

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

By unanimous consent and without reference to any committee, the Bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Amend the Maine Tort Claims Act to Remove Joint and Several Liability for Government Entities" (H.P. 275) (L.D. 358) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Concerning the Sale of Dessert Wine" (H.P. 946) (L.D. 1269) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Ought to Pass in New Draft

Representative MAYO from the Committee on Taxation on Bill "An Act to Amend the Maine Tree Growth Tax Law" (H.P. 443) (L.D. 596) reporting "Ought to Pass" in New Draft (H.P. 1591) (L.D. 2177)

Report was read and accepted, the New Draft read once and assigned for second reading for Tuesday, February 2, 1988.

At this point, Representative Dutremble of Biddeford was added to the roll.

(Off Record Remarks)

On motion of Representative Carter of Winslow, Adjourned until Tuesday, February 2, 1988, at nine o'clock in the morning.

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

In Senate Chamber
Monday
February 1, 1988

Senate called to Order by the President.

Prayer by Reverend Ray Dupere of the Church of the Open Door in Hampden.

REVEREND DUPERE: Let us pray. Father, You remind us in Your word that if anyone needs wisdom he or she need only ask for it and You will give it liberally. So we ask Father that You would keep the men and women here today from making purely personal or political decisions if there is a greater good which can be accomplished. But keep them firm in their convictions, especially in the face of the many pressures which surround them, if doing so would bring about Your will for our great State. Lastly, Father, I would ask that You would grant them wisdom and the ability to see clearly both sides of every issue, that they might make fair decisions being fully aware of the impact of their work on those whom they serve. I pray these things in the name of Your son, Jesus Christ. Amen.

Reading of the Journal of Wednesday, January 27, 1988.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning the Use of Lands Abutting Farmlands"

H.P. 1576 L.D. 2151

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

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 Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain Employees Excluded from Collective Bargaining" (Emergency)

H.P. 1578 L.D. 2153

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 Provide for Child Care and Child Development Training for Student Parents"

H.P. 1575 L.D. 2150

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 Clarify the State's Antidiscrimination Laws to Include Families with Children in Mobile Home Parks"

H.P. 1577 L.D. 2152

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 Reallocate Funds from the Maine Turnpike Authority for Construction and Maintenance of Secondary Roads"

H.P. 1574 L.D. 2149

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

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND THIRTEENTH LEGISLATURE
January 26, 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 Energy and Natural Resources has had under consideration the nomination of Elizabeth Swain of Pownal, for reappointment to the Land Use Regulation Commission.

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 | 3 |
| | Representatives | 10 |
| NAYS: | | 0 |
| ABSENT: | | 0 |

Thirteen 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 Elizabeth Swain of Pownal, for reappointment to the Land Use Regulation Commission 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 Elizabeth Swain of Pownal, for reappointment to the Land Use Regulation Commission, 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 Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. It is my intention today to oppose this nomination for a number of reasons. I represent a large area in Somerset and Franklin County, part of Kennebec County and a large area which is unorganized. There is some very strong

feelings in my district, particularly among the unorganized areas, that this nominee perhaps would not in the best interest of their concerns.

It is my opinion that people who live in western Maine, the people who live in unorganized territories, are entitled to have jobs and some of the decisions made by LURC over the past few years have not been in the best interest of jobs for rural Maine. For these reasons I would oppose this nominee. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. I would hope that you would join with the unanimous Committee Report from the Joint Standing Committee on Energy and Natural Resources and resoundingly confirm this candidate for renomination to the Land Use Regulation Commission. Elizabeth Swain is experienced. Elizabeth Swain is dedicated. Elizabeth Swain believes that issues should be addressed with an open mind and with no prejudice or bias beforehand. It is with deep regret this morning that I hear from the Senator from Franklin, Senator Webster, that he is going to vote against her renomination to the Land Use Regulation Commission. Unfortunately, Senator Webster was not present during the confirmation hearing to listen to the testimony and review the credentials of this candidate for reappointment. I would submit to you that Elizabeth Swain, who comes from the town of Pownal one of the smallest towns in Cumberland County and reflects many of the small towns in western Maine, is as sensitive if not more so to the issue of jobs for Maine citizens as well as the responsibilities placed on her as a member of the Land Use Regulation Commission as any other qualified candidate would be. This woman is eminently qualified. Let's support this renomination of Elizabeth Swain.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you Mr. President, men and women of the Senate. I just find it very difficult to understand and would like clarification from the Senator from Franklin, Senator Webster, as to why he has made these broad sweeping statements about the lack of qualifications of this appointee. This appointee was appointed by the Governor that came from my party and she has been reappointed by the Governor from his party.

It seems to me that there must some very specific reasons why this person is not qualified and if that is the case I think the Senator should specify what those things are that make her unqualified at this time for this nomination. Thank you.

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

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. I believe if you looked at my comments I at no time said this nominee was not qualified. It is my opinion that there are other people who would be much better qualified to do this job. My constituency feels, I think it is fair to say those that are most involved in what happens with Land Use Regulatory Commission, that this nominee has not looked out for the best interests of their interests and I would have wished that a different nominee would have been put forth. Unfortunately that did not happen so I am faced with the position of either voting for this nominee or voting against, and I will be voting against it.

THE PRESIDENT: The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

2 Senators having voted in the affirmative and 27 Senators having voted in the negative, with 6 Senators being absent, and 2 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Elizabeth Swain, for reappointment to the Land Use Regulation Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 COMMITTEE ON ENERGY AND NATURAL RESOURCES
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 January 26, 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 Energy and Natural Resources has had under consideration the nomination of Eugene L. Gendron, Jr. of South Portland, 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 3
 Representatives 9
 NAYS: 0

ABSENT: 1 Rep. Holloway of Edgecomb
 Twelve 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 Eugene L. Gendron, Jr. of South Portland, 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 Eugene L. Gendron, Jr. of South Portland, 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 BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GILL, GOULD, KANY, LUDWIG, MATTHEWS, MAYBURY, PERKINS, RANDALL, THERIAULT, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY
 ABSENT: Senators ANDREWS, GAUVREAU, KERRY, PEARSON, SEWALL, 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 Eugene L. Gendron, Jr., for appointment to the Board of Environmental Protection, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 COMMITTEE ON ENERGY AND NATURAL RESOURCES
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 January 26, 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 Energy and Natural Resources has had under consideration the nomination of Clinton B. Townsend of Canaan, for appointment to the Land for Maine's Future Board.

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 3
 Representatives 10
 NAYS: 0
 ABSENT: 0

Thirteen 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 Clinton B. Townsend of Canaan, for appointment to the Land for Maine's Future Board 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 Clinton B. Townsend of Canaan, for appointment to the Land for Maine's Future Board, 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 BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GILL, GOULD, KANY, LUDWIG, MATTHEWS, MAYBURY, PERKINS, RANDALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators ANDREWS, GAUVREAU, KERRY, PEARSON, SEWALL

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 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 Clinton B. Townsend, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 COMMITTEE ON ENERGY AND NATURAL RESOURCES
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 January 26, 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 Energy and Natural Resources has had under consideration the nomination of Marion Fuller Brown of York, for appointment to the Land for Maine's Future Board.

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 3
 Representatives 10
 NAYS: 0
 ABSENT: 0

Thirteen 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 Marion Fuller Brown of York, for appointment to the Land for Maine's Future Board 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 Marion Fuller Brown of York, for appointment to the Land for Maine's Future Board, 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 BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GILL, GOULD, KANY, LUDWIG, MATTHEWS, MAYBURY, PERKINS, RANDALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators ANDREWS, GAUVREAU, KERRY, PEARSON, SEWALL

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 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 Marion Fuller Brown, for appointment to the Land for Maine's Future Board, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 COMMITTEE ON ENERGY AND NATURAL RESOURCES
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 January 26, 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 Energy and Natural Resources has had under consideration the nomination of Richard J. Warren of Bangor, for appointment to the Land for Maine's Future Board.

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 3
 Representatives 10
 NAYS: 0
 ABSENT: 0

Thirteen 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 Richard J. Warren of Bangor, for appointment to the Land for Maine's Future Board 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 Richard J. Warren of Bangor, for appointment to the Land for Maine's Future Board, 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 BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PERKINS, RANDALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY
ABSENT: Senators ANDREWS, GAUVREAU, PEARSON, SEWALL

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 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 Richard J. Warren, for appointment to the Land for Maine's Future Board, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND THIRTEENTH LEGISLATURE
January 26, 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 Energy and Natural Resources has had under consideration the nomination of Robert E. Suminsby of Northeast Harbor, for appointment to the Land for Maine's Future Board.

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 3
Representatives 10
NAYS: 0
ABSENT: 0

Thirteen 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 Robert E. Suminsby of Northeast Harbor, for appointment to the Land for Maine's Future Board 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 Robert E. Suminsby of Northeast Harbor, for appointment to the Land for Maine's Future Board, 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 BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PERKINS, RANDALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY
ABSENT: Senators ANDREWS, GAUVREAU, PEARSON, SEWALL

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 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 Robert E. Suminsby, for appointment to the Land for Maine's Future Board, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
COMMITTEE ON JUDICIARY
ONE HUNDRED AND THIRTEENTH LEGISLATURE
January 26, 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 Judiciary has had under consideration the nomination of Dawn Pelletier of Winterport, for appointment to the Workers' Compensation Commission.

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:

LEGISLATIVE RECORD - SENATE, FEBRUARY 1, 1988

YEAS: Senators 3
 Representatives 7
 NAYS: 0
 ABSENT: 3 Rep. Warren of Scarborough,
 Rep. Thistle of Dover-Foxcroft,
 Rep. Hanley of Paris

Ten 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 Dawn Pelletier of Winterport, for appointment to the Workers' Compensation Commission be confirmed.

Sincerely,
 S/Joseph C. Brannigan
 Senate Chair
 S/Patrick E. Paradis
 House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Dawn Pelletier of Winterport, for appointment to the Workers' Compensation Commission, be confirmed.

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

ABSENT: Senators ANDREWS, GAUVREAU, PEARSON,
 SEWALL

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 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 Dawn Pelletier, for appointment to the Workers' Compensation Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 COMMITTEE ON JUDICIARY
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 January 26, 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 Judiciary has had under consideration the nomination

of Peter J. Goranites of Falmouth, for appointment as Judge-at-Large of the Maine District Court.

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 3
 Representatives 8
 NAYS: 0
 ABSENT: 2 Rep. Warren of Scarborough,
 Rep. Hanley of Paris

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 Peter J. Goranites of Falmouth, for appointment as Judge-at-Large of the Maine District Court be confirmed.

Sincerely,
 S/Joseph C. Brannigan
 Senate Chair
 S/Patrick E. Paradis
 House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Peter J. Goranites of Falmouth, for appointment as Judge-At-Large of the Maine District Court, be confirmed.

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

ABSENT: Senators ANDREWS, GAUVREAU, PEARSON,
 SEWALL

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 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 Peter J. Goranites, for appointment as Judge-At-Large of the Maine District Court, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 January 25, 1988

Honorable Charles P. Pray
 President, Maine Senate
 Dear President Pray:

Please find enclosed the final report of the Joint Standing Committee on Appropriations and Financial Affairs studying the cost of implementing the administrative structure of the Maine Vocational-Technical Institute System.

The Appropriations Committee has fulfilled its obligations as directed by Public Law 1987, Chapter 532, Section 10.

Respectfully submitted,
S/Michael D. Pearson S/Donald V. Carter
Senate Chair House Chair

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

The Following Communication:

BUREAU OF TAXATION
STATE OFFICE BUILDING
AUGUSTA, MAINE 04333

January 11, 1988

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

I am pleased to submit to the Legislature and in particular to the Joint Standing Committee on Taxation, the Joint Standing Committee on Transportation and the Legislative Council the annual report evaluating the effectiveness of the Regional Fuel Tax Agreement pursuant to 36 M.R.S.A. section 3312, sub-section 2.

Sincerely,
S/Anthony J. Neves
State Tax Assessor

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

The Following Communication:

WHITewater ADVISORY COMMISSION
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

January 14, 1988

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:

Enclosed is the annual report of the Whitewater Advisory Committee which is submitted pursuant to 12 MRSA Section 7369-A.

The Committee would be pleased to provide additional information or respond to questions regarding the material in this report and its statutory charge.

Respectfully submitted,
S/Clinton B. Townsend,

Esq.

Chairman
Whitewater Advisory

Committee

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

The Following Communication:

THE LEGISLATIVE TASK FORCE ON RAILROADS
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

January 27, 1988

Honorable Charles P. Pray

President of the Senate
113th Maine State Legislature
Augusta, Maine 04333

Dear President Pray:

Pursuant to the requirements of Chapter 813 of the Public Laws of 1985, I am pleased to submit a report of the Legislative Task Force on Railroads in regard to identifying the most efficient role to be played by the state in retaining and enhancing rail transportation in this state.

Enclosed in this report are:

Recommendations to the Federal Government and state agencies,
Seven specific bills for legislative consideration, and

A recommendation for the continuance of the Task Force to consider the issues of eminent domain and ways to increase utilization.

I would be happy to answer any questions you or your fellow legislators may have concerning this report. Also, if I can be of any further assistance, please let me know.

Respectfully submitted,
S/Rep. Donald V. Carter
Chair

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

The Following Communication:

BUREAU OF PURCHASES
STATE HOUSE STATION 9
AUGUSTA, MAINE 04333

January 29, 1988

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

I am pleased to submit to you pursuant to Section 1826-D of Chapter 359 of the Public Laws of 1985 a report on Expanded Markets For Products and Services from Rehabilitation Facilities and Work Centers.

This report is required to be submitted no later than February 1, 1988 to help the Legislature determine the effectiveness of this Law in fulfilling its purposes prior to the Sunset provision which is effective July 1, 1988.

Sincerely,
S/Ronald H. Lord, Chairman
Work Center Purchases Committee

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

SENATE PAPERS

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

S.P. 831 L.D. 2156

Presented by Senator PEARSON of Penobscot
Cosponsored by: Representative HIGGINS of Scarborough, Representative CARTER of Winslow, Senator EMERSON of Penobscot

Resolve, to Fund Demonstration Projects for Day Care Services in Health Care Facilities (Emergency)

S.P. 835 L.D. 2169

Presented by Senator GAUVREAU of Androscoggin

Cosponsored by: Speaker MARTIN of Eagle Lake, Representative FOSS of Yarmouth, Representative ROLDE of York

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Bill "An Act to Enhance Adult Literacy Services"
S.P. 836 L.D. 2170

Presented by President PRAY of Penobscot
Cosponsored by: Senator CLARK of Cumberland, Representative ROLDE of York, Senator PEARSON of Penobscot

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.

Resolve, to Establish a Study Commission on Maine Job Service Procedures

S.P. 833 L.D. 2167

Presented by Senator BERUBE of Androscoggin
Cosponsored by: Representative KETOVER of Portland

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Which was referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for Fiscal Year Ending June 30, 1989" (Emergency)

S.P. 837 L.D. 2174

Presented by Senator WEBSTER of Franklin
Cosponsored by: Representative DAVIS of Monmouth, Senator KANY of Kennebec
Submitted by the Department of Veterans Services pursuant to Joint Rule 24
Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Make Interim Adjustments and Establish a Prospective Reimbursement System for Boarding Care Facilities Serving the Mentally Retarded"

S.P. 834 L.D. 2168

Presented by President PRAY of Penobscot
Cosponsored by: Representative BOUTILIER of Lewiston, Representative CHONKO of Topsham, Senator GILL of Cumberland

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

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

Bill "An Act to Clarify the Status of Police Officers Assigned to the Bureau of Intergovernmental Drug Enforcement and to Add a District Attorney to the Bureau's Policy Board" (Emergency)

S.P. 832 L.D. 2166

Presented by Senator GILL of Cumberland

Cosponsored by: Senator BALDACCI of Penobscot, Representative KIMBALL of Buxton, Representative MANNING of Portland

Submitted by the Department of Public Safety pursuant to Joint Rule 24

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.
Sent down for concurrence.

Off Record Remarks

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 Require Reimbursement to the Counties when County Funds are Expended"

H.P. 377 L.D. 498

Bill "An Act Requiring Funding of State-mandated Programs"

H.P. 804 L.D. 1078

Bill "An Act Concerning Conflicts of Interest Relating to Department of Environmental Protection Employees"

H.P. 907 L.D. 1219

Senate

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Repeal the Sales Tax Exemption on Self-Help Literature on Alcoholism"

S.P. 778 L.D. 2035

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 Establishing an Immunity from Civil Liability for Certain Shelters for the Homeless" (Emergency)

S.P. 3 L.D. 2

Bill "An Act Concerning Radioactive Waste Disposal Facilities on Indian Territory"

S.P. 416 L.D. 1274

Bill "An Act Relating to the Maine Milk Commission"

S.P. 540 L.D. 1632

Ought to Pass

Senator BUSTIN for the Committee on BANKING AND INSURANCE on Resolve, to Extend the Deadline for the Study of the Relationship between Nonprofit Service Agencies and Professional Liability and Other Hard-to-Obtain Lines of Liability Insurance (Emergency)

S.P. 807 L.D. 2116

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on JUDICIARY on Bill "An Act to Clarify the Authority for Judicial Suspension of Motor Vehicle Licenses" (Emergency) S.P. 656 L.D. 1879

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-309).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-309) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Improve Retraining Opportunities for Dislocated Workers"

H.P. 1585 L.D. 2163

Committee on ECONOMIC DEVELOPMENT suggested and ORDERED PRINTED.

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning the Reporting Deadline for a Study by the Land Use Regulation Commission" (Emergency)

H.P. 1583 L.D. 2161

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, in concurrence.

Off Record Remarks

On motion by Senator ESTES of York, ADJOURNED until Tuesday, February 2, 1988, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
15th Legislative Day
Tuesday, February 2, 1988

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

Prayer by Reverend Victor Stanley, First Baptist Church of Gardiner.

The Journal of Monday, February 1, 1988, was read and approved.

SENATE PAPERS

The following Communication:
The Senate of Maine
Augusta

February 1, 1988

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 Clinton B. Townsend of Canaan for appointment to the Land for Maine's Future Board.

Sincerely,
s/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta

February 1, 1988

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 Robert E. Suminsby of Northeast Harbor for appointment to the Land for Maine's Future Board.

Sincerely,
s/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta

February 1, 1988

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 Richard J. Warren of Bangor for appointment to the Land for Maine's Future Board.

Sincerely,
s/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.