

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME II

SECOND REGULAR SESSION

April 3 - April 16, 1986

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SECOND SPECIAL SESSION

May 28 - May 30, 1986

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THIRD CONFIRMATION SESSION

July 15, 1986

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FOURTH CONFIRMATION SESSION

August 29, 1986

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THIRD SPECIAL SESSION

October 17, 1986

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FIFTH CONFIRMATION SESSION

November 24, 1986

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Reorganize the Department of Finance and Administration and the Department of Personnel (S.P. 954) (L.D. 2392) (H. "A" H-721; S. "A" S-530 to S. "A" S-527)

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

Representative Attean of the Penobscot Nation was granted unanimous consent to address the House:

Representative ATTEAN: Mr. Speaker, Ladies and Gentlemen of the House: Before you enact this bill, I would like to offer a few comments. I rise today, not in opposition to this bill, but to clarify why L.D. 2392 was amended by House Amendment "A" (H-721).

This amendment removes Section 109 from the bill. Section 109 would have amended the Maine Indian Land Claims Treaty. As the Indian Representative to this body it is my responsibility to protest the inclusion of any part of the settlement act in any omnibus bill such as L.D. 2392.

Although the changes to the settlement act were minor and the intent of the treaty was not violated, I still must protest. This is the second time an error such as this has occurred. The first error took legislative action to correct it.

The section which was amended by House Amendment "A" would have required congressional approval as well as tribal. I might add that Section 109 was also in violation of Joint Rule 36-A. There does exist an established procedure to amend the settlement act. It requires the expressed approval of both state and tribe.

Mr. Speaker, may I pose a question?

If this bill had been enacted by both bodies and if both bodies had adjourned without day, and if this bill had reached the Governor's desk before this error was discovered, what then would be the status of this bill if the Governor, in good conscience, could not sign it? What would be the status of the bill if the error was not discovered and the Governor did sign it?

This bill would have contained a section which would have been in direct conflict with existing state and federal law.

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 3 against and accordingly the Bill was passed to be enacted, 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.

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

Non-Concurrent Matter

An Act to Provide for a Clean-up Program Concerning Natural Die-off of Fish in the Coastal Waters of the State (H.P. 1383) (L.D. 1952) which was Passed to be Enacted in the House on March 10, 1986.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-539) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Authorize Additional Facilities for Long-term Care (S.P. 913) (L.D. 2280) which was Passed to be Enacted in the House on April 12, 1986.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "B" (S-538) in non-concurrence.

The House voted to recede and concur.

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

The Chair laid before the House the following matter: An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Coastal Access, Harbor Improvements, Maine State Ferry Improvements, and Marine Laboratory Improvements (Bond Issue) (S.P. 895) (L.D. 2250) (H. "B" H-737 to C. "B" S-490) which was tabled earlier in the day and later today assigned pending passage to be enacted, a roll call having been ordered.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I am not used to speaking on the bond issues but, on this particular one, I feel that I must.

This bond issue has a direct effect on Washington County and others I am sure. My friend, Representative Randall, our delegation, and I are very concerned about this in that Jonesport has been working for some time, almost seven years or longer as a matter of fact, to have a breakwater in their harbor. That is a very necessary thing for the fishermen and for the people in that community.

They, in turn, are prepared to borrow \$300,000 as their share for the breakwater. It has been approved by the Army Corps of Engineers.

The state's matching share out of this bond issue would be \$1.7 million and the federal government is going to match that with \$8 million for the