no finding or recommendation may be made by the joint select committee unless that finding or recommendation is approved by at least 2/3 of the members of the joint select committee; and be it further

ORDERED, that the Legislative Council shall take such action as it may deem necessary to inform the voters prior to the general election as to the proposed allocations of funds from the General Fund bond issue.

Which was READ and PASSED.

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

Off Record Remarks

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

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

ORDERS

Senate Order

On motion by Senator PEARSON of Penobscot the following Senate Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was READ and PASSED.

The President requested the Assistant Sergeant-At-Arms to escort the Senator from Penobscot, Senator PEARSON, to the House of Representatives to deliver the message.

On motion by Senator CLARK of Cumberland the following Order:

ORDERED, that a message be sent to His Excellency, the Governor, informing him that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

Which was READ and PASSED.

The President requested the Sergeant-At-Arms to escort the Senator from Cumberland, Senator CLARK, to convey the message to His Excellency, GOVERNOR JOSEPH E. BRENNAN.

At this point, a message was received from the House of Representatives, borne by Representative DIAMOND of Bangor, the Majority Floor Leader of the House, informing the Senate that the House had transacted all business before it and was ready to Adjourn, Without Day.

Off Record Remarks

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

Senate at Ease

Senate called to order by the President.

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

On motion by Senator STOVER of Sagadahoc, at 10:58 p.m. on Friday, May 30, 1986, the Honorable CHARLES P. PRAY declared the Senate of the Second Special Session of the 112th Legislature, ADJOURNED SINE DIE.