

MAINE STATE LEGISLATURE

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

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987
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FIRST SPECIAL SESSION

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SECOND SPECIAL SESSION

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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

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

In Senate Chamber
Wednesday
January 6, 1988

Pursuant to the Provisions of the Constitution and the laws of the State of Maine, the Senators of the One Hundred and Thirteenth Legislature will convene in the Senate Chamber at 10:00 in the morning and will be called to order by the President Prayer by the Honorable Georgette B. Berube of Androscoggin.

SENATOR BERUBE: This is the prayer of St. Francis of Assisi. Lord make us an instrument of your peace. Where there is hatred, let us so love. Where there is injury, pardon. Where there is doubt, faith. Where there is despair, hope. Where there is darkness, light and where there is sadness, joy. Grant that we may not so much seek to be consoled as to console. To be understood as to understand. To be loved as to love. For it is in giving that we receive and it is in pardoning that we are pardoned. Amen.

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

Senators ANDREWS, BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GILL, GOULD, KANY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE. THE PRESIDENT - CHARLES P. PRAY

33 Senators having answered to the Roll, the President declared that a quorum was present.

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

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

Which was READ and PASSED.

The President appointed the Senator from Cumberland, Senator CLARK to deliver the message to Governor McKernan. The Sgt-at-Arms escorted the Senator to the Governor's Office.

Subsequently, the Senator from Cumberland, Senator CLARK reported that she had delivered the message with which she was charged.

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

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

Which was READ and PASSED.

The President appointed the Senator from York, Senator DUTREMBLE to deliver the message. The Sgt-at-Arms escorted the Senator to the House of Representatives.

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

COMMUNICATIONS

The Following Communication: S.P. 715
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

December 30, 1987

The Honorable Charles P. Pray
President of the Senate
113th Legislature
The Honorable John L. Martin
Speaker of the House
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today four bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on December 30, 1987 as follows:

Judiciary

Bill "An Act to Clarify the Standard of Proof in Prelitigation Screening Panels" (Emergency) (S.P. 711) (L.D. 1941) (Presented by Senator BRANNIGAN of Cumberland) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Clarify the Immunity Provisions Affecting Professional Review and Professional Competence Committees" (S.P. 713) (L.D. 1943) (Presented by Senator BRANNIGAN of Cumberland) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Clarifying the Authority of Superior Court Justices to Sit in District Court" (S.P. 714) (L.D. 1944) (Presented by Senator GAUVREAU of Androscoggin) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Business Legislation

Bill "An Act Providing for a Reason in Notices of Eviction for Cause in Mobile Home Parks" (S.P. 712) (L.D. 1942) (Presented by Senator BALDACCI of Penobscot) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
S/Edwin H. Pert
Clerk of the House

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

The Following Communication: S.P. 719
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

December 31, 1987

The Honorable Charles P. Pray
President of the Senate
113th Legislature
The Honorable John L. Martin
Speaker of the House
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today three bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on December 31, 1987 as follows:

Aging, Retirement and Veterans

Bill "An Act to Remove Discriminating Language from a Section of the Maine Retirement Laws"

(Emergency) (S.P. 717) (L.D. 1946) (Presented by President PRAY of Penobscot) (Cosponsored by: Senator PERKINS of Hancock, Speaker MARTIN of Eagle Lake) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Correct Inequities in the Maine State Retirement System" (S.P. 718) (L.D. 1947) (Presented by Senator CLARK of Cumberland) (Cosponsored by: Speaker MARTIN of Eagle Lake, Representative DIAMOND of Bangor, Representative HICKEY of Augusta) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Transportation

Bill "An Act Concerning the Use of Flashing Lights on School Buses" (S.P. 716) (L.D. 1945) (Presented by Senator DOW of Kennebec) (Cosponsored by: Representative WEYMOUTH of West Gardiner) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
S/Edwin H. Pert
Clerk of the House

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

The Following Communication: S.P. 720
STATE OF MAINE
COMMITTEE ON STATE AND LOCAL GOVERNMENT
STATE HOUSE STATION 115
AUGUSTA, MAINE 04333

December 7, 1987

Senator Charles P. Pray
Chairman
Legislative Council
Maine State Legislature
State House Station 3
Augusta, Maine 04333
Dear Chairman Pray:

Enclosed is the final report of the Committee to Study Reimbursement for State Mandates. In conjunction with this report, the Committee has submitted to the Revisor of Statutes the following legislation and proposed changes in the joint rules:

- An Act Concerning State Mandates to Local Government

- Joint Rule 5-A - Mandate Legislation

In addition to its own legislation, the Committee is supporting the following legislation that it is believed will be placed before the Legislature by other sponsors during the coming session:

- Property tax reduction through increased revenue sharing
- Reactivation of the State's Commission on Intergovernmental Relations
- Greater and earlier two-way communication in the rule-making process

The Committee trusts that the Council will find this report of value and welcomes questions or comments concerning it.

Sincerely yours,
S/Sen. John L. Tuttle
S/Rep. Donnell P. Carroll
Chairmen of the Committee on
State and Local Government

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

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

The Following Communication: S.P. 721
COMMITTEE ON BUSINESS LEGISLATION
STATE HOUSE STATION 115
AUGUSTA, MAINE 04333

December 28, 1987

Senator Charles P. Pray, Chairman
Legislative Council
State House
Augusta, Maine 04333

Dear Senator Pray:

The Joint Standing Committee on Business Legislation is pleased to submit the attached report of our study of The Uniformed Unclaimed Property Act pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our efforts to update the Maine law according to the recommendations of the National Conference while retaining provisions especially suitable for Maine.

Sincerely,
S/Sen. John Baldacci, Chair S/Rep. Carol Allen Chair
Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication:
STATE OF MAINE
BUREAU OF TAXATION
STATE OFFICE BUILDING
AUGUSTA, MAINE 04333

November 25, 1987

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

Dear President Pray:

The accompanying report of State-owned real estate is submitted in accordance with the provisions of Title 36, MRSA, §1283.

This report includes eighteen properties or interests acquired through liens maturing since the last Regular Session of the Legislature.

Part A (the Resolve) includes a legal description of each property, the entire amount of outstanding tax, interest and costs which have accrued, and recommendation for disposition. Part B includes a narrative description of each property.

Respectfully submitted,
S/Anthony J. Neves
State Tax Assessor

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

The Following Communication:
DEPARTMENT OF
EDUCATIONAL AND CULTURAL SERVICES
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333

December 1, 1987

TO: Members of the 113th Legislature
Bureau of the Budget

FROM: S/Eve M. Bither, Commissioner

SUBJECT: Actual Education Costs for Base Year 1986-87
Pursuant to the provisions of 20-A MRSA §15604, I forward herewith notification of the "actual

education costs" as defined in sub-§1 of 20-A MRSA §15604 for the base year 1986-87.

A. Operating costs	
(1) Elementary	\$303,863,686
(2) Secondary	187,403,240
B. Special education costs for programs operated by administrative units	44,902,605
C. Special education tuition and board, excluding medical costs	12,694,787
(1) Tuition and board for pupils placed by administrative units	\$ 9,994,804
(2) Tuition and board for State Wards and direct State placement	2,199,983
(3) Adjustments under section 15612, subsection 6 (Special Education Hardship grants)	500,000
D. Vocational education costs	15,596,619
E. Transportation operating costs	38,455,833
F. Purchase of Buses	4,987,933
G. Debt Service Costs	
(1) Principal and Interest	31,258,789
(2) Insured Value Factor	767,009
(3) Leases	1,643,735
(4) Construction - Current Year Const. Funding	1,333,921
Other major capital costs	1,172,750
H. Cost of reimbursement for private school services	313,366
I. Cost of state exp. for teacher retirement benefits	68,642,761
J. Early childhood educational programs	527,480
Teacher Recognition Grants per 20-A MRSA Ch. 506	14,300,000
Teacher Salary Block Grants (including teacher retirement)	13,500,000

The above figures include all adjustments in expenditure reports through November 30, 1987. These expenditures are from state and local monies only, except that Federal P.L. 81-874 funds are included.

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
 DEPARTMENT OF
 EDUCATIONAL AND CULTURAL SERVICES
 STATE HOUSE STATION 23
 AUGUSTA, MAINE 04333

December 1, 1987
 MEMORANDUM

TO: Joy J. O'Brien
 Ed Pert
 FROM: S/Eve M. Bither, Commissioner
 RE: Report of Actions Taken Regarding Habitual Truants

M.R.S.A. Title 20-A, Section 5051 defines an habitual truant as a "student" of compulsory school age who has not been legally excused from school attendance (Section 5001-A or Section 5002) and has been "absent from school without excuse for the equivalent of 10 full days, or for at least 1/2 day on 7 consecutive school days, within any 6-month period."
 The following summary is a report of the number of habitual truants identified during the 1986-87 school year and actions taken by local units regarding alternate programs.

	AGE <u>7-13</u>	AGE <u>14-16</u>
1. Total number of habitual truants 1986-87.	<u>128</u>	<u>920</u>
Of this total, how many individuals were:		
a. resolved by informal administrative action?	<u>57</u>	<u>461</u>
b. identified but not resolved?	<u>52</u>	<u>351</u>
c. referred to school board		

	for action	<u>18</u>	<u>108</u>
2. Of the number referred to school board for action (1c), how many resulted in:			
a. compulsory attendance waived (Sec. 5001-A, 2b)?	---		<u>104</u>
b. appeal to Commissioner?	---		<u>-0-</u>
c. waiver granted by the Commissioner?	---		<u>-0-</u>
d. parents referred for court prosecution?	<u>12</u>		<u>4</u>
3. Of the number of parents referred to court (2d), how many were:			
a. prosecuted by formal action?	<u>3</u>		<u>1</u>
b. referred for counseling?	<u>-0-</u>		<u>22</u>
4. How many students age 15 to 17 were excused from compulsory attendance by school board action under Section 5001-A(2)(B)? (Count students who were granted permission to withdraw whether or not they were habitual truants.)			<u>269</u>
5. How many students age 14 to 17 were excused to attend alternate programs under Section 5002?			<u>258</u>

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
 EXECUTIVE DEPARTMENT
 OFFICE OF ENERGY RESOURCES
 STATE HOUSE STATION 53
 AUGUSTA, MAINE 04333
 December 1, 1987

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

I am pleased to submit to you, pursuant to Section 6 of Chapter 818 of the Public Laws of 1986 and to Section 5 of Chapter 533 of the Public Laws of 1987, a report on the use of Exxon Oil Overcharge funds and on the use of Stripper Well Overcharge funds.

These reports are required by law to be submitted annually, beginning December 1, 1987, by the Governor through the Office of Energy Resources.

Additional copies of the report will be available from the printers in the next day or two and thirty-five copies will be delivered to you immediately upon receipt.

Respectfully submitted,
 S/Harvey E. DeVane
 Director

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

The Following Communication:
 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
 BUREAU OF INSURANCE
 STATE HOUSE STATION 34
 AUGUSTA, MAINE 04333
 PRELIMINARY REPORT
 SAFETY POOL IN MAINE

As required by Section 2350(2)(G) of Title 24-A, the following report provides information relating to the Safety Pool for the workers' compensation market in Maine. At this time, the Bureau is unable to submit a final report due to insufficient information from the NCCI, National Council on Compensation Insurance. This report will be finalized when the Bureau receives the necessary information from the NCCI, the designated advisory organization.

1. The percentage of total insured premium in this state written in the Safety Pool - A.M. Best Company reports that \$167,327,000 premium was written in 1986. Of that, roughly 50% of the written premiums were ceded to the National Reinsurance Pool. The NCCI reports that approximately \$64,000,000 (or 38.2%) was for the Safety Pool. The NCCI's results exclude assignments made during the period of October 1, 1986 through December 31, 1986 from several companies, those being Great American, Liberty Mutual, The Home, Peerless, St. Paul, and Zurich. The additional assignments and premiums will affect figures presented in this preliminary report.

2. The percentage of all insured employers in this state written in the Safety Pool - There are approximately 24,000 policyholders in the State of Maine; more than 75% of the insured were written in the Safety Pool in 1986.

3. The number of employers in the Safety Pool and the number who have entered or left - The NCCI disclosed that 17,923 employers entered the Safety Pool, that excludes those who haven't reported, see article #1. The Safety Pool was a new residual market mechanism, therefore the number of risks written in the Safety Pool is the number who entered. At this point, the NCCI has not reported to the Bureau those who have left.

4. The total earned premium, paid losses, reserves and incurred losses - the NCCI has not provided the Bureau with information pertaining to the items requested in this article.

5. The investment income of the Safety Pool and its methods of allocation or determination - The NCCI has not provided the Bureau with any information concerning the investment of income or the method of allocation.

The Bureau of Insurance has requested information from the NCCI in order to finalize this report. Any questions concerning this preliminary report will promptly be addressed.

Respectfully submitted,
S/Joseph A. Edwards
Superintendent

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
113th MAINE LEGISLATURE
December 4, 1987

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

This is to notify you that pursuant to our authority under Chapter 500 of the Public Laws of 1987, we have today appointed the following to serve on the Commission on Job Opportunity Zones:

Edith Beaulieu, Westbrook
Gregory G. Cyr, Portage
Peggy Daigle, East Millinocket
Roy Taylor, Dover-Foxcroft
Rep. Harry Vose, Eastport
Sincerely,

S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333
December 8, 1987

Honorable Joy J. O'Brien
Secretary of the Senate
State House
Augusta, Maine 04333
Dear Madame Secretary:
Pursuant to my authority under Chapter 60 of the Resolves of 1987, I have appointed Pat Foster of Greenville to the Commission on Maine's Future. Please let me know if you have any questions about this appointment.
Sincerely,
S/Charles P. Pray
President of the Senate
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
MAINE HEALTH POLICY ADVISORY COUNCIL
P.O. BOX 10548
PORTLAND, MAINE 04104
December 11, 1987

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

I am pleased to submit, on behalf of the members of the Maine Health Policy Advisory Council, our first annual report.

We would value any comments, questions or suggestions you may have.

Best wishes of the season.

Sincerely,
S/Donald E. Nicoll
Acting Chair

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

The Following Communication: S.P. 725
STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333

December 11, 1987

TO: President Pray
Chair, Legislative Council
FROM: Tim Glidden, Legislative Analyst
SUBJECT: Draft Report of the Commission on Outdoor Recreation

As required pursuant to P&SL 1987, c.68, the Commission on Outdoor Recreation is submitting its draft report for your review by the statutory deadline of December 15th (see attached). The Commission anticipates no problems in meeting the January 15, 1988 deadline for submission of its final report.

Please note that one table and the recommended legislation is not included in this report. I expect to be able to forward drafts of this material to you under separate cover by December 17th.

Please contact me with any questions.

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

The Following Communication:
MAINE STATE LEGISLATURE
COMMISSION TO EXAMINE PROBLEMS OF TORT LITIGATION
AND LIABILITY INSURANCE IN MAINE
December 14, 1987

President Pray

Speaker Martin
State House
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Commission to Examine Problems of Tort Litigation and Liability Insurance in Maine is pleased to submit its report to the Legislature pursuant to P.L. 1986, c.89.

Sincerely,
S/Richard L. Trafton
Chair

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

The Following Communication:

STATE OF MAINE
INTERDEPARTMENTAL COUNCIL

December 14, 1987

The Honorable Charles P. Pray
President of the Maine Senate
The Honorable John L. Martin
Speaker of the Maine House
State House

Augusta, Maine 04333

Dear President Pray and Speaker Martin:

We are pleased to transmit to you the enclosed interim report entitled "Framework for the Future: Building a Service Coordination Foundation to Improve the Lives of Handicapped Youth as They Leave School."

As you may recall, in April 1986 the 112th Legislature passed "AN ACT Concerning Transitional Services for Handicapped Persons Beyond School Age," which was approved by the Governor as Chapter 768. That Act mandated the enclosed report on activities by December 15, 1987.

The purpose of Chapter 768 was to better plan and coordinate programs serving handicapped youth who leave Maine's schools each year and seek to become involved with jobs and life as adults in their communities. The ACT was passed in response to the needs and recommendations of the Select Committee to Address Training and Employment Opportunities for Handicapped Persons Beyond School Age, established by the 111th Legislature.

In response to this Legislative directive, the Commissioners of the previous administration, within the structure of the Interdepartmental Committee (IDC), approved in July, 1986 the creation of the Committee on Transition (COT). The Committee has been an active subcommittee of the IDC, and has worked over the past 18 months to create seven local demonstration projects and to respond to the other mandates of the 1986 legislation. The details of the Committee's accomplishments are provided in the enclosed report.

The transmittal of this report in no way constitutes an endorsement of the report's recommendation. We would be very happy to provide you with additional information or to answer any questions that you might have on this report.

Thank you for your continued interest in and support of interdepartmental services for handicapped youth in our great state.

S/Rollin Ives Commissioner Department of Human Services and	S/Eve Bither Commissioner Department of Educational and Cultural Services	S/Susan Parker Commissioner Department of Mental Health Mental Retardation
---	---	--

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

The Following Communication:

DEPARTMENT OF
EDUCATIONAL AND CULTURAL SERVICES
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333

December 15, 1987

TO: Joy J. O'Brien, Secretary of the Senate
FROM: S/Eve M. Bither, Commissioner
Subject: Certification of Education Funding Levels,
1988-89

Pursuant to the provision of 20-A MRSA, Section 15605, I am required to certify annually to the Governor and to the Bureau of the Budget, my recommendation for the funding levels for the following year. My recommendation is also required to carry with it the approval of the State Board of Education.

The attached document represents my certification for the 1988-89 year. These recommended funding levels have received the approval of the State Board of Education at its meeting of December 15, 1987.

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

The Following Communication:

113TH MAINE LEGISLATURE

December 22, 1987

Honorable Vincent McKusick
Chief Justice
142 Federal Street
Portland, Maine 04101

Dear Mr. Chief Justice:

We would like to invite you to deliver your annual report to a Joint Convention of the Legislature on Tuesday, February 9th, at 11:00 a.m.

Please let us know if this is convenient for you.

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
SUPREME JUDICIAL COURT
PO BOX 4910
PORTLAND, MAINE 04112
December 30, 1987

The Honorable Charles P. Pray

President of the Senate

The Honorable John L. Martin

Speaker of the House

State House

Augusta, ME 04333

Dear Mr. President and Mr. Speaker:

Thank you very much for your invitation to deliver an annual report on the judiciary to the joint convention of the Legislature on Tuesday, February 9, at 11:00 a.m. I will be there!

With all best wishes to you for a happy and productive 1988,

Sincerely,
S/Vincent L. McKusick

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
STATE HOUSE STATION 38
AUGUSTA, MAINE 04333
December 30, 1987

The Honorable Charles P. Pray
Maine State Senate

State House Station 3
Augusta, ME 04333

Dear President Pray,

I am very pleased to submit to you this report on the Evaluation and Financial Study of the Critical Areas Program.

The First Regular Session of the 113th Legislature directed the Critical Areas Advisory Board to conduct a study of the Critical Areas Program to evaluate whether current staffing and funding levels are adequate to accomplish the Program's mandate (Private and Special Law of 1987, Chapter 67).

We find that the Critical Areas Program has made significant progress in documenting and placing Critical Areas on the Register of Critical Areas. Appropriated funds have been wisely expended. Land conservation and environmental education have benefited from the Program's accomplishments. The Program's information on Critical Areas, and its assistance provided to landowners and businesses are essential for the State of Maine to wisely protect and manage Critical Areas.

We conclude that the Program is underfunded and understaffed to accomplish the Program's expanded legislative mandate. Inflation, low levels of funding, and a recent heavy demand for services and information have slowed the documentation of Critical Areas. Given the current level of funding the Program cannot meet its legislative mandate.

The Board recommends that the Legislature provide sufficient staffing and funding so the Critical Areas Program can meet its mandate and present workload, and provide the proper services to the State of Maine for the 1990's for Critical Area protection and education.

The Critical Areas Advisory Board appreciates the opportunity to undertake this study and to provide this report to the Legislature on one of Maine's vital natural resource programs.

Sincerely,
S/Dawn Hill-Lowther, Chair
Critical Areas Advisory Board

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

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

December 30, 1987

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

Dear Madam Secretary:

Pursuant to my authority under Senate Rule 36, I have appointed Senator Zachary Matthews to serve as a member of the Joint Standing Committee on Energy and Natural Resources and Senator John Tuttle to serve as Chairman of the Joint Standing Committee on Marine Resources.

Senator Tuttle will replace Senator Matthews as Chairman of Marine Resources. Senator Matthews will take Senator Tuttle's place on the Energy Committee. Please let me know if you have any questions about these changes.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
DEPARTMENT OF THE ATTORNEY GENERAL
STATE HOUSE STATION 6
AUGUSTA, MAINE 04333
MEMORANDUM

To: Charles P. Pray, President of the Senate
John L. Martin, Speaker of the House
James Mitchell and John Tuttle,
Chairpersons of the Marine Resources
Committee
From: Peggy B. McCloskey, Assistant Attorney
General
Date: December 31, 1987
Subject: Attorney General Certification
regarding lobster statute

Enclosed please find a copy of the Attorney General's Certification pursuant to 12 M.R.S.A. §6431(1) and (3). This certification that the New England Fisheries Management Council has amended the American Lobster Fishery Management Plan and the United States Secretary of Commerce has promulgated the appropriate regulations which have the force of law in all States makes 12 M.R.S.A. §6531(1) and (3) effective as of this date.

The most immediate impact of the new sections of Title 12 is that the new minimum carapace size for lobsters goes into effect January 1, 1988.

The original copy of the Attorney General's Certification has been sent to Commissioner William Brennan at the Department of Marine Resources. If you have any questions, please do not hesitate to contact me.

S/Peggy B. McCloskey

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

ORDERS

On motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that the Secretary of the Senate be directed to furnish each member of the Senate, during the present session, with two daily newspapers printed in the State, as each member may direct.

Which was READ and PASSED.

On motion by Senator DUTREMBLE of York, the following Senate Order:

ORDERED, that the Secretary of the Senate be authorized to furnish 100 22-cent stamps for each member of the Senate for the purpose of distributing various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State.

Which was READ and PASSED.

Joint Orders

On motion by Senator PERKINS of Hancock, the following Joint Order:

S.P. 722

ORDERED, the House concurring, that there be prepared, after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 400 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and Officer of the Legislature and the State Law and Legislative

Reference Library shall receive such number of copies as may be required.

Which was READ and PASSED.
Sent down for concurrence.

Senate at Ease
Senate called to order by the President.

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

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

Senator ERWIN of Oxford was granted unanimous consent to address the Senate on the Record.

Senator ERWIN: Thank you Mr. President. Mr. President, when the Senate adjourns today I request that we do so in memory of the Honorable Kenneth C. Brown. Ken served in the 108th and 109th Legislatures as the representative from Mexico in the seat that Representative Francis Perry now has. Ken was a quiet, soft spoken, dedicated individual that served his community and state well and will be long remembered by his many friends. Thank you.

On motion by Senator ERWIN of Oxford, ADJOURNED, in memory of the Honorable Kenneth C. Brown, until Thursday, January 7, 1988, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
2nd Legislative Day
Thursday, January 7, 1988

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

Prayer by Reverend Russell Chase, Methodist Minister (Retired), North Vassalboro.

The Journal of Wednesday, January 6, 1988, was read and approved.

Quorum call was held.

At this point, Representatives Hepburn of Skowhegan, Nadeau of Lewiston, and Bragg of Sidney were added to the Roll.

SENATE PAPERS

The following Joint Order: (S.P. 722)

ORDERED, the House concurring, that there be prepared, after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 400 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and Officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required.

Came from the Senate, read and passed.
Was read and passed in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 715)

The Senate of Maine
Augusta

December 30, 1987

The Honorable Charles P. Pray
President of the Senate

113th Legislature

The Honorable John L. Martin

Speaker of the House

113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today four bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on December 30, 1987 as follows:

Judiciary

Bill "An Act to Clarify the Standard of Proof in Prelitigation Screening Panels" (Emergency) (S.P. 711) (L.D. 1941) (Presented by Senator BRANNIGAN of Cumberland) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Clarify the Immunity Provisions Affecting Professional Review and Professional Competence Committees" (S.P. 713) (L.D. 1943) (Presented by Senator BRANNIGAN of Cumberland) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Clarifying the Authority of Superior Court Justices to Sit in District Court" (S.P. 714) (L.D. 1944) (Presented by Senator GAUVREAU of Androscoggin) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Business Legislation

Bill "An Act Providing for a Reason in Notices of