

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

Index

SECOND SPECIAL SESSION

May 28 - May 30, 1986

Index

THIRD CONFIRMATION SESSION

July 15, 1986

Index

FOURTH CONFIRMATION SESSION

August 29, 1986

Index

THIRD SPECIAL SESSION

October 17, 1986

Index

FIFTH CONFIRMATION SESSION

November 24, 1986

Index

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

In Senate Chamber
Friday
October 17, 1986

In Compliance with a proclamation of His Excellency, Governor JOSEPH E. BRENNAN, the Senators convened in the Senate Chamber at 11 o'clock in the morning.

Senate called to Order by the President.

Prayer by the Honorable Dennis L. Dutremble of York.

SENATOR DUTREMBLE: Let us pray together. Dear God we pause just for a moment at the beginning of a very busy day to remember You. That You are our creator and we are Your children. That we are all one humanity. We pray that You will be with us throughout this day, that we might speak and act wisely, that we might have patience in our listening and understanding, that Your light may guide us. Give us new inspiration when we, ourselves, run out of ideas. We do give our day to You today, our public lives and our personal lives. We pray in Jesus' name. Amen.

Senate at Ease

Senate called to order by the President.

The Secretary will read the Proclamation.

STATE OF MAINE
PROCLAMATION

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of agreements between the State of Maine and several labor organizations representing State employees relating to the compensation and fringe benefits for over 13,000 employees; and

WHEREAS, the laws of the State of Maine require legislative approval of the certain financial provisions of any contract between the State and an employee organization; and

WHEREAS, the State wishes to make available to employees the lump sum retroactive payments provided for in the contracts prior to the end of 1986; and

WHEREAS, there exists a growing pressure on the Department of Environmental Protection, the Board of Environmental Protection and several Maine municipalities to approve applications for the development of commercial landfills in the State of Maine; and

WHEREAS, there is reason to believe that a one year moratorium on the processing and approval of applications for commercial landfills will enable the State of Maine to study the environmental, economic and health impacts of commercial landfills and to develop a comprehensive plan for handling the materials which are disposed in commercial landfills; and

WHEREAS, the Legislature has initiated a study of solid waste disposal issues to be submitted to the 113th Maine Legislature in March, 1987, and

WHEREAS, a one year moratorium on processing and approving applications for commercial landfills will enable the Legislature to consider the recommendations of the study and to implement such actions as deemed necessary prior to the consideration of the several applications for commercial landfills that are expected to be submitted for approval in the near future;

NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of the State of Maine, by the virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Friday, the seventeenth day of October, 1986 at 11:00 o'clock in the morning, in order to receive communications, enact a collective bargaining bill, approve a moratorium on commercial landfills, and conduct such other legislative business as may be appropriate.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed given under my hand at Augusta this 7th day of October in the Year of our Lord One Thousand Nine Hundred and Eighty-Six.

S/JOSEPH E. BRENNAN
Governor

S/J. Henderson
Secretary of State
Deputy

Attest: S/J. Henderson
Deputy Secretary of State

Which was READ and ORDERED PLACED ON FILE.

ROLL CALL

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

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

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

Out of order and under suspension of the Rules, on motion by Senator CLARK of Cumberland, 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 Cumberland, Senator CLARK to deliver the message to His Excellency, the Governor.

Senate at Ease

Senate called to order by the President.

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.

Out of order and under suspension of the Rules, on motion by Senator DIAMOND 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 DIAMOND, the Senator from Aroostook, Senator CARPENTER, the Senator from Waldo, Senator SHUTE, the Senator from Aroostook, Senator MCBREAIRTY the Senator from Sagadahoc, Senator STOVER, and the Senator from York, Senator HICHENS to deliver the message to the House of Representatives.

Senate at Ease

Senate called to order by the President.

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

Senate at Ease

Senate called to order by the President.

Subsequently, the Senator from Cumberland, Senator DIAMOND and the Committee reported that they had delivered the message with which they were charged.

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 proposing a Convention of both Branches in the Hall of the House at 11:30 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.

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

S/Edwin H. Pert
Clerk of the House

Which was READ and PASSED.

Which was READ and ORDERED PLACED ON FILE.

The Chair appointed the Senator from Cumberland, Senator CLARK, to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

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

Senator HICHENS of York was granted unanimous consent to address the Senate Off the Record.

The following Communication:

STATE OF MAINE
112th LEGISLATURE
AUGUSTA, MAINE 04333

October 7, 1986

COMMUNICATIONS

The following Communication: S.P. 989

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

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

Dear Secretary O'Brien:

October 10, 1986

This is to notify you that we have made the following appointments:

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

Pursuant to our authority under the Private and Special Laws of 1986, Chapter 135, we have appointed Neil Adams of Caribou and Alan Reynolds of Orono to the Commission to Implement Computerization of Criminal History Record Information.

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

Pursuant to our authority under Joint Order, Senate Paper 986, we have appointed Senator Michael Pearson, Senator Beverly Miner Bustin, Senator N. Paul Gauvreau, Senator Barbara Gill, Representative Merle Nelson, Representative Laurence Connolly, Representative John Lisnik, Representative Peter Manning, Representative Rita Melendy, Representative Donnell Carroll, Representative P. Kelley Simpson, Representative Linwood Higgins, Representative Ruth Foster, Representative Susan Pines, and Representative Kerry Kimball to the Joint Select Committee on Improvements to the Corrections System.

Dear Mr. President and Mr. Speaker:

Please be advised that today one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee and ordered printed on October 10, 1986 as follows:

Energy and Natural Resources

Bill "An Act to Impose a Moratorium on the Licensing of Commercial Landfills for the Disposal of Solid Waste" (Emergency) (S.P. 988) (L.D. 2443) (Presented by Senator TUTTLE of York) (Cosponsored by: Senator MATTHEWS of Kennebec, Representative COOPER of Windham, Representative RIDLEY of Shapleigh)

Pursuant to our authority under Chapter 52 of the Resolves of Maine, 1986, we have appointed Representative Stephen Bost of Orono, Representative William Lawrence of Parsonsfield, Geneva Kirk of Lewiston, Senator Nancy Randall Clark of Cumberland, Senator Larry Brown of Washington, Dr. Gerald Work of the University of Maine at Orono, Dr. Anthony D. Chiappone of the

University of Maine at Orono, Rusty Willette of Dover Foxcroft, Robert Gates of the Penquis Valley School, Professor Ross Fearson of the University of Maine at Farmington, Carol Wishcamper of Freeport, Diane Todd of Augusta and Professor Calvin E. Anderson of the University of Maine at Fort Kent to the Special Commission to Study Teacher Training in the University of Maine System.

Pursuant to our authority under the Private and Special Laws of 1986, Chapter 120, we have appointed David Cota of Greenville, Thomas Flanagan of Great Northern Paper Company, Robert S. Howe of South Portland, David Fenderson of Bangor, George C. Monti and Maurice R. Mathieu of Lewiston to the Workers' Compensation Reinsurance Study Commission.

Pursuant to our authority under Chapter 749 of the Public Laws of 1986, we have appointed William Heselton of the Central Maine Power Company, Roland Caron of Powell Memorial Center, Charlene Kinnelly of Uplift Inc. and Lee Wiley of the Abbot Group Home to the Committee on Staff Retention in Community-based Residential Facilities for Persons with Mental Retardation.

Sincerely

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

The following Communication: S.P. 990

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

October 7, 1986

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

Dear Madam Secretary:

Please be informed that I have made the following appointments:

Pursuant to my authority under L.D. 2430, I have appointed Senator Georgette Berube to the Maine-Canadian Legislative Advisory Commission.

Pursuant to my authority under P.L. 1986, Chapter 775, I have appointed Senator Paul Violette and Senator Georgette Berube to the New England and Eastern Canada Legislative Commission.

Pursuant to my authority under S.P. 986, I have appointed Senator N. Paul Gauvreau, Senator Beverly Miner Bustin, Senator Barbara Gill and Senator Michael Pearson to the Joint Select Committee on Improvements to the Corrections System.

Pursuant to my authority under Chapter 813 of the Public Laws of 1986, I have appointed Senator Charles Dow, Senator Zachary Matthews and Senator Jerome Emerson to the Legislative Task Force on Railroads.

Pursuant to my authority under the Private and Special Laws of 1986, Chapter 135, I have appointed Senator Michael E. Carpenter and Senator Charlotte Sewall to the Commission to Implement Computerization of Criminal History Record Information.

Pursuant to my authority under the Resolves of 1986, Chapter 89, I have appointed Senator Jean B. Chalmers and Senator Beverly Miner Bustin to the Commission to Examine Problems of Tort Litigation and Liability Insurance in Maine.

Pursuant to my authority under MRSA Title 3, Section 201, I have appointed Senator Nancy Randall Clark to the Commission on Interstate Cooperation. She will replace Senator Paul Violette who has resigned this position.

Pursuant to my authority under MRSA Title 3, Section 271, I have appointed Senator Thomas Perkins and myself to the Committee on Intergovernmental Relations.

Pursuant to my authority under Chapter 732 of the Public Laws of 1986, I have appointed Senator Thomas Andrews to the Board of Commissions.

Pursuant to my authority under Chapter 119 of the Private and Special Laws of 1986, I have appointed Senator R. Donald Twitchell and Senator Judy Kany to the Municipal Land Bank Study Committee.

Pursuant to my authority under Chapter 555 of the Public Laws of 1986, I have appointed Senator John Tuttle to the Maine New Hampshire Boundary Commission.

Pursuant to my authority under Chapter 749 of the Public Laws of 1986, I have appointed Senator Beverly Miner Bustin to the Advisory Commission on Staff Retention.

Pursuant to my authority under Chapter 45 of the Resolves of 1985, I have appointed Senator Thomas Andrews to the Joint Select Committee on Economic Development. He replaces Senator Paul Violette who has resigned this position.

Pursuant to my authority under Chapter 88 of the Resolves of 1986, I have appointed Senator Nancy Randall Clark and Senator Charlotte Sewall to the Joint Select Commission to Study the Integration of the Maine State Retirement System with the Social Security System.

Pursuant to my authority under Chapter 79 of the Private and Special Laws of 1985, I have appointed Juliana T. Plummer of Dover-Foxcroft to the Special Select Commission on Administration and Financing of General Assistance. She replaces Severn Towle who resigned from that position.

Please let me know if you have any questions about these appointments.

Sincerely,
S/Charles P. Pray
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

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

The following Communication:

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

July 18, 1986

Honorable Charles P. Pray
Maine State Senate
State House Station 3
Augusta, ME 04333

RE: Statutory Report for the First and Second Quarters of 1986
39 M.R.S.A. §92(3)

Dear President Pray:

Attached are the statistical summaries of Commission caseload and decisions for the first two quarters of 1986.

Our statistical program is just getting off the ground. Mark Souders, the statistician who prepared the 1985 year-end report, left the Commission for employment in the private sector last February after only a few weeks' work. Frank Richards, who is now taking over the statistical program, starts work on July 21, 1986. Mr. Richards holds a Masters Degree in Public Administration from the University of Maine at Orono.

The number of first reports of injury filed (reports required for any injury requiring medical attention or resulting in lost time) are as follows for 1986:

<u>1st Quarter</u>	<u>2nd Quarter</u>
16,267	15,447

Petitions have been filed as follows:

January	609
February	625
March	685
April	775
May	721
June	741

The commissioners issued decisions on 2449 contested petitions so far this year, broken down as follows:

January	271
February	340
March	571
April	496
May	407
June	364

At the appellate level, the activity has been as follows:

	<u>1st Quarter</u>	<u>2nd Quarter</u>
Appeals Filed	55	113
Cases Argued	32	57
Decisions Issued	39	74
Dismissals	30	45

There have been no complaints or filings in connection with the 30 day decision rule pursuant to Commission Rule 22.11 and §99-B.

A breakdown of decision by commissioner is attached, along with a printout of informal conference activity for the year to date. Please understand that this raw data is subject to errors in our collection process, and also subject to interpretation. Hopefully, Mr. Richards will be able to make our numbers more reliable, and assist us in harnessing this information for management and planning purposes.

Sincerely,

S/Ralph L. Tucker
Chairman

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

The following Communication: S.P. 991

MAINE HUMAN RIGHTS COMMISSION
STATE HOUSE STATION 51
AUGUSTA, MAINE 04333

Sincerely yours,
S/ Norman L. Fournier
Chair

August 1, 1986

The Honorable Joseph E. Brennan, Governor
The Honorable Charles P. Pray, Senate President
The Honorable John L. Martin, Speaker of the House
State House
Augusta, Maine 04333

Dear Governor Brennan, President Pray and Speaker Martin:

The Maine Human Rights Commission is pleased to submit its Fiscal Year 1985-86 Annual Report.

The Report describes the efforts and achievements of the Commission during Fiscal Year 1986 to affirmatively enforce the State's anti-discrimination laws.

Much progress has been made; yet there is still a long way to go. The members and staff of the Maine Human Rights Commission began vigorous enforcement of Maine's human rights laws in 1972. Fourteen years later, the Commission has a strong record of successful, effective investigation and a substantial body of Maine case law interpreting the Maine Human Rights Act.

The last fiscal year continues the progress made by the Commission. Among the highlights are the following:

the establishment by the Legislature of Martin Luther King's birthday as a State Holiday;

passage of legislation that will make the investigative files of the Commission confidential until the conclusion of processing a charge of discrimination;

a continuing increase in the numbers of charges of discrimination processed and closed by the Commission;

a strong negotiated settlement rate;

a marked increase in dollar benefits to persons filing discrimination charges;

a continuing decrease in average case processing time; and

a continuation of strong court decisions interpreting the Maine Human Rights Act.

The decade of the 80's continues to present major challenges. We will continue to enforce vigorously our statutes; we will continue to assist employers and others in complying with State and Federal civil rights legislation; and we will continue to keep in review all practices infringing on the basic human right to a life with dignity for all persons of this State; and take corrective action where necessary.

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

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

The following Communication:

DEPARTMENT OF ADMINISTRATION
STATE HOUSE STATION 9
AUGUSTA, MAINE 04333

October 15, 1986

Senator Charles Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear Mr. President:

I am pleased to submit to the Legislature, and in particular to its Committee on Appropriations and Financial Affairs, this initial report of the Commissioner of Administration and the Labor-Management Committee on the Safety of State Buildings, concerning our activities and plans "to identify and correct asbestos problems in State facilities" as contemplated in Chapter 140, Private and Special Laws of 1986.

We want each member of the Legislature, and particularly the members of the Committee on Appropriations and Financial Affairs (to whom we will be submitting additional reports if the public approves the \$6,000,000 asbestos abatement bond issue on November 4, 1986) to know that we have diligently prepared to meet the public policy objectives of Chapter 140. We seek your approval of these initial activities and plans.

Respectfully Submitted
by the Commissioner, and
Joint Labor-Management
Committee on the Safety
of State Buildings

S/Harvey E. DeVane
Commissioner of
Administration

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

The following Communication:

STATE OF MAINE
DEPARTMENT OF STATE
STATE HOUSE STATION 101
AUGUSTA, MAINE 04333
DIVISION OF PUBLIC ADMINISTRATION

June 13, 1986

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

Dear Secretary O'Brien:

Enclosed please find a certified copy of a Resolution of the Penobscot Nation approving L.D. 1844, P.L. 639 of the Public Laws of 1986.

This approval is required by section 2 of the bill within 60 days of the adjournment of the Legislature.

Please be advised that this Resolution was properly filed within the prescribed deadline.

Sincerely,

S/James S. Henderson
Deputy Secretary of State

Which was READ and ORDERED PLACED ON FILE.

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

The following Communication:

OFFICE OF THE GOVERNOR AND COUNCIL
COMMUNITY BUILDING
INDIAN ISLAND
OLD TOWN, MAINE 04468

RESOLUTION
NUMBER 06-11-86-1
OF THE PENOBSCOT NATION

WHEREAS, The Penobscot Nation is a federally recognized Indian Tribe; and

WHEREAS, The Penobscot Tribal Governor and Council is the duly authorized and elected governing body of the Penobscot Nation.

WHEREAS, The Penobscot Nation held a General Meeting June 11, 1986, for the purpose of approving or disapproving legislation that has been submitted to the 112th Legislature for the State of Maine;

THEREFORE, BE IT RESOLVED, That the Penobscot Nation approved S.P. 721-L.D. 1844; AN ACT to Extend the Trust Land Designation of the Penobscot Nation.

CERTIFICATION

I Lorraine Dana, hereby certify that I am the Tribal Clerk and official custodian of certain records, including minutes of the Meetings of the Penobscot Indian Nation, a federally recognized and sovereign Indian Tribe duly organized and existing under the Laws of the United States, and that the foregoing is a true, accurate and compared transcript of a resolution contained in the Minute Book of the Nation, adopted at a General Meeting of said Nation duly held on the 11th day of June, 1986, and that the proceedings of said meeting were in accordance with the Laws of the Nation, and that said resolution has not been amended or revoked and is in full force and effect.

S/Lorraine Dana
Tribal Clerk Attest

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

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 11:30 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.

Off Record Remarks

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

AFTER JOINT CONVENTION
IN SENATE

Senate called to order by the President.

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

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

October 7, 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
Marvin W. Ewing of South Windham for reappointment to
the Maine Unemployment Insurance Commission.

Pursuant to Title 26 M.R.S.A. Section 1081, this
nomination will require review by the Joint Standing
Committee on Labor and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was READ and ORDERED PLACED ON FILE.

Off Record Remarks

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

COMMUNICATION

The following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

October 7, 1986

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

Dear Chairs:

Please be advised that Governor Joseph E. Brennan
has nominated Marvin W. Ewing of South Windham for
reappointment to the Maine Unemployment Insurance
Commission.

Pursuant to Title 26 M.R.S.A. Section 1081, this
nomination will require review by the Joint Standing
Committee on Labor and confirmation by the Senate.

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

Which was READ and ORDERED PLACED ON FILE.

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 LABOR

October 17, 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 Labor has had under consideration the nomination of Marvin W. Ewing of Windham, for reappointment to the Maine Unemployment Insurance 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 6

NAYS: 0

ABSENT: 5 Sen. Tuttle of York,
 Rep. Joseph of Waterville,
 Rep. Ruhlin of Brewer,
 Rep. Willey of Hampden,
 Rep. Lander of Greenville

Eight 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 Marvin W. Ewing of Windham, for reappointment to the Maine Unemployment Insurance Commission be confirmed.

Sincerely,

S/Sen. Dennis L Dutremble
Senate Chair

S/Rep. Edith S. Beaulieu
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on LABOR has recommended the nomination of Marvin W. Ewing of South Windham be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on LABOR 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, ANDREWS, BALDACCI, BERUBE, BLACK, BUSTIN, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BROWN, CARPENTER, GILL, VIOLETTE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Marvin W. Ewing, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Senate at Ease

Senate called to order by the President.

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

COMMUNICATIONS

The following Communication: H.P. 1768

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333

October 15, 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 October 15, 1986, five 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 October 15, 1986 as follows:

Appropriations and Financial Affairs

Bill "An Act to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the American Federation of State, County and Municipal Employees and to Fund and Implement Benefits for Certain State Employees Excluded from Bargaining" (Emergency) (H.P. 1763) (L.D. 2444) (Presented by Representative MAYO of Thomaston) (Cosponsor: Senator CHALMERS of Knox)

Bill "An Act to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the Maine State Employees Association" (Emergency) (H.P. 1764) (L.D. 2445) (Presented by Representative HICKEY of Augusta) (Cosponsors: Senator DOW of Kennebec, Representatives PARADIS of Augusta, and DAGGETT of Manchester)

Bill "An Act to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the Maine State Troopers Association, Representing the Maine State Troopers" (Emergency) (H.P. 1765) (L.D. 2446) (Presented by Representative WALKER of Norway)

Bill "An Act to Appropriate Funds Necessary for the Computerization of the Personnel Records of State Employees" (Emergency) (H.P. 1766) (L.D. 2447) (Presented by Representative PARADIS of Augusta)

Bill "An Act Providing Legislative Authorization Regarding Telecommunications Systems Lease Purchase for the Lewiston Office Complex" (Emergency) (H.P. 1767) (L.D. 2448) (Presented by Representative CARTER of Winslow)

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:

STATE OF MAINE
DEPARTMENT OF STATE
STATE HOUSE STATION 101
AUGUSTA, MAINE 04333
DIVISION OF PUBLIC ADMINISTRATION

July 16, 1986

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

Dear Secretary O'Brien:

Enclosed please find a certified copy of a Resolution of the Passamaquoddy Tribe approving L.D. 1717, P.L. 747 of the Public Laws of 1986.

This approval is pursuant to 3 M.R.S.A. 601 and U.S.C., Title 25, Section 1725(e).

It was properly filed by the officer designated pursuant to 3 M.R.S.A. 602 to execute this approval.

Sincerely,
S/James S. Henderson
Deputy Secretary of State

Which was READ and ORDERED PLACED ON FILE.

The following Communication:

CERTIFICATION

Pursuant to 3 M.R.S.A. §601, as the Officer designated by the Passamaquoddy Tribe pursuant to 3 M.R.S.A. §602, I hereby certify that the Passamaquoddy Tribe approves the enactment of Chapter 747 of the Public Laws of Maine of 1986 pursuant to 25 U.S.C. §1725(e)(1). The approval was granted by resolution of the Joint Tribal Council of the Passamaquoddy Tribe dated July 10, 1986.

S/Wayne Newell
Certifying Officer
Representative to the
Legislature of the
Passamaquoddy Tribe

RESOLUTION OF THE JOINT TRIBAL COUNCIL OF THE
PASSAMAQUODDY TRIBE, ADOPTED AT A MEETING
HELD AT INDIAN TOWNSHIP
ON JULY 10, 1986

Be It Resolved That

WHEREAS, pursuant to the 25 U.S.C. §1725(e)(1) of the Maine Indian Claims Settlement Act of 1980, amendments to the Maine Implementing Act are not effective without the agreement of the Tribe affected by such amendments;

S/John Stevens,
Lt. Governor
S/Cliv Dore, Governor

Attested:
Nora Deschaine
Tribal Clerk

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

WHEREAS, the legislature of the State of Maine has passed Chapter 747 of the Public Laws of Maine of 1986 amending the Maine Implementing Act, as follows: amending 30 M.R.S.A. §6203(5), to provide for the addition of certain lands in Perry to the Passamaquoddy Indian Reservation, and amending 30 M.R.S.A. §6205(1)(B), to extend the deadline for acquisition of trust lands within a designated area and to provide for the addition of certain lands known as "Dyer Interests" to the designated area;

The following Communication:

WHEREAS, the Joint Council of the Passamaquoddy Tribe approves Chapter 747 of the Maine Public Laws of 1986;

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON AUDIT AND PROGRAM REVIEW

March 1986

WHEREAS, the procedure under 3 M.R.S.A. §601 for approving legislation affecting Indian Tribes is for a designated officer of the Tribe to submit a Certificate of Approval to the Secretary of State stating the date and manner of approval;

Joy J. O'Brien
Secretary of the Senate
112th Legislature

Dear Secretary O'Brien:

WHEREAS, the person designated by the Passamaquoddy Tribe to submit a Certificate of Approval of legislation to the Secretary of State is Wayne Newell.

We take great pleasure in submitting to you, prior to general distribution, a copy of the report from the Joint Standing Committee on Audit & Program Review. Over 70 recommendations are contained in this report concerning the Department of Business, Occupational and Professional Regulation, Maine State Museum, Maine State Commission on the Arts and the Humanities, and eight Independent Agencies.

NOW, THEREFORE BE IT RESOLVED THAT:
The Passamaquoddy Tribe approves Chapter 747 of the Maine Public Laws of 1986;

This report represents hundreds of hours of extensive research, study and deliberation by the Committee on Audit & Program Review and members from other joint standing committees who participated actively in this year's review. Throughout the review process, the Committee has met with many different individuals - including department staff, representatives from private industry and special interest groups. We feel confident that these recommendations will work to resolve a number of complex issues and will have a major impact on some areas under review.

BE IT FURTHER RESOLVED THAT:

Wayne Newell is directed to forthwith certify to the Secretary of State that the Tribe has approved Chapter 747 of the Maine Public Laws of 1986, and that the approval of the Tribe is by resolution of the Joint Tribal Council on the date of this resolution.

We look forward to your comments, questions and input. In addition to this report, we anticipate that the Committee's legislation will be available within the next week.

Dated: July 10, 1986 and signed by the following members of the Joint Tribal Council of the Passamaquoddy Tribe:

INDIAN TOWNSHIP	PLEASANT POINT
S/David Sockabasin	S/Mary C. Sappier
S/Robert Newell	S/Clayton Cleaves
S/Simon Sockabasin	S/Madonna Soctomah
S/Carl Nicholas, Lt. Gov.	S/Calvin A. Nicholas, Sr.
S/George Stevens, Jr.	S/Valeri Emery
S/Albert Dana	

Sincerely,

CERTIFICATION

We, the undersigned Governor(s) and/or Lt. Governor(s) of the Passamaquoddy Indian Tribe do hereby certify that the Joint Tribal Council of the Passamaquoddy Tribe is composed of 14 members, 11 of whom were present at a Regular (Special) Meeting held on 10 July 1986 and that the foregoing resolution was duly adopted by the affirmative vote of 11 members.

S/G. William Diamond
Senate Chair

S/Neil Rolde
House Chair

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

The following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON AUDIT AND PROGRAM REVIEW

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON AUDIT AND PROGRAM REVIEW

June 1, 1986

April 2, 1986

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

Honorable Charles P. Pray
President of the Senate
Maine State Legislature
Augusta, ME 04333

Dear President Pray:

Dear President Pray:

We take great pleasure in submitting to you the second of three volumes which comprise the work of the Joint Standing Committee on Audit & Program Review during the past year.

It is our distinct pleasure to transmit to you Volume III of the seventh annual report of the Joint Standing Committee on Audit and Program Review. Volumes I and II containing our recommendations regarding the Department of Business, Occupational and Professional Regulation (now the Department of Professional and Financial Regulation), a financial and statistical history of professional licensing boards in the state, as well as other agencies, has been transmitted to you earlier. This third and final volume is the formal compilation of the Committee's work and the Legislature's response regarding the topics of Child Welfare Service, and Emergency Medical Services.

This particular volume, entitled "Financial and Statistical History of Professional Licensing Boards in the State of Maine: 1975-1985", differs from previous publications of the Committee in that it does not contain recommendations. This compilation is intended to be used as a tool by the Committee in its upcoming review of many of the professional licensing boards. In addition to its own anticipated use, the Committee hopes that other members of the Legislature as well as the Executive branch will find this document useful in understanding the particulars of how professional regulation is being accomplished in the State of Maine.

Child Welfare Services and Emergency Medical Services have both been challenging topics for the Committee. We have spent many rigorous hours reviewing material, considering testimony, and discussing issues. Throughout the entire process, our objectives have been to make state government more efficient and less costly while ensuring quality service to the people of Maine and improving legislative oversight of the Executive Branch.

Because it is a rather lengthy document, the Committee has ordered a limited number to be published and will be distributing it to leadership and several committees of jurisdiction. Any legislator who has a distinct interest in this volume is encouraged to stop by the Office of Fiscal and Program Review to obtain a copy.

We wish to particularly thank the adjunct members who served on our subcommittees from other joint standing committees. Their expertise was invaluable to our process.

Given your role in the legislative process, we believe that you will find this document helpful in your deliberations concerning professional regulation.

Finally, the Committee intends to continue our review of Child Welfare Services this year and to be available to assist, as needed, in the implementation of the Emergency Medical Services recommendations.

Sincerely,

Sincerely,

S/G. William Diamond
Senate Chair

S/Neil Rolde
House Chair

S/G. William Diamond
Senate Chair

S/Neil Rolde
House Chair

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

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

The following Communication:

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

Pursuant to Title 8 M.R.S.A Section 352, this nomination will require review by the Joint Standing Committee on Legal Affairs and confirmation by the Senate.

October 7, 1986

Sincerely,

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

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

Which was READ and ORDERED PLACED ON FILE.

Dear Senator Pray:

This is to inform you that I am today nominating Linda Gifford of Readfield for appointment and Irving R. Lohnes, Jr. of Waterville for reappointment to the Maine State Lottery Commission.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON LEGAL AFFAIRS

Pursuant to Title 8 M.R.S.A. Section 352, this nomination will require review by the Joint Standing Committee on Legal Affairs and confirmation by the Senate.

October 16, 1986

Thank you for your assistance in this matter.

Sincerely,

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

S/JOSEPH E. BRENNAN
Governor

Dear Mr. President:

Which was READ and ORDERED PLACED ON FILE.

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 Legal Affairs has had under consideration the nomination of Linda B. Gifford of Readfield, for appointment to the Maine State Lottery Commission.

The following Communication:

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:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

YEAS: Senators 2
Representatives 8

October 7, 1986

NAYS: 0

Senator Richard L. Trafton
Representative Polly Reeves
Chairpersons
Joint Standing Committee on Legal Affairs
112th Legislature
Augusta, Maine 04333

ABSENT: 2 Rep. Warren of Scarborough,
Rep. Masterman of Milo

Dear Chairs:

Ten 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 Linda B. Gifford of Readfield, for appointment to the Maine State Lottery Commission be confirmed.

Please be advised that Governor Joseph E. Brennan has nominated Linda B. Gifford of Readfield for appointment and Irving R. Lohnes, Jr. of Waterville for reappointment to the Maine State Lottery Commission.

Sincerely,

S/Sen. Richard L. Trafton
Senate Chair

S/Rep. Polly Reeves
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on LEGAL AFFAIRS has recommended the nomination of Linda B. Gifford of Readfield be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on LEGAL AFFAIRS 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, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, ANDREWS, BROWN, GILL, VIOLETTE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Linda B. Gifford, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON LEGAL AFFAIRS

October 16, 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 Legal Affairs has had under consideration the nomination of Irving R. Lohnes, Jr. of Waterville, for reappointment to the Maine State Lottery 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 8

NAYS: 0

ABSENT: 2 Rep. Warren of Scarborough,
Rep. Masterman of Milo

Ten 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 Irving R. Lohnes, Jr. of Waterville, for reappointment to the Maine State Lottery Commission be confirmed.

Sincerely,

S/Sen. Richard L. Trafton
Senate Chair

S/Rep. Polly Reeves
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on LEGAL AFFAIRS has recommended the nomination of Irving R. Lohnes, Jr. of Waterville be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on LEGAL AFFAIRS 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, ANDREWS, BALDACCI, BERUBE, BLACK, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BROWN, GILL, VIOLETTE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Irving R. Lohnes, Jr., was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

October 7, 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 Michael W. Aube of Bangor for reappointment and Gerald E. Talbot of Portland for appointment to the Board of Trustees, Maine Vocational Technical Institutes.

Pursuant to Title 20-A M.R.S.A. Section 12553, 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

October 7, 1986

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

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Michael W. Aube of Bangor for reappointment and Gerald E. Talbot of Portland for appointment to the Board of Trustees, Maine Vocational Technical Institutes.

Pursuant to Title 20-A M.R.S.A Section 12553, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON EDUCATION

October 16, 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 nomination of Michael W. Aube of Bangor, for reappointment to the Board of Trustees, Maine Vocational Technical Institutes.

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 9
NAYS: 0
ABSENT: 3 Sen. Brown of Washington,
Sen. Gauvreau of Androscoggin,
Rep. Roberts of Farmington

Ten 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 Michael W. Aube of Bangor, for reappointment to the Board of Trustees, Maine Vocational Technical Institutes 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 the nomination of Michael W. Aube of Bangor 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, ANDREWS, BALDACCI, BERUBE, BLACK, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY
ABSENT: Senators, BROWN, GILL, VIOLETTE
RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Michael W. Aube, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON EDUCATION

October 16, 1986

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

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 nomination of Gerald E. Talbot of Portland, for appointment to the Board of Trustees, Maine Vocational Technical Institutes.

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 9

NAYS: 0

ABSENT: 3 Sen. Brown of Washington,
 Sen. Gauvreau of Androscoggin,
 Rep. Roberts of Farmington

Ten 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 Gerald E. Talbot of Portland, for appointment to the Board of Trustees, Maine Vocational Technical Institutes 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 the nomination of Gerald E. Talbot of 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.

YEAS: Senators None

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BROWN, GILL, VIOLETTE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 37 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Gerald E. Talbot, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The following Communication:

STATE OF MAINE
 OFFICE OF THE GOVERNOR
 AUGUSTA, MAINE 04333

October 7, 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 F. Paul Frinsko of Scarborough for reappointment and Sally C. Rooney of Houlton for appointment to the Inland Fisheries and Wildlife Advisory Council.

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.

October 16, 1986

Sincerely,
S/JOSEPH E. BRENNAN
Governor

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

Which was READ and ORDERED PLACED ON FILE.

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. Paul Frinsko of Scarborough, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

The following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

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:

October 7, 1986

YEAS:	Senators	1
	Representatives	9
NAYS:		0
ABSENT:	3	Sen. Matthews of Kennebec, Sen. Webster of Franklin, Rep. Duffy of Bangor

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

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated F. Paul Frinsko of Scarborough for reappointment and Sally C. Rooney of Houlton for appointment to the Inland Fisheries and Wildlife Advisory Council.

Ten 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. Paul Frinsko of Scarborough, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

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/Zachary E. Matthews
Senate Chair

S/Paul F. Jacques
House Chair

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

Which was READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on FISHERIES AND WILDLIFE has recommended the nomination of F. Paul Frinsko of Scarborough be confirmed.

The following Communication:

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

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

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

ABSENT: Senators, BROWN, CARPENTER, GILL, VIOLETTE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of F. Paul Frinsko, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The following Communication:

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

October 16, 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 Sally C. Rooney of Houlton, for appointment 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 1
Representatives 9

NAYS: 0

ABSENT: 3 Sen. Webster of Franklin,
Sen. Matthews of Kennebec,
Rep. Duffy of Bangor

Ten 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 Sally C. Rooney of Houlton, for appointment 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 the nomination of Sally C. Rooney of Houlton 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.

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, ANDREWS, BALDACCI, BERUBE, BLACK, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BROWN, GILL, VIOLETTE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Sally C. Rooney, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

October 7, 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 Robert E. Baldacci, Jr., of Bangor and J. Gregory Freeman of Presque Isle for reappointment and Najeeb S. Lotfey of Portland for appointment to the Finance Authority of Maine.

Pursuant to Title 10 M.R.S.A. Section 110, 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:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

October 7, 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 J. Gregory Freeman of Presque Isle for reappointment to the Natural Resources Financing and Marketing Committee.

Pursuant to Title 10 M.R.S.A. Section 985, 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:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

October 7, 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 David L. Friedman of Weld for reappointment to the Maine State Housing Authority.

Pursuant to Title 30 M.R.S.A. Section 4602, 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

October 7, 1986

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

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Robert E. Baldacci, Jr., of Bangor and J. Gregory Freeman of Presque Isle for reappointment and Najeeb S. Lotfey of Portland for appointment to the Finance Authority of Maine.

Pursuant to Title 10 M.R.S.A Section 110, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Please be advised that Governor Joseph E. Brennan has nominated J. Gregory Freeman of Presque Isle for reappointment to the Natural Resources Financing and Marketing Committee.

Pursuant to Title 10 M.R.S.A Section 985, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Please be advised that Governor Joseph E. Brennan has nominated David L. Friedman of Weld for reappointment to the Maine State Housing Authority.

Pursuant to Title 30 M.R.S.A Section 4602, 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
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON STATE GOVERNMENT

October 16, 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 Robert E. Baldacci, Jr. of Bangor, for reappointment to the Finance Authority of Maine.

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 3
Representatives 9

NAYS: 0

ABSENT: 1 Rep. Cote of Auburn

Twelve 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 Robert E. Baldacci, Jr. of Bangor, for reappointment to the Finance Authority of Maine be confirmed.

Sincerely,

S/Thomas H. Andrews
Senate Chair

S/Dan A. Gwadosky
House Chair

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator being excused, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Robert E. Baldacci, Jr., was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE GOVERNMENT has recommended the nomination of Robert E. Baldacci, Jr. of Bangor 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.

Senator BALDACCI of Penobscot, requested and received Leave of the Senate to be excused from voting due to a possible conflict of interest.

The Secretary will call the Roll.

ROLL CALL

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

The following Communication:

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

October 16, 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 Najeeb S. Lotfey of Portland, for appointment to the Finance Authority of Maine.

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 3
Representatives 9
- NAYS: 0
- ABSENT: 1 Rep. Cote of Auburn

Twelve 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 Najeeb S. Lotfey of Portland, for appointment to the Finance Authority of Maine 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 the nomination of Najeeb S. Lotfey of Portland be confirmed.

The following Communication:

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

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

October 17, 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.

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

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

Dear Mr. President:

Is the Senate ready for the question?

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 J. Gregory Freeman of Presque Isle, for reappointment to the Finance Authority of Maine.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

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:

ROLL CALL

YEAS: Senators None

YEAS: Senators 3
Representatives 9

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

NAYS: 0

ABSENT: Senators, BROWN, GILL, VIOLETTE

ABSENT: 1 Rep. Boutilier of Lewiston

RESIGNED: Senator NAJARIAN

Twelve 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 J. Gregory Freeman of Presque Isle, for reappointment to the Finance Authority of Maine be confirmed.

Sincerely,
S/Thomas H. Andrews
Senate Chair
S/Dan A. Gwadosky
House Chair

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Najeeb S. Lotfey, was CONFIRMED.

Which was READ and ORDERED PLACED ON FILE.

The Secretary has so informed the Speaker of the House.

THE PRESIDENT: The Joint Standing Committee on STATE GOVERNMENT has recommended the nomination of J. Gregory Freeman of Presque Isle be confirmed.

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

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

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.

COMMUNICATIONS

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, ANDREWS, BALDACCI, BERUBE, BLACK, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BROWN, GILL, VIOLETTE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of J. Gregory Freeman, 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

October 17, 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 J. Gregory Freeman of Presque Isle, for reappointment to the Natural Resources Financing and Marketing Committee.

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 3
Representatives 9

NAYS: 0

ABSENT: 1 Rep. Boutilier of Lewiston

Twelve 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 J. Gregory Freeman of Presque Isle, for reappointment to the Natural Resources Financing and Marketing Committee 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 the nomination of J. Gregory Freeman of Presque Isle 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, ANDREWS, BALDACCI, BERUBE, BLACK, BUSTIN, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BROWN, CARPENTER, GILL, VIOLETTE

RESIGNED: Senator NAJARIAN

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 3
Representatives 9

NAYS: 0

ABSENT: 1 Rep. Cote of Auburn

Twelve 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 David L. Friedman of Weld, for reappointment to the Maine State Housing Authority be confirmed.

Sincerely,
S/Thomas H. Andrews
Senate Chair
S/Dan A. Gwadosky
House Chair

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of J. Gregory Freeman, was CONFIRMED.

Which was READ and ORDERED PLACED ON FILE.

The Secretary has so informed the Speaker of the House.

Senate at Ease
Senate called to order by the President.

The following Communication:

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

October 16, 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 David L. Friedman of Weld, for reappointment to the Maine State Housing Authority.

THE PRESIDENT: The Joint Standing Committee on STATE GOVERNMENT has recommended the nomination of David L. Friedman of Weld 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, ANDREWS, BALDACCI, BERUBE, BLACK, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BROWN, GILL, VIOLETTE

RESIGNED: Senator NAJARIAN

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

October 7, 1986

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of David L. Friedman, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Senator Edgar E. Erwin
Representative John M. Michael
Chairpersons
Joint Standing Committee on Agriculture
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Vaughn H. Holyoke of Brewer for reappointment and Dr. Carol A. Eckert of Windsor for appointment as members of the Pesticides Control Board.

Pursuant to Title 22 M.R.S.A Section 1471-B, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

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

Which was READ and ORDERED PLACED ON FILE.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

October 7, 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 Vaughn H. Holyoke of Brewer for reappointment and Dr. Carol Eckert of Windsor for appointment as members of the Pesticides Control Board.

Pursuant to Title 22 M.R.S.A. Section 1471-B, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON AGRICULTURE

October 16, 1986

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

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

ROLL CALL

Dear Mr. President:

YEAS: Senators None

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 Agriculture has had under consideration the nomination of Vaughn H. Holyoke of Brewer, as a member of the Pesticides Control Board.

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

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:

ABSENT: Senators, BROWN, GILL, VIOLETTE

YEAS: Senators 2
Representatives 9

RESIGNED: Senator NAJARIAN

NAYS: 0

ABSENT: 2 Sen. Black of Cumberland,
Rep. Bragg of Sidney

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 Vaughn H. Holyoke of Brewer, as a member of the Pesticides Control Board be confirmed.

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Vaughn H. Holyoke, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Sincerely,

S/Edgar E. Erwin
Senate Chair

S/John M. Michael
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Vaughn H. Holyoke of Brewer be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE 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 following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON AGRICULTURE

October 16, 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 Agriculture has had under consideration the nomination of Dr. Carol Eckert of Windsor, as a member of the Pesticides Control 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 2
Representatives 9
NAYS: 0
ABSENT: 2 Sen. Black of Cumberland,
Rep. Bragg of Sidney

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 Dr. Carol Eckert of Windsor, as a member of the Pesticides Control Board be confirmed.

Sincerely,
S/Edgar E. Erwin
Senate Chair
S/John M. Michael
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Dr. Carol Eckert of Windsor be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE 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, ANDREWS, BALDACCI, BERUBE, BLACK, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BROWN, GILL, PERKINS, VIOLETTE
RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Dr. Carol Eckert, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

October 7, 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 Diantha A. Carrigan of Medomak and David F. Wihry of Orono for reappointment to the Health Care Finance Commission.

Pursuant to Title 22 M.R.S.A. Section 383, this nomination will require review by the Joint Standing Committee on Human 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.

The following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

October 7, 1986

Senator N. Paul Gauvreau
Representative Merle Nelson
Chairpersons
Joint Standing Committee on Human Resources
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Diantha A. Carrigan of Medomak and David F. Wihry of Orono for reappointment to the Health Care Finance Commission.

Pursuant to Title 22 M.R.S.A Section 383, this nomination will require review by the Joint Standing Committee on Human Resources and confirmation by the Senate.

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

Which was READ and ORDERED PLACED ON FILE.

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 HUMAN RESOURCES

October 16, 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 Human Resources has had under consideration the nomination of David F. Wihry of Orono, for reappointment to the Health Care Finance 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 6
NAYS: 0
ABSENT: 4 Sen. Gill of Cumberland,
Rep. Nelson of Portland,
Rep. Seavey of Kennebunkport,
Rep. Kimball of Buxton
ABSTAINED: 1 Rep. Rolde of York

Eight 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 David F. Wihry of Orono, for reappointment to the Health Care Finance Commission be confirmed.

Sincerely,
S/N. Paul Gauvreau
Senate Chair
S/Merle Nelson
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on HUMAN RESOURCES has recommended the nomination of David F. Wihry of Orono be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on HUMAN RESOURCES 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, ANDREWS, BALDACCI, BERUBE, BLACK, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BROWN, GILL, VIOLETTE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of David F. Wihry, 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 HUMAN RESOURCES

October 16, 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 Human Resources has had under consideration the nomination of Diantha A. Carrigan of Medomak, for appointment to the Health Care Finance 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 5

NAYS: 0

ABSENT: 5 Sen. Gill of Cumberland,
Rep. Nelson of Portland,
Rep. Seavey of Kennebunkport,
Rep. Kimball of Buxton,
Rep. Simpson of Casco

ABSTAINED: 1 Rep. Rolde of York

Seven 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 Diantha A. Carrigan of Medomak, for appointment to the Health Care Finance Commission be confirmed.

Sincerely,

S/N. Paul Gauvreau
Senate Chair

S/Merle Nelson
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on HUMAN RESOURCES has recommended the nomination of Diantha A. Carrigan of Medomak be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on HUMAN RESOURCES 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, ANDREWS, BALDACCI, BERUBE, BLACK, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BROWN, GILL, VIOLETTE

RESIGNED: Senator NAJARIAN

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

October 8, 1986

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Diantha A. Carrigan, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Senator N. Paul Gauvreau
Representative Merle Nelson
Chairpersons
Joint Standing Committee on Human Resources
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Albert H. Forsythe, Jr. of Hallowell for appointment to the Maine Health Care Finance Commission.

Pursuant to Title 22 M.R.S.A Section 383, this nomination will require review by the Joint Standing Committee on Human Resources and confirmation by the Senate.

Sincerely,

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

October 8, 1986

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

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 Albert H. Forsythe, Jr. of Hallowell for appointment to the Maine Health Care Finance Commission.

Pursuant to Title 22 M.R.S.A. Section 383, this nomination will require review by the Joint Standing Committee on Human 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.

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 HUMAN RESOURCES

October 16, 1986

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

Dear Mr. President:

The following Communication:

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 Human Resources has had under consideration the nomination of Albert H. Forsythe, Jr. of Hallowell, for appointment to the Health Care Finance 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 5

NAYS: 0

ABSENT: 5 Sen. Gill of Cumberland,
 Rep. Nelson of Portland,
 Rep. Seavey of Kennebunkport,
 Rep. Kimball of Buxton,
 Rep. Simpson of Casco

ABSTAINED: 1 Rep. Rolde of York

Seven 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 Albert H. Forsythe, Jr. of Hallowell, for appointment to the Health Care Finance Commission be confirmed.

Sincerely,

S/N. Paul Gauvreau
Senate Chair

S/Merle Nelson
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on HUMAN RESOURCES has recommended the nomination of Albert H. Forsythe, Jr. of Hallowell be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on HUMAN RESOURCES 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, ANDREWS, BALDACCI, BERUBE,
 BLACK, BUSTIN, CHALMERS, CLARK,
 DIAMOND, DOW, DUTREMBLE, EMERSON,
 ERWIN, GAUVREAU, HICHENS, KANY,
 KERRY, MATTHEWS, MAYBURY,
 MCBREAIRTY, PEARSON, PERKINS,
 SEWALL, SHUTE, STOVER, TUTTLE,
 TWITCHELL, USHER, WEBSTER, THE
 PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BROWN, CARPENTER, GILL,
 TRAFTON, VIOLETTE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 29 Senators having voted in the negative, with 5 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Albert H. Forsythe, Jr., 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:

COMMITTEE REPORTS

House

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the American Federation of State, County and Municipal Employees and to Fund and Implement Benefits for Certain State Employees Excluded from Bargaining" (Emergency)

H.P. 1763 L.D. 2444

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.

Under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, 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:

COMMITTEE REPORTS

House

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the Maine State Employees Association" (Emergency)

H.P. 1764 L.D. 2445

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.

Under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, 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:

COMMITTEE REPORTS

House

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the Maine State Troopers Association, Representing the Maine State Troopers" (Emergency) H.P. 1765 L.D. 2446

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.

Under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, 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:

COMMITTEE REPORTS

House

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate Funds Necessary for the Computerization of the Personnel Records of State Employees" (Emergency) H.P. 1766 L.D. 2447

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.

Under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, 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:

ORDERS

Joint Resolution

On motion by Senator GAUVREAU of Androscoggin (Cosponsored by: Senator GILL of Cumberland, Representative HIGGINS of Scarborough) (Approved for Introduction by the Legislative Council) the following Joint Resolution:

S.P. 992

JOINT RESOLUTION ENDORSING THE FINDINGS OF THE REPORT OF THE JOINT SELECT COMMITTEE ON IMPROVEMENTS TO THE CORRECTIONS SYSTEM

WHEREAS, there has been much debate about the quality of the state corrections system and numerous attempts have been made to rectify the situation; and

WHEREAS, the 112th Legislature enacted Private and Special Law 1985, chapter 142 entitled, "An Act to Authorize a General Bond Issue in the Amount of \$16,000,000 for Construction and Renovation of Correctional Facilities;" and

WHEREAS, Senate Paper 986, passed by both houses of the Legislature on May 30, 1986, ordered the Joint Select Committee on Improvements to the Corrections System to make recommendations as to the allocation of funds from the General Fund bond issue to the Legislative Council; and

WHEREAS, a complete report was submitted by the joint select committee in a timely fashion; and

WHEREAS, in reviewing the corrections issue, the Joint Select Committee on Improvements to the Correctional System engaged in thoughtful and careful study by reviewing all corrections-orientated legislation promulgated since 1984; studying 3 major reports which concern the present status of the corrections system; visiting the Maine State Prison at Thomaston, the Prison Farm at Warren and the Maine Correctional System at South Windham; and holding numerous public hearings; and

WHEREAS, the committee's deliberations resulted in the almost unanimous agreement that the living conditions at the Maine State Prison fall below constitutionally-mandated standards; that the residential-space problem is compounded by the changing nature of the prison population; and that the State's greatest need is for a 500-bed facility; and for reception, mental health and administrative segregation; now, therefore, be it

RESOLVED: that We, the Members of the 112th Legislature, endorse the suggested allocation of the bond issue money as set forth in the study and strongly urge the ratification of the referendum as it serves the best interests of the State in improving our state correctional system; and be it further

RESOLVED: That the Secretary of State cause the voters to be aware of this resolution and of our approval of the reported allocation of bond issue money for improving the state correctional system.

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:

COMMUNICATIONS

The following Communication: H.P. 1769

PENOBSCOT INDIAN NATION
COMMUNITY BUILDING
INDIAN ISLAND
OLD TOWN, MAINE 04468

October 15, 1986

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

Dear Clerk Pert:

This is to certify in accordance with 3 M.R.S.A., Section 1, second paragraph, that Priscilla A. Attean was duly elected Representative to the State Legislature for a term of two (2) years, beginning on the first day of October, 1986 and ending on September 30, 1988 at the General Tribal Election of the Penobscot Indian Nation held on September 9, 1986 under the provisions of Section 4792 of Chapter IV of the Laws of the Penobscot Nation.

Very truly yours,

S/D. Lorraine Dana
Tribal Clerk

Comes from the House READ and ORDERED PLACED ON FILE.

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

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

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

COMMUNICATIONS

The following Communication: H.P. 1770

STATE OF MAINE
OFFICE OF THE SPEAKER
HOUSE OF REPRESENTATIVES

October 16, 1986

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

Dear Clerk Pert:

This is to notify you that I have made the following appointments:

Pursuant to my authority under Chapter 135 of the Private and Special Laws of 1986, I have appointed Rep. Joseph Brannigan, of Portland, and Rep. Patrick Paradis, of Augusta, to serve as the House members on the Commission to Implement Computerization of Criminal History Record Information.

Pursuant to my authority under Chapters 775 and 809 of the Public Laws of 1986, I will be serving as one of the House members on the Maine-Canadian Legislative Advisory Commission. I am replacing Georgette Berube, who has been named by the Senate President as the third Senate member.

Pursuant to my authority under Chapter 775 of the Public Laws of Maine, Rep. Donald Carter and I will be serving as the two House members of the New England and Eastern Canada Legislative Commission by virtue of our membership on the Maine-Canadian Legislative Advisory Commission.

Pursuant to my authority under 5 M.R.S.A., Section 7021, I have appointed Sister Claudette V. Poulin, of Winslow, to serve on the Maine Commission for Women.

Pursuant to my authority under Chapter 89, of the Resolves of Maine, 1986, I have appointed Rep. Carol Allen of Washington, and Rep. Patricia Stevens, of Bangor, to serve as the House members on the Commission to Examine Problems of Tort Litigation and Liability Insurance in Maine.

Pursuant to my authority under Chapter 86, Resolves of Maine, 1986, I have appointed Kenneth Allen, of Sidney, to serve on the Maine Commission to Examine Chemical Testing of Employees.

Pursuant to my authority under Chapter 86 of the Resolves of Maine, 1986, I have appointed Thomas C. Johnston, of Bangor, to serve as a member of the Maine Commission to Examine Chemical Testing of Employees.

Pursuant to my authority under Chapter 813 of the Public Laws of Maine, 1986, I have appointed the following members of the House of Representatives to serve on the Legislative Task Force on Railroads: Rep. Donald Carter, Rep. Lorraine Chonko, Rep. Edith Beaulieu, Rep. Ruth Joseph, Rep. Thomas Duffy, Rep. Rita Melendy, Rep. Edward Dexter, Rep. Gennette Ingraham, Rep. Maynard Conners, and Rep. Paul Parent.

Pursuant to my authority under House Rule 1, I have appointed Rep. John L. Martin, of Eagle Lake, to serve as a member of the Joint Standing Committee on the Judiciary.

Pursuant to my authority under Chapter 749 of the Public Laws of 1986, I have appointed Rep. Donnell Carroll, of Gray, to serve as the House member on the Committee on Staff Retention in Community-based Residential Facilities for Persons with Mental Retardation.

Pursuant to my authority under Chapter 119, Private and Special Laws of Maine, 1986, I have appointed the following House members to the Municipal Land Bank Study Committee: Rep. James Mitchell, Chair; Rep. Joseph Mayo; Rep. Muriel Holloway; and Rep. Stephen Zirnkilton.

Pursuant to my authority under Chapter 555, Public Laws of Maine, 1986, I have appointed Rep. Frederick Soucy, of Kittery, to serve as House member on the Maine-New Hampshire Boundary Commission.

Pursuant to my authority under House Rule 1, I have appointed Rep. Daniel Warren, of Scarborough, to the Joint Standing Committee on Judiciary. I have resigned from this panel effective immediately, and he will be replacing me.

Sincerely,

S/John L. Martin
Speaker of the House

Comes from the House READ and ORDERED PLACED ON FILE.

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

Senate at Ease

Senate called to order by the President.

Representatives: MITCHELL of Freeport
COLES of Harpswell
RIDLEY of Shapleigh

(Representative JACQUES of Waterville Abstained)

Off Record Remarks

Which Reports were READ.

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

On motion by Senator USHER of Cumberland, the
Original Bill was substituted for the Committee
Reports.

On further motion by same Senator, under
suspension of the Rules, READ TWICE.

After Recess

On further motion by same Senator, Senate
Amendment "A" (S-571) READ.

Senate called to order by the President.

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

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

Senator USHER: Mr. President, very briefly, to
describe the Amendment which is a Committee Amendment
and it is the adjustment from yesterday's vote for
those who weren't in attendance to our caucus. The
date of the moratorium has been changed from one year
to ninety-one days after the next regular session.
Which would be approximately in the latter part of
September, we hope. The applications after the
moratorium will be the local applications which is
PERC and the local landfills will be given
priorities. This is an agreement with the sponsors
and the people who worked many hours on this and I
think that it is in good position for passage.

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on ENERGY AND
NATURAL RESOURCES on Bill "An Act to Impose a
Moratorium on the Licensing of Commercial Landfills
for the Disposal of Solid Waste" (Emergency)
S.P. 988 L.D. 2443

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

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-569).

Senator TUTTLE: Mr. President and Members of
the Senate. The hour is late and I will try to make
my comments brief, but as many of you know, I have
been deeply concerned about this issue and the
development of new commercial landfills for some
time. I am concerned about them because the people
that I represent are very much concerned about them.
In fact, never in my legislative career have I spoken
on an issue with such strong support and consensus
from the people back home.

Signed:

Senators: USHER of Cumberland
EMERSON of Penobscot

Representatives: BROWN of Livermore Falls
DEXTER of Kingfield
HOLLOWAY of Edgecomb
MICHAUD of Medway
HOGLUND of Portland
LAW of Dover-Foxcroft

The Minority of the same Committee on the same
subject reported that the same Ought to Pass as
Amended by Committee Amendment "B" (S-570).

The people from my Senate district, most notably
the residents of Lebanon, have made a courageous
stand on this issue. They have organized, they have
demonstrated and they have reached for the attention
of any public official who was willing to listen.
They have stood hand in hand blocking the passage of
large vehicles attempting to enter the Hebo Hybo road
in Lebanon, as a last resort to draw attention to
their cause. These people are not radical activists,
in fact, they are generally quiet, thoughtful and a
conservative group of people. The proposed Hebo Hybo
waste landfill and the proposed landfill in another
one of my towns in Berwick, is now threatening the
very quality of their lives. These rural communities
are now faced with a very real possibility of
contaminated drinking water. The proposed landfills

Signed:

Senator: KANY of Kennebec

will undoubtedly result in dramatic and unwelcoming increases in traffic and will cause devastating decline in the value of all property in the area if they go through. In short, they will lose all of the pleasures they had hoped to achieve by living in rural Maine.

The people I represent are very concerned. Their concerns are legitimate and their concerns are correct. The Bill we are considering today, or the original Bill, provided a thoughtful, practical and impudent approach to a very serious problem. It provides the State of Maine with time. The time to rethink our solid waste disposal policy, a time to reconsider our current regulations and enforcement policy and time to prevent Maine from being a dumping ground for the rest of the Nation. In closing, I must reiterate that the people of my area, like most people in Maine, are reasonable people, but we are not prepared to accept the unneeded responsibility and the risks for our industrial neighbors to the south. As I look over the new draft, I would have preferred the passage of the original bill that I offered, as the sponsor of the Bill, at Wednesday's public hearing. It is important that we state clearly that a total moratorium on the licensing of commercial landfills or the disposal of solid waste will be in effect with the passage of this Bill and that this was the clear intent of this Legislature.

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

Senator BLACK: Thank you Mr. President and fellow Senators. As the Senator representing the 25th District of the York and Cumberland area, the concern for the water pollution in the area has been tremendous and justified. I feel that the compromise here that has been offered is certainly one that we can live with until the Committee makes it's report and we can pass legislation with scientific advantage in our favor. Thank you.

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

Senator PEARSON: Mr. President, Men and Women of the Senate. I am very pleased that this Bill is before us. The last time we were meeting, the good Senator from York, Senator Tuttle, had offered a bill for the residents of his County. This Bill goes further then that and talks about the whole State. After quite some deliberations and research I am satisfied with the contents of this Bill, I do want to read one thing into the record for legislative intent. "Under the terms of this report, and owner of a waste or energy facility like the owner of any other waste generator will be able to proceed with an application for a secure landfill which it owns for the sole purpose of disposing of waste generated as a result of it's process." I have been assured by the Assistant Attorney General, who drafted the Bill, that the intent is to consider such waste as waste generated by the owner and, therefore, the application is exempt from the moratorium.

I would like to say that not only to you face that particular problem in York County and southern Maine, but I very recently attended numerous meetings in my district, which is also faced with the possibility with someone from away coming in and buying land and securing it as a solid waste landfill for waste that would be generated from out of the State.

That town has become very upset at numerous meetings and I am sure they will be very pleased to find that the Maine Senate has done something to address their needs also.

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

Senator DIAMOND: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have to express some concerns about this Amendment and also be very specific in those concerns. I will read into the record those concerns so you then and we then, those of you who are returning in the 113th and those of us who are not, we will both have the same understanding. I hope that anyone who might disagree with these concerns that I have or the intent as I interpret them would so state.

The first concern is what the good Senator from Penobscot, Senator Pearson, just mentioned and that being that PERC, under this Amendment, under the definition of commercial landfill group, would be exempt and not only does the Amendment say that but the ash being privately owned and, therefore, not commercial, but also you heard that the good Senator from Penobscot, Senator Pearson, reinforced with his statement. If that be the case and I think that it is, then I think we also have to remember that does not only pertain to PERC, but to MERC and anybody else that comes under those guidelines. As Commissioner Young pointed out in the Joint Caucus that we had today in the Senate, indicated that not only does it apply to those particular people, but also it could apply to an out-of-state firm who may wish to structure itself under that definition. As I see this compromise and as I support this compromise, I say so with the intent of this Amendment. That is that we are saying as a Legislature of the 112th Special Session, we are only saying that indeed we want true moratorium, and indeed we want a moratorium that is going to be meaningful, that will work and that these loopholes that we have been able to identify are not there intentionally and are not there for the purpose of driving trucks through. I need to say that and I need to also hope that you all agree with me, that this is not our intent and I am sure that it isn't.

Being a little more specific, I would also point out another concern that I have under the definition of commercial landfill, when it uses the term burial. One of the sites that I visited, as a result of underground tank leakage and water contamination in Berwick, we found through examining this land site that this would not be a burial situation, in fact, it would be a sixty-five foot mountain of out-of-state trash.

That concerns me as well, and as I posed that question to the Commissioner this morning in caucus, he reassured me that his opinion was that even though it is above ground and sixty-five feet high, we are still burying it. He did, however, allow that there may be a problem with that at some point. Those are my concerns, I hope our intent is, in fact, we are talking about burial, that we are not talking about trash mountains and that certainly our intent is to have a real moratorium with not many loopholes for a lot of different people to use. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President and Members of the Senate. The good Senator from Cumberland, Senator Diamond's, concerns are all valid and certainly it was appropriate that he express them. Those of us who are coming back or who expect to come back and who the voters choose to send back certainly will keep those in mind when we do put forth legislation that will address some of the major problems surrounding the disposal of solid waste here in the State of Maine.

We do know that we are getting a great deal of waste brought in from other northeastern states, primarily from Massachusetts and New Hampshire, because it is so difficult to license, locate and site waste disposal in those states. I will say that probably this so called compromise is not perfect, that it is a moratorium of sorts and it is prudent to pause, but I guess the main reason why I am strongly supportive of it and I am glad to see that we can get some consensus among the committee members today, is that probably, it is very important that we send a message to would be polluters throughout the Nation that the Maine Legislature and the Governor of Maine will just simply not stand for that type of pollution of our ground water. I think for that reason it is definitely worthy of support.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate. There have been suggestions that this Bill is necessary in order to stop the importation of solid waste into the State of Maine. With all due respect, I think that this reflects a misunderstanding of our purposes of this Bill and how it achieves those purposes. This Bill is not and does not ban the importation of solid waste from out-of-state. We considered such a bill at the Second Regular Session last spring and it was rejected. This Bill is concerned with who is controlling waste disposal and under what regulations, not with whether if the waste originates within Maine or out of Maine. There is a growing consensus merging from the on-going study committee that are current laws and enforcement resources were not designed to deal with large scale landfills. Proposals to deal with that will emerge from the study committees work next March. Until we get those recommendations and improve our system we need to

minimize the commitments we make to commercial solid waste landfills.

We need to be sure, as much as we can be sure, that this landfills are being managed consistent with the public interest. That is why this Bill limits itself to commercial landfills. A commercial landfill operator should, and should be expected to, operate his landfill in the most profitable way, but with insufficient regulatory constrictions and enforcement the most profitable way is not always the best way for communities that are affected by the landfill.

In this line of business we cannot afford to have any corner cutting. That is why the Bill exempts publicly controlled landfills from the moratorium. These landfills can, and some of them probably will, continue to accept waste generated from out side of the state. Because they are public they are best able to make there discussions that accepting some kind of waste is not worth the environmental risks. Even if it appears to be the very profitable part to do so in the short run.

In short, publicly operated landfills are likely to make decisions in the long term best interest of their member communities. The Bill also exempts from the moratorium privately owned landfills dedicated to their own waste. Most, if not all, of these are owned and operated by the pulp and paper industries of the state. These companies must have a method of disposing of their waste, otherwise they will have to shut down. The economic consequences of a shut down would be catastrophic for the affected communities and the environmental risks of the landfills must be counter balanced by the importance of the economic help of the communities in which they are located. In addition, these companies have substantial capital assets, apart from their landfills, that are at risk in their operations, thus, these companies have a long term stake in the state and will be answerable for any unintended environmental problems created by their landfills. Because of this investment they are that much less likely to put it at risk by making short term cost cutting, but long term environmentally unsound decisions in their landfilling practices.

Lastly, these are industries who are very familiar to our regulators who can assess the types of hazards associated with their waste. By contrast, commercial operators as a group deal in many different types of wastes with which are regulators are less familiar. These then are the distinctions drawn by the Bill. They are drawn so as to impose the minimum restraint possible on the disposal or solid waste in the State while allowing the necessary time for us to review and revise our regulations, to make sure that the private sector operates consistent with the overriding public interest.

Senate at Ease

Senate called to order by the President.

Joint Resolution

The Following Joint Resolution: H.P. 1772

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

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO CURTAIL OIL COMPANY PROFITEERING

After Recess

Senate called to order by the President.

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Third Special Session of the One Hundred and Twelfth Legislative Session, now assembled, most respectfully present and petition the United States Congress, as follows:

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator USHER of Cumberland to ADOPT Senate Amendment "A" (S-571).

WHEREAS, the Oil Producing Economic Cartel nations recently announced a unilateral cut in crude oil production, effective September 1, 1986, of 4,000,000 barrels of oil per day, representing approximately 20% of Oil Producing Economic Cartel's crude oil production; and

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

WHEREAS, this cut was announced with the sole purpose of driving up the price of gasoline worldwide; and

PAPERS FROM THE HOUSE

House Papers

WHEREAS, it is common business knowledge that it takes from 30 to 45 days for the retail price at the gasoline pump to reflect any variation in the price of a barrel of crude oil; and

Bill "An Act to Clarify the Effect of an Appropriation to the Maine State Retirement System" (Emergency)

H.P. 1771 L.D. 2449

WHEREAS, since the recent OPEC announcement, price increases ranging from 2¢ to 8¢ per gallon have been announced by almost every major oil company; and

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

WHEREAS, it is impossible for this increase to be reflective of any cut in crude oil production by the Oil Producing Economic Cartel, since the actual cut hasn't even gone into effect as yet; and

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

WHEREAS, the Maine State Legislature desires to go on record as charging that oil companies who have raised the prices imposed on dealers since the Oil Producing

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

Economic Cartel announcement cutting production, are unjustly capitalizing on this Oil Producing Economic Cartel announcement and are profiteering at the expense of the American consumer; now, therefore be it

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

RESOLVED: That We, your Memorialists respectfully urge and request the United States Congress to take every action within its power to curtail the practice of profiteering on the part of oil companies and to restore any such profits to the consumers; and be it further

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

RESOLVED: that suitable copies of this Memorial be transmitted by the Secretary of State to the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Maine Congressional Delegation.

PAPERS FROM THE HOUSE

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:

ENACTORS

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

Emergency

An Act to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the American Federation of State, County and Municipal Employees and to Fund and Implement Benefits for Certain State Employees Excluded from Bargaining

H.P. 1763 L.D. 2444

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 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:

Emergency

An Act to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the Maine State Employees Association

H.P. 1764 L.D. 2445

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 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:

Emergency

An Act to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the Maine State Troopers Association, Representing the Maine State Troopers

H.P. 1765 L.D. 2446

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 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:

Emergency

An Act to Appropriate Funds Necessary for the Computerization of the Personnel Records of State Employees

H.P. 1766 L.D. 2447

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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Amending the Community Industrial Buildings Program Law" (Emergency)
H.P. 1774 L.D. 2451

Committee on STATE 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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Protect Security Interests in Farm Products so as to Provide for Continued Financing of Farm Operations" (Emergency)
H.P. 1775 L.D. 2452

Committee on AGRICULTURE 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.

ORDERS OF THE DAY

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

Bill "An Act to Impose a Moratorium on the Licensing of Commercial Landfills for the Disposal of Solid Waste" (Emergency)
S.P. 988 L.D. 2443

Tabled - October 17, 1986, by Senator CLARK of Cumberland.

Pending - The motion of Senator USHER of Cumberland to ADOPT Senate Amendment "A" (S-571)

(In Senate, October 17, 1986, Original Bill substituted for the Committee Reports. Under suspension of the Rules, READ TWICE. Senate Amendment "A" (S-571) READ.)

Senator USHER of Cumberland requested and received Leave of the Senate to Withdraw Senate Amendment "A" (S-571).

Off Record Remarks

Senate at Ease

Senate called to order by the President.

On motion by Senator USHER of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Deorganize the Town of Benedicta"
H.P. 1773 L.D. 2450

Committee on LOCAL AND COUNTY GOVERNMENT suggested and ORDERED PRINTED.

Senate called to order by the President.

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

ORDERS OF THE DAY

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

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

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

Bill "An Act to Impose a Moratorium on the Licensing of Commercial Landfills for the Disposal of Solid Waste" (Emergency)

S.P. 988 L.D. 2443

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

Tabled - October 17, 1986, by Senator USHER of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

PAPERS FROM THE HOUSE

House Papers

Resolve, to Appropriate Additional Funds to Commemorate the Bicentennial of the United States Constitution (Emergency)

H.P. 1776 L.D. 2453

(In Senate, October 17, 1986, Original Bill substituted for the Committee Reports. Under suspension of the Rules, READ TWICE. Senate Amendment "A" (S-571) READ. Subsequently, Senate Amendment "A" (S-571) withdrawn.)

On motion by Senator USHER of Cumberland, Senate Amendment "B" (S-572) was READ.

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

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

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

Senator USHER: Thank you Mr. President. This is the corrected version of the earlier Amendment. The dates have been corrected the ninety-one days have been added to it. I apologize for that, that is the information they received when they printed it. The ninety-one days is in there and the correction, also, on the substantial expansion part, whichever is more, they had whichever is less. That was also a change that was made. We are hoping that this will be excepted this afternoon.

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

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

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

Senator KANY: Mr. President and Members of the Senate. I would just like to point out something that probably all of you are well aware of and that is the good Senator from Cumberland, Senator Diamond's, concerns were valid, there were problems with that other Amendment.

Senator CLARK of Cumberland was granted unanimous consent to address the Senate Off the Record.

On motion by Senator USHER of Cumberland, Senate Amendment "B" (S-572) ADOPTED.

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

Which was PASSED TO BE ENGROSSED AS AMENDED.

After Recess

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

Off Record Remarks

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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Providing Legislative Authorization Regarding Telecommunications Systems Lease Purchase for the Lewiston Office Complex" (Emergency)

H.P. 1767 L.D. 2448

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-778).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-778)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-778) 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.

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 Clarify the Effect of an Appropriation to the Maine State Retirement System
H.P. 1771 L.D. 2449

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in 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.

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 Deorganize the Town of Benedicta
H.P. 1773 L.D. 2450

Which 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:

Emergency

An Act Amending the Community Industrial Buildings Program Law
H.P. 1774 L.D. 2451

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 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 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:

ENACTORS

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

Emergency

An Act to Protect Security Interests in Farm Products so as to Provide for Continued Financing of Farm Operations

H.P. 1775 L.D. 2452

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Joint Resolution Endorsing the findings of the Report of the Joint Select Committee on Improvements to the Corrections System

S.P. 992

In Senate, October 17, 1986, READ and ADOPTED.

Comes from the House READ and ADOPTED AS AMENDED BY HOUSE AMENDMENT "A" (H-779) in NON-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:

Emergency Resolve

Resolve, to Appropriate Additional Funds to Commemorate the Bicentennial of the United States Constitution

H.P. 1776 L.D. 2453

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President, Men and Women of the Senate. I apologize for prolonging these proceedings today, but I do want to make a few remarks regarding the Corrections Bond Issue. I am urging you to support the motion or the request that we received and Concur in the House action.

The Amendment to the Resolution before you accomplishes the following purpose. First, there was a reference in the original Resolution that the most critical need facing the corrections system in the State of Maine was to erect a new five hundred corrections facility. This summer I chaired the select committee on improvements to the corrections system and that was not the decision of the committee, we took no action with respect to that request and it would be inappropriate to include that language in the Resolution and recommending endorsements of the Bond Issue on corrections this fall.

The second portion of the Amendment, makes it clear that it is critical for this Body as a Legislature to craft and implement a long term coherent strategy on improvements to our corrections system.

The first step in that corrections plan must be to address and remedy the grossly inadequate situation which exists today at the Maine State Prison in Thomaston on the east wing. Our committee has called for and we are recommending that by 1989 the east wing of the state prison be reduced from its current inmate capacity of 220 people to no more than 110 persons in that the balance of the space at the state prison be dedicated for a program for treatment or recreation facilities. Also by the year 1989, that sufficient funds be appropriated, either by way of bond or the general fund to construct a 116 bed facility which would serve as a classifications unit in the state corrections system. The Committee felt strongly that those issues had to be addressed. There were not sufficient funds in the current 16 million dollar Bond Issue to address those needs. We feel strongly that these have to be addressed. For those reasons, I would urge you to Concur with the House. Thank you.

On motion by Senator GAUVREAU of Androscoggin, 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 to Impose a Moratorium on the Licensing of Commercial Landfills for the Disposal of Solid Waste
S.P. 988 L.D. 2443
(S "B" S-572)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 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

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 Providing Legislative Authorization Regarding Telecommunications Systems Lease Purchase for the Lewiston Office Complex
H.P. 1767 L.D. 2448
(C "A" H-778)

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.

ORDERS

On motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to His Excellency, Governor Joseph E. Brennan, informing him 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 appointed the Senator from Cumberland, Senator CLARK to deliver the message. The Sergeant-At-Arms escorted the Senator to His Excellency, the Governor.

On motion by Senator CARPENTER of Aroostook, the following Senate Order:

Off Record Remarks

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 appointed the Senator from Aroostook, Senator CARPENTER, to deliver the message. The Assistant Sergeant-At-Arms escorted the Senator to the House of Representatives.

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

On motion by Senator STOVER of Sagadahoc at 7:07 p.m. on Friday, October 17, 1986, the Honorable CHARLES P. PRAY, declared the Senate of the Third Special Session of the 112th Legislature, ADJOURNED SINE DIE.

Off Record Remarks

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

THE PRESIDENT: The Governor said during his address to the Joint Convention, this morning, that this would be the last meeting of the 112th Legislature. The Chair would be remiss if he did not extend his best of wishes to those Members of this Chamber who will not be returning by their own choice and those of us who may not be returning by the voters choice. I want to extend a sincere expression of gratitude for the support that has been shown over the last two years. We rustled with some very important, significant issues on behave of the State and I think even though we sometimes disagreed, afterwards, we have always been cordial to each other and behaved in the most becoming manner of our statute and position representing the people of the State. I want to thank each and everyone of you for the diligence and hard work that you have put in on behave of your constituency and all of the citizens of the State. Thank you.

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