

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Twelfth
Legislature

OF THE
STATE OF MAINE

VOLUME II

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SECOND SPECIAL SESSION
1st Legislative Day

This being the day designated in the proclamation of the Governor for the meeting of the One Hundred and Twelfth Legislature in extra session, the members of the House of Representatives assembled in their hall at 10:00 o'clock in the morning and were called to order by the Speaker.

Prayer by Father Clement D. Thibodeau, Notre Dame Catholic Church, Waterville.

National Anthem by the Hall-Dale High School Band, Hallowell.

For the purpose of ascertaining the presence of a quorum, a certified roll of the Representatives was taken.

The elected membership of the House being 151 and 139 members having answered to their names with 11 absent and one vacancy, a quorum was found to be present.

Absent were Representatives Ayer of Caribou, Dellert of Gardiner, Dexter of Kingfield, Hepburn of Skowhegan, Hillock of Gorham, Ingraham of Houlton, Pines of Limestone, Ridley of Shapleigh, Sherburne of Dexter, Stevens of Bangor and Weymouth of West Gardiner.

The Following Proclamation:

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

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

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

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

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

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

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

NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers of the Capitol in Augusta on Wednesday, the twenty-eighth day of May, 1986 at ten

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

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

S/JOSEPH E. BRENNAN
Governor

S/RODNEY S. QUINN
Secretary of State

A true copy.

Attest: S/JAMES S. HENDERSON
Deputy Secretary of State

Was read and placed on file.

On Motion of Representative DIAMOND of BANGOR, the following Order:

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

Was read and passed and the Chair appointed the following Members:

Representative NELSON of Portland
Representative MANNING of Portland
Representative CARROLL of Gray
Representative MELENDY of Rockland
Representative ROLDE of York
Representative SIMPSON of Casco
Representative PINES of Limestone
Representative SEAVEY of Kennebunkport
Representative KIMBALL of Buxton
Representative TAYLOR of Camden

Subsequently, Representative Nelson of Portland reported that the committee had performed the duty with which they were assigned.

A message was received from the Senate, borne by Senator Clark of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

On Motion of Representative HAYDEN of Brunswick, the following Order:

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

Was read and passed and Representative DIAMOND of Bangor was appointed to convey the message and subsequently reported that he had delivered the message with which he was charged.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333

April 23, 1986

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

Dear Governor:

Please consider this letter as formal notice of my resignation from the Maine House of Representatives, effective immediately.

I hope you will consider the argument advanced in the attached Press Release and agree with me that a special election in this instance is not warranted.

As you may recall, I came to the legislature with the Brennan Administration. I regret I am unable to stay until the last gun is fired, but I know Robert will more than make up for my absence.

You have been a grand credit to all of us as our Governor and it has been a privilege to have been associated with you.

Very sincerely yours,

S/Edward J. Kane

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

April 24, 1986

Hon. Rodney S. Quinn
Secretary of State
State House Station #29
Augusta, Maine 04333

Dear Mr. Secretary:

This is to notify you that I have received the resignation of Rep. Edward J. Kane, House District 23, effective April 23, 1986, and that a vacancy now exists under M.R.S.A. 21-A, §361.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

May 8, 1986

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

Dear Clerk Pert:

This is to notify you that pursuant to my authority under Chapter 85 of the Resolves of Maine, 1986, I have today appointed Rep. John Lisnik, of Presque Isle, to serve as the House member on the Maine Commission to Commemorate the Bicentennial of the United States Constitution.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

May 8, 1986

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

Dear Clerk Pert:

This is to notify you that pursuant to my

authority under Chapter 86 of the Resolves of Maine, 1986, I have today appointed the following to serve on the Maine Commission to Examine Chemical Testing of Employees.

Rep. Edith Beaulieu, Portland
James McGregor, Bath
Thomas Johnson, Bangor
Gordon Roderick, Waterville
Kenneth Allen, Sidney

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

May 8, 1986

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

Dear Clerk Pert:

This is to notify you that pursuant to my authority under Chapter 88, Resolves of Maine, 1986, I have today appointed Rep. John Jalbert, of Lisbon, and Rep. Francis Perry, of Mexico, to serve on the Commission to Study the Integration of the Maine State Retirement System with the Social Security System.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

May 8, 1986

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

Dear Clerk Pert:

This is to notify you that pursuant to my authority under Chapter 732 of the Public Laws of Maine, 1986, I have today appointed the following to serve on the Board of Commissions.

Rep. Phyllis Erwin, Rumford
Joint Standing Committee
on Audit and Program
Review

Rep. Dan Gwadosky, Fairfield
Joint Standing Committee
on State Government

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

A message came from the Senate borne by Senator Violette of that Body proposing a convention of both branches of the Legislature to be held at 10:30 a.m. in the Hall of the House for the purpose of extending to His Excellency, Joseph E. Brennan, Governor of Maine, an invitation to attend the convention and to make such communication as he may be pleased to make.

Representative DIAMOND of Bangor was charged with and conveyed a message to the Senate announcing that the House concurred in the above proposition for a Joint Convention.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

May 8, 1986

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

Dear Clerk Pert:

This is to notify you that pursuant to my authority under Chapter 711 of the Public Laws of 1986, I have today appointed Rep. Charlene Rydell, of Brunswick, to serve as the House member on the Committee to Advise the Department of Human Services on AIDS.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:

State of Maine
Senate Chamber
Augusta, Maine 04333

May 13, 1986

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

Dear Clerk Pert:

Please be advised that I have made the following appointments:

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

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

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

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

Sincerely,

S/Charles P. Pray
President of the Senate

Was read and ordered placed on file.

The following Communication: (H.P. 1736)

STATE OF MAINE SUPREME JUDICIAL COURT

In Re Chapter 515, Public Laws of 1985

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

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

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

Gentlemen:

We submit this direct letter of address¹ to you, the representatives of our two coordinate branches of government, in order to inform you promptly of our reasons for not complying with the provisions of P.L. 1985, ch. 515. We are compelled by the Maine Constitution not to follow the expressed mandate of the Legislature. Out of respect for our coordinate branches of government, we choose to respond forthrightly rather than await an adversary challenge to our failure to act in accordance with the provisions of the statute.

With the enactment of P.L. 1985, ch. 515, which becomes effective July 16, 1986, the Legislature has directed this Court to promulgate rules governing photographic and electronic media coverage of proceedings in the trial courts of this State. Upon due consideration, this Court concludes that the governance of media access to courtrooms is within the judicial power committed to this Court by the Maine Constitution. Me. Const. art. VI, §1. Chapter 515 constitutes an exercise of judicial power by the Legislature in violation of the provisions of the Constitution allocating the powers of government among three distinct departments and forbidding any person belonging to one department from exercising any power properly belonging to another department. Me. Const. art. III, §§ 1, 2. Accordingly, we respectfully decline to promulgate rules as contemplated by the legislative act.

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

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

Open Meeting on Cameras in the Courtroom on January 26, 1982; and voluminous writings on the subject, this Court promulgated on April 2, 1982 the current administrative order governing media access to Maine courts.

The current order allows the media to photograph, record, and broadcast oral arguments before the Supreme Judicial Court sitting as the Law Court. As to all other court proceedings, photographing, recording, or broadcasting is prohibited, subject to minor exceptions. The exceptions permit a judge to allow use of electronic or photographic means for purposes of judicial administration, such as the presentation or perpetuation of evidence; to allow photographing, recording, or broadcasting of naturalization and other ceremonial proceedings; and to allow photographic or electronic recording and reproduction of other court proceedings under certain conditions, including inter alia that the reproduction not be exhibited until the determination of the case has become final and that it be exhibited only for instructional purposes at educational institutions or as otherwise specifically approved by the Supreme Judicial Court.

The statute enacted by the Legislature states in relevant part:

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

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

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

Article VI, section 1 of our Constitution vests the "judicial power of this State" in the Supreme Judicial Court and other courts established by the Legislature. By this provision, the people of Maine

conferred all of the judicial power upon the judicial department and left none to be exercised by the Legislature, except in cases of impeachment. District Court for District IX v. Williams, 268 A.2d 812, 813 (Me., 1970); Opinion of the Justices, 157 Me. 104, 108, 170 A.2d 647, 650 (1961); Bowden's Case, 123 Me., 359, 366, 123 A. 166, 169 (1924); Lewis v. Webb, 3 Me. 326, 330 (1825). Thus within its power, the judiciary acts with exclusive authority, Williams, 268 A.2d at 813, and any attempt by the Legislature to exercise judicial power constitutes an invasion of the province of the judiciary in violation of article III of the Constitution. Lewis, 3 Me. at 331.

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

In discharging the judicial function, courts have crafted a process and preserved an atmosphere designed to facilitate the pursuit of truth and justice. In 1981, representatives of the media asked this Court to allow television coverage to become a part of our system of justice. We declined based on this Court's perception of potential adverse impact upon the most integral actors in the trial process. This action fell squarely within this Court's power to preserve the ability of the judiciary to function in the manner determined to be most conducive to the performance of its assigned task. See District Court for District IX v. Williams, 268 A.2d at 814 ("constitution confers on judicial department all authority necessary to exercise its powers" quoting Gray v. Clerk of Common Pleas Court, 366 Mich. 588, 595, 115, N.W.2d 411, 414 (1962)). Through enactment of chapter 515, the Legislature has attempted to overrule a considered decision of this Court made in the exercise of its judicial power. Article III of

Maine's Constitution does not allow the Legislature to review the judicial acts of this Court. Lewis v. Webb, 3 Me. at 332-33 (Legislature cannot grant appeal in finally decided case because such would nullify an exercise of judicial power); see Williams, 268 A.2d at 813 (Executive review of exercise of judicial power prohibited by article III). Because chapter 515 violates the separation of powers provisions of the Maine Constitution, and because we have previously rejected a proposal for photographing, recording and broadcasting trial court proceedings, we are compelled to conclude that its mandate is ineffective.

Dated: April 25, 1986

Respectfully submitted

S/Vincent L. McKusick
Chief Justice

S/David A. Nichols

S/David G. Roberts

S/Elmer H. Violette

S/Daniel E. Wathen

S/Caroline D. Glassman

S/Louis Scolnik

Associate Justices

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1737)

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

May 14, 1986

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

Dear Mr. Speaker:

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

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

questions about the report.

Sincerely,

S/Dean Crocker
Executive Director
ADD, Inc.

Was read and with accompanying report ordered placed on file and sent up for concurrence.

The following Communication:

State of Maine
ADMINISTRATIVE OFFICE OF THE COURTS
P. O. Box 4820 Downtown Station
Portland, Maine 04112

May 14, 1986

Dear Speaker Martin:

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

Sincerely,

S/Dana R. Baggett
State Court Administrator

Was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 1715)

State of Maine
House of Representatives
Augusta 04333

May 19, 1986

John L. Martin
Speaker of the House
112th Legislature

Charles P. Pray
President of the Senate
112th Legislature

Dear Mr. Speaker and Mr. President:

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

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

Appropriations and Financial Affairs

Bill "An Act Making Appropriations and

LEGISLATIVE RECORD - HOUSE, MAY 28, 1986

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

Marine Resources

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

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1717)

State of Maine
House of Representatives
Augusta 04333

May 20, 1986

John L. Martin
Speaker of the House
112th Legislature

Charles P. Pray
President of the Senate
112th Legislature

Dear Mr. Speaker and Mr. President:

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

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

Human Resources

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

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1721)

State of Maine
House of Representatives
Augusta 04333

May 21, 1986

John L. Martin
Speaker of the House
112th Legislature

Charles P. Pray
President of the Senate
112th Legislature

Dear Mr. Speaker and Mr. President:

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

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

Appropriations and Financial Affairs

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

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

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1725)

State of Maine
House of Representatives
Augusta 04333

May 22, 1986

John L. Martin
Speaker of the House
112th Legislature

Charles P. Pray
President of the Senate
112th Legislature

Dear Mr. Speaker and Mr. President:

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

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

Aging, Retirement and Veterans

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

Local and County Government

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

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Was read and ordered placed on file and sent up for concurrence.

The following Communication:

STATE OF MAINE
PUBLIC UTILITIES COMMISSION
242 State Street
State House Station 18
Augusta, Maine 04333

May 19, 1986

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

Dear Speaker Martin:

The Second Regular Session of the 112th

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

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

The status of the three largest utilities is as follows:

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

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

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

Commission received the filing from Bangor Hydro this morning.

S/Ralph L. Tucker
Chairman

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

Sincerely,

S/Peter A. Bradford
Chairman

Was read and ordered placed on file.

The following Communication: (H.P. 1738)

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

May 15, 1986

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

Re: Workers' Compensation Regulations on
Rehabilitation

Dear Speaker Martin:

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

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

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

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

Sincerely,

Was read and with accompanying report ordered placed on file and sent up for concurrence.

The following Communication:

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

May 15, 1986

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

Dear President Pray and Speaker Martin:

As provided in Legislative Resolves, Chapter 55 (1977), we, the undersigned, are pleased to submit the following as our annual report on the status of fish passage at the Augusta Dam. During the past year, the fisheries agencies have developed a fish restoration plan for the Kennebec River and have selected waters within the drainage where anadromous fish will be restored; this information is necessary for the Federal Energy Regulatory Commission to make its decision on the need for fish passage at the Augusta Dam. Prior to submittal of this information to the FERC, a number of upriver dam owners (Central Maine Power Company, Scott Paper Company, Pittsfield Manufacturing Company, and Benton Falls Associates), collectively known as the Kennebec Hydro Developers Group, have met with the Department of Marine Resources to propose a cooperative restoration program involving funds provided by the hydropower group. Unfortunately, the Augusta Dam owners are not a party to this proposed agreement. Since these upriver dams are also in the process of federal relicensing, the state fisheries agencies have proposed that fish passage facilities be installed after passage is provided at the Augusta Dam. The upriver dam owners have proposed a fish trucking program in lieu of immediate fish passage, along with a long-term commitment to install permanent upstream and downstream passage facilities at their dams. This program would begin immediately upon execution of the proposed cooperative agreement.

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

the FERC.

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

Respectfully submitted,

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

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

Was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 1739)

UNIVERSITY OF MAINE
Board of Trustees
107 Maine Avenue
Bangor, Maine 04401

May 19, 1986

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

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

Dear Mr. President and Mr. Speaker:

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

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

Sincerely,

S/Joseph G. Hakanson

Was read and with accompanying report ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1740)

New England State Police Information Network
Post Office Box 786
Randolph, MA 02368

May 20, 1986

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

Dear Clerk Pert:

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

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

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

Yours truly,

S/Kenneth J. McBride
NESPIN Project Director

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1728)

State of Maine
House of Representatives
Augusta 04333

May 23, 1986

John L. Martin
Speaker of the House
112th Legislature

Charles P. Pray
President of the Senate
112th Legislature

Dear Mr. Speaker and Mr. President:

LEGISLATIVE RECORD - HOUSE, MAY 28, 1986

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

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

Legal Affairs

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

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1731)

State of Maine
House of Representatives
Augusta 04333

May 23, 1986

John L. Martin
Speaker of the House
112th Legislature

Charles P. Pray
President of the Senate
112th Legislature

Dear Mr. Speaker and Mr. President:

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

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

Appropriations and Financial Affairs

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

Legislative Council pursuant to Joint Rule 26)

Judiciary

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

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1733)

State of Maine
House of Representatives
Augusta 04333

May 23, 1986

John L. Martin
Speaker of the House
112th Legislature

Charles P. Pray
President of the Senate
112th Legislature

Dear Mr. Speaker and Mr. President:

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

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

Appropriations and Financial Affairs

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

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

LEGISLATIVE RECORD - HOUSE, MAY 28, 1986

Was read and ordered placed on file and sent up for concurrence.

The following Communication:

112th Maine Legislature

May 22, 1986

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

Dear Clerk Pert:

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

State of Maine
Senate Chamber
Augusta, Maine 04333

May 22, 1986

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

Dear Clerk Pert:

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

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

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

Sincerely,

S/Charles P. Pray
President of the Senate

Was read and ordered placed on file.

The following Communication: (H.P. 1735)

State of Maine
House of Representatives
Augusta 04333

May 27, 1986

John L. Martin
Speaker of the House
112th Legislature

Charles P. Pray
President of the Senate
112th Legislature

Dear Mr. Speaker and Mr. President:

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

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

Judiciary

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

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Was read and ordered placed on file and sent up for concurrence.

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Establish an Androscoggin County Budget" (H.P. 1726) (L.D. 2414) (Presented by Representative NADEAU of Lewiston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Under suspension of the rules, without reference to any committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Bill "An Act Concerning Atlantic Salmon" (Emergency) (H.P. 1722) (L.D. 2411) (Presented by Representative RUHLIN of Brewer) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Under suspension of the rules, without reference to any committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

ORDERS

LATER TODAY ASSIGNED

On motion of Representative MURPHY of Kennebunk, the following Joint Order: (H.P. 1718)

WHEREAS, the Legislature may order a special election on any measure that is subject to a vote of the people pursuant to the Constitution of Maine, Article IV, Part Third, Section 18, Subsection 2; and

WHEREAS, direct initiative legislation has been transmitted to the Legislature which is identified as Legislative Document No. 2092, Initiated Bill 2, "AN ACT to Prohibit the Promotion and Wholesale Promotion of Pornographic Material in the State of Maine;" and

WHEREAS, notwithstanding joint order of the 112th Legislature, H.P. 1705, passed in the Second Regular Session, it is the intent of the Legislature to refer this measure to the electors of the State at the next general election to be held November 4, 1986, for determination by the people; now, therefore be it

Ordered, the Senate concurring, that the Office of the Secretary of State submit to the electors of the State for determination by the people at the next general election to be held November 4, 1986, the subject matter of "AN ACT to Prohibit the Promotion and Wholesale Promotion of Pornographic Material in the State of Maine;" and be it further

Ordered, that a copy of this order be immediately transmitted to the Secretary of State.

Was read.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: As legislators when we present legislation, we have a responsibility through the public hearing process to have a full, open, timely debate on the merits or any weaknesses of a proposal. It requires full participation. The citizens, through the initiative process, have that same responsibility. Those citizens who bring the initiative have the responsibility to clearly lay the issue out to the Maine people who will be voting on that issue and, in the issue of fairness, those that are opposed or those that seek clarification in their

own mind prior to their vote must have an opportunity to have time to raise the necessary funds to bring their point of view before the Maine people. Both the supporters and the opponents, as you and I have, have that same responsibility when we deal with legislation.

So, this Order is presented as an issue of fairness in terms of asking for broader participation in the November election by all of Maine's citizens, an estimated 60% to 65% as opposed to the election to be held or the referendum to be held at the time of the primary with possibly as low as 15% to 20% participation drawn primarily from the two political parties.

If we do not do so, much as it was in April, the June referendum date on pornography is just crass politics.

Mr. Speaker, I would ask for a roll call.

The SPEAKER: A roll call has been requested.

On motion of Representative Diamond of Bangor, tabled pending passage and later today assigned.

On motion of Representative PARADIS of Augusta, the following Order:

ORDERED, that the Clerk of the House be authorized to furnish 100 22½ stamps for each member of the House.

Was read and passed.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, Charles P. Pray, in the Chair.

On motion of Senator Violette of Aroostook, the following ORDER:

ORDERED, that a Committee be appointed to wait upon the Honorable Joseph E. Brennan, Governor of the State of Maine, to inform him that the two branches of the Legislature are assembled in Convention in the Hall of the House of Representatives, and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make.

The Chair appointed:

Senators:

GAUVREAU of Androscoggin
BUSTIN of Kennebec
GILL of Portland

Representatives:

NELSON of Portland
MANNING of Portland
CARROLL of Gray
MELENDY of Rockland
ROLDE of York
PINES of Limestone
SIMPSON of Casco
SEAVEY of Kennebunkport
KIMBALL of Buxton
TAYLOR of Camden

Subsequently, Senator GAUVREAU, for the Committee, reported that the Committee had performed the duty assigned it, and the Governor was pleased to say that he would forthwith attend the Convention.

At this point, the Honorable Joseph E. Brennan entered the Convention Hall amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker, distinguished members of the 112th Legislature:

Welcome back.

In this special session, you will have to deal with the distribution of oil overcharge funds and a variety of other important issues.

But this morning I would like to talk to you about one issue in particular, the most important issue you will face this session..... corrections.

Let me begin with the basics. The purposes of a corrections system are to protect the public, to punish offenders and to rehabilitate and to do all three in a humane and cost-effective manner.

Through the course of Maine's history, there have been many different approaches to meeting these goals. I talked in my State of the State Address last January about the original jail cells at Thomaston, five-by-nine holes in the ground, known as "stone jugs." The philosophy behind the stone jugs was harsh. It was described by Dr. Daniel Rose, the first Warden at Thomaston.

Dr. Rose was a physician and a former President of the Maine Senate. Dr. Rose was also the supervisor of the construction of that first prison.

Dr. Rose said: "State prisons should be constructed so that even their appearance should be terrible -- dark and comfortless abodes of guilt and wretchedness. No punishment ever has been made so well adapted to preventing crime and reforming the criminal as close confinement in a silent and solitary cell, cut off from all hope of relief.

The convict shall be furnished with a hammock on which he may sleep, a block of wood on which he may sit and with such coarse food as may be best suited to a person in a situation designed for grief and

penitence and he shall be favored with only so much light as may enable him to read the New Testament which shall be his sole companion.

There his vices and crimes shall appear to his frightened imagination as the co-tenants of his dark and dismal cell. They will surround him as so many hideous ghosts and overwhelm him with horror and remorse."

But even in those unenlightened times, when views such as the first prison warden's were common, other Maine people rebelled at conditions at the prison.

In 1837, 13 years after Thomaston prison was built, Governor Robert Dunlap said to the Legislature, "The prison seems to have been constructed with a view to inflict the greatest punishment in the shortest time and at the least expense."

In 1843, the prison was rebuilt along more humane lines. It was rebuilt again in 1850 and in 1923, both times in response to devastating fires.

Over the years, separate institutions were built, in South Portland, in 1853, for boys; in Hallowell, in 1872, for girls; in Windham, in 1919, for less dangerous offenders and in Skowhegan, in 1935, for adult women in recognition of each group's distinct needs.

In the last forty years, prior to this Administration, no new facilities were added to the state system. None.

The State Prison at Thomaston has been unchanged since its reconstruction in 1924. In fact, two facilities were closed -- Hallowell and Skowhegan in 1974 and 1975. I mention this 40 year period when no new institutions were built or added -- in fact, two were closed just to place the record of this Administration and this Legislature in the proper perspective for we have not ignored corrections, we have actively addressed it.

Let's look at the record. Early in my term, I ordered a lockdown of the State Prison that defused a fire danger, disarmed the inmates and restored control of the Maine State Prison to the proper authorities, namely, the State of Maine.

In the last seven years, we have opened three new minimum security facilities -- Hallowell in 1979 with a capacity of 30; Charleston in 1980 with a capacity of 93 and Bucks Harbor in 1985 with a capacity of 96.

Two years ago, we fought for and achieved approval of a \$10 million bond issue that will help rehabilitate our old facilities and will provide additional capacity for 142 prisoners. Construction on these projects begins this summer.

Over the years, we have hired two hundred and seventy-four additional corrections staff. The people at the Department of Corrections -- Don Allen, the Commissioner, Associate Commissioner Ed Hansen, Warden Martin Magnusson deserve great credit for managing this expansion, for coping with the problems of crowding and for keeping the system relatively

free from violence. I think they have done a very good job.

In summary, with the three new prisons and a bond issue, we will have added more than 360 beds.

As Governor, I like to talk about our successes in meeting human needs, in revitalizing education and in spurring economic growth.

But just for the record, I will mention a little known fact today. My Administration happens to have opened more prisons than any Administration in Maine's history. We know how to open prisons. But today, I want to tell you something different. It is not enough to keep adding new cells, hiring more guards and building more prisons. We need better answers. And that's what the program before you this session is all about.

The reason we need new ideas is that our problem is new. We are experiencing a growth of prisoners unprecedented in Maine history. Our prison population has grown from 800 offenders in 1980 to over 1200 offenders today. This is an increase of fifty percent in six years. The increase has happened in spite of the fact that our crime rate is decreasing and that our "at risk" population, namely, young men between 18 and 34 is levelling off.

The growth has happened because more offenders are now sentenced to prison because the length of their sentences is longer. In fact, the average sentence length for Class A crimes nearly doubled between 1982 and 1985 going from 52 months to 91 months because parole has been abolished and because we have become more effective in convicting child abusers.

Two changes in the prison population deserve special notice here. First, 1 out of 5 admitted to prison today is a sex offender. Just five years ago, it was 1 in 20.

Second, one-half of all admissions today are for sentences of one year or less. These are people, who in the past, for the most part, would not have been sentenced to prison at all. Both are new categories of prisoners that require different treatment. So where does this all leave us?

According to the Department of Corrections Master Plan, in 1987, Maine can expect to have 1400 prisoners and a prison capacity of 1200. In other words, if we continue on our present course, we will be 200 cells short next year. The shortfall will be for minimum-security offenders.

The Master Plan shows that in 1987, we will have enough capacity for prisoners in maximum security, in medium security, and in segregation settings. But we will lack about 200 minimum security placements. These are the placements needed for the half of prisoners admitted each year with sentences of less than a year. Now these people are scattered throughout the system, a policy which is neither humane nor cost-effective nor wise. Dealing with this group of offenders is one of our major challenges today. To deal with the challenge, we need to open our minds and consider new approaches.

A newspaper headline said the other day, "There are two ways to alleviate overcrowding more prisons or less prisoners, "The Special Session will consider neither." This headline is nonsense. Because to deal with the problem before us, we need not necessarily build new prisons nor must we weaken our laws. The headline poses a false choice.

There is a better way. That better way is provided in a report submitted last December by a Blue Ribbon Commission on Corrections. The Commission was chaired by Dr. Lloyd Ohlin of Steuben, former Professor of Criminal Justice at Harvard Law School, indeed a nationally recognized authority, someone who has been an advisor to Presidents.

It included such distinguished members as Justice Donald Alexander, Judge Roland Cole, District Attorney Janet Mills, Sheriff Alton Howe, Father Frank Murray, former Sheriff Charles Sharpe, and your own Senator Jean Chalmers and your own Representative Peter Manning.

The Commission's report declares "The State of Maine cannot afford a correctional policy that just calls for building more prisons, we must develop ways of dealing with less serious offenders that (save) costly prison space."

The Commission recommends a series of creative reforms. In the bill before you today, we propose adopting their reforms. The Commission recommends that anyone sentenced to a term of confinement of less than a year should serve that term in a county jail and not in the state prison system.

I agree with this recommendation from both a financial and human standpoint and in the legislation before you today, I propose to begin phasing this practice in by starting with offenders serving terms of less than six months. We will reimburse the counties at a set rate per day per inmate with a mechanism in place to adjust that rate based on actual costs so there should be no threat to the cities and towns in their tax rates and really no threat to the counties. We are cognizant of that fact and we have built it into the system. The net effect of this change will be to add roughly 70 inmates spread out over 14 county jails.

The Commission's most significant recommendation is a new approach to community-based corrections called Intensive Supervision.

Under Intensive Supervision, the offender lives at home and works in the community but under very strict supervision. The offender is supervised by a two person team whom he meets with face to face at least five days a week. The supervisors have the authority to conduct random drug tests, to conduct residential and personal searches and to establish stringent curfews. If the terms of the arrangement are violated, the supervisors can return the offender to prison.

This is not a traditional "probation." A probation worker has a caseload of close to 100, no established routine of visits and little direct authority.

An Intensive Supervision worker would have a caseload of about 12, practically daily visits and considerable authority. The proposal before you would start this program with ten Intensive Supervision teams that could oversee up to 250 offenders.

The Commission also recommends a reduction in the regular parole and probation caseloads. The proposal before you will reduce the average caseload by fully one-third.

The Commission recommends a central office to classify inmates, better medical services, better professional evaluation services (especially for sex offenders) and more community services. The bill addresses all four.

The bill also provides for pressing Department needs, 37 additional security guards, more support staff and some capital construction needs.

And the bill provides increased support for a special Outward Bound program for young offenders to teach them discipline and teamwork and to help them become law-abiding citizens. These are some of our key proposals.

With the bill you have before you, the framework is in place for a total cost-effective, humane and flexible corrections system for Maine.

It is not the simple answer some cry for. Building a big prison is the simple answer, but like a lot of simple answers, it is probably wrong, at least right now. And if we make a mistake on something as big as this, we cannot go back and do it over again.

The Blue Ribbon Commission pointed out that a prison costing \$45 million to build would actually cost the Maine taxpayers over \$350 million over 30 years when the cost of financing and operations are added in.

The Commission went on to comment on these figures. "Economists use the term 'opportunity cost' to refer to the opportunities lost by pursuing one policy rather than another. When large sums are required for construction of new prisons, one must ask, what other types of policies might be pursued that would solve the problem at less cost and possibly more effectively?"

Today, experts disagree among themselves about whether, in the next ten years, Maine will need a new maximum security prison. I think the answer to this question will only become clear in the next few years after we see the results of the new approaches we can set in motion today.

In summary, more prisons aren't the answer at this time. We need to free ourselves from this habitual way of thinking. In fact, many of us are in an intellectual prison of our own making, walled in by our own inability to think in new terms. We need to escape from this rut, to envision new possibilities, like a short term prisoner serving his time in a County jail near his family and other

positive influences at a savings to the taxpayer. Remember, all of these people are going to get out and it is important that they are close to their community. It enhances their chances to get a job, it keeps a better relationship with their family. It makes sense and it is also humane.

Like an offender working off his time in the community under tough and strict conditions contributing to child support and possibly to community restitution instead of just costing the taxpayer money.

Like a young boy, a shoplifter, adrift in the streets spending time learning discipline and a different approach to life in the Western Maine mountains under a tough Outward Bound program.

Free yourself. Think of different possibilities and then act boldly and courageously to make that possibility real.

I believe that the bill before you today starts in the right direction and I hope you will support it. Thank you very much.

At the conclusion of the Governor's address, the Governor withdrew amid applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its Chambers, amid applause of the House, the members rising.

The House was called to order by the Speaker.

At this point, the Speaker made note that Representatives Ayer of Caribou, Ingraham of Houlton, Pines of Limestone, Stevens of Bangor and Hepburn of Skowhegan would be added to the roll.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

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

On motion of Representative Boutilier of Lewiston,
Recessed until two o'clock in the afternoon.

(After Recess)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 1
was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass in New Draft/New Title

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 1719) (L.D. 2409) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Making Appropriations from the General Fund and Changing Certain Provisions of Law Necessary for the Operation of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 1741) (L.D. 2428)

Report was read and accepted. Under suspension of the rules, the New Draft was read twice, passed to be engrossed and sent up for concurrence.

The following items appearing on Supplement No. 2
were taken up out of order by unanimous consent:

CONSENT CALENDAR

FIRST DAY

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

(H.P. 1724) (L.D. 2413) Bill "An Act to Clarify the County which is Responsible for Transportation Expenses in an Involuntary Hospitalization" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-743)

(H.P. 1723) (L.D. 2412) Bill "An Act to Clarify the Laws of the Maine State Retirement System" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-744)

Under suspension of the rules, the above items were given second day notification and the House Papers were passed to be engrossed and sent up for concurrence.

The following items appearing on Supplement No. 3
were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Appropriate Funds to Maintain Certain Unemployment Offices" (S.P. 972) (L.D. 2417)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish the Maine Small Business and Job Development Program" (S.P. 810) (L.D. 2038) reporting "Ought to Pass" in Second New Draft under New Title Bill "An Act to Establish the Maine Business Opportunity and Job Development Program" (S.P. 980) (L.D. 2426)

Signed:

Senators: McBREAIRTY of Aroostook
BERUBE of Androscoggin
PEARSON of Penobscot

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

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representatives: HIGGINS of Scarborough
FOSTER of Ellsworth
BELL of Paris

Came from the Senate with the Majority "Ought to Pass" in Second New Draft under New Title Report read and accepted and the New Draft passed to be engrossed.

Reports were read.

On motion of Representative Carter of Winslow, the House accepted the Majority "Ought to Pass" Report and the Second New Draft read once.

Under suspension of the rules, the Second New Draft was read a second time, passed to be engrossed in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 976)

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

May 23, 1986

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

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

Dear Mr. President and Mr. Speaker:

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

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

APPROPRIATIONS

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

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

ENERGY AND NATURAL RESOURCES

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

STATE GOVERNMENT

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

TAXATION

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

Sincerely,

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

S/Edwin H. Pert
Clerk of the House

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

The following Communication: (S.P. 979)

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

May 23, 1986

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

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

Dear Mr. President and Mr. Speaker:

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

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

AGING, RETIREMENT AND VETERANS

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

APPROPRIATIONS

Bill "An Act to Authorize a Bond Issue in the Amount of \$6,000,000 to Deal with Asbestos in State Facilities" (S.P. 978) (L.D. 2424) (Presented by

President PRAY of Penobscot) (Cosponsored by: Representative Diamond of Bangor, Senator BUSTIN of Kennebec, Senator DOW of Kennebec)

Sincerely,

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

S/Edwin H. Pert
Clerk of the House

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

CONSENT CALENDAR

FIRST DAY

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

(S.P. 695) (L.D. 1781) Bill "An Act to Authorize the Issuance of a Bond not Exceeding \$8,000,000 for the Financing of the Maine Inland Fisheries and Wildlife Acquisition Fund" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "B" (S-550)

(S.P. 977) (L.D. 2423) Bill "An Act to Expand Veterans' Employment Benefits to Veterans of Recent Military Actions" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-552)

(S.P. 974) (L.D. 2419) RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for Filling a Vacancy in the Office of Governor after the Convening of the Legislature and before the Governor-elect is Inaugurated Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-551)

Under suspension of the rules, the above items were given second day notification and the Senate Papers were passed to be engrossed as amended in concurrence.

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

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

CONSENT CALENDAR

FIRST DAY

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1714) (L.D. 2407) Bill "An Act to Regulate the Sale of Lobster Tails" (Emergency) Committee on Marine Resources reporting "Ought to Pass"

Under suspension of the rules, the above item was given second day notification and the House Paper was passed to be engrossed and sent up for concurrence.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent:

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bill was received and, upon the recommendation of the Committee on Reference of Bills, was referred to the following Committee, Ordered Printed and Sent up for Concurrence:

Taxation

Bill "An Act to Amend the Tax on Tobacco Products" (Emergency) (H.P. 1742) (L.D. 2429) (Presented by Representative McCOLLISTER of Canton) (Cosponsors: Senators VIOLETTE of Aroostook, WITCHELL of Oxford, and Representative JACKSON of Harrison) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

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

(Off Record Remarks)

At this point, the Speaker made note that Representatives Ridley of Shapleigh, Dexter of Kingfield; Dellert of Gardiner and Weymouth of West Gardiner would be added to the roll.

(At Ease to the Gong)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

The following Communication:

May 28, 1986

THE SENATE OF MAINE
AUGUSTA

May 28, 1986

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Ellen A. Gorman of Portland for appointment to the Workers' Compensation Commission.

Ellen A. Gorman is replacing Douglas Clapp.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE
AUGUSTA

May 28, 1986

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife, the Governor's nomination of F. Dale Speed of Princeton for appointment to the Inland Fisheries and Wildlife Advisory Council.

F. Dale Speed is replacing Lawrence Hawkes.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE
AUGUSTA

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife, the Governor's nomination of Nathan Cohen of Eastport for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE
AUGUSTA

May 28, 1986

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife, the Governor's nomination of Dr. A.S. Appleby of Skowhegan for appointment to the Inland Fisheries and Wildlife Advisory Council.

Dr. A.S. Appleby is replacing Rodney Ross.

Sincerely,

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

Was read and ordered placed on file.

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

The following Communication:

THE SENATE OF MAINE
AUGUSTA

May 28, 1986

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Education, the Governor's nomination of William Hughes of Brewer for reappointment to the Board of Trustees of the Maine Maritime Academy.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE
AUGUSTA

May 28, 1986

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Education, the Governor's nomination of Peter Cloutier of South Portland for reappointment to the Board of Trustees of the Maine Maritime Academy.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE
AUGUSTA

May 28, 1986

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on State Government, the Governor's nomination of Ann Gilbride (Nancy) Hill of Waterville for appointment to the State Personnel Board.

Nancy Hill is replacing Cynthia Murray-Beliveau.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE
AUGUSTA

May 28, 1986

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on State Government, the Governor's nomination of Roderick E. Farnham of Bangor for reappointment to the State Personnel Board.

Sincerely,

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

Was read and ordered placed on file.

The following items appearing on Supplement No. 9 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize the Issuance of a Bond not Exceeding \$5,000,000 for the Financing of the Maine Inland Fisheries and Wildlife Acquisition Fund (S.P. 695) (L.D. 1781) (C. "B" S-550)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 75 voted in favor of same and 27 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for Filling a Vacancy in the Office of Governor after the Convening of the Legislature and before the Governor-elect is Inaugurated (S.P. 974) (L.D. 2419) (C. "A" S-551)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, I would like to pose a question through the Chair.

I would like to pose this question to one of the sponsors or one of the supporters of this change in the Constitution and ask for an explanation as to how the new procedure would differ from the present constitutional law?

The SPEAKER: The Representative from Kennebunk, Representative Murphy, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This proposed Constitutional Amendment attempts to correct the discrepancy that was actually created back in 1978 when the voters of Maine approved another Constitutional Amendment which allowed for us, the members of the legislature, to adjourn and begin our organization in December as opposed to January of each particular year. We made that change, obviously, to give the legislature an opportunity to organize and gear up. Unfortunately, when we did make that change, we kept the date that the Governor would be sworn in, in January. The practical purpose, I guess, that has resulted from that discrepancy is something that we will be experiencing, perhaps, this year.

In the case where we have an incumbent Governor, such as Governor Brennan, who is seeking a different office, and in the event that he is to succeed to that office, he would be leaving the office as Governor so there is a four day period in which the State of Maine would not have a Governor because he would be sworn in, I think, January 3rd or January 4th as a new Congressman and a newly elected Governor would not be sworn in until January 7th. In that three or four day period, under the rules of succession that we developed in the Maine Constitution, the President of the Senate would fill that slot for those four days. Unfortunately, because of the way that the Constitution reads now, a President of the Senate, whoever that may be during the next session, would have to resign as a member of the Maine Senate in order to fill that slot as Governor for those four days.

This proposed amendment would simply say that, in that interim period, the person who is the President of the Senate at that point in time, would be allowed to fill that four day period (or as many days as it may be) as an interim Governor until the new Governor is actually sworn in without having to give up their Senate seat.

This is a unanimous committee report from the Committee on State Government and it seemed to the members of the committee that it wasn't fair for a

newly elected Senator, who is elected in November of a particular year and who may become President of the Senate, to have to give up his or her Senate seat to act as Governor for three or four days and then have to run again in a special election, which would be in effect the result of not having this change.

We think that this is a fair proposal. I would say that if there is a question in terms of compensation, in the event that the President of the Senate is acting as an interim Governor in this type of situation, they would receive the salary of the Governor for those four days or whatever it happens to be — prorated, obviously, on the time that they work. They would not be eligible for any type of pension or benefits. You don't pick up a pension or a benefit as the Governor would unless you had served in that capacity for some six months or so.

Because of the change that we passed a few years ago in allowing for an early start of the Maine Legislature, in those years (this has only happened once in awhile) where an incumbent Governor is leaving for another position or retiring for health reasons — in that period of time that he has left and a newly qualified Governor takes office, this would allow the President of the Senate to fulfill that position and be able to resume as a member of the Senate to which he was elected by his district.

This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken. 68 voted in favor of same and 52 against, and accordingly the Resolution failed of final passage.

PASSED TO BE ENACTEDEmergency Measure

An Act to Expand Veterans' Employment Benefits to Veterans of Recent Military Actions (S.P. 977) (L.D. 2423) (C. "A" S-552)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 10 were taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Bill "An Act Relating to Membership on the Maine-Canadian Legislative Advisory Commission" (Emergency) (S.P. 981) (L.D. 2430)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

Under suspension of the rules and without reference to a Committee, the bill was read twice and passed to be engrossed in concurrence.

ORDERS

On motion of Representative PRIEST of Brunswick, the following Joint Order: (H.P. 1744)

Ordered, the Senate concurring, that "Resolve, to Establish a Commission to Examine Problems of Tort Litigation and Liability Insurance in Maine," H.P. 1624, L.D. 2289, and all its accompanying papers be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

The following items appearing on Supplement No. 11 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Atlantic Salmon (H.P. 1722) (L.D. 2411)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

LATER TODAY ASSIGNED

An Act to Establish an Androscoggin County Budget (H.P. 1726) (L.D. 2414)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Nadeau of Lewiston, tabled pending passage to be enacted and later today assigned.

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

PASSED TO BE ENACTED

An Act to Clarify the County which is Responsible for Transportation Expenses in an Involuntary Hospitalization (H.P. 1724) (L.D. 2413) (C. "A" H-743)

An Act to Clarify the Laws of the Maine State Retirement System (H.P. 1723) (L.D. 2412) (C. "A" H-744)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 13 were taken up out of order by unanimous consent:

ENACTOR

Emergency Measure

LATER TODAY ASSIGNED

An Act Making Appropriations from the General Fund and Changing Certain Provisions of Law Necessary for the Operation of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987 (H.P. 1741) (L.D. 2428)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and later today assigned.

ENACTOR

Emergency Measure

An Act to Regulate the Sale of Lobster Tails (H.P. 1714) (L.D. 2407)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 14 was taken up out of order by unanimous consent:

ENACTOR

Bond Issue

LATER TODAY ASSIGNED

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Bell.

Representative BELL: Mr. Speaker, Men and Women of the House: Earlier today you noticed that this bond issue came of Appropriations on a Divided Report. I would just like to state to this body why I was opposed to this particular bond issue.

This bond issue is bonding a specific program and it would be a breaking in precedence in that we are bonding a program. Ordinarily, we bond for a construction type of program that lasts for a fairly

long time.

Also, there are a number of criteria in this particular program that people who would receive money from this program would have to meet in order to receive some of the funds. Other states have instituted a program like this; however, they have not imposed such rigid criteria.

I will be voting against this particular issue and hope you will follow suit.

Representative Carter of Winslow requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and later today assigned.

The following item appearing on Supplement No. 15 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative PARADIS of Augusta, the following Joint Order: (H.P. 1745)

Ordered, the Senate concurring, that Bill "AN ACT Establishing a Commission to Implement Computerization of Criminal History Record Information," H.P. 1627, L.D. 2295, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

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

ORDERS

On motion of Representative CAHILL of Woolwich, the following Joint Resolution: (H.P. 1743) (Cosponsors: Senator STOVER of Sagadahoc, Representatives SMALL of Bath, and COLES of Harpswell)

JOINT RESOLUTION RECOGNIZING THE 3RD REGIMENT, MAINE VOLUNTEER INFANTRY

WHEREAS, the 3rd Regiment, Maine Volunteer Infantry (reactivated) is dedicated to the preservation of the history of the State of Maine's participation in the American Civil War; and

WHEREAS, the sacrifices and deeds of valor of the soldiers and sailors of the State of Maine are considerable and worth preserving for our future; and

WHEREAS, the members of the 3rd Regiment, Maine Volunteer Infantry (reactivated) have volunteered

their personal time and treasure to the purpose of ensuring this preservation; and

WHEREAS, the citizens of the State of Maine are thus provided with a living window into the past and thereby gain individually and collectively in knowledge and experience; now, therefore, be it

RESOLVED: That we, the 112th Legislature of the State of Maine, now assembled, do hereby issue this Joint Resolution in recognition of the considerable efforts of the 3rd Regiment, Maine Volunteer Infantry (reactivated) in preserving and illustrating the noble and valorous deeds of our soldiers and sailors whose sacrifices preserved the union of our several states, helped to ensure the equality and freedom of all of our citizens and gave to us the legacy of these United States of America.

RESOLVED: That copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to the 3rd Regiment, Maine Volunteer Infantry.

Was read and adopted and sent up for concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

In Memory of:

Robert M. Weymouth, of Dresden, who was affectionately known as "The Flying Farmer" a great pilot who loved being airborne and the people he taught and entertained; (HLS 1122) by Representative MCGOWAN of Canaan. (Cosponsors: Senator SEWALL of Lincoln, Representatives CAHILL of Woolwich, and CALLAHAN of Mechanic Falls)

On motion of Representative McGowan of Canaan, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: For ten years of my life I spent the weekends and summers doing air shows with a precision parachute jumping team called "Jump Maine Skydivers." During that time, I often encountered a fellow from Dresden also doing the same show that we were doing and his name was Bob Weymouth. During his act in which he paraded around in oversized coveralls with a bottle of beer in his hands pretending to be an intoxicated farmer, he would tackle us, parachute us and try to entice the crowd into laughter in following his antics.

He would then jump into a 1946 Piper Cub and put on one of the most exciting aerobatic shows performed in the country. Bob Weymouth was known throughout the United States and Canada for his aerobatic demonstrations.

He was a friend of mine and this past Sunday he was killed in Berlin, New Hampshire. The Waterville Morning Sentinel, in an editorial today, said that

Bob Weymouth was the "flying farmer," a master pilot and a polished performer. When he died in the tragic accident this weekend, we lost an important Maine resource and I really believe that we, in fact, did lose an important Maine resource.

I wasn't there but the accounts of the tragedy said that he tightened his turn low to the ground to avoid hitting the crowd. His act was a very low, fast moving aerobatic show that always worked near the crowd and Bob avoided the crowd and lost his life.

I move, Mr. Speaker, when we adjourn today that we adjourn in memory of Bob Weymouth, a great American and a great Mainer.

Subsequently, was adopted and sent up for concurrence.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to Membership on the Maine-Canadian Legislative Advisory Commission" (S.P. 981) (L.D. 2430)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act to Establish an Androscoggin County Budget (H.P. 1726) (L.D. 2414) which was tabled earlier in the day and later today assigned pending passage to be enacted.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Representative McGowan of Canaan, Adjourned until May 29, 1986 at ten o'clock in the morning in memory of Bob Weymouth, known as the "Flying Farmer".
