

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

The Speaker, Ex Officio Murphy of Kennebunk
Diamond of Bangor Davis of Monmouth
House Committee on Elections
Paradis of Augusta, Chair Pouliot of Lewiston
Chonko of Thompson Strout of Corinth
McHenry of Madawaska Telow of Lewiston
Gwadosky of Fairfield

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
January 13, 1987

(At Ease)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED
Emergency Measure

An Act Relating to Time for Submission of County Budgets (H.P. 17) (L.D. 16)

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

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

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

SENATE PAPER

The following Joint Order: (S.P. 29)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Friday, January 16, 1987 at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

On motion of Representative Ridley of Shapleigh, Adjourned until Friday, January 16, 1987, at 10 o'clock in the morning pursuant to Joint Order (S.P. 29).

Senate called to Order by the President.

Prayer by Pastor Cecil Jones of the Federated Church in Norridgewock.

PASTOR JONES: Eternal God, who has wonderfully blessed this great country that we live in with capable men and women to handle the affairs of our country, and the State in which we live. We thank Thee, our Father, as we gather here this morning for the opening session of the Maine Senate. For each new member here today, grant unto them the wisdom and understanding needed for the challenges, and the tasks they will face, and the ability to work together toward one common cause of making this one of the greatest states of our nation.

We also pray, our Father, for those to whom this is not a new experience, who have served as Senate members before, that they might extend to the new members the same consideration that they hoped to receive when they themselves were new.

And grant, Oh God, that each member of this Senate might humble themselves before Thee, and seek Thy strength and guidance for each decision they have to make.

We pray, our Father, for our new Governor. Grant unto him, Oh God, a humble heart that he might look unto Thee for the strength and guidance. That he may execute his office as Governor with integrity and love.

And lastly we pray, our Father, for all the people of our great State. Sanctify us with Thy love, and help us to make this God's own country, and God's own State, by living together and working together like God's own people. For we pray in the name of Thy Son Jesus Christ our Lord. Amen.

Reading of the Journal of Thursday, January 8, 1987.

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

S.P. 29

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Friday, January 16, 1987 at 10 o'clock in the morning.

Which was READ and PASSED.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Authorize the Creation of a Position of Executive Director and an Associate Executive Director to the Board of Registration in Medicine"

H.P. 11 L.D. 9

Comes from the House referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 25
MAINE VOCATIONAL TECHNICAL INSTITUTE SYSTEM
VTI SUPPORT OFFICE
STATE HOUSE STATION 131
AUGUSTA, MAINE 04333-0131

December 18, 1986

The Honorable Charles P. Pray
Chairperson, Legislative Council
Maine Senate
State House Station 3
Augusta, Maine 04333
Dear Senator Pray:

P.L. 1985, Chapter 695, which created the Maine Vocational Technical Institute System (MVTIS), states that the System's Annual Report should be delivered on January 1 to the Committee on Education. Given the particular circumstances of this MVTIS transition year, I am writing to request that we be granted an extension of the deadline for the Annual Report until February 2, 1987. As the System's first Executive Director, I began my duties in the MVTIS office on September 8. Since that time, it has been necessary that I concentrate on the preparations required to replace those finance and personnel services previously provided by state agencies. I have, however, begun compilation of the Report and look forward to providing it for the legislators' use.

Thank you for your consideration of our request during these unusual circumstances.

Respectfully,
S/Audni Miller-Beach
Executive Director

Which was READ and ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication: S.P. 26
113TH MAINE LEGISLATURE
January 12, 1987

Senator Dennis Dutremble
Representative Edward McHenry
Chairpersons
Joint Standing Committee on Labor
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated John Fitzsimmons of Falmouth Foreside for appointment as the Commissioner of the Department of Labor.

Pursuant to Title 26, M.R.S.A. Section 1401, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

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

Which was READ and referred to the Committee on LABOR.
Sent down for concurrence.

The Following Communication: S.P. 27
113TH MAINE LEGISLATURE
January 12, 1987

Senator Zachary Matthews
Representative James Mitchell
Chairpersons
Joint Standing Committee on Marine Resources
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated William J. Brennan of Yarmouth for appointment as the Commissioner of the Department of Marine Resources.

Pursuant to Title 12, M.R.S.A. Section 6022, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

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

Which was READ and referred to the Committee on MARINE RESOURCES.

Sent down for concurrence.

The Following Communication: S.P. 28
113TH MAINE LEGISLATURE
January 12, 1987

Senator John L. Tuttle, Jr.
Representative Donnell P. Carroll
Chairpersons
Joint Standing Committee on State and Local Government
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated John Atwood of Damariscotta for appointment as the Commissioner of the Department of Public Safety.

Pursuant to Title 25, M.R.S.A. Section 2901, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

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

Which was READ and referred to the Committee on STATE AND LOCAL GOVERNMENT.
Sent down for concurrence.

The Following Communication:
STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON EDUCATION
January 8, 1987

Senator Charles P. Pray
President, Maine Senate
State House
Augusta, Maine 04333
Dear Senator Pray:

The Joint Select Committee on Learning Disabilities is pleased to submit the report of its study on Learning Disabled Children as required by Chapter 43 of the Resolves of 1985.

Sincerely,
S/James Meehan
Chairman

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

The Following Communication:
STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON UTILITIES
January 8, 1987

Senator Charles P. Pray

President, Maine Senate
State House
Augusta, Maine 04333

Dear Senator Pray:

The Joint Select Committee on Utilities is pleased to submit the report of its study on Electric Power Transmission and Purchases.

Sincerely,
S/Rep. Herbert E. Clark
Chairman

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

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON LABOR

January 8, 1987

Senator Charles P. Pray
President, Maine Senate
State House
Augusta, Maine 04333

Dear Senator Pray:

The Maine Commission on Chemical Testing of Employees is pleased to submit the attached report of our study on substance abuse testing in the Maine workplace. Although the Commission has issued a divided report, we feel that the Commission's work will be valuable to the Legislature as a resource in providing a wealth of background information on the subject; in identifying the major issues involved in workplace substance abuse testing; and in providing alternative suggested resolutions of the relevant issues. We thank you for the opportunity to investigate this very important and timely issue.

Sincerely,
S/Edith Beaulieu
Chair

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

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON HUMAN RESOURCES

January 9, 1987

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

Dear President Pray:

The Joint Standing Committee on Human Resources is pleased to submit the attached report of our study of the Driver Education Evaluation Program pursuant to Chapter 688 of the Public Laws of 1985. We hope you find this report a useful tool in our continuing efforts to eliminate the problem drinker from our highways.

Sincerely,
S/N. Paul Gauvreau
Chair

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

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

January 12, 1987
Hon. Joy J. O'Brien

Secretary of the Senate
State House Station 3
Augusta, ME 04333

Dear Madam Secretary:

Please be advised that I have made the following appointments:

Pursuant to my authority under M.R.S.A. 38, Section 1453, I have appointed Senator Margaret G. Ludwig and Gwen O'Connor of Dover-Foxcroft to the Advisory Commission on Radioactive Waste. I have reappointed Senator Judy C. Kany and Senator Ronald E. Usher to the Advisory Commission on Radioactive Waste.

Pursuant to my authority under M.R.S.A. 3, Section 2-A, I have reappointed Philip S. Annis of Dover-Foxcroft to the State Compensation Commission.

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

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Clarify and Amend the Minimum Wage with Regard to Agriculture"

S.P. 24 L.D. 14

Presented by Senator DOW of Kennebec
Committee on LABOR suggested and ORDERED PRINTED.

Which was referred to the Committee on LABOR and ORDERED PRINTED.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication:
SUPREME JUDICIAL COURT RELOCATION COMMISSION
January 6, 1987

Honorable Charles P. Pray
President, Maine Senate
Honorable John L. Martin
Speaker, House of Representatives

Dear President Pray and Speaker Martin:

Please find enclosed the final report of the Supreme Judicial Court Relocation Commission. Included in the report is draft legislation that the Commission will be introducing for consideration by the 113th Legislature's First Regular Session.

Listed below are the recommendations of the Commission:

-The Supreme Judicial Court, the Chief Justice of the Superior Court, the Chief Judge of the District Court and the Administrative Office of the Courts should be relocated to the City of Augusta;

-The site for the new facility should be at the eastern end of State Capitol Park;

-Funding for a court planner should be secured in January 1987 at the First Regular Session. The planner will develop the new facility's "program" (i.e., space requirements and design guidelines) and a cost estimate for the State Capitol Park site;

-The new facility should be designed using a design competition. The competition would not take place until financing for the building had been secured;

-The new facility should be financed with a General Fund bond issue to be enacted by the Legislature in the First Regular Session, to be

presented to the voters at the November 1987 statewide election; and

-A commission to succeed the Relocation Commission be established during the First Regular Session. The primary purpose of this Commission would be to oversee the work of the court planner and supervise the design competition.

The Supreme Judicial Court Relocation Commission has fulfilled its obligation as directed by Private and Special Laws of 1985, Chapter 60.

Respectfully submitted,
S/Jean B. Chalmers
Chairperson

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

Off Record Remarks

The Adjournment Order having been returned from the House, READ and PASSED, in concurrence, on motion by Senator DUTREMBLE of York, ADJOURNED until Friday, January 16, 1987, at 10:00 in the morning.

Off Record Remarks

Senator PERKINS of Hancock was granted unanimous consent to address the Senate off the Record.

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act Relating to Time for Submission of County Budgets" (Emergency)

H.P. 17 L.D. 16

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

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

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

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

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

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act Relating to Time for Submission of County Budgets

H.P. 17 L.D. 16

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.