

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

October 9, 1987 to October 10, 1987
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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
Monday
January 25, 1988

Senate called to Order by the President.

Prayer by Reverend A. Raymond Smith of St. Barnabas Chapel in Augusta.

REVEREND SMITH: Almighty and everlasting God, Who destined Thy throne behold all dwellers on earth, grant that we may acknowledge Thee to be our God and our guide. May please Thee so to rule the mind of Thy servant, Ronald, President of this nation, John, the Governor of this State and all others in authority that they may do justice and love mercy and welcome the ways of truth. May the Members of this Senate seek Thy wisdom, that they may enact just laws and promote the welfare of the citizens of the State of Maine. May they always remember that it is under Thy guidance that they are called upon to legislate even as it is in Thy name they put their trust. We pray that in Thy name wars may be made to cease in all of the world and that justice, unity, peace and comfort may become the way of life for all peoples. We pray in Thy name for all of people in this State and in this Senate that they may have a heart and mind to love and fear Thee and truly to work in the way of Thy Commandments. That Thy name may be glorified and may we be known as the people who put their trust in Thee, our Lord and our God. Oh God our help for ages past, our hope for years to come, our shelter from the stormy blest and our eternal home. Amen.

Reading of the Journal of Friday, January 22, 1988.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Ensure the Safe Siting of Gravel Excavation" (Emergency)

H.P. 1559 L.D. 2123

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

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

Bill "An Act to Prohibit Strikebreaking Activity" (Emergency)

H.P. 1560 L.D. 2124

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.

Pursuant to Resolves
Committee on AGRICULTURE

The Committee on AGRICULTURE, pursuant to Resolves 1987, Chapter 50, ask leave to submit its findings and to report that the accompanying Bill "An Act to Improve the Regulation of Pesticides"

H.P. 1557 L.D. 2121

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

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

Which Report was READ and ACCEPTED, in concurrence.

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

Pursuant to Resolves
Committee on AGRICULTURE

The Committee on AGRICULTURE, pursuant to Resolves 1987, Chapter 50, ask leave to submit its findings and to 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.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 820

113TH MAINE LEGISLATURE

January 22, 1988

Senator John M. Kerry
Representative Harry L. Vose
Chairpersons
Joint Standing Committee on Utilities
113th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Lewis Perl of Scarsdale, New York for appointment as Chairman of the Public Utilities Commission.

Pursuant to Title 35, M.R.S.A. Section 1, this nomination will require review by the Joint Standing Committee on Utilities 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 UTILITIES.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Provide Additional Appropriations for a Dioxin Study"

S.P. 818 L.D. 2138

Presented by Senator KANY of Kennebec
Cosponsored by: Representative CARTER of Winslow, Representative JACQUES of Waterville, Senator MATTHEWS of Kennebec

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

Bill "An Act to Amend the Principles of Reimbursement for Nonhealth Employees of Nursing Homes"

S.P. 817 L.D. 2137

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by: Senator GILL of Cumberland,
Representative MANNING of Portland,
Representative WHITCOMB of Waldo

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Resolve, Establishing the Commission to Study Secondary Transportation Corridors in Maine

S.P. 816 L.D. 2136

Presented by President PRAY of Penobscot
Cosponsored by: Senator DOW of Kennebec,
Representative MOHOLLAND of Princeton
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Bill "An Act Relating to the Weighing of Trucks"

S.P. 819 L.D. 2139

Presented by Senator CAHILL of Sagadahoc
Cosponsored by: Representative MCPHERSON of Eliot, Representative POULIOT of Lewiston
Submitted by the Department of Public Safety pursuant to Joint Rule 24
Which were referred to the Committee on TRANSPORTATION 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 Amend the Law Regarding Training for Law Enforcement Officers"

S.P. 280 L.D. 790

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON EDUCATION
ONE HUNDRED AND THIRTEENTH LEGISLATURE
January 22, 1988

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 Education has had under consideration the nomination of Joseph Sewall of Old Town, for reappointment to the Board of Trustees, Maine Maritime Academy.

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 1
Representatives 8
NAYS: 0

ABSENT: 4 Sen. Estes of York, Sen. Kany of Kennebec, Rep. Paradis of Frenchville, Rep. Matthews of Caribou

Nine 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 Joseph Sewall of Old Town, for reappointment to the Board of Trustees, Maine Maritime Academy be confirmed.

Sincerely,
S/Stephen M. Bost
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Joseph Sewall of Old Town, for reappointment to the Board of Trustees, Maine Maritime Academy be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on EDUCATION 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 BALDACCI, BERUBE, BLACK, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ESTES, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PERKINS, RANDALL, SEWALL, THERIAULT, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators ANDREWS, BRANNIGAN, ERWIN, GAUVREAU, PEARSON, TUTTLE

No Senators having voted in the affirmative and 29 Senators having voted in the negative, with 6 Senators being absent, 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 Joseph Sewall, for reappointment to the Board of Trustees, Maine Maritime Academy, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

On motion by Senator MATTHEWS of Kennebec, ADJOURNED until Tuesday, January 26, 1988, at 10:00 in the morning.