

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

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

In Senate Chamber
Monday
March 2, 1987

Senate called to Order by the President.

Prayer by the Honorable Beverly M. Bustin of Kennebec.
SENATOR BUSTIN: The following prayers comes from the Sioux Indian children of Red Cloud School in South Dakota:

"O, Great Spirit, Whose voice I hear in the winds and Whose breath gives life to all the world, hear me! I am small and weak I need Your strength and wisdom.

Let me walk in beauty, and make my eyes ever behold the red and purple sunset. Make my hands respect the things You have made and my ears sharp to hear Your voice.

Make me wise so that I may understand the things You have taught my people. Let me learn the lessons You have hidden in every leaf and rock.

I seek strength, not to be greater than my brother, but to fight my greatest enemy - myself. Make me always ready to come to You with clean hands and straight eyes. So when life fades, as the fading sunset, my spirit may come to You without shame." Amen.

Reading of the Journal of Wednesday, February 25,

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Prohibit Motor Vehicles over 1,000 Pounds on Lakes, Ponds or Reservoirs used to Supply Drinking Water"

S.P. 188 L.D. 515

In Senate, February 24, 1987, referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

Comes from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Reimbursement Fund for the Fiscal Year Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 406 L.D. 540

Bill "An Act Making an Appropriation to the Department of Agriculture, Food and Rural Resources for the Maine Rehabilitation Fund"

H.P. 413 L.D. 547

Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance, for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 415 L.D. 549

Come from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Provide Reasonable Financial Requirements for Hospitals"

H.P. 411 L.D. 545

Comes from the House referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Marriage Prohibitions Based on Consanguinity"

H.P. 409 L.D. 543

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

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

Bill "An Act Concerning the Definition of Injury under the Worker's Compensation Act"

H.P. 407 L.D. 541

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

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

Bill "An Act to Allow Political Candidates and Members of their Campaign Staff to Appear Outside Voting Places"

H.P. 410 L.D. 544

Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act Regarding Conflict of Interest"

H.P. 408 L.D. 542

Bill "An Act Relating to the Disposition of Surplus Real Estate"

H.P. 414 L.D. 548

Come from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which were referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Charter of the Lubec Port Authority"

H.P. 412 L.D. 546

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

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

Bill "An Act to Amend the Charter of the Waterville Sewerage District"

H.P. 416 L.D. 550

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

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

COMMUNICATIONS

The Following Communication: S.P. 208

113th MAINE LEGISLATURE

February 25, 1987

Senator Judy C. Kany
Representative Charles R. Priest
Chairpersons
Joint Standing Committee on Legal Affairs

113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated William L. Varney of Bangor for reappointment to the State Lottery Commission.

Pursuant to Title 8, M.R.S.A. Section 351, this nomination will require review by the Joint Standing Committee on Legal Affairs 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 LEGAL AFFAIRS.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

S.P. 206 L.D. 577

Presented by Senator PEARSON of Penobscot
Cosponsored by: Senator EMERSON of Penobscot,
Representative CARTER of Winslow, Representative
HIGGINS of Scarborough

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Creating the Maine Low-level Radioactive Waste Authority" (Emergency)

S.P. 205 L.D. 561

Presented by Senator KANY of Kennebec
Cosponsored by: Representative MITCHELL of
Freeport, Representative HOLLOWAY of Edgecomb,
Representative COLES of Harpswell

Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Provide Matching Energy Grants to Small Businesses, Municipalities and Nonprofit Organizations which Receive Public Funding"

S.P. 204 L.D. 560

Presented by Senator KERRY of York
Cosponsored by: Senator USHER of Cumberland,
Representative LISNIK of Presque Isle,
Representative MICHAUD of East Millinocket

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Joint Resolution

On motion by Senator GOULD of Waldo (Cosponsored by: Senator PERKINS of Hancock, Representative RICE of Stonington) the following Joint Resolution:

S.P. 207

JOINT RESOLUTION IN HONOR OF THE
BICENTENNIAL OF THE TOWN OF PENOBSCOT

WHEREAS, at the head of a big tidal salt bay the first town on the east bank of the Bagaduce River was incorporated on February 23, 1787; and

WHEREAS, this town known to the Abenaki Nation as Pentagoet or Penops (Rocky) and Auke (place) was the only town in Hancock County whose name is Indian in origin and was taken from the river and bay upon which it is located; and

WHEREAS, the incorporation of the Town of Penobscot ushered in the 49th town amid the gigantic roar of a new nation which was announcing the birth of its constitution; and

WHEREAS, the proud residents of the Town of Penobscot have a rich legacy which past cultures have bequeathed to them a legacy to be maintained, shared and celebrated for generations to come; now, therefore, be it

RESOLVED: That we the members of the 113th Legislature of the great and sovereign State of Maine take this opportunity to extend our congratulations and best wishes to the citizens of Penobscot on their 200th anniversary of the town and offer this tribute, not only to a rich past, but to a bright and challenging future; and be it further

RESOLVED: That a suitable copy of this resolution be transmitted forthwith to the Penobscot town officials in celebration of this historic event and as a token of our continued support and encouragement.

Which was READ and ADOPTED.

Sent down for concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Amend the Employment Security Law to Allow Benefits under Special Conditions"

H.P. 89 L.D. 92

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1987 (Emergency)

H.P. 383 L.D. 505

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

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

COMMUNICATIONS

The Following Communication: S.P. 210
113th MAINE LEGISLATURE

February 26, 1987

Senator John E. Baldacci
Representative Carol Allen
Chairpersons
Joint Standing Committee on Business Legislation
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has today withdrawn the nomination of Hobart F. Harnden of South Portland for appointment as a member of the Maine Real Estate Commission.

Pursuant to Title 32, M.R.S.A. Section 4051-A, this nomination is currently pending before the Joint Standing Committee on Business Legislation.

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 BUSINESS LEGISLATION.
Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.P. 211
113th MAINE LEGISLATURE

February 26, 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 today withdrawn the nomination of Jeffrey H. Kaelin of Winterport for appointment as a member of the Marine Resources Advisory Council.

Pursuant to Title 12, M.R.S.A. Section 6024, this nomination is currently pending before the Joint Standing Committee on Marine Resources.

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 BUSINESS LEGISLATION.
Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act to Exempt from Use Tax Tangible Personal Property Used in the Construction of Portable Classrooms for Lease to School Districts in Maine" (Emergency)

S.P. 209 L.D. 580

Presented by Senator TWITCHELL of Oxford
Cosponsored by: Representative JACKSON of Harrison

Which was referred to the Committee on TAXATION and ORDERED PRINTED.
Sent down for concurrence.

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:

Bill "An Act Relating to the Forfeiture of Unoccupied Interment Spaces"

S.P. 43 L.D. 38

Senator ESTES for the Committee on EDUCATION on Bill "An Act to Provide Statutory Authority for Alcohol and Drug Education in Maine"

S.P. 89 L.D. 210

Reported that the same be REFERRED to the Committee on AUDIT AND PROGRAM REVIEW.

Senate at Ease

Senate called to order by the President.

Which Report was READ and ACCEPTED.

The Bill REFERRED to the Committee on AUDIT AND PROGRAM REVIEW.

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator ESTES for the Committee on EDUCATION on Bill "An Act Relating to Conferring of Degrees by the YDI Schools"

S.P. 67 L.D. 134

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

On motion by Senator KERRY of York, ADJOURNED until Tuesday, March 3, 1987, at 9:00 in the morning.