

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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THIRD 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 11:00 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 Cony High School Band, Augusta.

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 146 members having answered to their names with 4 absent and 1 vacancy, a quorum was found to be present.

Absent were Representatives Brodeur of Auburn, Hillock of Gorham, Racine of Biddeford and Masterman of Milo.

The Following Proclamation:

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

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

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

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

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

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

WHEREAS, a one year moratorium on processing and approving applications for commercial landfills will enable the Legislature to consider the

recommendations of the study and to implement such actions as deemed necessary prior to the consideration of the several applications for commercial landfills that are expected to be submitted for approval in the near future;

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

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

S/JOSEPH E. BRENNAN
Governor

S/JAMES S. HENDERSON
Secretary of State
Deputy

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 MICHAUD of Medway
Representative JACQUES of Waterville
Representative MITCHELL of Freeport
Representative RIDLEY of Shapleigh
Representative COLES of Harpswell
Representative HOGlund of Portland
Representative DEXTER of Kingfield
Representative BROWN of Livermore Falls
Representative HOLLOWAY of Edgecomb
Representative LAW of Dover-Foxcroft

Subsequently, Representative Michaud of Medway reported the the committee had performed the duty

with which they were assigned.

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:

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

July 18, 1986

Honorable John L. Martin
HOUSE OF REPRESENTATIVES
State House Station 2
Augusta, ME 04333

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

Dear Speaker Martin:

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

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

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

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

Petitions have been filed as follows:

January	609
February	625
March	685

April	775
May	721
June	741

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

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

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

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

There have been no complaints or filings in connection with the 30 day decision rule pursuant to Commission Rule 22.11 and §99-8.

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

Sincerely,

S/Ralph L. Tucker
Chairman

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF ADMINISTRATION
State House Station 9
Augusta, Maine 04333

October 15, 1986

Representative John Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333

Dear Mr. Speaker:

I am pleased to submit to the Legislature, and in particular to its Committee on Appropriations and Financial Affairs, this initial report of the Commissioner of Administration and the Labor-Management Committee on the Safety of State Buildings, concerning our activities and plans "to

identify and correct asbestos problems in State facilities" as contemplated in Chapter 140, Private and Special Laws of 1986.

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

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

S/Harvey E. DeVane
Commissioner of
Administration

Was read and with accompanying report ordered placed on file.

The following Communication:

State of Maine
Department of State
State House Station 101
Augusta, Maine 04333
DIVISION OF PUBLIC ADMINISTRATION

June 13, 1986

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

Dear Clerk Pert:

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

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

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

Sincerely,

S/James S. Henderson
Deputy Secretary of State

Was read and ordered placed on file.

The following Communication:

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

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

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

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

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

CERTIFICATION

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

S/Lorraine Dana,
Tribal Clerk Attest

Was read and with accompanying papers ordered placed on file.

The following Communication:

State of Maine
Department of State
State House Station 101
Augusta, Maine 04333
DIVISION OF PUBLIC ADMINISTRATION

July 16, 1986

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

Dear Clerk Pert:

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

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

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

Sincerely,

S/James S. Henderson
Deputy Secretary of State

Was read and ordered placed on file.

The following Communication:

CERTIFICATION

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

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

RESOLUTION OF THE JOINT TRIBAL COUNCIL OF THE
PASSAMAQUODDY TRIBE, ADOPTED AT A MEETING
HELD AT INDIAN TOWNSHIP
ON JULY 10th, 1986
RESOLUTION NO. 7-10-001

Be It Resolved That

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

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

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

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

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

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

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

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

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

CERTIFICATION

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

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

Nora Deschaine
Attested: Tribal Clerk,

Was read and with accompanying papers ordered placed on file.

The following Communication: (H.P. 1768)

State of Maine
House of Representatives

Augusta 04333

for concurrence.

October 15, 1986

The following Communication:

John L. Martin
Speaker of the House
112th Legislature

112th Maine Legislature

Charles P. Pray
President of the Senate
112th Legislature

October 15, 1986

Dear Mr. Speaker and Mr. President:

On October 15, 1986, five Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committee on October 15, 1986 as follows:

Appropriations and Financial Affairs

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

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

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

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

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

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Was read and ordered placed on file and sent up

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

Dear Clerk Pert:

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

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

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

Pursuant to our authority under Chapter 52 of the Resolves of Maine, 1986, we have appointed Representative Stephen Bost of Orono, Representative William Lawrence of Parsonsfield, Geneva Kirk of Lewiston, Senator Nancy Randall Clark of Cumberland, Senator Larry Brown of Washington, Dr. Gerald Work of the University of Maine at Orono, Dr. Anthony D. Chiappone of the University of Maine at Orono, Rusty Willette of Dover Foxcroft, Robert Gates of the Penquis Valley School, Professor Ross Fearson of the University of Maine at Farmington, Carol Wishcamper of Freeport, Diane Todd of Augusta and Professor Calvin E. Anderson of the University of Maine at Fort Kent to the Special Commission to Study Teacher Training in the University of Maine System.

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

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

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication: (H.P. 1769)

PENOBSCOT INDIAN NATION
Community Building
Indian Island
Old Town, Maine 04468

October 15, 1986

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

Dear Clerk Pert:

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

Very truly yours,

S/D. Lorraine Dana
Tribal Clerk

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

The following Communication:

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

March 1986

Edwin H. Pert
Clerk of the House
112th Legislature

Dear Clerk Pert:

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

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

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

Sincerely,

S/G. William Diamond
Senate Chair

S/Neil Rolde
House Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

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

April 2, 1986

Edwin H. Pert
Clerk of the House
112th Legislature

Dear Clerk Pert:

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

This particular volume, entitled "Financial and Statistical History of Professional Licensing Boards in the State of Maine: 1975-1985", differs from previous publications of the Committee in that it does not contain recommendations. This compilation is intended to be used as a tool by the Committee in its upcoming review of many of the professional licensing boards. In addition to its own anticipated

use, the Committee hopes that other members of the Legislature as well as the Executive branch will find this document useful in understanding the particulars of how professional regulation is being accomplished in the State of Maine.

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

Sincerely,

S/G. William Diamond
Senate Chair

S/Neil Rolde
House Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

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

June 1, 1986

Honorable John L. Martin
Speaker of the House
Maine State Legislature
Augusta, ME 04333

Dear Speaker Martin:

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

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

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

to our process.

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

Sincerely,

S/G. William Diamond
Senate Chair

S/Neil Rolde
House Chair

Was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 1770)

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

October 16, 1986

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

Dear Clerk Pert:

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

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

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

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

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

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

Litigation and Liability Insurance in Maine.

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

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

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

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

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

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

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

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

Sincerely,

S/John L. Martin
Speaker of the House

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

A message was received from the Senate, borne by Senator CARPENTER of that body, announcing a quorum present and that the Senate was ready to transact any

business that might properly come before it.

(At Ease)

The House was called to order by the Speaker.

A message came from the Senate borne by Senator CLARK of that Body proposing a convention of both branches of the Legislature to be held at 11:30 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.

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.

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.

Senators:

Pearson of Penobscot
Berube of Androscoggin
McBrearty of Aroostook

Representatives:

Carter of Winslow
Chonko of Topsham
Connolly of Portland
Nadeau of Lewiston
McGowan of Canaan
Smith of Mars Hill
Bell of Paris
Higgins of Scarborough
Foster of Ellsworth
Lisnik of Presque Isle

Subsequently, Senator PEARSON, 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, Ladies and Gentlemen of this Convention:

I say, "Welcome back to the State House." I know that many of you would rather be home campaigning but, if I were you, I wouldn't worry about it — with the Red Sox winning, I am not sure anybody is really concerned about politics — except a few. In fact, some have suggested a moratorium on politics until after the World Series as well as a moratorium on dumps.

This is the last session of the 112th. About 20 years ago, I entered the Legislature. I came here as all of you did, committed to certain basic values. Among those values were justice and fair treatment to working men and women and a commitment to preserving Maine's very special quality of life. I think it is only fitting today that the last two proposals of my administration to this Legislature will deal with those very same values — justice to working men and women and to quality of life.

Let me begin with the first proposal, the ratification of seven new state employee contracts. Maine ranks among the very best of states in this nation for its government services.

Our programs in mental health, transportation and care for the elderly in housing and business finance are all considered models for this nation. The people who make these programs work are our state employees. Many of their jobs are very, very tough. Many times their jobs are thankless but our state employees do them and they do them well. They deserve our thanks.

These contracts, seven in all, totaling about \$6 million dollars in providing four percent raises, are a small token of our appreciation. By approving these contracts now, we will clear the way for the administration next January and start with a clean slate.

When I became Governor, the slate was far from clean. The state employee bargaining law was still new and really untested. Five of the seven state bargaining units were without contracts. Some state employees were earning salaries that were less than the federal minimum wage. Since then, we have signed forty-three state contracts.

With the signing of these contracts before you, the average state employee's salary will become roughly \$20,000 a year.

I urge you to approve these contracts; yes, let's clear the way for the new administration and let's thank our state employees by giving them their well

deserved pay raises before Christmas.

The second issue before you is our proposal for a commercial landfill moratorium. This is a nonpartisan issue. The proposal has been endorsed by both the Democratic and the Republican candidates for Governor.

It is also, in my judgment, a simple issue. Should Maine allow the creation of new landfills in the absence of clear state policy on such important questions as — how should we deal with imported waste from Massachusetts and New Hampshire? What are the proper roles of the public sector and the private sector dealing with this waste? How should state and local governments plan and, indeed, manage solid waste disposal?

The Legislature, very wisely, set up a group to study these questions and directed them to report back next year. But, while the Legislature is studying, the commercial dump developers are acting. Five or six commercial facilities are in the planning stages already. The possibility exists, that when the Legislature sets its policy next year, many major landfills will already be under way. In that case, the Legislature would simply be closing the barn door after the horses have left.

This development pressure is really not caused by unmet solid waste needs of Maine businesses and local governments. The moratorium under consideration would allow the expansion of existing landfills by fifty percent to accommodate any local needs.

The real reason for this pressure is that developers see a market for importing solid waste from our neighboring states.

Massachusetts, for example, has highly restrictive rules that make commercial landfill development virtually impossible.

Maine has been very responsible in its environmental regulations. Now are we to be penalized for that responsibility because our neighbors have not met their own obligations?

So let's take our time and for the sake of future generations, let's handle this important issue wisely. That is why we need a moratorium.

I understand that you have a variety of proposals before you coming out of committee and, without going into detail on these proposals, I would like to offer two principles that I believe should be kept in mind.

First, you should treat all developers equally. No developer should gain from this bill. No developers should be given monopoly privileges.

There are constitutional questions involved here as the Attorney General's Office has pointed out to the committee but more importantly, there are questions of justice and there are questions of fairness. Everyone should get the same treatment.

Secondly, there should be no new commercial landfills approved before the Legislature completes its study. The exact dates of the moratorium are not

as important as the simple principle involved and that is, that we should set sound, comprehensive public policy before we approve any specific projects.

It is a matter of keeping faith with this Legislature's own decision to study the commercial landfill issue. It is a matter of keeping faith with the legislators that you appointed to study this issue and it is a matter of keeping faith with Maine citizens who truly live in a very real fear of uncontrolled commercial landfill developments.

We must do all that we can to ensure that Maine's special character is preserved and I believe we must do it right.

Yes, I don't want to see Maine be a big town dump for the rest of New England. (applause)

I would conclude from that response that no one in this Legislature wants Maine to be a big town dump for the rest of New England so I feel very optimistic about what you are going to do here today and I am looking forward to it.

Those are the issues — justice for the workers and safeguarding Maine's very special quality of life. They are not Republican issues — they are not Democratic issues — they are issues for Maine's citizens.

I urge you to act responsibly on both of these measures. I hope that you will. Thank you very, very much. (applause)

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 Ease)

The House was called to order by the Speaker.

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. 1763) (L.D. 2444) Bill "An Act to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the American Federation of State, County and Municipal Employees and to Fund and Implement Benefits for Certain State Employees Excluded from Bargaining" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 1764) (L.D. 2445) Bill "An Act to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the Maine State Employees Association" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 1765) (L.D. 2446) Bill "An Act to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the Maine State Troopers Association, Representing the Maine State Troopers" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 1766) (L.D. 2447) Bill "An Act to Appropriate Funds Necessary for the Computerization of the Personnel Records of State Employees" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

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.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

At this point, the Speaker made note that Representative Manning of Portland 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. 3 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

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

Bargaining (H.P. 1763) (L.D. 2444)

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. 122 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.

Emergency Measure

An Act to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the Maine State Employees Association (H.P. 1764) (L.D. 2445)

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. 125 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.

Emergency Measure

An Act to Fund and Implement a Collective Bargaining Agreement with State Employees Represented by the Maine State Troopers Association, Representing the Maine State Troopers (H.P. 1765) (L.D. 2446)

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. 130 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.

Emergency Measure

An Act to Appropriate Funds Necessary for the Computerization of the Personnel Records of State Employees (H.P. 1766) (L.D. 2447)

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. 123 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 items appearing on Supplement No. 1 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

The following Communication:

The Senate of Maine
Augusta

October 17, 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 Legal Affairs, the Governor's nomination of Linda B. Gifford of Readfield for appointment and Irving R. Lohnes of Waterville for reappointment to the Maine State Lottery Commission.

Linda Gifford is replacing Helen Cummings.

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

Gerald E. Talbot is replacing W. Thomas Clements.

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Human Resources, the Governor's nomination of Diantha A. Carrigan of Medomak and David F. Wihry of Orono for reappointment to the Health Care Finance Commission.

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Labor, the Governor's nomination of Marvin W. Ewing of South Windham for reappointment to the Maine Unemployment Insurance Commission.

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

Sally C. Rooney is replacing Francis Dunn.

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, the Governor's nomination of Vaughn H. Holyoke of Brewer for reappointment and Dr. Carol A. Eckert of Windsor for appointment to the as members of the Pesticides Control Board.

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

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

Najeeb S. Lotfey is replacing Leo Loiselle.

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

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Human Resources, the Governor's nomination of Albert H. Forsythe, Jr. of Hallowell for appointment to the Maine Health Care Finance Commission.

Albert H. Forsythe, Jr. is replacing Paul Poulin.

Sincerely,

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

Was read and ordered placed on file.

COMMUNICATIONS

The following Communication: (S.P. 989)

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

October 10, 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 one bill was received by the Secretary of the Senate.

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

Energy and Natural Resources

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

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. 990)

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

October 7, 1986

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

Dear Madam Secretary:

Please be informed that I have made the following appointments:

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

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

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

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

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

Record Information.

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

S/Charles P. Pray
President of the Senate

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

Was read and ordered placed on file in concurrence.

The following Communication: (S.P. 991)

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

August 1, 1986

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

Dear Governor Brennan, President Pray and Speaker Martin:

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

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

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

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

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

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

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

a strong negotiated settlement rate;

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

a continuing decrease in average case processing time; and

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

The decade of the 80's continues to present major challenges. We will continue to enforce vigorously our statutes; we will continue to assist employers

and others in complying with State and Federal civil rights legislation; and we will continue to keep in review all practices infringing on the basic human right to a life with dignity for all persons of this State; and take corrective action where necessary.

Sincerely yours,

S/ Norman L. Fournier
Chair

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

Was read and with accompanying papers ordered placed on file in concurrence.

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Protect Security Interests in Farm Products so as to Provide for Continued Financing of Farm Operations" (Emergency) (H.P. 1775) (L.D. 2452) (Presented by Representative LISNIK of Presque Isle) (Cosponsor: Representative GWADOSKY of Fairfield) (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.

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Clarify the Effect of an Appropriation to the Maine State Retirement System" (Emergency) (H.P. 1771) (L.D. 2449) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: Senator PERKINS of Hancock) (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.

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

RESOLVE, to appropriate Additional Funds to Commemorate the Bicentennial of the United States Constitution" (Emergency) (H.P. 1776) (L.D. 2453) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Representative HAYDEN of Brunswick, Speaker MARTIN of Eagle Lake and Senator PERKINS of Hancock) (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 Resolve was read twice, passed to be engrossed and sent up for concurrence.

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Deorganize the Town of Benedicta" (H.P. 1773) (L.D. 2450) (Presented by Representative MICHAUD of Medway) (Cosponsors: Representative DEXTER of Kingfield, Senators CARPENTER of Aroostook, and PEARSON of Penobscot) (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.

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act Amending the Community Industrial Buildings Program Law" (Emergency) (H.P. 1774) (L.D. 2451) (Presented by Representative MICHAUD of Medway) (Cosponsors: President PRAY of Penobscot and Representative GWADOSKY of Fairfield) (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.

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

PAPER FROM THE SENATE

LATER TODAY ASSIGNED

The following Joint Resolution: (S.P. 992)

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

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

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

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

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

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

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

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

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

Came from the Senate, read and adopted.

Was read.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker, I would like to pose a question through the Chair. Is it in order to present an amendment to a Joint Resolution?

The SPEAKER: The Chair would answer in the affirmative.

Representative CONNOLLY: Mr. Speaker, Members of the House: I would like to indulge the House to allow me to have the opportunity to have an amendment prepared that could be presented to this Joint Resolution. I, along with 14 other members of the House and the other body, served on this Special Corrections Commission that was created as a result of our work back in the Spring. In my opinion, this Resolution, the way that it has been drafted, does not accurately reflect the work of that Commission. I think, amongst all the bond issues that are being presented to the voters, this is going to end up being the most controversial.

I think if we are going to be in a position of having a Resolution in support of what the committee did (and I have no problems with supporting the work of the committee) I think there is a need to accurately reflect the recommendations of the committee. Specifically, this Resolution says that in the committee's deliberations, we saw that the state's greatest need was for a 500 bed facility and that was not an agreement that was reached in the

committee. Two other issues were raised in committee and voted on and had unanimous agreements that should replace that.

I would ask someone if they would table this until later in today's session so that we might have an amendment prepared to accomplish that.

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

The following item appearing on Supplement No. 7 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative WALKER of Norway, the following Joint Resolution: (H.P. 1772) (Cosponsors: Representatives MOHOLLAND of Princeton, CARRIER of Westbrook and Senator DUTREMBLE of York) (Approved for introduction by the Legislative Council pursuant to Joint Rule 35).

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

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

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

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

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

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

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

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

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

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

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

Was read and adopted and sent up for concurrence.

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

(At Ease to the Gong)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED
Emergency Measure

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

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. 103 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.

PASSED TO BE ENACTED

An Act to Deorganize the Town of Benedicta (H.P. 1773) (L.D. 2450)

Was 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. 9 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

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

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. 112 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.

PASSED TO BE ENACTED
Emergency Measure

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

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. 121 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.

FINALLY PASSED
Emergency Measure

RESOLVE, to Appropriate Additional Funds to Commemorate the Bicentennial of the United States Constitution (H.P. 1776) (L.D. 2453)

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. 123 voted in favor of the same and None against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

At this point, the Speaker made note that Representatives Brannigan of Portland, Connolly of Portland, Higgins, H.C. of Portland, and Stetson of Damariscotta would be added to the roll.

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 6 was 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. 1767) (L.D. 2448) Bill "An Act Providing Legislative Authorization Regarding Telecommunications Systems Lease Purchase for the Lewiston Office Complex" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-778)

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

By unanimous consent, ordered sent forthwith to the Senate.

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

PAPERS FROM THE SENATE
Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-569) on Bill "An Act to Impose a Moratorium on the Licensing of Commercial Landfills for the Disposal of Solid Waste" (Emergency) (S.P. 988) (L.D. 2443)

Signed:

Senators: USHER of Cumberland
EMERSON of Penobscot

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

Minority Report of the same Committee reporting "Ought to Pass" as Amended by Committee Amendment "B" (S-570) on same Bill.

Signed:

Senator: KANY of Kennebec

Representatives: MITCHELL of Freeport
COLES of Harpswell
RIDLEY of Shapleigh

Representative JACQUES of Waterville - of the House - abstaining.

Came from the Senate with the reports read, the Bill substituted for the reports, the Bill read twice and passed to be engrossed as amended by Senate Amendment "B" (S-572)

Reports were read.

On motion of Representative Michaud of Medway, the House voted the Bill be substituted for the Report in concurrence.

The Bill was read once.

Senate Amendment "B" (S-572) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: Senate Amendment "B" is the latest version that the majority of the committee came up with. This has been a long hard issue for the committee to deal with in just a short time.

There is, for those members who do not know, a study committee which will be dealing with the whole solid waste issue for the State of Maine and we will have a report, hopefully by March, to have state policy regarding that.

Yesterday at the work session, we came up with a Divided Report. Members of both reports still were not satisfied with how those reports had turned out. We tried to get a general consensus and there is basically no way possible that we could achieve that.

I talked with some of the members this morning to try again to come up with some type of compromise and we had another meeting earlier today.

Senate Amendment "B" is basically a compromise by the majority of the committee. I am still not sure that the full committee is in complete agreement with it.

Under the terms of this report, one concern has been that an owner of a waste energy facility, who generates waste, will be able to proceed with an application for a secure landfill which it owns for the sole purpose of disposing of waste generated as a result of this process.

I have been assured by the Assistant A.G. who drafted the bill that the intent is to consider such waste, as waste generated by the owner, and therefore that application is exempt from this moratorium.

Amendment "B" puts a moratorium of 91 days until after the 113th Legislature adjourns. The reasoning for that is we will have, hopefully by then, a comprehensive plan for the solid waste policy for the whole State of Maine and it will give time for that piece of legislation to be enacted. If it is enacted as an emergency measure, we can repeal that moratorium.

With that, I would hope you would go along with Senate Amendment "B."

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Brown.

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: You probably don't believe this but I really wasn't planning to stand up until my good friend, Representative Michaud, made his comments. I make my comments with some real concern, I guess, based on what was said in Representative Michaud's remarks.

Representative Michaud said that what we have before us represents the latest version of the committee's actions. Representative Michaud -- not true -- and you know that is not true. We were given this version early this afternoon or late this morning, hot off the press from somewhere, and frankly I don't know where.

Representative Michaud -- again it bothers me to be in such strong disagreement with the gentleman

because I think that he has led our committee admirably in the last couple of years. I can't let these comments go without letting this body know exactly what happened.

The second comment that I can't agree with, which isn't true, is that our committee could not reach a consensus, not true. Late yesterday afternoon at six o'clock, two reports emerged from our committee, one with eight signatures and the other with four. We did reach a consensus, we had a Minority Report, we had a Majority Report. The fact that our committee could not achieve consensus is not true.

The third point that I must remark on — again it bothers me, it really does — that another meeting was held earlier today, another meeting participated in — by whom? Certainly not all of the committee. That doesn't shock anybody, it didn't even shock me. Let's tell it like it is — those three points or the first two points are simply not true.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: To answer Representative Brown's questions, I was talking about a unanimous consensus for the bill. If Representative Brown is suggesting that it was the Democrats that came up with this proposal, he is incorrect because I could not get hold of all the Democrats on the committee. I got hold of some that were down here early in the morning. If Representative Brown was here earlier in the morning, I would have grabbed Representative Brown to try to get him to agree with this compromise. He is correct, it wasn't a unanimous consensus, but when I say consensus, I was talking about unanimous, not an eight to five or divided report.

Subsequently, Senate Amendment "B" was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended in concurrence.

By unanimous consent, was ordered sent forthwith to Engrossing.

The Chair laid before the House the following matter which was tabled earlier in the day and later today assigned pending adoption: Joint Resolution: (S.P. 992) JOINT RESOLUTION ENDORSING THE FINDINGS OF THE REPORT OF THE JOINT SELECT COMMITTEE ON IMPROVEMENTS TO THE CORRECTIONS SYSTEM.

Representative Connolly of Portland offered House Amendment "A" (H-779) and moved its adoption.

House Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker and Members of the House: This particular amendment deletes all reference that appeared in the original Resolution to any consensus that a new 500 bed maximum security prison should be built.

It makes it clear, not only to the Legislature, but to the people of Maine that if the corrections bond issue does in fact pass on November 4th, that this is just the first step in a long-range financial commitment that the state has to make in order to deal with the correction problems. That financial commitment includes (and this was the unanimous recommendation of that committee) the long-range

financial commitment includes a decision and a financial appropriation, either with General Fund money or bond issue money in 1989, to deal with the horrendous situation in the East Wing at Thomaston and that would mean either closing the East Wing or renovate it to hold a maximum of 110 inmates or to use it for some other purpose other than to house inmates and that financial commitment, as the committee unanimously agreed, also would require by 1989 a financial appropriation to construct a 116 bed classification unit within the corrections system.

Subsequently, House Amendment "A" was adopted.

The Joint Resolution was adopted as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Impose a Moratorium on the Licensing of Commercial Landfills for the Disposal of Solid Waste (S.P. 988) (L.D. 2443) (S. "B" S-572)

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

Representative Diamond of Bangor requested a roll call.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Murray.

Representative MURRAY: Mr. Speaker, Men and Women of the House: I will just take a few moments of your time. It has been suggested that this bill is necessary in order to stop the importation of solid waste. With all due respect, I think this reflects a misunderstanding of the purpose of the bill and how it achieves those purposes.

This bill does not ban the importation of solid waste from out of state. We considered such a bill at the Second Regular Session last Spring and it was rejected. This bill is concerned with who is controlling waste disposal and under what regulations, not with whether the waste originates from in Maine or out of Maine.

There is a growing consensus emerging from the ongoing study committee that our current laws and enforcement resources were not designed to deal with large-scale landfills.

Proposals to deal with that will emerge from the study committee report next March as Representative Michaud suggested. Until we get those recommendations and improve our system, we need to minimize the commitments we make to commercial solid waste landfills. We need to be sure, as much as we can be sure, that these landfills are being managed

consistent with the public interest. That is why this bill limits itself to commercial landfills.

The commercial landfill operator should be expected to operate his landfill in the most profitable way but with insufficient regulatory restrictions and enforcement, the most profitable way is not always the best way to the communities that are affected by the landfills. In this line of business, we cannot afford to have any corner cutting. That is why the bill exempts publicly controlled landfills from the moratorium. These landfills can, and some of them probably will, continue to accept waste generated from outside the state but, because they are public, they are best able to make the decision, that accepting some kinds of waste is not worth the environmental risk even if it appears to be very profitable to do so in a short run.

In short, publicly operated landfills are likely to make decisions in the long-term best interest of their member communities.

The bill also exempts from the moratorium privately owned landfills dedicated to their own waste. Most, if not all of these, are owned and operated by the pulp and paper industries of our state. These companies must have a method for disposing of their waste; otherwise, they will have to shut down. The economic consequences of a shutdown would be catastrophic for the affected communities and the environmental risks of landfills must be counter balanced by their importance to the economic health of the communities in which they are located.

In addition, these companies have substantial capital assets apart from their landfills that are at risk in their operations; thus, these companies have a long-term stake in the state and will be answerable for any unintended environmental problems created by their landfills. Because of this investment, they are that much less likely to put it at risk by making short-term cost cutting but long-term environmentally unsound decisions in their landfilling practices.

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

For these reasons, I would urge you to support the enactment of this bill.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: Speaking strictly as a Representative from York County, I think a lot of us are feeling real frustration because, as the gentleman from Bangor said, it started out with a concern about out of state waste being brought to Maine. York County has a site in Lebanon and when you visit that site, you are not sure if you should swim across that site or walk across that site. There is concern about the ground water and the dependency. We have seen how incredibly complex this

issue is in the last two days. As you move to alleviate fears and real concerns in one part of the state, it can create fears and concerns in terms of energy recovery systems and other needs within the state so I don't think that we envy the study committee but I think what we are saying is that that study has got to realize that there are differences in terms of soil and ground water. When we look at economic development and make decisions in terms of commercial waste and sites in one area, it can encourage in another area out of state waste.

For awhile it looked like in terms of solving waste that the moratorium should actually apply to everyone in Maine for the next 12 months, not producing any waste at all, and then we could alleviate the problem.

We are here reacting rather than planning and I think that that is the major concern of everyone in this chamber -- that with this moratorium, we are buying some time until the next Legislature comes back to find out if our regulations are the toughest in New England. If not, then what do we do to make them right?

The SPEAKER: Representative Nelson of Portland will be excused pursuant to House Rule 19 and Joint Rule 10.

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.

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

126 having voted in the affirmative and 12 in the negative with 11 being absent, 1 excused and 1 vacancy, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(See Roll Call No. 353)

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

PASSED TO BE ENACTED
Emergency Measure

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

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. 120 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.

By unanimous consent, ordered sent forthwith to

the Senate.

At this point, the Speaker appointed Representative Gwadosky of Fairfield to act as Speaker pro tem.

(At Ease to the Gong)

The House was called to order by the Speaker pro tem.

At this point, a message came from the Senate borne by Senator CARPENTER of Aroostook informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

The Speaker Pro Tem appointed Representative DIAMOND of Bangor on the part of the House to Inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

Representative Carter of Winslow was granted unanimous consent to address the House:

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: You received on your desk earlier in the session a report on Asbestos Management as required by Public Law 140 that was passed in the Second Regular Session.

The Report was presented to the Appropriations Committee and has been accepted by the committee and has been delivered to the House members and members of the other body for their consideration.

I would like to call your attention to one or two items in the report -- more specifically Paragraph 3 on Page 3 -- proposes the use of bond issue funds, after voter approval in November, to contract for the assistance necessary to ensure effective management of the building survey and subsequent corrective actions required by private and special law 140.

Paragraph 4 proposes to include facilities in the building survey after the availability of governing regulations required by a recently passed federal law. Costs for the school survey should be borne by the building owners on a voluntary basis and could be reimbursed if the Legislature would act favorably on such a proposal in the future.

Paragraph 5 states the intent to include lease hold space occupied by state employees in the building survey with any corrective action to be taken by the building owner.

Finally, Paragraph 6 proposes to undertake removal work required by emergency situations with the use of bond issue funds but prior to submittal of a plan required by private and special law 140. This will ensure that the state's ability to respond to critically needed work will not be put on hold for the year but it will take the conducted survey and prepare the necessary plans for your approval.

Subsequently, Representative DIAMOND reported that he had delivered the message with which he was charged.

The Chair appointed the following members on the part of the House to wait upon His Excellency, Governor Joseph E. Brennan, and inform him that the House has transacted all business before it and was ready to receive any communication that he may be pleased to make.

Representatives BEAULIEU of Portland
NELSON of Portland
CONNERS of Franklin
DRINKWATER of Belfast
SMITH of Mars Hill
HIGGINS of Portland
HAYDEN of Brunswick
BELL of Paris
MURRAY of Bangor
BONNEY of Falmouth
DESCOTEAUX of Biddeford
RIOUX of Biddeford
BAKER of Orrington

Subsequently, Representative Hayden of Brunswick reported that the Committee had delivered the message with which they were charged.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker and Members of the House, I move that the House stand adjourned sine die.

The motion prevailed and at 7:15 p.m., Daylight Savings Time, Friday, October 17, 1986, the Speaker pro tem declared the House adjourned without day.