

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987
Index

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987
Index

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987
Index

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

Reported Pursuant to Resolves

Representative TARDY from the Committee on Agriculture, pursuant to Resolves of 1987, Chapter 50 ask leave to submit its findings and report that the accompanying Bill "An Act to Appropriate Funds for Mapping of Sand and Gravel Aquifers" (H.P. 1558) (L.D. 2122) be referred to the Joint Standing Committee on Agriculture for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted.

On motion of Representative Carter of Winslow, was referred to the Committee on Appropriations and Financial Affairs, ordered printed, and sent up for concurrence.

In Senate Chamber
Friday
January 22, 1988

Senate called to Order by the President.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the Second Day:

(S.P. 748) (L.D. 2007) Bill "An Act to Correct the Implementation of the New Corporate Filing Fees" (Emergency) (C. "A" S-308)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as Amended in concurrence.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act to Change the Definition of Wine Coolers" (Emergency) (S.P. 803) (L.D. 2104)

- In Senate, Referred to the Committee on Legal Affairs.

TABLED - January 21, 1988 by Representative PRIEST of Brunswick.

PENDING - Reference in concurrence.

On motion of Representative Allen of Washington, retabled pending reference in concurrence and specially assigned for Monday, January 25, 1988.

(Off Record Remarks)

On motion of Representative Dexter of Kingfield, Adjourned until Monday, January 25, 1988, at ten o'clock in the morning.

Prayer by Reverend Donald N. Jones of the First Baptist Church in Livermore Falls.

REVEREND JONES: Mr. President and Members of the Senate, it is a pleasure to have been invited to lead you in prayer this morning. Let us pray. Almighty God, You who are the God and Father of the prophets of old and You who are the God and Father of our Lord, Jesus Christ, at the beginning of this Session we come to You in prayer. We recognize that You are the God who watches over all of our ways. You are the one in whom we live and move and have our being. We ask that Your guiding spirit be upon this Senate Chamber today for there are important issues to be considered. Do give insight and understanding, we pray, to the Members of this Body that they might perform their duties and make decisions that are in the best interest of the citizens of the State of Maine. To that end we give our hearty thanks to You, God. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Relating to the Tax Exempt Status of Anson Academy Association" (Emergency)

H.P. 1523 L.D. 2076

In House, January 19, 1988, under suspension of the Rules, PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED.

In Senate, January 20, 1988, referred to the Committee on EDUCATION and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Limit the Purchase of Land by Quasi-Municipal Districts"

H.P. 1531 L.D. 2085

In House, January 19, 1988, referred to the Committee on TAXATION and ORDERED PRINTED.

In Senate, January 20, 1988, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Allow Deductions for Merchantability Factors in Wood Measurement"

H.P. 1534 L.D. 2088

In House, January 19, 1988, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

LEGISLATIVE RECORD - SENATE, JANUARY 22, 1988

In Senate, January 20, 1988, referred to the Committee on LABOR and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED. The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Provide Prevocational Services for Persons with Long-Term Mental Illness" (Emergency)

H.P. 1548 L.D. 2108

Bill "An Act to Increase Funding of Elderly Legal Services"

H.P. 1552 L.D. 2112

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

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

Resolve, Regarding the Study of Low-Level Radioactive Waste in the Town of Greenbush

H.P. 1551 L.D. 2111

Bill "An Act to Protect Maine's Outstanding Rivers from Water Diversion Projects" (Emergency)

H.P. 1553 L.D. 2113

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 Conform the Hospital Care Financing System to Certain Federal Requirements Concerning the Civilian Health and Medical Program of the Uniformed Services"

H.P. 1550 L.D. 2110

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 Make Certain Statutory Changes to Facilitate District Court Judicial Administration"

H.P. 1555 L.D. 2115

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

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

Bill "An Act to Increase Work Incentive in the Unemployment Insurance Partial Benefit Structure"

H.P. 1545 L.D. 2105

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 Clarify Reporting Requirements under the Campaign Finance Laws"

H.P. 1549 L.D. 2109

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

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

Bill "An Act to Abolish Sales Tax on Labor Involved in Telecommunications"

H.P. 1546 L.D. 2106

Bill "An Act to Amend Eligibility Requirements under the Household Tax and Rent Refund Act and the Elderly Low-Cost Drug Program"

H.P. 1554 L.D. 2114

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 Amend the Charter of the Limestone Water and Sewer District"

H.P. 1547 L.D. 2107

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.

Study Report

Committee on LEGAL AFFAIRS

Report of the Committee on LEGAL AFFAIRS to which was referred by the Legislative Council the Study Relative to Law Enforcement Training and Funding for the Maine Criminal Justice Academy have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Concerning Law Enforcement Education and Training and Funding for Training"

H.P. 1556 L.D. 2120

Be referred to the Joint Standing Committee on LEGAL AFFAIRS for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 814

113TH MAINE LEGISLATURE

January 21, 1988

Senator John L. Tuttle, Jr.

Representative Donnell P. Carroll

Chairpersons

Joint Standing Committee on State and Local Government

113th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Peter G. Merrill of Portland for appointment to the Maine State Housing Authority.

Pursuant to Title 30, M.R.S.A. Section 4602, this nomination is currently pending before the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Annalee Rosenblatt of Scarborough for reappointment to the Civil Service Appeals Board.

Pursuant to Title 5, M.R.S.A. Section 7081, this nomination is currently pending before the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nominations of Colin C. Hampton of Cape Elizabeth, Mark A. Kearns, Esq. of Kennebunk, Howard Goldenfarb of Portland and J. Benjamin Wootten of Bangor to the Maine Court Facilities Authority.

Pursuant to P.L. 1987, Chapter 438, Section 1602, these nominations are currently pending before the Joint Standing Committee on State and Local Government and confirmation by the Senate.

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

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

The Following Communication: S.P. 815
113TH MAINE LEGISLATURE
January 21, 1988

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

Please be advised that Governor John R. McKernan, Jr. has nominated Peter G. Merrill of Portland for appointment to the Maine State Housing Authority.

Pursuant to Title 30, M.R.S.A. Section 4602, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Please be advised that Governor John R. McKernan, Jr. has nominated Annalee Rosenblatt of Scarborough for reappointment to the Civil Service Appeals Board.

Pursuant to Title 5, M.R.S.A. Section 7081, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Please be advised that Governor John R. McKernan, Jr. has nominated Colin C. Hampton of Cape Elizabeth, Mark A. Kearns, Esq. of Kennebunk, Howard Goldenfarb of Portland and J. Benjamin Wootten of Bangor for appointments to the Maine Court Facilities Authority.

Pursuant to P.L. 1987, Chapter 438, Section 1602, these nominations will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

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

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

The Following Communication:
DEPARTMENT OF TRANSPORTATION
STATE HOUSE STATION 16
AUGUSTA, MAINE 04333
January 21, 1988

The Honorable Charles P. Pray, President
The Honorable John L. Martin, Speaker
State House
Augusta, Maine 04333
Dear President Pray and Speaker Martin:

It is with pleasure that I provide you this copy of "A Supplemental Program for Corridors of Statewide Economic Significance."

This Program outlines our proposal to make up losses in federal highway funding, address transportation needs on Maine's regionally significant highways and to deal with our extraordinary bridges, while at the same time respecting the needs on other portions of the state's highway system.

The need for these improvements was clearly identified by the Governor's Economic Development Task Force and is clearly supported by MDOT's own pavement management analyses.

As this Program indicates, we concur with the Task Force recommendation that funding for these projects come from an increase in the motor fuel tax. Our estimates indicate that a 5-cent per gallon increase will be needed if we are to responsibly address the needs identified in this program.

As you review this Program and consider its recommendations, I or members of my staff, will be happy to discuss any questions or concerns which may arise. We strongly feel that this Program in concert with MDOT's biennial Transportation Investment Program, offers us an opportunity to make real progress in addressing Maine's transportation needs on the corridors of statewide significance and the extraordinary bridges, along with additional improvements on the remainder of the highway system.

Sincerely,
S/Dana Connors
Commissioner

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

SENATE PAPERS

Bill "An Act to Encourage Certain Health Professionals to Practice in Maine"

S.P. 811 L.D. 2125

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by: Representative HANDY of Lewiston, Senator RANDALL of Washington, Representative DELLERT of Gardiner
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Bill "An Act to Appropriate Funds for Additional Staff for Licensing Bureau of the Department of Human Services"

S.P. 812 L.D. 2126

Presented by Senator CLARK of Cumberland
Cosponsored by: Representative RYDELL of Brunswick, Senator BLACK of Cumberland, Representative CHONKO of Topsham
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Provide Retraining Opportunities to Workers who have been Replaced During a Labor Dispute" (Emergency)

S.P. 813 L.D. 2127

Presented by Senator COLLINS of Aroostook
Cosponsored by: Representative HEPBURN of Skowhegan, Representative BICKFORD of Jay
Which was referred to the Committee on LABOR and ORDERED PRINTED.

Sent down for concurrence.

COMMITTEE REPORTS

Senate
Leave to Withdraw

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

Bill "An Act to Reorganize the Legal Division of the Department of Transportation"

S.P. 747 L.D. 2006

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

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator ANDREWS of Cumberland, ADJOURNED until Monday, January 25, 1988, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
11th Legislative Day
Monday, January 25, 1988

The Speaker resumed the Chair and called the House to order according to adjournment.

Prayer by Reverend Joseph Brown, Assembly of God Church, Thomaston.

Pledge of Allegiance.

The Journal of Friday, January 22, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Encourage Certain Health Professionals to Practice in Maine" (S.P. 811) (L.D. 2125)

Bill "An Act to Appropriate Funds for Additional Staff for Licensing Bureau of the Department of Human Services" (S.P. 812) (L.D. 2126)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Provide Retraining Opportunities to Workers who have been Replaced During a Labor Dispute" (Emergency) (S.P. 813) (L.D. 2127)

Came from the Senate, referred to the Committee on Labor and Ordered Printed.

Was referred to the Committee on Labor in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Reorganize the Legal Division of the Department of Transportation" (S.P. 747) (L.D. 2006)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 814)

113TH MAINE LEGISLATURE

January 21, 1988

Senator John L. Tuttle, Jr.

Representative Donnell P. Carroll

Chairpersons

Joint Standing Committee on State and Local Government

113th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Peter G. Merrill of Portland for appointment to the Maine State Housing Authority.

Pursuant to Title 30, M.R.S.A. Section 4602, this nomination is currently pending before the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Annalee Rosenblatt of Scarborough for reappointment to the Civil Service Appeals Board.

Pursuant to Title 5, M.R.S.A. Section 7081, this nomination is currently pending before the Joint Standing Committee on State and Local Government and confirmation by the Senate.