

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
Thursday
April 2, 1987

Senate called to Order by the President Pro Tem,
Senator PEARSON of Penobscot.

Prayer by Reverend Helen Zigmund of the
Oakland-Sidney United Methodist Church in Oakland.

REVEREND ZIGMUND: May we be in the attitude of
prayer. Almighty and ever loving God, creator and
redeemer of the universe and everything in it, we ask
Your blessings on those who are gathered here and
view them with Your wisdom and sense of justice for
the tasks which lie before them. Give them soundness
of heart, mind and clarity of purpose as well as the
courage of their convictions so that the
determinations and the decisions made this day will
be for the common good. Guide them, we pray, in the
name of our Lord and Saviour, Jesus, the Christ.
Amen.

Reading of the Journal of Yesterday.

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

S.P. 356

ORDERED, the House concurring, that when the
House and Senate adjourn, they do so until Monday,
April 6, 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
Non-concurrent Matter

Bill "An Act to Clarify Municipal Liability for
Certain Vehicular Accidents"

S.P. 141 L.D. 395

In House, March 25, 1987, PASSED TO BE ENGROSSED,
in concurrence.

Comes from the House with Bill and Accompanying
Papers RECOMMITTED to the Committee on JUDICIARY in
NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, the
Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Regarding the Membership of the
Maine Committee on Aging"

H.P. 582 L.D. 780
(H "A" H-25)

In Senate, March 24, 1987, PASSED TO BE ENGROSSED
AS AMENDED BY HOUSE AMENDMENT "A" (H-25), in
concurrence.

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENTS "A" (H-25) AND "B" (H-47)
in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, the
Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Require Roll Bars on Police
Vehicles"

S.P. 340 L.D. 995

Committee on LEGAL AFFAIRS suggested and ORDERED
PRINTED.

In Senate, March 31, 1987, referred to the
Committee on TRANSPORTATION and ORDERED PRINTED.

Comes from the House referred to the Committee on
LEGAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

On motion by Senator DOW of Kennebec, the Senate
RECEDED and CONCURRED.

House Papers

Bill "An Act to Repeal the Mandatory Brucellosis
Vaccination for Cattle"

H.P. 775 L.D. 1047

Bill "An Act to Mark Animals for Identification
of Ownership"

H.P. 781 L.D. 1053

Come from the House referred to the Committee on
AGRICULTURE and ORDERED PRINTED.

Which were referred to the Committee on
AGRICULTURE and ORDERED PRINTED, in concurrence.

Bill "An Act to Restore the 8% Discount to
Retailers of Alcoholic Beverages"

H.P. 780 L.D. 1052

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

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

Bill "An Act to Amend the Maine Optometric Code"

H.P. 765 L.D. 1028

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.

Bill "An Act to Clarify the Law Concerning
Secondary Education Course Requirement Facilities"

H.P. 783 L.D. 1055

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

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

Bill "An Act Relating to Owners and Operators of
Biomass Burners"

H.P. 790 L.D. 1062

Bill "An Act to Protect the State's Freshwater
Great Ponds and Rivers"

H.P. 796 L.D. 1068

Come from the House referred to the Committee on
ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

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

Bill "An Act to Protect Landowners from Damage or
Destruction of Trees by Hunters Maintaining Ladders
or Observation Stands"

H.P. 776 L.D. 1048

Bill "An Act to Amend the Hunting Laws Concerning
Vinalhaven"

H.P. 778 L.D. 1050

Come from the House referred to the Committee on
FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which were referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act Relating to Requirements for License to Operate a Nursery School"

H.P. 788 L.D. 1060

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 Permit the Use of State Agencies to House County Inmates in Emergency Situations"

H.P. 795 L.D. 1067

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

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 Accord Qualified Immunity from Tort Liability to Employers Giving Recommendations about Current or Past Employees"

H.P. 777 L.D. 1049

Bill "An Act to Streamline Costs in the Criminal Justice System and Ensure the Constitutional Rights of Indigent Defendants"

H.P. 787 L.D. 1059

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

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

Bill "An Act to Amend the Definition of Seasonal Under the Employment Security Law"

H.P. 779 L.D. 1051

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 Provide Due Process in Unemployment Insurance Appeals"

H.P. 766 L.D. 1029

Committee on JUDICIARY suggested and ORDERED PRINTED.

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

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending REFERENCE.

Bill "An Act to Establish a Voluntary Program of State-approved Identification Cards for use by Persons not having Drivers' Licenses"

H.P. 784 L.D. 1056

Resolve, to Establish the Special Select Committee on Lotteries

H.P. 786 L.D. 1058

Bill "An Act to Require Candidates Requesting Ballot Inspection to Pay for this Service"

H.P. 792 L.D. 1064

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

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

Resolve, to Publicize the State Police Toll-free Number for Emergencies to Outdoor Recreationists

H.P. 785 L.D. 1057

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

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

Bill "An Act to Require Payment of the Property Tax at the Time of Transfer"

H.P. 774 L.D. 1046

Bill "An Act to Exclude from Sales and Use Tax Transfers of Vehicles from Corporations to the Owner of the Stock of the Corporation"

H.P. 782 L.D. 1054

Bill "An Act to Establish the Procedure for Notice and Foreclosure of Delinquent Real Property Taxes in Municipalities When the Property Owners are Unknown"

H.P. 793 L.D. 1065

Come from the House referred to the Committee on TAXATION and ORDERED PRINTED.

Which were referred to the Committee on TAXATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Reimburse Municipalities for Revenues Lost Due to Existence of State Properties"

H.P. 789 L.D. 1061

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

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

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

Bill "An Act to Create a Code of Ethics for Public Utilities Commissioners"

H.P. 794 L.D. 1066

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.

Bill "An Act to Require the Installation of Telecommunication Devices for the Hearing and Speech Impaired in Public Facilities"

H.P. 791 L.D. 1063

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

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.

Pursuant to Resolves

Joint Select Committee on Economic Development
The JOINT SELECT COMMITTEE ON ECONOMIC DEVELOPMENT, pursuant to Resolves 1985, Chapters 45 and 53, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Resolve, Establishing a Commission to Study the Linkages between Education and Economic Development

H.P. 735 L.D. 986

Be referred to the Joint Standing Committee on ECONOMIC DEVELOPMENT for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Resolve referred to the Committee on

ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Pursuant to Resolves

Joint Select Committee on Economic Development
The JOINT SELECT COMMITTEE ON ECONOMIC DEVELOPMENT, pursuant to Resolves 1985, Chapters 45 and 53, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Resolve, Requiring the Commissioner of Educational and Cultural Services to Develop a Plan to Improve the State's Adult Education Program to More Adequately Address the Problems of Illiteracy and High School Completion (Emergency)

H.P. 736 L.D. 987

Be referred to the Joint Standing Committee on ECONOMIC DEVELOPMENT for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Resolve referred to the Committee on EDUCATION and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve referred to the Committee on EDUCATION and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

SENATE PAPERS

Bill "An Act to Establish Local Consumer Mediation Programs Staffed by Volunteers"

S.P. 358 L.D. 1093

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Senator BALDACCI of Penobscot

Bill "An Act to Provide Funding to Accelerate Collection of Geologic Information Relating to Hazardous Waste Disposal and Geologic Resources and Hazards Assessment"

S.P. 367 L.D. 1102

Presented by Senator KANY of Kennebec
Cosponsored by: Senator PEARSON of Penobscot,
Senator PERKINS of Hancock, Representative KETOVER of Portland

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

Sent down for concurrence.

Bill "An Act to Allow the Transfer of Up to 2 Years of Credit to the State Teachers Retirement System for Teaching Services Performed Abroad"

S.P. 366 L.D. 1101

Presented by Senator THERIAULT of Aroostook
Cosponsored by: Representative MARTIN of Van Buren, Representative MCHENRY of Madawaska, Representative PARADIS of Frenchville

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Require Workers' Compensation Insurance Providers to Publicly Post Rates Annually by January 1st"

S.P. 361 L.D. 1096

Presented by Senator MATTHEWS of Kennebec
Cosponsored by: Senator THERIAULT of Aroostook
Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Register Acupuncturists"

S.P. 365 L.D. 1100

Presented by Senator PERKINS of Hancock
Cosponsored by: Representative DIAMOND of Bangor, Representative ALLEN of Washington, Representative HILLOCK of Gorham
Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.
Sent down for concurrence.

Resolve, Creating the Portsmouth Naval Shipyard Economic Policy Commission

S.P. 363 L.D. 1098

Presented by Senator TUTTLE of York
Cosponsored by: Senator ESTES of York, Representative MCPHERSON of Eliot, Representative ROLDE of York
Which was referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Regarding Disposal of Waste Matter"

S.P. 359 L.D. 1094

Presented by Senator DILLENBACK of Cumberland
Cosponsored by: Representative VOSE of Eastport
Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

(See Action Later Today)

Bill "An Act to Increase the Availability of Boarding Homes and Adult Foster Homes for Persons with Mental Retardation"

S.P. 364 L.D. 1099

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Senator BERUBE of Androscoggin, Representative DIAMOND of Bangor, Representative FOSTER of Ellsworth
Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending REFERENCE.

Bill "An Act Relating to Liquor Excise Taxes and Freight Rates"

S.P. 357 L.D. 1092

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by: Representative HANDY of Lewiston, Representative BOTT of Orono, Representative PERRY of Mexico
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Which was referred to the Committee on TAXATION and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Amend the Law Regarding the Violation of Imprudent Speed"

S.P. 362 L.D. 1097

Presented by Senator PEARSON of Penobscot
 Cosponsored by: Representative WARREN of
 Scarborough
 Which was referred to the Committee on
 TRANSPORTATION and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act Requiring Evaluation of New England
 Electric Power Pool Membership"

S.P. 360 L.D. 1095

Presented by Senator KANY of Kennebec
 Cosponsored by: Senator ERWIN of Oxford, Senator
 KERRY of York, Representative VOSE of Eastport
 Which was referred to the Committee on UTILITIES
 and ORDERED PRINTED.
 Sent down for concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act to Prohibit the Sale of Alcoholic
 Beverages for Off-premise Consumption after 9 p.m."

H.P. 339 L.D. 438

Bill "An Act Concerning Delinquent Dog Licenses"

H.P. 354 L.D. 457

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on
 Resolve, for Laying of the County Taxes and
 Authorizing Expenditures of Somerset County for the
 Year 1987 (Emergency)

H.P. 797 L.D. 1069

Reported that the same Ought to Pass, pursuant to
 Joint Order H.P. 23.

Comes from the House with the Report READ and
 ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in
 concurrence.

Under suspension of the Rules, READ TWICE and
 PASSED TO BE ENGROSSED, in concurrence.

Ought to Pass As Amended

The Committee on JUDICIARY on Bill "An Act to
 Amend the State Antitrust Laws"

H.P. 214 L.D. 266

Reported that the same Ought to Pass as Amended
 by Committee Amendment "A" (H-44).

Comes from the House, with the Report READ and
 ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
 AMENDED BY COMMITTEE AMENDMENT "A" (H-44)

Which Report was READ and ACCEPTED, in
 concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-44) READ and ADOPTED,
 in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
 READING.

The Committee on JUDICIARY on Bill "An Act
 Concerning Good Time and Meritorious Good Time
 Relative to Parole Eligibility" (Emergency)

H.P. 231 L.D. 299

Reported that the same Ought to Pass as Amended
 by Committee Amendment "A" (H-48).

Comes from the House, with the Report READ and
 ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
 AMENDED BY COMMITTEE AMENDMENT "A" (H-48)

Which Report was READ and ACCEPTED, in
 concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-48) READ and ADOPTED,
 in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
 READING.

Ought to Pass in New Draft

The Committee on TRANSPORTATION on Bill "An Act
 Requiring Proper Placement of Motor Vehicle Dealer
 Plates"

H.P. 155 L.D. 196

Reported that the same Ought to Pass in New Draft
 under same title.

H.P. 771 L.D. 1034

Comes from the House, with the Report READ and
 ACCEPTED and the Bill in NEW DRAFT PASSED TO BE
 ENGROSSED.

Which Report was READ and ACCEPTED, in
 concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR
 SECOND READING.

The Committee on UTILITIES on Bill "An Act
 Relating to Rate-setting Procedures by
 Municipally-owned Utilities"

H.P. 95 L.D. 104

Reported that the same Ought to Pass in New Draft
 under same title.

H.P. 772 L.D. 1035

Comes from the House, with the Report READ and
 ACCEPTED and the Bill in NEW DRAFT PASSED TO BE
 ENGROSSED.

Which Report was READ and ACCEPTED, in
 concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR
 SECOND READING.

Ought to Pass in New Draft under New Title

The Committee on BUSINESS LEGISLATION on Bill "An
 Act to Provide for the Creation of Liens and Sales on
 Small Gasoline Motors"

H.P. 56 L.D. 59

Reported that the same Ought to Pass in New Draft
 under New Title Bill "An Act to Provide for the
 Creation of Liens and Sales on Small Motors"

H.P. 768 L.D. 1031

Comes from the House, with the Report READ and
 ACCEPTED and the Bill in NEW DRAFT under NEW TITLE,
 PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in
 concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE TOMORROW
 ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act
 Relating to Absentee Balloting by Residents of
 Nursing Homes, Hospices and Congregate Housing Units"

H.P. 50 L.D. 53

Reported that the same Ought to Pass in New Draft
 under New Title Bill "An Act Relating to Absentee
 Balloting by Residents of Nursing Homes, Boarding
 Homes and Congregate Housing Units"

LEGISLATIVE RECORD - SENATE, APRIL 2, 1987

H.P. 705 L.D. 947
Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act in Support of Statewide Music Lending Services"

H.P. 261 L.D. 344

Bill "An Act to Amend the Divorce Laws Regarding Custody to the Department of Human Services"

H.P. 347 L.D. 446

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

House As Amended

Bill "An Act to Amend the Law Concerning Handicapped Motor Vehicle Registrations"

H.P. 135 L.D. 176

(C "A" H-42)

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

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned matter:

HOUSE REPORTS - from the Committee on TRANSPORTATION on Bill "An Act to Provide for an Alternative Motor Vehicle License Plate for Citizens of Maine who wish to have an Undecorated License Plate"

H.P. 44 L.D. 47

Majority - Ought Not to Pass

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-41)

Tabled - April 1, 1987, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In House, March 31, 1987, Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In Senate, April 1, 1987, Reports READ.)

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ACCEPTANCE OF EITHER REPORT.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Measure Mileage Payments to Jurors"

S.P. 144 L.D. 398

(C "A" S-16)

Tabled - April 1, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate, April 1, 1987, READ A SECOND TIME.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED.

The President Pro Tem requested the Sergeant-At-Arms to escort the Senator from

Penobscot, Senator PRAY to the Rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Penobscot, Senator PEARSON to his seat on the Senate floor.

Senate called to order by the President.

Off Record Remarks

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED its action whereby it referred to the Committee on ENERGY AND NATURAL RESOURCES:

Bill "An Act Regarding Disposal of Waste Matter" S.P. 359 L.D. 1094

(In Senate, April 2, 1987, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.)

On further motion by same Senator, Tabled 1 Legislative Day, pending REFERENCE.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON ENERGY AND NATURAL RESOURCES

ONE HUNDRED AND THIRTEENTH LEGISLATURE

April 1, 1987

The Honorable Charles P. Pray
President of the Senate of Maine

State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of E. Christopher Livesay of Brunswick, for appointment to the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2

Representatives 9

NAYS: 0

ABSENT: 2 Sen. Tuttle of York, Rep. Holloway of Edgecomb

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of E. Christopher Livesay of Brunswick, for appointment to the Board of Environmental Protection be confirmed.

Sincerely,
S/Ronald E. Usher
Senate Chair
S/Michael H. Michaud
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended the nomination of E. Christopher Livesay of Brunswick for appointment to the Board of Environmental Protection be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on ENERGY AND NATURAL RESOURCES be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

At this time, the Chair noted the absence of the Senator from Kennebec, Senator KANY, the Senator from Cumberland, Senator USHER and the Senator from York, Senator TUTTLE, and further excused the same Senators from today's Roll Call votes.

Is the Senate ready for the question?
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
NAYS: Senators ANDREWS, BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None
EXCUSED: Senators KANY, TUTTLE, USHER

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with No Senators being absent, and 3 Senators having been excused, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of E. Christopher Livesay for appointment to the Board of Environmental Protection, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:
COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND THIRTEENTH LEGISLATURE
April 1, 1987

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Leo Robichaud of Caribou, for appointment to the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2
Representatives 9

NAYS: 0

ABSENT: 2 Sen. Tuttle of York, Rep. Holloway of Edgecomb

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Leo

Robichaud of Caribou, for appointment to the Board of Environmental Protection be confirmed.

Sincerely,
S/Ronald E. Usher
Senate Chair
S/Michael H. Michaud
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended the nomination of Leo Robichaud of Caribou for appointment to the Board of Environmental Protection be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on ENERGY AND NATURAL RESOURCES be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
NAYS: Senators ANDREWS, BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None
EXCUSED: Senators KANY, TUTTLE, USHER

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with No Senators being absent, and 3 Senators having been excused, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Leo Robichaud for appointment to the Board of Environmental Protection, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on TRANSPORTATION on Bill "An Act to Provide for an Alternative Motor Vehicle License Plate for Citizens of Maine who wish to have an Undecorated License Plate"

H.P. 44 L.D. 47

Majority - Ought Not to Pass

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-41)

Tabled - April 2, 1987, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT
(In House, March 31, 1987, Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In Senate, April 1, 1987, Reports READ.)
Senator DOW of Kennebec moved that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED Report.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator THERIAULT: Thank you Mr. President, first of all, I would like to request a Division. Mr. President and Members of the Senate. It was extremely difficult for me to oppose my good Chair, the Senator from Kennebec, Senator Dow, and also to oppose my good Transportation seat mate, the Senator from Sagadahoc, Senator Cahill, but I felt compelled to oppose it. I would like to explain to you as to why I did. Of course, on the surface, it seems like a very safe position to vote for this Bill because it seems that you would satisfy all concerned, those that want the lobster plate and those that do not want the lobster plate. But, there is more to it than this. First of all, I want you to understand that if we do vote this Bill in, it means that we would have to come up with an additional \$800,000 up front, right now, in order for us to stamp lobsterless plates. In addition to this, it would mean that we would have to retain nine temporary employees that were hired for this plate issue, we would have to retain them for an additional year or so.

I also want you to understand that, up to this point, we have spent approximately \$800,000 in the purchase of materials for the lobster plate. Now, some might argue that we will get this money back, this may be true, and there is also a possibility that the state could make a slight profit and this might be mentioned also. But I want you to understand that this money might come to us over a very long period of time. We are also making an assumption that we will get our money back if there are enough individuals interested in purchasing the lobsterless plate.

Also to note is that regardless of whether this Bill is passed or not, every individual that will be getting a vehicle registration will be getting a lobster plate, initially. It is only after a period of one year, the first of July, 1988, that the choice becomes effective and at that time you could get a plate without a lobster. So, consequently, everybody will be issued the lobster plate at least once.

To carry this a little further, I consider myself the pothole expert of the Senate. Of course, it is self proclaimed and I want to explain why I consider myself that way. First of all, I travel the furthest of anyone to the Capitol. Secondly, I am from Aroostook, and being from Aroostook I want to tell you that I feel that I have met more potholes than anybody else in this Chamber. I am sure that my good friend, the Senator from Washington County would probably want to claim that title also. I want to begin by telling you what I consider a pothole. A pothole is a hole in a road that is of significant magnitude to be able to permanently dent a wheel on your vehicle. Now, there are times when I travel the three hundred miles to the Capitol, that the time doesn't go by very fast. There is some dead radio space where I can't get a station, I have tapes which tend to put me to sleep. So, consequently, it is dangerous to listen to those tapes so what I do is I count potholes.

I would like to explain that a little bit. If there are more than ten potholes in ten feet of road distance, I consider that one pothole. On the trip down here it has been averaging out about to one hundred potholes per mile. Now, carrying this a little further, I did a little research and found out that it costs approximately fifty cents to repair one pothole. If you carry the mathematics a little further, if we devote this \$800,000 towards repairing the potholes in this state that we could repair the potholes on approximately sixteen thousand miles of road. If I remember correctly, we have about twenty

one thousand miles of road under the state care. Consequently, this would be three quarters of all the potholes in this state that could be repaired if we use that \$800,000 to repair the potholes.

To carry this a little further, we have had serious flooding conditions in this state, yesterday and last evening. Maybe that \$800,000 could be spent on replacing or attempting to replace a bridge that might have fallen in. So I ask you, in closing, what is more important? To spend \$800,000 on a lobsterless plate that we could really do without, or to try to fix the potholes that we have in this state? Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President, Men and Women of the Senate. You will be pleased to know that I do not consider myself a pothole expert, but after this mornings ride to Augusta of thirty five miles, it took two hours and thirty minutes, I have become an expert on back roads. I do appreciate the courtesy the Senate extended to me yesterday, when I tried to make it home from Washington and was delayed in an airplane. I am glad to be back in Maine and I am glad to be standing in the Senate today.

I would like to tell you that when the Legislature voted on the lobster license plate Bill last year, I was one of five descending votes from the other Body, so I have not changed my position on the Bill. I agreed to be a cosponsor not because I am an anti-lobster person, as many of you know, I live in Sagadahoc County and Sagadahoc County has a good deal of fisherman and lobstermen there, I am not anti-lobster, I enjoy lobsters. I agreed to cosponsor this Bill because of the dozens of people that have either called or written to me to express their displeasure of having to put a lobster on their license plate. It made me think that maybe this Legislature made a mistake last year and just maybe this Legislature got caught up in the enthusiasm of those wonderful school children from Saco, and I commend those wonderful school children from Saco. I think they did an outstanding job with their lobster license plate campaign. But just maybe we got really caught up in their enthusiasm and passed the legislation without really thinking about it. I would like to bring it to your attention that this Bill, or the Minority Report of this Bill, before you now does not take away the lobster plate, but instead gives the people of Maine a choice, whether they prefer a lobster license plate or a lobsterless license plate. It is an alternative, it will become effective after July of 1988.

It raises in revenue \$960,00 of projected revenue and an expenditure of \$760,000 for a net increase to the highway fund of \$200,000 and my district today could use \$200,000. I have heard a lot of people say that this is a frivolous piece of legislation and I have to tell you, as you all know, it doesn't effect state policy a great deal, but it has been fun. Whenever an issue draws as much attention as this issue has drawn from the public, the dozens of letters, the dozens of phone calls which I have received and I know you have received, we cannot call that frivolous. Many people called or wrote to me that would never write to me on another issue and when we involve that many people in the legislative process I say, "good for the Legislature and good for the people of Maine."

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Ludwig.

Senator LUDWIG: Thank you Mr. President, Ladies and Gentlemen of the Senate. With your permission, I would like to read a letter which I sent to one of

the students from Saco, following his request that I vote to kill L.D. 47. I am sure you all received similar requests.

Dear Seth, Thank you for writing to me regarding your concern for L.D. 47. Although I was not a member of the Legislature when you and your school mates did such an effective job of lobbying the law makers to put a lobster on the Maine license plate, we have all heard about it. You are to be commended for learning and for following the democratic process and should not be offended by a chance to learn even more about it. The fact is, no laws are set in stone, with the possible exception of the Ten Commandments. In fact, the vast majority of Bills which come before the Legislature, would not create new laws but seek to amend laws which already exist. Some laws are created to help certain segments of society and it is only after they have been around for awhile that other segments of that same society realize that they are being harmed by the law and seek to amend it so it may more accurately reflect the needs of society as a whole.

As Members of the Legislature, we are responsible for responding to the needs of the people in the districts we represent. When our constituents feel a law has been passed which does not represent them, or seems to benefit one area of the State at the expense of another, they tend to resent it and seek to amend that law. That is exactly what happened in the case of L.D. 47. Like its sponsor, Representative MacBride, I come from Aroostook County. Given the choice, it is safe to say that for the people in our area they would have preferred a potato or a tree on their license plate, given a choice. Although, we have nothing against lobsters, per se, we often cannot afford them and we feel no particular infinity for them. In your letter, Seth, you spoke of working very hard to get, "a more representative license plate for Maine", but in all fairness I must ask you if a lobster truly represents the entire state, or just that portion of southern and coastal Maine, most frequented by tourists.

At a time, when many good people are working hard to unite the two Maine's does not the lobster focus even more attention on the prosperous part of the state while depriving the other Maine of its share of publicity. The people who were responsible for L.D. 47 are not asking that you remove the lobster from your license plates, they are merely saying, there is more to Maine and we do not feel the need to add anything to a license plate which already shows the rest of the world that we are proud to live in Maine. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator DOW of Kennebec, to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report of the Committee.

A Division has been requested.

Will all those Senators in favor of the motion of Senator DOW of Kennebec, to ACCEPT the Minority OUGHT TO PASS Report, please rise in their places and remain standing until counted.

Will all those Senators opposed please rise in their places and remain standing until counted.

14 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator DOW of Kennebec, to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report, FAILED.

The Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

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

ORDERS

Joint Resolution

On motion by Senator DOW of Kennebec (Cosponsored by: Representative MOHOLLAND of Princeton) (Approved for Introduction by the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:

S.P. 369

JOINT RESOLUTION MEMORIALIZING THE MEMBERS OF THE UNITED STATES SENATE TO VOTE TO OVERRIDE THE PRESIDENT OF THE UNITED STATES' VETO OF THE FEDERAL HIGHWAY LEGISLATION

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Thirteenth Legislative Session, now assembled, most respectfully present and petition the members of the United States Senate, as follows:

WHEREAS, President Reagan vetoed the \$88,000,000 federal highway bill passed by the United States Congress which would have provided the State of Maine with badly needed funds; and

WHEREAS, of the \$60,000,000 earmarked for Maine, \$25,000,000 has already been committed leaving a critical need for the remaining \$35,000,000 for 125 projects statewide which are threatened by the President's action; and

WHEREAS, the \$35,000,000 generated for Maine under this legislation must be received in time for Maine's short construction season, which work may not be possible if delayed further; and

WHEREAS, the United States House of Representatives recognizing the plight of the states overrode in a bipartisan fashion, the veto by a vote of 350 to 73 and now the matter is up for final vote in the Senate; and

WHEREAS, yesterday, April 1st, the State of Maine was hit by record-breaking flood waters causing the Governor to call the State of Maine a disaster area that decommissioned numerous roads and bridges causing millions of dollars in damages; now, therefore, be it

RESOLVED: That We your Memorialists, do hereby respectfully urge the Senate of the United States Congress to vote to override President Reagan's veto of the Federal Highway bill so that this State can recover its roads and highways from its worst flood disaster of the century and to permit the start of the state highway construction program as planned which is otherwise in serious jeopardy; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of Senate in the Congress of the United States and to each Member of the Maine Congressional Delegation.

Which was READ.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President, Men and Women of the Senate. First I would request a Division on the Adoption of this Joint Resolution. Before we vote on this matter, I would like to bring out a couple of points. About one hour and a half ago, the Legislative Council met to discuss allowing this Resolution in. At that time, it was brought to our attention that a vote was being taken in Washington at 11:00, which is five minutes ago, on this matter. The intention of the Council and the intention of the sponsors, at that time, was that we would allow this Resolution through so it could be passed and sent onto Washington.

It seems to me, at this point, that this Resolution and the idea of this Resolution are frugal

since the issue has already been debated and voted upon in Washington. I would suggest that perhaps you might not even want to consider this at this time. Thank you.

Senate at Ease
Senate called to order by the President.

The President requested the Sergeant-At-Arms to escort the Senator from Cumberland, Senator CLARK, to the Rostrum where she assumed the duties as President Pro Tem.

The President then took a seat on the floor of the Senate.

Senate called to order by the President Pro Tem.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you Madam President, Ladies and Gentlemen of the Senate. The issue that is before us, at this time, and the arguments that have been made by the Senator from Franklin, Senator Webster, that the issue has come and gone, in reality has not taken place. Very similar in Washington, as it is here in Maine, when sometimes you schedule something for a specific time, the clock seems to stand still. I have been in communication with Washington a couple of times, this morning, and just a few minutes ago from the Rostrum, itself, and they have not yet taken a vote in Washington. It is still an issue of importance to the people of this state and we still have an opportunity to let those who represent us in Washington, to understand the significance of this particular issue. The Resolution before you, clearly is aimed at the United States Senate, who have the opportunity to provide us with a highway funding package which is very important to this state. Very important because the issue is now before them for us to say or feel in some way that by the United States Senate not voting to override the veto that the President could put another proposal before the members of Congress and that proposal would be passed in a matter of days, is not as assured as a vote to override the existing proposal that is before them. This Resolution is very specific as to the implications that it has for the State of Maine. The financial impact of our state and we are well aware particularly because of the natural occurrence of events in the last few days of the conditions of our highways.

On the previous Bill, the Senator from Aroostook, Senator Theriault, for a while discussed potholes and talked about the conditions of the highways in the state. I think that it is very important that we have this and we have it at this particular time. This Resolution is not aimed in a partisan fashion, I was disappointed that the vote of the Council broke down along party lines, but I feel there is a misinterpretation by those of the other side of the aisle that it was a partisan attempt. It is not, we think that the highway situation in this State is paramount to the problems that are being addressed by the Governor that we presently have. Governor McKernan has stated that economic development is a main thrust of his administration at this time, part of the economic development strategy of this state is going to clearly include the infrastructural needs of our state. Those infrastructural needs cannot be delayed any further than they presently have been. There is a great deal of need out there from Madawaska in the north, Kittery in the south, Bethel

to the west all the way to Calais to the east. I am sure, before this Session is over, we will hear more about the latter route which I just referred to. I hope at that time the Senator from Franklin, Senator Webster is standing up advocating the passage of such highway proposals and programs.

The issue is paramount and we have to act now, we have to send a message to those who represent us in Washington, those in the United States Senate that we need this Bill. I would hope that we could send a very loud and clear message. Madam President, I request a Roll Call when the vote is taken, so that we can show the support that we have for this type of legislation that is pending in Washington. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Dillenback.

Senator DILLENBACK: Thank you Madam President, Ladies and Gentlemen of the Senate. I attended a meeting with former Governor Brennan, a town meeting type of thing in the town of Falmouth. One of the things that he stressed during the whole meeting was the deficit that the Federal Government has and the monies that the President is spending. I reminded him that the President did not spend the money that the Legislature spent the money. The thing that bothers me about this is that we have a great deficit in this Country and here the President is trying to do something to save some money. We call it pork barrel and it definitely is a pork barrel. Mass transit in California and a tunnel in Massachusetts. Now, I understand the concern about the State of Maine, and particularly after the problem we have had in the last few days, we need money here and we will have money here. The President is going to put out a Bill and it may take several weeks to get it, but weather sometimes holds up contractors, other things happen and I think that it is a shame that we cannot sit here and support a President who is trying to save us some money. No, we are going to do something else, we are going to say he is wrong. I certainly hope that this is not an issue to embarrass Senator Cohen, who has been assured we are going to have money for the Topsham - Brunswick bridge and those items that are necessary for the State of Maine. I cannot in honesty vote for this and I hope the rest of you will support your President. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: I would like to pose a question through the Chair to someone on the Transportation Committee or anyone else who would like to answer it. This refers to the Federal Highway Program, and it speaks about sixty million dollars being allocated with the State of Maine. Down in the Resolution, it speaks about the need to pass this Bill so that this state can recover its' roads and highways from the worst flood disaster of the century. The question is, can this money, that is allocated here, be used for flood damage?

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator Emerson has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Dow.

Senator DOW: Thank you Madam President and Members of the Senate. To try to answer the question, the flood money is not part of this Bill that was vetoed. It shouldn't have been in the Resolution, although federal monies we are hoping will be coming forth to help on some of the disaster. There is a time element here this morning, and I would rather that we vote on this issue so that we can send it down to Congress because we need the

construction money now, our season is very short and there is a tremendous amount of roads out there that need this construction money. If we would not wait until after the vote is taken in Congress and pass this Resolution, it might help some. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Thank you Madam President and Members of the Senate. Although I agree with the thrust and the intent for my state, I find myself falling into the old word a day late and a dollar short. This piece of legislation has been before the Congress for three months. Where were we? If this is of such importance to my state, then maybe we should have hindsight, and it is always handy to have 20/20 hindsight, maybe we should have been passing an order or a memorial of this type three months ago. But to wait until the eleventh hour when they are meeting and say that this does, perhaps, in my mind not pass the straight face test. I don't think there is a Member in this Chamber who is not cognizant of the need of the roads in this state and this is a state as a whole. But I think, at this stage, to pass legislation after having listened to the amount of deficit and the amount of over spending and pass something of this magnitude with the spending for the magnitude that is here for the State of California and the State of Massachusetts, it is indeed foolhardy for this budget. I think what we can do best is hope that the Congress will act as expeditiously as the President has promised and the Senator has promised and that we get our budgets in order and get everything ready to cooperate and then re-address the situation and address it in an economical and a fiscally responsible manner.

While a Roll Call is handy to point fingers at this and that, I will be one of those who will vote for the fiscal responsibility of the matter.

On motion by Senator PRAY of Penobscot, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President Pro Tem.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Dow.

Senator DOW: Thank you Madam President and Members of the Senate. Not to prolong the discussion any longer on this Resolution, I just want to make a couple of points. One is the good Senator from Hancock had asked where we were earlier in memorializing the Congress and I have a vote that was taken on February 20, 1987, doing exactly the same thing as we are trying to do today. To pass a Bill to get the money that the highways in our state need. To answer one other question made by the Senator from Cumberland, Senator Dillenback, it is not the Highway Trust Fund that is in deficit, it is some people in Washington who are trying to take some of the Highway Trust Fund to cover another deficit. It is not over spending of that fund and we do need money and we need it very soon for a very short season. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Madam President, Ladies and Gentlemen of the Senate. Just very briefly, most of you know of the current outcome of the last several days, some of the damages that have been done by the recent storm, I happen to represent one of the hardest hit areas in the state. I am somewhat concerned about this Resolution which might

lead in the people in my district and the people in this state to believe that this Resolution would do something to help their situation. I think we all realize and it has been mentioned before, that this Resolution is worded wrong, because there is a section here that states something to the effect that it is going to benefit or is concerned that it might help the issue being debated in Washington today might help the flooded areas. We know, the Members of the Senate, that is not true.

I just want to bring that to the attention of the Senate and on the Record that by passing this Resolution it is not going to help those areas in my district and the areas of the state directly with the highway fund that is being debated in Washington. There are funds available, we know that, and hopefully they will be coming in our direction. But passing this Resolution is going to do nothing to help what has happened here in Maine in the last several days.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Madam President, Men and Women of the Senate. The thing that many of you will recognize is that it is extremely rare that I would get up on a Bill dealing with Transportation, a topic on which I am not particularly familiar. But I do feel compelled to rise, at this point, to express my concern as to the tenor of the debate, not only in these Halls, but also in the U.S. Congress, dealing with the Highway Bill which is currently being discussed in Congress. It strikes me that there is another agenda which is being addressed in the discussion of the Highway Bill and unfortunately it bears very little relationship to the needs or the perceived needs of communities throughout this Country and in this State for improvements in our Transportation network. It is apparent, unfortunately, that the discussion in Washington and in this State has boiled down to not whether or not there is, in fact, a legitimate need for a transportation investment program as articulated in the Highway Bill in Congress, but whether or not we ought to endorse the current President due to problems he unfortunately he finds himself in as a result of certain foreign policy on issues.

It seems to me that we really ought to divorce ourselves from the political problems that the President may or may not have in discussing this particular measure and address it on its merits and solely on its merits. I submit to you, Men and Women of the Senate, that the average mayor could probably care less about whether or not the override is decided upon strictly partisan considerations and would rather want the issue to be addressed solely on its merits, whether or not the proposed expenditure of public funds is, in fact, excessive. There is one other point I do feel compelled to mention, and that is it is my understanding as far as the funding source, the funding on the Highway Bill is generated from the Federal Gas Tax, and I believe that there is a separate highway trust fund, which is, in fact, funded by the gas tax so we are not talking about diverting monies from the Highway fund to go into other unmet social needs. Thank you.

THE PRESIDENT PRO TEM: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of the Members present and voting.

Will all those in favor of ordering a Roll Call, please rise in their places and remain standing until counted.

Obviously, more than one-fifth having risen, a Roll Call is ordered.

The pending question before the Senate is the motion of Senator DOW of Kennebec, for PASSAGE of the Joint Resolution.

A vote of Yes will be in favor of PASSAGE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BRANNIGAN, BUSTIN, COLLINS, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, MATTHEWS, PEARSON, PRAY, THERIAULT, TWITCHELL, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

NAYS: Senators BLACK, BRAWN, CAHILL, DILLENBACK, EMERSON, GILL, GOULD, KERRY, LUDWIG, MAYBURY, PERKINS, RANDALL, SEWALL, WEBSTER, WHITMORE

ABSENT: Senators None

EXCUSED: Senators, KANY TUTTLE, USHER

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with No Senators being absent, and 3 Senators having been excused, the motion by Senator DOW of Kennebec, for PASSAGE of the Joint Resolution, PREVAILS.

Sent down for concurrence.

The President Pro Tem requested that the Sergeant-At-Arms escort the Senator from Penobscot, Senator PRAY to the Rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Cumberland, Senator CLARK to her seat on the Senate floor.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Late today Assigned matter:

Bill "An Act to Provide Due Process in Unemployment Insurance Appeals"

H.P. 766 L.D. 1029

Tabled - April 2, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on JUDICIARY suggested and ORDERED PRINTED.)

(In House, April 1, 1987, referred to the Committee on LABOR and ORDERED PRINTED.)

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

Under suspension of the Rules, all matters thus acted upon, with the exception of those previously held, were ordered sent down forthwith for concurrence.

The ADJOURNMENT ORDER having been returned from the House READ and PASSED in concurrence, on motion by Senator PEARSON of Penobscot, ADJOURNED until Monday, April 6, 1987, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
42nd Legislative Day
Monday, April 6, 1987

The House met according to adjournment and was called to order by the Speaker.

Prayer by Sister Constance Jalbert, St. Theresa's Catholic Church, Mexico.

National Anthem by the Westbrook High School Jazz Band.

The Journal of Thursday, April 2, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:
MAINE STATE SENATE
AUGUSTA, MAINE 04333

April 2, 1987

The Honorable John L. Martin
Speaker of the House
113th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Energy and Natural Resources, the Governor's nomination of Leo Robichaud of Caribou for appointment to the Board of Environmental Protection.

Leo Robichaud is replacing Dr. R. Steven Kleinschmidt.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:
MAINE STATE SENATE
AUGUSTA, MAINE 04333

April 2, 1987

The Honorable John L. Martin
Speaker of the House
113th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Energy and Natural Resources, the Governor's nomination of E. Christopher Livesay of Brunswick for appointment to the Board of Environmental Protection.

E. Christopher Livesay is replacing Lawrence Carr.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Allow the Transfer of Up to 2 Years of Credit to the State Teachers Retirement System for Teaching Services Performed Abroad" (S.P. 366) (L.D. 1101)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Provide Funding to Accelerate Collection of Geologic Information Relating to