

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME VII

SECOND REGULAR SESSION

Senate

March 10, 1992 to March 31, 1992

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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

December 5, 1990 to December 1, 1992

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

In Senate Chamber
Thursday
October 1, 1992

S/JOHN R. MCKERNAN, JR.
Governor

S/G. William Diamond
Secretary of State
Which was **READ** and **ORDERED PLACED ON FILE**.

In compliance with a proclamation of His Excellency, Governor JOHN R. MCKERNAN, JR., the Senators will convene in the Senate Chamber at 11:00 in the morning. Senate called to Order by the President.

Prayer by the Honorable Dale McCormick of Kennebec.

SENATOR DALE MCCORMICK: Our Special Session today has fallen between the two highest holidays of Jewish religion, Rosh Hashannah and Yom Kippur, so I thought it was appropriate to read the blessing that is given upon lighting the festival candles on Rosh Hashannah, which is the beginning of the Jewish New Year 5753. I will read it first in Hebrew and then in English.

Baruch atah adonai eloheinu melech ha-olam asher kidshanu b'mitzvo-tav v'tzivanu l'hadlik ner shel Rosh Hashannah. In English this translates to mean; Blessed art thou Ruler of the universe, our Lord, who has sanctified us with your commandments and commanded us to light the Rosh Hashannah candles. Amen.

The Secretary will read the Proclamation.

STATE OF MAINE
PROCLAMATION

WHEREAS, there exists in the State of Maine an extraordinary need for reform of the State workers' compensation system; and

WHEREAS, the Report of the Blue Ribbon Commission convened for the purpose of studying the elements of the Maine workers' compensation system which contribute to its excessive cost, and recommending necessary changes in the Maine workers' compensation law has been finalized; and

WHEREAS, failure to take decisive action to implement the reforms recommended by the Blue Ribbon Commission Report would jeopardize the continued viability of the Maine workers' compensation system, and would leave the causes of skyrocketing costs in the system unaddressed; and

WHEREAS, quick action on the Blue Ribbon Commission Report is called for;

WHEREAS, the appropriate hour of convention should be 11:00 a.m.,

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, do hereby revoke my Proclamation of the twenty-second of September, and pursuant to Article V, Part First, Section 13, do hereby convene the 115th Legislature on Thursday, October 1, 1992, at 11:00 a.m. in the City of Augusta.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this twenty-second day of September in the Year of our Lord One Thousand Nine Hundred and Ninety-Two.

ROLL CALL

The Chair noted the absence of Senator ESTY of Cumberland, Senator KANY of Kennebec, Senator MCCORMICK of Kennebec and further excused them from the Quorum Roll Call.

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

Senators BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAHILL, CARPENTER, COLLINS, DUTREMBLE, EMERSON, FOSTER, GILL, GOULD, LUDWIG, MILLS, RICH, SUMMERS, THERIAULT, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

21 Senators having answered to the Roll, the President declared a quorum present.

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

ORDERED, that a message be sent to Governor John R. McKernan, Jr., informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was **READ** and **PASSED**.

The President appointed the Senator from York, Senator DUTREMBLE to deliver the message to the Governor.

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

The Chair noted the presence of the Senator from Cumberland, Senator TITCOMB.

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

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

Which was **READ** and **PASSED**.

The President appointed the Senator from Oxford, Senator MILLS to deliver the message.

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

Senate at Ease

Senate called to order by the President.

COMMUNICATIONS

The Following Communication: S
.P. 975
COMMISSION TO STUDY THE FUTURE OF MAINE'S COURTS
142 FEDERAL STREET, ROOM 317
PORTLAND, ME 04101
April 30, 1992

Senator Charles P. Pray
President of the Senate
State House Station 3
Augusta, ME 04333

Dear Sen. Pray:
The Commission to Study the Future of Maine's Courts is pleased to send you its Phase I: Interim Report. This working document represents a compilation of the research performed and information gathered over the last 10 months.

The Commission now faces the equally interesting but more difficult task of making recommendations for a system of justice that will meet the needs of the citizens of Maine in the 21st century. We also must address issues of immediate concern to the Legislature.

We expect to have a preliminary draft report available for your inspection and public comment by November 1992. After a series of public hearings in November and December, the Commission will revise its preliminary draft to reflect comments received at such hearings. The final report will be published by February 28, 1993.

Sincerely,
S/Harriet P. Henry
Chair

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

Under suspension of the Rules, Ordered sent forthwith for concurrence.

The Following Communication:
STATE OF MAINE
DEPARTMENT OF STATE

I, the Secretary of State of the State of Maine, do hereby Certify that the paper to which this is attached is a true copy from the records of this office.

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this Fifteenth day of April in the year of our Lord one thousand nine hundred and Ninety-Two.
S/G. William Diamond
Secretary of State

RESOLUTION OF THE JOINT TRIBAL COUNCIL OF THE PASSAMAQUODDY TRIBE, ADOPTED AT A MEETING HELD AT INDIAN TOWNSHIP RESERVATION ON APRIL 6, 1992

Be It Resolved That
WHEREAS, the Legislature of the State of Maine has passed "An Act Concerning Funding of Indian Schools under the Act to Implement the Maine Indian Claims Settlement," which was approved by the Governor of Maine and designated P.L. 1991, c. 705, and which

includes an amendment to the Maine Indian Claims Settlement Act (the "Maine Implementing Act");
WHEREAS, Section 5 of P.L. 1991, c. 705 provides that it will not become effective unless it is approved by the Joint Tribal Council of the Passamaquoddy Tribe and a certification thereof is filed with the Maine Secretary of State within 60 days of the adjournment of the Maine Legislature;
WHEREAS, Title 25, Section 1725(e) of the United States Code grants the consent of Congress to any amendment of the Maine Implementing Act affecting the Passamaquoddy Tribe when the amendment relates to "the enforcement or application of civil, criminal, or regulatory laws of the Passamaquoddy Tribe. . . and the State within their respective jurisdictions," or to "the allocation or determination of governmental responsibility of the State and the tribe . . . over specified subject matters . . . including provision of concurrent jurisdiction between the State and the tribe . . ." provided the amendment is made with the agreement of the Passamaquoddy Tribe;
WHEREAS, P.L. 1991, c. 705 changes the manner in which state funds for the Passamaquoddy Indian schools are calculated, enabling the schools to accept more federal funding; and
WHEREAS, these legislative changes were enacted in response to legislation promoted by the Passamaquoddy Tribe, and are deemed beneficial to the Passamaquoddy Tribe,

NOW THEREFORE, BE IT RESOLVED:

That, pursuant to the provisions of Title 3, Section 601 of the Maine Revised Statutes and Section 5 of P.L. 1991, c. 705, the Joint Tribal Council of the Passamaquoddy Tribe hereby agrees to and approves the provisions of P.L. 1991, c. 705 enacted by the Maine Legislature, including specifically the portions thereof amending Title 30, Section 6211, and further directs that a written certification to that effect be prepared, executed and submitted to the Secretary of State of the State of Maine in accordance with the provisions of Title 3, Section 602 of the Maine Revised Statutes forthwith.

CERTIFICATION

I, the undersigned officer designated by the Joint Tribal Council of the Passamaquoddy Tribe pursuant to Title 3, Section 602 of the Maine Revised Statutes, do hereby certify that a meeting of the Joint Tribal Council of the Passamaquoddy Tribe was held at the Indian Township Reservation, Washington County, Maine on April 6, 1992, and do further certify that the foregoing Resolution was duly adopted by the Joint Tribal Council.

Dated: 4/9/92

ATTEST: S/Madonna M. Soctomah
Certifying Officer

RESOLUTION OF THE JOINT TRIBAL COUNCIL OF THE PASSAMAQUODDY TRIBE, ADOPTED AT A MEETING HELD AT INDIAN TOWNSHIP RESERVATION ON APRIL 6, 1992

Be It Resolved That
WHEREAS, the Legislature of the State of Maine has passed "An Act Concerning Passamaquoddy Indian Territory," which was approved by the Governor of Maine and designated P.L. 1991, c. 720, and which includes an amendment to the Maine Indian Claims Settlement Act (the "Maine Implementing Act");
WHEREAS, Section 2 of P.L. 1991, c. 720 provides

that it will not become effective unless it is approved by the Joint Tribal Council of the Passamaquoddy Tribe and a certification thereof is filed with the Maine Secretary of State within 60 days of the adjournment of the Maine Legislature; WHEREAS, Title 25, Section 1725(e) of the United States Code grants the consent of Congress to any amendment of the Maine Implementing Act affecting the Passamaquoddy Tribe when the amendment relates to "the enforcement or application of civil, criminal, or regulatory laws of the Passamaquoddy Tribe. . . and the State within their respective jurisdictions," or to "the allocation or determination of governmental responsibility of the State and the tribe . . . over specified subject matters . . . , including provision of concurrent jurisdiction between the State and the tribe . . ." provided the amendment is made with the agreement of the Passamaquoddy Tribe; WHEREAS, P.L. 1991, c. 720 authorizes taking into trust lands owned by the Passamaquoddy Tribe in Albany Township, Maine; and WHEREAS, this legislative change was enacted in response to legislation initiated by the Passamaquoddy Tribe, and are deemed beneficial to the Passamaquoddy Tribe,

NOW THEREFORE, BE IT RESOLVED:

That, pursuant to the provisions of Title 3, Section 601 of the Maine Revised Statutes and Section 2 of P.L. 1991, c. 720, the Joint Tribal Council of the Passamaquoddy Tribe hereby agrees to and approves the provisions of P.L. 1991, c. 720 enacted by the Maine Legislature, including specifically the portions thereof amending Title 30, Section 6205, subsection 1, paragraph B, and further directs that a written certification to that effect be prepared, executed and submitted to the Secretary of State of the State of Maine in accordance with the provisions of Title 3, Section 602 of the Maine Revised Statutes forthwith.

CERTIFICATION

I, the undersigned officer designated by the Joint Tribal Council of the Passamaquoddy Tribe pursuant to Title 3, Section 602 of the Maine Revised Statutes, do hereby certify that a meeting of the Joint Tribal Council of the Passamaquoddy Tribe was held at the Indian Township Reservation, Washington County, Maine on April 6, 1992, and do further certify that the foregoing Resolution was duly adopted by the Joint Tribal Council.
Dated: 4/9/92 ATTEST: S/Madonna M. Soctomah
Certifying Officer

**RESOLUTION OF THE JOINT TRIBAL COUNCIL OF THE
PASSAMAQUODDY TRIBE, ADOPTED AT A MEETING
HELD AT INDIAN TOWNSHIP RESERVATION
ON APRIL 6, 1992**

Be It Resolved That
WHEREAS, the Legislature of the State of Maine has passed "An Act Concerning Tribal Courts," which was approved by the Governor of Maine and designated P.L. 1991, c. 766, and which includes an amendment to the Maine Indian Claims Settlement Act (the "Maine Implementing Act");
WHEREAS, Section 2 of P.L. 1991, c. 766 provides that it will not become effective unless it is approved by the Joint Tribal Council of the Passamaquoddy Tribe and a certification thereof is filed with the Maine Secretary of State within 60 days of the adjournment of the Maine Legislature;

WHEREAS, Title 25, Section 1725(e) of the United States Code grants the consent of Congress to any amendment of the Maine Implementing Act affecting the Passamaquoddy Tribe when the amendment relates to "the enforcement or application of civil, criminal, or regulatory laws of the Passamaquoddy Tribe. . . and the State within their respective jurisdictions," or to "the allocation or determination of governmental responsibility of the State and the tribe . . . over specified subject matters . . . , including provision of concurrent jurisdiction between the State and the tribe . . ." provided the amendment is made with the agreement of the Passamaquoddy Tribe;
WHEREAS, P.L. 1991, c. 766 increases the criminal jurisdiction of the Passamaquoddy Tribal Court to include "victimless" crimes and Class D offenses; and
WHEREAS, these legislative changes were enacted in response to legislation promoted by the Passamaquoddy Tribe, and are deemed beneficial to the Passamaquoddy Tribe,
NOW THEREFORE, BE IT RESOLVED:

That, pursuant to the provisions of Title 3, Section 601 of the Maine Revised Statutes and Section 2 of P.L. 1991, c. 766, the Joint Tribal Council of the Passamaquoddy Tribe hereby agrees to and approves the provisions of P.L. 1991, c. 766 enacted by the Maine Legislature, and further directs that a written certification to that effect be prepared, executed and submitted to the Secretary of State of the State of Maine in accordance with the provisions of Title 3, Section 602 of the Maine Revised Statutes forthwith.

CERTIFICATION

I, the undersigned officer designated by the Joint Tribal Council of the Passamaquoddy Tribe pursuant to Title 3, Section 602 of the Maine Revised Statutes, do hereby certify that a meeting of the Joint Tribal Council of the Passamaquoddy Tribe was held at the Indian Township Reservation, Washington County, Maine on April 6, 1992, and do further certify that the foregoing Resolution was duly adopted by the Joint Tribal Council.
Dated: 4/9/92 ATTEST: S/Madonna M. Soctomah
Certifying Officer

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

The Following Communication:
MAINE EDUCATIONAL LOAN AUTHORITY
P.O. BOX 510
AUGUSTA, MAINE 04332-0510

April 28, 1992

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

Pursuant to Chapter 417A, Subsection 11427, 20A MRSA, I am forwarding to you the fourth annual report and financial accounting of the Maine Educational Loan Authority (MELA).

From July, 1991, through March, 1992, the Authority served more students than ever by disbursing over eight and a half million new dollars in loan funds. We anticipate disbursing an additional one million in loan funds before the end of the academic year. Since the inception of the program in 1988, MELA loans have served over 6,200

students and their families with loans of over twenty-eight million dollars of private capital.

The attached report provides MELA program information for the past year in greater detail. It is worthwhile noting that MELA's loan approval rate increased during the 1991-92 academic year, from 68 percent to 73 percent, and that the average loan amount increased from \$5,886 to \$6,492. More funds are being used by students attending Maine colleges, and more private colleges in and outside the State are using MELA funds.

The MELA program continues to meet the growing financial need of Maine students and their families for addressing the increasing cost of higher education. With the economic climate our citizens are living through, it is anticipated that the MELA program will be called upon even more frequently in the future. We are looking forward to achieving new efficiencies in the program and exploring new ways to better serve the people of Maine.

In May of this year, we will be refunding our initial thirty-five million dollar bond issue as well as creating new money to a total of sixty million dollars. This will ensure an adequate supply of loan dollars in the program for the next few years. With the low-interest rate we expect to achieve for borrowers, we continue to believe that Maine has the best supplemental education loan program in the nation! Of that, we are extremely proud.

The Authority recently completed its fourth financial audit by an independent certified public accounting firm, KPMG, Peat Marwick. Their audited financial statements are enclosed for your reference.

We wish to thank you for your consistent interest and support for the Maine Educational Loan Authority. We will continue to promote and assist higher education needs for the students and families of our state whenever and wherever the opportunity presents itself.

Sincerely,
S/Richard H. Pierce
Executive Director

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

The Following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT SELECT COMMITTEE TO STUDY THE FEASIBILITY
OF A STATEWIDE HEALTH INSURANCE PROGRAM
May 8, 1992**

The Honorable Charles P. Pray
The Honorable John L. Martin
Maine Legislature
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

We are please to send you this copy of the interim report of the Joint Select Committee to Study the Feasibility of a Statewide Health Insurance Program. The joint select committee was authorized by decision of the Legislative Council on August 22, 1991.

Sincerely,
S/Sen. Judy C. Kany S/Rep. Elizabeth H. Mitchell
Senate Chair House Chair

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

The Following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, ME 04333
COMMISSION ON COMPREHENSIVE ENERGY PLANNING
May 20, 1992**

Honorable Charles P. Pray
State House Station 3
Augusta, ME 04333
Dear President Pray:

I am pleased to forward herewith the Final Report of the Commission on Comprehensive Energy Planning. This report was produced pursuant to Resolves Ch. 50, 1991, and represents an extensive effort to fashion a well-balanced and comprehensive energy policy for the State of Maine. The report has been approved by a two-thirds majority of the Commission, as required by law, and is offered as a consensus document dealing with a broad range of complex and difficult energy planning issues.

The members of the Commission on Comprehensive Energy Planning urge that the goals, objectives and recommendations contained in this report be adopted as Maine's energy policy.

Respectfully submitted,
S/Sen. John J. Cleveland
Chair

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

The Following Communication:

**STATE OF MAINE
ADMINISTRATIVE OFFICE OF THE COURTS
P.O. BOX 4820 DOWNTOWN STATION
PORTLAND, MAINE 04112
May 25, 1992**

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

It is my honor and personal pleasure to transmit to you a copy of the Fifteenth Annual Report of the Judicial Department, pursuant to the provisions of 4 MRSA section 17(10).

Sincerely,
S/Dana R. Baggett
State Court Administrator

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

The Following Communication:

**STATE OF MAINE
DEPARTMENT OF AUDIT
STATE HOUSE STATION 66
AUGUSTA, ME 04333**

May 29, 1992

To the President of the Senate and the Speaker of the House of Representatives
We have compiled the accompanying balance sheet of the Unorganized Territory Tax District as of June 30, 1990, and the related statements of revenues, expenditures and changes in fund balance for the year then ended, in accordance with standards established by the American Institute of Certified Public Accountants.

As described in Note 1, the financial statements of the Unorganized Territory Tax District are intended

to present the financial position and results of operations and changes in fund balance of only that portion of the funds of the State of Maine that is attributable to the transactions of the Unorganized Territory Tax District.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any form of assurance on them.

S/Rodney L. Scribner, CPA
State Auditor

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

The Following Communication:
**STATE OF MAINE
DEPARTMENT OF AUDIT
STATE HOUSE STATION 66
AUGUSTA, ME 04333**

May 29, 1992

To the President of the Senate and the Speaker of the House of Representatives
We have compiled the accompanying balance sheet of the Unorganized Territory Tax District as of June 30, 1991, and the related statements of revenues, expenditures and changes in fund balance for the year then ended, in accordance with standards established by the American Institute of Certified Public Accountants.

As described in Note 1, the financial statements of the Unorganized Territory Tax District are intended to present the financial position and results of operations and changes in fund balance of only that portion of the funds of the State of Maine that is attributable to the transactions of the Unorganized Territory Tax District.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any form of assurance on them.

S/Rodney L. Scribner, CPA
State Auditor

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

The Following Communication:
**STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE**

I, the Secretary of State of the State of Maine, do hereby Certify that the paper to which this is attached is a true copy from the records of this office.

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this First day of June in the year of our Lord one thousand nine hundred and Ninety-Two.
S/G. William Diamond
Secretary of State

**RESOLUTION OF THE JOINT TRIBAL COUNCIL OF THE
PASSAMAQUODDY TRIBE, ADOPTED AT A MEETING
HELD AT PLEASANT POINT RESERVATION, PERRY, MAINE
ON MAY 11, 1992**

Be It Resolved That

WHEREAS, the 115th Legislature of the State of Maine has passed Legislative Document 1776 (L.D. 1776), "An Act Concerning Indian Territory under the Maine Indian Claims Settlement Laws," which affects the exercise of powers conferred upon the Passamaquoddy Tribe in the Maine Indian Claims Settlement Act (the "Maine Implementing Act");

WHEREAS, Section 2 of L.D. 1776 provides that it will not become effective unless it is approved by the Joint Tribal Council of the Passamaquoddy Tribe and a certification thereof is filed with the Maine Secretary of State within 60 days of the adjournment of the Maine Legislature;

WHEREAS, Title 25, Section 1725(e) of the United States Code grants the consent of Congress to any amendment of the Maine Implementing Act affecting the Passamaquoddy Tribe when the amendment relates to "the enforcement or application of civil, criminal, or regulatory laws of the Passamaquoddy Tribe. . . and the State within their respective jurisdictions," or to "the allocation or determination of governmental responsibility of the State and the tribe . . . over specified subject matters . . . , including provision of concurrent jurisdiction between the State and the tribe . . ." provided the amendment is made with the agreement of the Passamaquoddy Tribe;

WHEREAS, L.D. 1776 makes changes in the manner in which the Passamaquoddy Tribe may exercise the general powers and duties of a Maine municipality concerning to land use regulation and natural resources protection within the portions of Passamaquoddy Indian Territory acquired from the formerly unorganized territories of the state; and WHEREAS, these legislative changes were enacted in response to legislation initiated by the Passamaquoddy Tribe, and are deemed beneficial to the Passamaquoddy Tribe,

NOW THEREFORE, BE IT RESOLVED:

That, pursuant to the provisions of Title 3, Section 601 of the Maine Revised Statutes and Section 2 of L.D. 1776, the Joint Tribal Council of the Passamaquoddy Tribe hereby agrees to and approves the provisions of L.D. 1776 enacted by the Maine Legislature, and further directs that a written certification to that effect be prepared, executed and submitted to the Secretary of State of the State of Maine in accordance with the provisions of Title 3, Section 602 of the Maine Revised Statutes forthwith.

CERTIFICATION

I, the undersigned officer designated by the Joint Tribal Council of the Passamaquoddy Tribe pursuant to Title 3, Section 602 of the Maine Revised Statutes, do hereby certify that a meeting of the Joint Tribal Council of the Passamaquoddy Tribe was held at the Pleasant Point Reservation, Perry, Maine on May 11, 1992, at which the foregoing Resolution was duly adopted by the Joint Tribal Council.

Dated: May 26, 1992 ATTEST: S/Madonna M. Soctomah
Certifying Officer

Which was **READ** and **ORDERED PLACED ON FILE.**

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

The Chair noted the presence of the Senator from Kennebec, Senator MCCORMICK and the Senator from Lincoln, Senator HOLLOWAY.

The Following Communication:

**STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE**

I, the Secretary of State of the State of Maine, do hereby Certify that the paper to which this is attached is a true copy from the records of this office.

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this First day of June in the year of our Lord one thousand nine hundred and Ninety-Two.
S/G. William Diamond
Secretary of State

**RESOLUTION
NUMBER 05-26-92-01
OF THE PENOBSCOT INDIAN 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; and
WHEREAS, the Penobscot Nation held a General Meeting May 26, 1992, for the purpose of approving or disapproving legislation that has been submitted to the 115th Legislature of the State of Maine;
THEREFORE BE IT RESOLVED, that the Penobscot Nation approved

H.P. 1433-LD 2045

An Act Concerning Funding of Indian Schools under the Act to Implement the Maine Indian Claims Settlement PL 1991, c. 705

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 26th day of May, 1992, and that the proceedings of said Nation, and that the said Resolution has not been amended or revoked and is in full force and effect.

In Witness whereof, I hereunto set my hand as Tribal Clerk of the Penobscot Indian Nation and affixed its Tribal Seal; on 5/27/92

S/Lorraine Dana
Tribal Clerk

**RESOLUTION
NUMBER 05-26-92-02**

OF THE PENOBSCOT INDIAN 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; and
WHEREAS, the Penobscot Nation held a General Meeting May 26, 1992, for the purpose of approving or disapproving legislation that has been submitted to the 115th Legislature of the State of Maine;
THEREFORE BE IT RESOLVED, that the Penobscot Nation approved

H.P. 1472-LD 2084

An Act Concerning Penobscot Nation Trust Land Designation

PL 1991, c. 721

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 26th day of May, 1992, and that the proceedings of said Nation, and that the said Resolution has not been amended or revoked and is in full force and effect.

In Witness whereof, I hereunto set my hand as Tribal Clerk of the Penobscot Indian Nation and affixed its Tribal Seal; on 5/27/92

S/Lorraine Dana

**RESOLUTION
NUMBER 05-26-92-03**

OF THE PENOBSCOT INDIAN 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; and
WHEREAS, the Penobscot Nation held a General Meeting May 26, 1992, for the purpose of approving or disapproving legislation that has been submitted to the 115th Legislature of the State of Maine;
THEREFORE BE IT RESOLVED, that the Penobscot Nation approved

H.P. 1494-LD 2106

An Act Concerning Tribal Courts

PL 1991, c. 766

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 26th day of May, 1992, and that the proceedings of said Nation, and that the said Resolution has not been amended or revoked and is in full force and effect.

In Witness whereof, I hereunto set my hand as Tribal Clerk of the Penobscot Indian Nation and affixed its Tribal Seal; on 5/27/92

S/Lorraine Dana

**RESOLUTION
NUMBER 05-26-92-04**

OF THE PENOBSCOT INDIAN 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; and

WHEREAS, the Penobscot Nation held a General Meeting May 26, 1992, for the purpose of approving or disapproving legislation that has been submitted to the 115th Legislature of the State of Maine;

THEREFORE BE IT RESOLVED, that the Penobscot Nation approved

H.P. 1218-LD 1776

An Act Concerning Indian Territory under the Maine Indian Claims

**Settlement Laws
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 26th day of May, 1992, and that the proceedings of said Nation, and that the said Resolution has not been amended or revoked and is in full force and effect.

In Witness whereof, I hereunto set my hand as Tribal Clerk of the Penobscot Indian Nation and affixed its Tribal Seal; on 5/27/92

S/Lorraine Dana

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

The Following Communication:

**COMMISSION ON SAFETY & HEALTH IN THE MAINE WORKPLACE
STATE HOUSE STATION #45
AUGUSTA, MAINE 04333**

June 2, 1992

115th Maine Legislature

State House
Augusta, ME 04333

Dear Members of the 115th Maine Legislature:

I am pleased to submit for your information and consideration a report of the activities on the Commission on Safety and Health in the Maine Workplace. A series of recommendations meant to improve occupational safety and health are also included.

The Commission, established in Title 26 M.R.S.A. Section 51, consists of labor, management, and other knowledgeable persons concerned with occupational

health and safety issues. The Commission has a broad mandate to evaluate and promote workplace safety and health. We have also advised the Department of Labor regarding its voluntary safety and health programs.

Too often the public policy debate relating to occupational health and safety has been solely in the context of workers' compensation. The Commission looks at occupational health and safety in its own light, recognizing that it touches all parts of our work life. We believe that this approach will have the greatest short and long term benefits to the Maine workplace.

I would like to thank the active participation of the Commission members (listed in Appendix A), former Labor Commissioner John Fitzsimmons and current Commissioner Charles Morrison for their support and leadership, as well as the staff of the Bureau of Labor Standards for their support and dedication to improving Maine workplaces.

If you wish further information regarding our activities, or have comments or questions, please do not hesitate to contact myself or any Commission member.

Sincerely,

S/Charles R. Weeks, Chair

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

The Following Communication:

**STATE OF MAINE
DEPARTMENT OF AUDIT
STATE HOUSE STATION 66
AUGUSTA, ME 04333**

June 4, 1992

Governor John R. McKernan

Sen. Charles P. Pray, President of the Senate

Rep. John L. Martin, Speaker of the House

Attorney General Michael E. Carpenter

Gentlemen:

We have been auditing the Seed Potato Board which is established in the Department of Agriculture, Food and Rural Resources and which has farm land in several locations including Homestead, Florida and Masardis, Maine. It appears that the financial administration of the Seed Potato Board meets the requirements of 5 M.R.S.A. § 244 which requires the State Auditor to report:

If he shall find in the course of his audit evidence of improper transactions, or of incompetence in keeping accounts or handling funds or of any other improper practice of financial administration, he shall report the same to the Governor and the Legislature immediately. If he shall find evidence of illegal transactions, he shall forthwith report such transactions both to the Governor and to the Attorney General.

Our audit work is ongoing. Our audit findings and recommendations will be included in the next Single Audit Report of the State of Maine, which will be issued in the latter part of July.

Should you have any questions regarding this matter, please contact me.

Sincerely,

S/Rodney L. Scribner, CPA
State Auditor

Which was **READ** and **ORDERED PLACED ON FILE.**

The Following Communication:

STATE OF MAINE
DEPARTMENT OF AUDIT
STATE HOUSE STATION 66
AUGUSTA, MAINE 04333
Letter of Transmittal

July 29, 1992

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

Dear President Pray:

I am pleased to submit the fifth Single Audit of the State of Maine, covering the fiscal year ended June 30, 1991.

We conducted the audit pursuant to Title 5, MRSA, Chapter 11, which authorizes the State Department of Audit:

To perform a postaudit of all accounts and other financial records of the state government or any department or agency thereof, including the Judiciary and the Executive Department of the Governor, except the Governor's expense account, and to report annually on this audit, and at such other times as the Legislature may require.

The audit was conducted as a condition of the state having expended \$814 million in federal financial assistance and to meet the requirements of the Single Audit Act of 1984, authorized under the United States Code, USC 31, Chapter 75 and the regulations established in the U.S. Office of Management and Budget (OMB) Circular A-128, Audits of State and Local Governments.

The objectives of our audit were:

- * To determine the fairness of the presentation of the state's financial statements in accordance with generally accepted accounting principles;
- * To assess the adequacy of the state's systems and procedures for financial accounting, reporting and internal controls;
- * To determine the accountability for revenues, the propriety of expenditures, the extent to which funds have been expended in accordance with prescribed state and federal laws and regulations, and compliance with federal regulations pertaining to financial reports and claims for reimbursements;
- * To recommend appropriate actions to correct any deficiencies noted and include a management response to our findings and recommendations.

Our review of the system and procedures of the State of Maine related to financial accounting, internal control, and compliance revealed certain weaknesses which are included in the following reports:

- * Significant weaknesses are noted in the Schedule of Reportable Conditions and the reports on compliance and internal control.
- * Federal compliance matters are included in the Schedule of Compliance Findings and Questioned Costs.
- * Other weaknesses are noted in the Management Letter.

We are again rendering a qualified opinion on the state's financial statements. The qualifications contained in the Independent Auditor's Report are as follows:

- * The state does not record certain accruals as required by generally accepted accounting principles;
- * The state did not retain records necessary for recording additional amounts of corporate taxes receivable and related revenue;
- * The state has not recorded an adequate allowance account balance for uncollectible taxes receivable.

In addition, we do not express an opinion on the General Fixed Assets Account Group because of incomplete financial records.

I commend the staff of the Department of Audit, whose professionalism and dedication made possible the preparation of this report. Through our efforts and the ongoing cooperation of the Maine Department of Administrative and Financial Services and other state agencies, we will continue to provide financial information that serves the needs of governmental decision makers, federal regulators, credit rating agencies, financial institutions and interested citizens of Maine.

We would be pleased to respond to any of your questions or comments about the 1991 Single Audit Report.

S/Rodney L. Scribner, CPA
State Auditor

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

The Following Communication:

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

August 17, 1992

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

RE: Quarterly Report for the Second Quarter of Calendar 1992

39 M.R.S.A., Section 92(3)

Dear President Pray:

This letter and statistical attachments are the report of Commissioner caseload and progress mandated by 39 M.R.S.A., Section 92(3), for the second quarter of 1992.

As of June 30, 1992, the Commissioners had 8,687 undecided petitions on file. By comparison, this number was 10,377 as of December 31, 1991. The current caseload represents about 6,000 Maine workers with cases pending before the Commission. More than one petition is often filed per case.

The number of pending petitions continued to decrease during the second quarter. The reason for the decline is a combination of a high number of dispositions by the Commissioners and fewer petition filings.

We anticipate a lower volume of litigation during the next few years. We believe this is a cumulative product of lower employment levels. However, anecdotal evidence exists that the durational limit

on partial disability, established during the 1987 reforms, also is reducing the number of heavily litigated cases.

The Commissioners disposed of 3,545 petitions by decision or dismissal in the second quarter of 1992. Litigants filed 2,919 new petitions. The number of petitions pending more than two years increased from 194 to 247. The number of these older petitions reflects a problem with primarily one Commissioner who has about 150 of the total.

A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further if you wish.

Sincerely,
S/Ralph L. Tucker
Chairman

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

The Following Communication:

**DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
STATE HOUSE STATION 45
AUGUSTA, MAINE 04333**

The Hon. John L. Martin
Speaker of the House
State House Station #2
Augusta, ME 04333

The Hon. Charles P. Pray
President of the Senate
State House Station #3
Augusta, ME 04333

Dear Speaker Martin and President Pray:

We are pleased to submit to the 115th Legislature the fourth Annual Report on the Status of the Maine Workers' Compensation System pursuant to Public Law 1987, Chapter 599. This document summarizes the results of data collection by the three agencies involved and is intended to present a profile of the workers' compensation system including costs, administration, adequacy, and an evaluation of the entire system.

Like its predecessor, this report is organized into three sections. The report itself, however, is a cooperative effort.

Sincerely,
S/Brian Atchinson
Superintendent
Dept. of Prof. &
Fin. Regulation
Bur. of Insurance

Sincerely,
S/James McGowan
Director
Dept. of Labor
Bur. of Labor
Standards

Sincerely,
S/Ralph Tucker
Chairman
Workers'
Compensation
Commission

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

The Following Communication:

BLUE RIBBON COMMISSION

August 31, 1992

To: John R. McKernan, Jr., Governor
John L. Martin, Speaker of the House
Charles P. Pray, President of the Senate
Members of the 115th Legislature

Dear Governor McKernan, Speaker Martin, President Pray and the Members of the 115th Legislature:

We the members of the Blue Ribbon Commission have complied with all the mandates of the Resolve establishing the Commission (PL 1991, Chapter 59, Resolves) and present the attached finding of the majority together with proposed legislation and a timetable for implementation.

Also we consider the Pilot Project referred to in

Section 1 Subsection 4 of the Resolve to be both desirable and feasible.

We have considered requests to make recommendations for handing the deficit in the current residual market and concluded that although we deem this to be a very important issue, in view of the fact that the Resolve does not ask for our recommendations we decline to do so.

Respectfully submitted,

S/Richard Dalbeck S/Wm. Hathaway S/Harvey Picker
Abstained - S/Emilien Levesque

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

The Following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, ME 04333**

September 1, 1992

The Honorable Charles P. Pray
The Honorable John L. Martin
Maine Legislature
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

We are pleased to send you this copy of the final report on Environmental Crimes. The report is a staff study completed by the Office of Policy and Legal Analysis for the Joint Standing Committee on Energy and Natural Resources and the Joint Standing Committee on Judiciary pursuant to approval of the Legislative Council.

Sincerely,

S/Sen. Bonnie Titcomb
Senate Chair
Joint Standing Committee
on Energy and Nat. Res.
S/Rep Paul Jacques
House Chair
Joint Standing Committee
on Energy and Nat. Res.

S/Sen. Paul Gauvreau
Senate Chair
Joint Standing Committee
on Judiciary
S/Rep. Patrick Paradis
House Chair
Joint Standing Committee
on Judiciary

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

The Following Communication:

**DEPARTMENT OF EDUCATION
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333**

September 1, 1992

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

Dear President Pray:

In accordance with State of Maine Laws, Title 20-A, section 256, I am pleased to submit to you the **1992 Performance Report on Maine's Schools.**

The publication of an annual report on the status of public education in the State of Maine became a statutory duty of the Commissioner of Education under the Education Reform Act of 1984.

A letter from former Commissioner Eve Bither, which is part of the report, lists progress and accomplishments in Maine education over the last five years.

I hope you will find the report useful and informative.

Sincerely,
S/Leo G. Martin
Commissioner

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

The Following Communication:

COMMITTEE ON TRANSITION

September 24, 1992

Honorable Charles P. Pray
President of the Senate
Station 3

Augusta, ME 04333

Dear President Pray:

In accordance with 20-A MRSA, Section 7804, Subsection 6, I am pleased to submit to the Legislature the Annual Report of Maine's Interdepartmental Committee on Transition.

Thank you for your interest in our activities. Please feel free to contact us with your comments.

Sincerely,
S/Pamela Tetley, Chair
Committee on Transition

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

The Following Communication:

115TH MAINE LEGISLATURE

October 1, 1992

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

Dear Madam Secretary:

On June 2, 1992, pursuant to our authority by a vote of the Legislative Council on August 22, 1991, we appointed Senator Barbara Gill as one of the three adjunct members, in addition to the Joint Standing Committee on Banking and Insurance, to the Committee to Study the Feasibility of a Statewide Health Insurance Program. She will replace Senator Dale McCormick, who is no longer able to serve in the capacity of adjunct member due to her appointment as a member of the Joint Standing Committee on Banking and Insurance.

On June 8, 1992, pursuant to our authority under Chapter 35 of the Resolves of 1991, we appointed Jean R. Nadeau of Lyman to serve on the Commission to Arrange for the Display of the Flags of Maine's Desert Storm Units in the Hall of Flags of the State House. Mr. Nadeau will be replacing Everett Roberts as a representative of the Disabled American Veterans.

On July 13, 1992, pursuant to our authority under Chapter 780 of the Public Laws of 1991, we appointed Bonnie Post of Owl's Head, Annie Sutton of Westbrook, Edward Miller of Farmingdale, Jan Hitchcock of Damariscotta, Lisa McVey of Millinocket, Sue Ann Townsend of Bangor, Margaret Hopkins of Millinocket, Dr. Ronald Deprez of Portland and Evelyne Kieltyka of Augusta to serve on the Cancer Prevention and Control Advisory Committee.

On July 29, 1992, pursuant to our authority under Chapter 63 of the Resolves of 1991, we have appointed Gretyl Cyr of Scarborough (School Support Staff); Ursula Slavick of Portland (Secondary School

Teacher); Janie Lander of Monson (Elementary School Teacher); Debbie Drew of Sherman Station (School Counselor); and Susan Pulkkinen of Guilford (School Nurse) to serve on the Committee for Assistance to High-risk Students.

On August 18, 1992, pursuant to our authority under Chapter 854 of the Public Laws of 1991, we appointed J. Michael Huston of Freeport, Steven Deller of Orono, Peter Danton of Saco, Wanda Plummer of Brunswick, Mark Glaze of North Berwick, Robert Clark of Caribou, Roland Martin of Caribou, James Mackie of South Portland and Charles O'Leary of Bangor to serve on the Task Force on Defense Realignment and the Economy.

On August 26, 1992, pursuant to our authority under the vote of the Legislative Council on July 22, 1992, we have appointed Sen. Beverly Miner Bustin of Augusta, Co-Chair; Sen. Gerard P. Conley, Jr., of Portland; Rep. William Lemke of Westbrook, Co-Chair; Rep. Ruth Joseph of Waterville; and Rep. Hugh A. Morrison of Bangor to serve on the Commission on Recall.

Sincerely,
S/Charles P. Pray
President of the Senate
Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

S/John L. Martin
Speaker of the House

The Following Communication:

**STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333**

September 23, 1992
Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Madam Secretary:

Please be advised that I have made the following appointments:

Maine Committee for Global Education; Pursuant to Chapter 84 of the Private and Special Laws of 1992:

Senator Donald Esty, Jr.

Committee to Advise the Department of Human Services on AIDS; Pursuant to 5 M.R.S.A., Section 19292:

Senator Dale McCormick (Replacing Senator Titcomb)

Advisory Committee on Medical Education; Pursuant to Chapters 830 and 832 of the Public Laws of 1992:

Dr. Larry Linnell of Dover Foxcroft

Petroleum Advisory Committee; Pursuant to Chapter 836 of the Public Laws of 1992:

Senator John Baldacci

Piscataqua River Basin Council; Pursuant to Chapter 95 of the Private and Special Laws of 1992:

Senator Stephen Estes

Senator Bonnie Titcomb

Oil Spill Advisory Committee; Pursuant to Chapter 698 of the Public Laws of 1992:

David Norton of Boothbay

Jeffrey H. Kaelin of Winterport

Sidney Bahrt of Pembroke

Task Force on Defense Realignment and the Economy; Pursuant to Chapter 854 of the Public Laws of 1992:

Senator Nancy Randall Clark

Pollution Prevention Advisory Committee, formerly known as the Toxics Reduction Advisory Committee;

Pursuant to M.R.S.A. 38, §343-D, sub-§1-B:
Michelle McCabe of Standish (reappointed)
Sincerely,
S/Charles P. Pray
President of the Senate
Which was **READ** and **ORDERED PLACED ON FILE**.

Off Record Remarks

On motion by Senator **KANY** of Kennebec, **RECESSED**
until 3:00 this afternoon.
After Recess
Senate called to order by the President.

The Following Communication:
STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

September 14, 1992

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333
Dear Madam Secretary:
Pursuant to my authority under Senate Rule 36, I have
appointed Senator Donald Collins to the Joint
Standing Committee on Banking and Insurance. He will
replace Senator Brawn.
Sincerely,
S/Charles P. Pray
President of the Senate
Which was **READ** and **ORDERED PLACED ON FILE**.

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

ORDERS

Joint Resolution

On motion by President **PRAY** of Penobscot
(Cosponsored by: Representative **GWADOSKY** of
Fairfield, Senator **CLARK** of Cumberland, Senator
WEBSTER of Franklin, Speaker **MARTIN** of Eagle Lake,
Representative **WHITCOMB** of Waldo, Senator **DUTREMBLE**
of York, Senator **CAHILL** of Sagadahoc, Representative
MAYO of Thomaston, Representative **MARSANO** of Belfast)
the following Joint Resolution:

S.P. 976

JOINT RESOLUTION HONORING DOROTHY L. ROLLINS
ON THE OCCASION OF HER RETIREMENT

WHEREAS, Dorothy L. Rollins has officially
retired as Coordinator of the Legislative Information
Office after 23 years of service to the Legislature
and more than 25 total years of service in State
Government; and

WHEREAS, her length of legislative service must
be counted not only in years, but in the often
unending hours that she has devoted to the
legislative institution and its process; and

WHEREAS, she has been an active participant in
the transformation of the Legislature's capacity to
provide accurate and timely information to both its
own members and staff and the general public
regarding its official activity; and

WHEREAS, in addition to her contributions to the
development of what we know today as the Bill Status
System, she has acquired a notable mastery of
parliamentary procedure which she readily offered to
all with a need to know; and

WHEREAS, she has shared with us all not only her
knowledge and experience but her unfailing courtesy,
graciousness, patience and willingness to assist in
whatever way she could; now, therefore, be it

RESOLVED: That We, the members of the 115th
Legislature now assembled in the Third Special
Session, formally express our deep appreciation to
Dot Rollins for her many years of dedicated service
to the Maine Legislature and extend our best wishes
to her for a happy, healthy and fulfilling
retirement; and be it further

RESOLVED: That a suitable copy of this
Resolution, duly authenticated by the Secretary of
State, be presented to Dorothy L. Rollins as a
lasting token of our friendship, gratitude and
respect.

Which was, under suspension of the Rules, **READ**
and **ADOPTED**.

The Following Communication:
THE SENATE OF MAINE
September 24, 1992

The Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, ME 04333
Dear Madam Secretary:
Pursuant to my authority under 1 M.R.S.A.,
Section 1002, sub-section 1, I am today appointing
Virginia Chamberlain of South Harpswell to serve as a
member of the Commission on Governmental Ethics and
Election Practices. I am sure she will prove to be a
fair and impartial member of the Commission.
Please don't hesitate to contact me if you have
any questions. Thank you.
Sincerely,
S/Pamela L. Cahill
Assistant Minority Leader
Which was **READ** and **ORDERED PLACED ON FILE**.

Senate at Ease
Senate called to order by the President.

Pursuant to 1 M.R.S.A., Section 1002, this
nomination requires the affirmative vote of
two-thirds of the members present and voting for
concurrence. 22 Senators having voted in the
affirmative and 0 Senators having voted in the
negative, and 22 being more than two-thirds of the
members present and voting, the Senate concurred with
the appointment.

Senate at Ease
Senate called to order by the President.

Off Record Remarks

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1784

JOINT RESOLUTION RECOGNIZING THE HONORABLE EDWIN H. PERT ON THE OCCASION OF HIS RETIREMENT AS CLERK OF THE HOUSE OF REPRESENTATIVES

WHEREAS, the Honorable Edwin H. Pert, of Georgetown, has announced his retirement as Clerk of the House of Representatives after 18 years of service to that House with both great distinction and unceasing dedication; and

WHEREAS, Clerk Pert has not only served the Legislature as Clerk of the House during the 107th through 115th Legislatures, but also as Representative from Bath during the 99th Legislature and as Secretary of the Senate during the 102nd Legislature; and

WHEREAS, in addition to his distinguished legislative contributions, Ed Pert has served his native city of Bath, the Town of Georgetown and our State as a civic and political leader and as a health administrator in the public, private and nonprofit sectors of our economy; and

WHEREAS, Clerk Pert has a singularly comprehensive knowledge of the history and customs of the Legislature, especially those of the House of Representatives, and his willingness to share his knowledge and remind us of our highest traditions has enriched our understanding of the institution and has encouraged us to emulate the best of our predecessors; and

WHEREAS, the first measure of the value of Ed Pert's contributions to the Legislature is seen in the exemplary operation of the Clerk's office, no matter the time of day or night or the exigencies and pressures of the moment; and

WHEREAS, another measure of the value of Clerk Pert's contributions is his masterful orchestration of the daily business of the House; and

WHEREAS, the most important measure by far is the affection and respect Ed Pert has earned from Legislators, co-workers and his many friends over 2 decades of service to his State; now, therefore, be it RESOLVED: That We, the members of the One Hundred and Fifteenth Legislature, now assembled in the Third Special Session, pause in our deliberations to recognize Edwin H. Pert for a job done so well for so long; and be it further

RESOLVED: That We formally express our great affection and sincere thanks to Clerk Pert and convey our genuine best wishes to him for a long, happy and fulfilling retirement; and be it further

RESOLVED: That a suitable copy of this Joint Resolution, duly authenticated by the Secretary of State, be prepared and transmitted to Edwin H. Pert as a lasting token of our friendship, gratitude and respect.

Comes from the House **READ** and **ADOPTED**.
Which was **READ** and **ADOPTED**, in concurrence.

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

COMMITTEE REPORTS

House

Ought Not to Pass

The following **Ought Not to Pass** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

From the Committee on **LABOR** Bill "An Act to Reform the Workers' Compensation System"
H.P. 1735 L.D. 2423

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

COMMUNICATIONS

The Following Communication:

ONE HUNDRED AND FIFTEENTH LEGISLATURE

AUGUSTA, MAINE 04333

COMMITTEE ON TAXATION

September 25, 1992

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

Pursuant to Chapter 121, Private and Special Law, the Joint Standing Committee on Taxation has reviewed various tax credits that were proposed to spur economic recovery in the State of Maine. The attached report briefly outlines the credits discussed by the Committee and their estimated fiscal impact.

While the Committee generally supports the concept of using tax credits for economic development, we do not believe that this special session is the time or place to enact new credits. Therefore, we are not submitting implementing legislation. However, a draft bill has been prepared and will be made available to the First Session of the 116th Legislature for review and discussion at that time.

Thank you for the opportunity to study this issue during the interim.

Sincerely,

S/Stephen M. Bost
Senate Chair

S/John A. Cashman
House Chair

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

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

COMMITTEE REPORTS

House

Ought Not to Pass

The following **Ought Not to Pass** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

From the Committee on **STATE & LOCAL GOVERNMENT** Resolve, to Establish A Unified Department of Children and Families (Emergency)

H.P. 1573 L.D. 2220

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

The following **Ought Not to Pass** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Reported by Senator **KANY** for the Committee on **BANKING & INSURANCE** Bill "An Act Regarding Workers' Compensation Rate Proceedings and Rate Hearings"
S.P. 857 L.D. 2181

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

COMMITTEE REPORTS

House

Ought Not to Pass

The following **Ought Not to Pass** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

From the Committee on **BANKING & INSURANCE** Bill "An Act to Revise the Workers' Compensation Laws"
H.P. 1571 L.D. 2218

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

On motion by Senator **CARPENTER** of York, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication:

115TH MAINE LEGISLATURE

September 28, 1992

Honorable Joy J. O'Brien

Secretary of the Senate

State House Station 3

Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to our authority under the Public Laws of 1989, Chapter 588, we have re-appointed Barbara Darling of Portland and Susan M. Soucie of Eagle Lake to the Maine Health Program Advisory Committee.

Pursuant to our authority under Chapter 581 of the Public Laws of 1989, we have re-appointed Luke Muzzy of Greenville and Cathy Carothers of Bath to the Affordable Housing Alliance Advisory Committee.

Pursuant to our authority under Chapter 581 of the Public Laws of 1989, we have re-appointed Rep. Don Gean of Alfred and Tom Nelson of Sanford to the Interagency Task Force on Homelessness and Housing Opportunities.

Sincerely,

S/Charles P. Pray

President of the Senate

S/John L. Martin

Speaker of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

Senator **KANY** of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **CLARK** of Cumberland, **ADJOURNED** until Friday, October 2, 1992, at 1:00 in the afternoon.