

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
Tuesday
February 9, 1988
Senate called to Order by the President.

Prayer by Reverend Jim Smith of the United Methodist Church in Oakland.

REVEREND SMITH: Oh God, Creator and Preserver of us all, we ask You to make Your ways known to us today. Guide us and uphold us as we concern ourselves with the matters that effect the people and conditions of our state. We are thankful to You for letting us serve our State of Maine in a good and helpful way. Now may your peace be with us this day and always. Amen.

Reading of the Journal of Yesterday.

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 sent to the House of Representatives proposing a Convention of both Branches in the Hall of the House at 11:00 in the morning, for the purpose of extending to the Honorable Vincent L. McKusick, Chief Justice of the Maine Supreme Judicial Court, and Members of the Judiciary, an invitation to attend the Convention and make such communication as pleases the Chief Justice.

Which was READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator CLARK, to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Establish Child Care Availability for Individuals in the Substance Abuse Treatment System"

H.P. 1612 L.D. 1565

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.

COMMUNICATIONS

The Following Communication: S.P. 851

113TH MAINE LEGISLATURE

February 8, 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 withdrawn the nomination of 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 is currently pending before the Joint Standing Committee on Utilities.

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.

At this point a message was received from the House of Representatives, borne by Representative DIAMOND of Bangor, informing the Senate that the House of Representatives concurs with the proposition for a Joint Convention, to be held in the Hall of the House at 11:00 in the morning, for the purpose of extending to the Honorable Vincent L. McKusick, Chief Justice of the Maine Supreme Judicial Court, and Members of the Judiciary, an invitation to attend the Convention and make such communication as pleases the Chief Justice.

The Following Communication: S.P. 852
113TH MAINE LEGISLATURE
February 8, 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 Establish an Interagency Task Force on Affordable Housing"

S.P. 849 L.D. 2215

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by: Senator ANDREWS of Cumberland,
Representative GWADOSKY of Fairfield,
Representative CARROLL of Gray
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26
Committee on STATE AND LOCAL GOVERNMENT suggested
and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Require Commercial Trucks to Stay in the Right Lane Except for Passing"

S.P. 850 L.D. 2216

Presented by Senator ERWIN of Oxford

Cosponsored by: Senator THERIAULT of Aroostook, Senator BALDACCI of Penobscot, Representative MILLS of Bethel

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

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

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator ERWIN of Oxford (Cosponsored by: Representative MILLS of Bethel, Senator BALDACCI of Penobscot, Representative TRACY of Rome) the following Joint Resolution:

S.P. 853

JOINT RESOLUTION TO GOVERNOR JOHN R. MCKERNAN, JR.,

AND THE MEMBERS OF THE MAINE CONGRESSIONAL

DELEGATION EXPRESSING CONCERN AND REQUESTING AN OPPORTUNITY TO BE HEARD ON THE UNITED STATES NAVY PROPOSAL TO TEST MISSILES OVER THE STATE OF MAINE

WHEREAS, the United States Navy has announced plans to test ground-hugging Tomahawk cruise missiles over the State of Maine; and

WHEREAS, the Navy has filed with the Federal Aviation Administration for a new instrument route for missiles that intersect existing flight paths; and

WHEREAS, approximately 6 unarmed Tomahawks a year are planned to be launched during fall and winter from ships and submarines in the Atlantic Ocean; and

WHEREAS, these missiles will follow along a 10-mile wide corridor from the Atlantic to a recovery area in Rangeley escorted by a chase plane; and

WHEREAS, a great deal of concern has been expressed over the proposed testing of such unmanned craft over populated areas of the State and the threat to existing flights and facilities in the vicinity; now, therefore, be it

RESOLVED: That We, the members of the 113th Legislature of the State of Maine now assembled in Second Regular Session, express our concern for the public safety in testing missiles over populated areas of the State and respectfully request Governor John R. McKernan, Jr., and the members of the Maine Congressional Delegation to use the powers of their respective offices to fully inform the members of the Legislature and the general public of the details of this proposal and to provide full opportunity to debate this plan and to respond before any authorization is given; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable John R. McKernan, Jr., Governor of Maine, and to each member of the Maine Congressional Delegation as notice of our deep concern and our desire for an opportunity to be heard and our request to be informed.

Which was READ.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator ERWIN: Thank you Mr. President, ladies and gentlemen of the Senate. I think each and every person in this Chamber recognizes the importance of

research and development to our Services and to our National Defense. I don't question that at all. But, some of us are vitally concerned about the safety of the people of this great and wonderful State of Maine. Sometimes it is the unknown or the unexpected that can be most frightening. This missile is a very low flying missile, it probably won't make very much noise, but also in all probability there will be some chase planes flying along with it and jets do make a lot of noise as I am sure you realize. Low flying jets can be very frightening to some people if they have no idea they are coming. So for this and other reasons this Resolution was worked up and is presented for your consideration. Thank you.

Which was ADOPTED.

Sent down for concurrence.

COMMITTEE REPORTS

House

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 Provide a Definition of Small Electric Utilities"

H.P. 1427 L.D. 1938

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 Relating to Unlawful Passing of School Buses"

S.P. 758 L.D. 2009

Ought to Pass As Amended

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Require Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded to Include Provisions for Covering Increases in Insurance Premiums"

S.P. 176 L.D. 491

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-312).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-312) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

Senate

Bill "An Act Relating to the Use of Unoccupied Interment Spaces"

S.P. 774 L.D. 2031

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED.

Senate As Amended

Bill "An Act to Amend the Membership of the Soil and Water Conservation Commission"

S.P. 746 L.D. 2005

(C "A" S-311)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Exempt Deeds of Distribution from the Transfer Tax Filing Requirement

H.P. 1494 L.D. 2044

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Amend the Maine Tree Growth Tax Law

H.P. 1591 L.D. 2177

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency Resolve

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

S.P. 807 L.D. 2116

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

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

Senator BALDACCI: Thank you Mr. President and members of the Senate. I had a very interesting experience this morning when I was out running. I think a lot of tension is given to a lot of very important issues, but we sometimes forget the really important issues in our duty here in the State Capitol. It was something that I never expected and it was the most unusual experience that I have ever encountered, but it is something that if we go back to our communities and check and see what our communities are doing about this particular situation, if it has ever arose or if it is something that needs to be supervised.

There was a young boy who was trapped in a sewer drain off Western Avenue and I could just see his head. I was running up the hill and he was crying uncontrollably and I went over to him and tried to comfort him and tried to get him out of there. He was stuck from the waist down through the rest of his body. He was nine years old and he was late for school. He had slid off a bank and had gone down into a sewer drain perfectly and one of the rods had been busted. He was able to go off the snow bank right into the sewer drain and he was stuck and could not get out. I will tell you I am scared with claustrophobia and that sort of thing, but this young boy was really distraught and I am sure he thought he was going to spend the rest of his life in that particular predicament. I never expected to find

this type of predicament this morning around eight o'clock when I go running, as most of you know as you try to get me on the side of the road with your cars once in a while. It was a situation that really bothered me. I ran to the Howard Johnson's and called the police and I have to tell you that the Augusta Police Department, Charles Winslow, responded within forty-five seconds and he came with the Augusta rescue squad team, David Groder and William Cusick, and the Public Safety Department, Norman Arbour and Robert Moody, and the Chief of the Fire Department, Chief Carroll Clement and the Sergeant Wagner showed up all within a minute and the response was unbelievable.

The Department of Human Services was there also, they could not use a blow torch to get this child out, they had to use a sledge hammer. They got this child out and into an ambulance and took him to the hospital and I called the school and told them he would be late and what had happened.

But the point that I bring this up to your attention is that I have never seen anything like that and I know that in all of our communities with the snow plowing and the snow banks and how kids love to play on snow banks and they love to play in piles of leaves to have a situation where you have a busted sewer drain and it caused that child to get sandwiched in there and the amount of money that was expended to have all of those different units of local government there, it may be beneficial if we just check when we were going around with the trash pick-up or snow plowing to have them check and see what kind of condition those drains are in. I understand this is private property and we are now talking with the owner about having it repaired, but I think it is something that I am going to go back to my community and check on. Since we had some time this morning, it would be something that we could think about and bring back to our own communities. Thank you Mr. President.

Off Record Remarks

On motion by Senator BALDACCI of Penobscot, RECESSED until 10:50 a.m.

After Recess

Senate called to order by the President.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

AFTER CONVENTION

IN SENATE

Senate called to order by the President.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act Relating to the Use of Unoccupied Interment Spaces"

S.P. 774 L.D. 2031

LEGISLATIVE RECORD - HOUSE, FEBRUARY 10, 1988

Tabled - February 9, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED
(In Senate, February, 9, 1988, READ A SECOND TIME.)

On motion by Senator KANY of Kennebec, Senate Amendment "A" (S-313) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.
Sent down for concurrence.

Off Record Remarks

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

Off Record Remarks

On motion by Senator ERWIN of Oxford, ADJOURNED until Wednesday, February 10, 1988, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
21st Legislative Day

Wednesday, February 10, 1988

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

Prayer by Father Renald LaBarre, St. Philip's Catholic Church, Auburn.

The Journal of Tuesday, February 9, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Resolution: (S.P. 853)

JOINT RESOLUTION TO GOVERNOR JOHN R. MCKERNAN, JR., AND THE MEMBERS OF THE MAINE CONGRESSIONAL DELEGATION EXPRESSING CONCERN AND REQUESTING AN OPPORTUNITY TO BE HEARD ON THE UNITED STATES NAVY PROPOSAL TO TEST MISSILES OVER THE STATE OF MAINE

WHEREAS, the United States Navy has announced plans to test ground-hugging Tomahawk cruise missiles over the State of Maine; and

WHEREAS, the Navy has filed with the Federal Aviation Administration for a new instrument route for missiles that intersect existing flight paths; and

WHEREAS, approximately 6 unarmed Tomahawks a year are planned to be launched during fall and winter from ships and submarines in the Atlantic Ocean; and

WHEREAS, these missiles will follow along a 10-mile wide corridor from the Atlantic to a recovery area in Rangeley escorted by a chase plane; and

WHEREAS, a great deal of concern has been expressed over the proposed testing of such unmanned craft over populated areas of the State and the threat to existing flights and facilities in the vicinity; now, therefore, be it

RESOLVED: That We, the members of the 113th Legislature of the State of Maine now assembled in Second Regular Session, express our concern for the public safety in testing missiles over populated areas of the State and respectfully request Governor John R. McKernan, Jr., and the members of the Maine Congressional Delegation to use the powers of their respective offices to fully inform the members of the Legislature and the general public of the details of this proposal and to provide full opportunity to debate this plan and to respond before any authorization is given; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable John R. McKernan, Jr., Governor of Maine, and to each member of the Maine Congressional Delegation as notice of our deep concern and our desire for an opportunity to be heard and our request to be informed.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act to Establish an Interagency Task Force on Affordable Housing" (S.P. 849) (L.D. 2215)

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

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Was referred to the Committee on Economic Development in concurrence.