

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
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

2. To generate jobs and other economic activity within Maine directly related to the export-import traffic;

3. To induce jobs and economic activity in Maine-based industries indirectly benefiting by proximity to a modern port;

4. To target state investments in port facilities where new jobs and economic activity is most needed; and

5. To concentrate economic development along Maine's coastline in localized areas to protect the environmental values of the coastline consistent with state environmental and conservationist objectives; and

WHEREAS, the encouragement of exporting by United States business and industry is a national priority due to this nation's serious foreign trade imbalance; and

WHEREAS, the value of the American dollar is at a record low, offering United States exporters an excellent opportunity to establish new foreign markets and to recapture markets lost when the dollar was at a record high; and

WHEREAS, the Federal Highway Administration, acting as lead agency, has recently issued and approved a Final Environmental Impact Statement on the Sears Island Project and this document now serves as a basis for review of application to the United States Army Corps of Engineers and the United States Coast Guard for permits to proceed with the project; and

WHEREAS, the proposed Sears Island cargo terminal is strongly supported by Governor McKernan, the entire Maine Congressional Delegation, the Waldo County Commissioners and the Town of Searsport and in 2 separate bond issues the voters of Maine have also given their approval to this project; and

WHEREAS, the proposed dry cargo terminal for Sears Island would make a valuable contribution toward the expansion of export trade and thereby greatly assist the Maine and national economy; now, therefore, be it

RESOLVED: That the 113th Maine Legislature calls upon President Ronald W. Reagan to request immediate assistance and support in securing prompt action by the Federal Government on all pending permits and requests for federal aid associated with the construction of the proposed Sears Island Dry Cargo Terminal Project.

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

Was read and adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Crowley of Stockton Springs,

Adjourned until Wednesday, January 27, 1988, at ten o'clock in the morning.

In Senate Chamber
 Tuesday
 January 26, 1988

Senate called to Order by the President.

Prayer by the Honorable Georgette B. Berube of Androscoggin.

SENATOR BERUBE: I would ask that we pray together today for a young man who is undergoing cancer surgery in Portland. He is nineteen years old.

The Lord is my shepard; I shall not want. In verdant pastures He gives me repose; beside restful waters He leads me; He refreshes my soul. He guides me in right paths for His name's sake. Even though I walk in the dark valley I fear no evil; for You are at my side with Your rod and Your staff that give me courage. You spread the table before me in the sight of my foes; You anoint my head with oil; my cup overflows. Only goodness and kindness follow me all the days of my life; and I shall dwell in the house of Lord for years to come. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Continue State Benefits to Retired Teachers who have Joined a New Insurance Plan upon Retirement"

H.P. 1563 L.D. 2130

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

Bill "An Act to Regulate the Use of Oxen, Pony and Draft Horse Competitions" (Emergency)

H.P. 1565 L.D. 2132

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

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

Bill "An Act to Prevent Reductions in Existing Child Care Programs Funded with Social Services Block Grants"

H.P. 1566 L.D. 2133

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 Concerning Liability for the Cost of Out-of-State Education for Special Needs Students"

H.P. 1561 L.D. 2128

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 to Prohibit the Release of Dioxins in any State Rivers, Streams or Lakes"

H.P. 1562 L.D. 2129

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 Allow Initiative Rights to Local Voters on Laws Pertaining Only to Their Municipality, Village Corporation or Quasi-Municipal Corporation"

H.P. 1568 L.D. 2135

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 Clarify the Laws Relating to Atlantic Salmon Conservation"

H.P. 1567 L.D. 2134

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Municipalities to Waive Property Taxes for Residents who are 70 Years or Older

H.P. 1564 L.D. 2131

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

On motion by Senator CLARK of Cumberland, referred to the Committee on TAXATION and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

SENATE PAPERS

Bill "An Act to Establish a Community Mental Health Aftercare Program"

S.P. 823 L.D. 2145

Presented by Senator BUSTIN of Kennebec

Cosponsored by: Senator GILL of Cumberland, Representative KIMBALL of Buxton

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

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

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

Sent down for concurrence.

Bill "An Act to Provide for the Establishment of a Nonlapsing Fund for the Maine Student Incentive Scholarship Program"

S.P. 822 L.D. 2144

Presented by Senator PERKINS of Hancock

Cosponsored by: Senator PEARSON of Penobscot, Representative LAWRENCE of Parsonsfield, Representative CARTER of Winslow

Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24

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

Sent down for concurrence.

Bill "An Act to Provide Greater Protection to Tenants of Mobile Home Parks" (Emergency)

S.P. 825 L.D. 2147

Presented by Senator ESTES of York

Cosponsored by: Senator GAUVREAU of Androscoggin, Senator BRANNIGAN of Cumberland,

Representative PRIEST of Brunswick

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

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

Sent down for concurrence.

Bill "An Act to Expand and Clarify the Jurisdiction of the Maine State Pilotage Commission"

S.P. 821 L.D. 2143

Presented by Senator GOULD of Waldo

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Which was referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Create a State Capitol Commission"

S.P. 826 L.D. 2148

Presented by President PRAY of Penobscot

Cosponsored by: Representative MURPHY of Kennebunk, Speaker MARTIN of Eagle Lake, Senator PERKINS of Hancock

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

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

Sent down for concurrence.

Bill "An Act to Amend the Charter of the Jackman Sewer District to Make the Provisions for Collection of Unpaid Rates Conform to the General Provisions for Collection of Unpaid Rates by Sanitary Districts" (Emergency)

S.P. 824 L.D. 2146

Presented by Senator WEBSTER of Franklin

Cosponsored by: Representative ROTONDI of Athens

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

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

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator KANY of Kennebec (Cosponsored by: Representative JACQUES of Waterville, Representative LACROIX of Oakland, Representative JOSEPH of Waterville) the following Joint Resolution:

S.P. 827

JOINT RESOLUTION COMMEMORATING THE 100th ANNIVERSARY OF THE CITY OF WATERVILLE, MAINE

WHEREAS, among the chain of cities that link the northeast corner of our nation is Waterville, nationally known for its manufacturers and in the fields of education and health; and

WHEREAS, formerly a trading post at Ticonic Falls on the broad-terraced plains along the west bank of the Kennebec, the Waterville community grew to

preeminence through its mills, log drives, river steamers and railways; and

WHEREAS, Waterville is not only historically important in the industrial development of Central Maine, it is famous for Hathaway shirts, worsteds, paper, roofing, lumber, Colby College crowning Mayflower Hill and the Lombard Log Hauler, forerunner of caterpillar treads; and

WHEREAS, once called "Elm City" for its graceful wineglass trees, the City of Waterville is now popular as a commercial, medical and cultural center, and has been a leader in industry and commerce for the past 100 years; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature of the State of Maine, now assembled in the Second Regular Session, take this special opportunity on the eve of the centennial of the City of Waterville to commend the officials and citizens of this great city for the success which they have achieved together over the past 100 years and extend to each our sincere hopes and best wishes for continued achievement upon entering a 2nd century; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

Which was READ and ADOPTED.

Sent down for concurrence.

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act Concerning Sale or Removal of Homes from Mobile Home Parks and to Encourage Competition in the Mobile Home Park Industry"

S.P. 731 L.D. 1990

Tabled - January 12, 1988, by Senator CLARK of Cumberland.

Pending - REFERENCE

(In Senate, January 7, 1988, RECONSIDERED reference to the Committee on BUSINESS LEGISLATION.)

On further motion by same Senator, referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Sent down for concurrence.

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act Relating to Requirements for Tenancy in Mobile Home Parks"

S.P. 777 L.D. 2034

Tabled - January 13, 1988, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on BUSINESS LEGISLATION suggested and ORDERED PRINTED.)

On further motion by same Senator, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

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

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

Senator CLARK: Thank you Mr. President, men and women of the Senate. You would be interested to know that the Maine State Museum has recently been cited as having one of the "top three" museum exhibition in the entire United States. The Museum was commended for their "Made in Maine," the large exhibit that explains the history of Maine products and industries. It is the result of a national award competition sponsored by the Society for the History of Technology, and the museum, our museum, shares top honors across the country with such prestigious institutions as the Smithsonian Institution and the Henry Ford Museum. That is quite a compliment to the State of Maine and to the director and people who work in our Maine State Museum.

The Smithsonian, interestingly enough and by sharp contrast, has a staff of six thousand and a budget of three hundred million dollars. The Maine State Museum, under the directorship of Paul Rivard built the "Made in Maine" exhibit with a staff of twenty-seven. The Henry Ford Museum boasts a staff of over eleven hundred during the summer season and has a budget of eighteen million dollars. Of course, our Maine State Museum with its nationally recognized exhibit has a budget which is a tiny fraction of those two giants.

The Maine State Museum is one of the smallest state museums in the nation, yet we recognize it and it is recognized on a par with the giant museums. The "Made in Maine" exhibit was judged to be superior to a number of other huge museums, among the exhibits nominated but rated in the "top three" were presentations from the Franklin Institute in Philadelphia, the Museum of Science and Industry in Chicago, and the Brooklyn Museum. No other state museum other than our own state museum was nominated. I would urge members of this Senate to acknowledge, in word and perhaps, note that this recognition is entirely due to the commitment of the hard working and talented staff, combined with the moral support in leadership of the citizen commission and this Legislature. Thank you very much.

On motion by Senator BERUBE of Androscoggin, ADJOURNED until Wednesday, January 27, 1988, at 10:00 in the morning.