

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Thirteenth Legislature

OF THE

State Of Maine

VOLUME IV

SECOND REGULAR SESSION

March 25, 1988 to May 5, 1988

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

In Senate Chamber
Friday
May 13, 1988

Pursuant to the provisions of Article 5, Part 1, Section 8 of the Constitution and the laws of the State of Maine, the Senate will convene at three o'clock in the afternoon.

Senate called to Order by the President.

Prayer by Reverend Robert Leon of the United Methodist Church in Randolph.

REVEREND LEON: Let us pray. Almighty God truly You have blessed us. We praise You and bring to mind again all that You have done for us. We thank You especially for the great gift of community, for the mutual support of our life together. May the task You have set, the guiding of that community and responsible service be performed in the pattern You have given us; compassion, toleration and love. Being human we shall make mistakes. We pray that if we must air we may be airing in the direction of love, for You are love. Amen.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

May 5, 1988

Honorable Joy J. O'Brien
Secretary of the Senate
State House
Augusta, ME 04333

Dear Secretary O'Brien:

Please be advised that in accordance with Article 5, Part 1, Section 8 of the Constitution of Maine, the Senate of Maine will convene on Friday, May 13, 1988, at three o'clock in the afternoon for the purpose of voting upon confirmation of the various appointments made by the Honorable John R. McKernan, Jr., Governor of the State of Maine.

Sincerely,

S/Charles P. Pray
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

At this time, the Chair noted the absence to the Senator from Cumberland, Senator ANDREWS and the Senator from Penobscot, Senator PEARSON and further excused the same Senators from Today's Roll Call votes.

The Roll being called, the following Senators answered to their name:

Senators BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, EMERSON, ERWIN, ESTES, GILL, GOULD, KERRY, MATTHEWS, MAYBURY, RANDALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

26 Senators having answered to the Roll, the President declared that a quorum was present.

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 His Excellency, Governor John R. McKernan, Jr., informing him that in accordance with Article 5, Part 1, Section 8 of the Constitution of Maine, a quorum of Senators is assembled for consideration of such business as may come before the Senate.

Which was READ and PASSED.

The President appointed Senator CLARK of Cumberland to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

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

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

April 29, 1988

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House

Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating Donald W. Graves of Mars Hill for appointment to the Harness Racing Commission.

Pursuant to Title 8, M.R.S.A. Section 261, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,
S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

April 29, 1988

Senator Zachary Matthews
Representative Robert J. Tardy
Chairpersons

Joint Standing Committee on Agriculture
113th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Donald W. Graves of Mars Hill for appointment to the Harness Racing Commission.

Pursuant to Title 8, M.R.S.A. Section 261, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON AGRICULTURE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
May 11, 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 Agriculture has had under consideration the nomination of Donald W. Graves of Mars Hill, for appointment to the Harness Racing 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 8

NAYS: 0

ABSENT: 2 Rep. Hussey of Milo,
Rep. Mahany of Easton

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 Donald W. Graves of Mars Hill, for appointment to the Harness Racing Commission be confirmed.

Sincerely,
S/Zachary E. Matthews
Senate Chair
S/Robert J. Tardy
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Donald W. Graves of Mars Hill, for appointment to the Harness Racing Commission, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE 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, EMERSON,
ERWIN, ESTES, GILL, GOULD, KERRY,
MATTHEWS, MAYBURY, RANDALL,
THERIAULT, TUTTLE, TWITCHELL, USHER,
WEBSTER, WHITMORE, THE PRESIDENT -
CHARLES P. PRAY

ABSENT: Senators DOW, DUTREMBLE, GAUVREAU,
KANY, LUDWIG, PERKINS, SEWALL

EXCUSED: Senators ANDREWS, PEARSON

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 7 Senators being absent and 2 Senators having been excused, 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 Donald W. Graves, for appointment to the Harness Racing Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

April 26, 1988

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating David Brock Hornby of Cape Elizabeth for appointment as Associate Justice of the Maine Supreme Judicial Court.

Pursuant to Maine Constitution, Article V, Part I, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,
S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333
April 26, 1988

Senator Joseph C. Brannigan
Representative Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
113th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated David Brock Hornby of Cape Elizabeth for appointment as Associate Justice of the Maine Supreme Judicial Court.

Pursuant to Maine Constitution, Article V, Part I, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON JUDICIARY
ONE HUNDRED AND THIRTEENTH LEGISLATURE
May 10, 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 David Brock Hornby of Cape Elizabeth, for appointment as Associate Justice of the Maine Supreme Judicial 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 6

NAYS: 0
ABSENT: 4 Rep. Conley of Portland,
Rep. Thistle of Dover Foxcroft,
Rep. MacBride of Presque Isle,
Rep. Hanley of South Paris

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 David Brock Hornby of Cape Elizabeth, for appointment as Associate Justice of the Maine Supreme Judicial 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 David Brock Hornby of Cape Elizabeth, for appointment as Associate Justice of the Maine Supreme Judicial 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, EMERSON,
ERWIN, ESTES, GILL, GOULD, KANY,
KERRY, MATTHEWS, MAYBURY, RANDALL,
THERIAULT, TUTTLE, TWITCHELL, USHER,
WEBSTER, WHITMORE, THE PRESIDENT -
CHARLES P. PRAY

ABSENT: Senators DOW, DUTREMBLE, GAUVREAU,
LUDWIG, PERKINS, SEWALL

EXCUSED: Senators ANDREWS, PEARSON

No Senators having voted in the affirmative and 27 Senators having voted in the negative, with 6 Senators being absent and 2 Senators having been excused, 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 David Brock Hornby, for appointment as Associate Justice of the Maine Supreme Judicial Court, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333
April 29, 1988

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333
Dear Senator Pray:
This is to inform you that I am today nominating Myron A. Sprague, Jr. of Swan's Island for

reappointment to the Marine Resources Advisory Council.
Pursuant to Title 12, M.R.S.A. Section 6024, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Thank you for your assistance in this matter.
Sincerely,
S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333
April 29, 1988

Senator John L. Tuttle, Jr.
Representative James Mitchell
Chairpersons
Joint Standing Committee on Marine Resources
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Myron A. Sprague, Jr. of Swan's Island for reappointment to the Marine Resources Advisory Council.

Pursuant to Title 12, M.R.S.A. Section 6024, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333
April 29, 1988

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333
Dear Senator Pray:
This is to inform you that I am today nominating Dennis P. Lemieux of Brunswick for appointment to the Civil Services 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.
Thank you for your assistance in this matter.

Sincerely,
S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333
April 29, 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 Dennis P. Lemieux of Brunswick for appointment to the Civil Services 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.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND THIRTEENTH LEGISLATURE
May 12, 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 State and Local Government has had under consideration the nomination of Dennis P. Lemieux of Brunswick, for appointment to the Civil Services Appeals 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 2
Representatives 7
NAYS: 0
ABSENT: 4 Sen. Baldacci of Penobscot,
Rep. Hussey of Milo,
Rep. Bickford of Jay,
Rep. LaCroix of Oakland

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 Dennis P. Lemieux of Brunswick, for appointment to the Civil Services Appeals Board be confirmed.

Sincerely,
S/John L. Tuttle, Jr.
Senate Chair
S/Donnell P. Carroll
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE AND LOCAL GOVERNMENT has recommended the nomination of Dennis P. Lemieux of Brunswick, for appointment to the Civil Services Appeals Board, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on STATE AND LOCAL GOVERNMENT 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, EMERSON,
ERWIN, ESTES, GAUVREAU, GILL, GOULD,
KANY, KERRY, MATTHEWS, MAYBURY,
RANDALL, THERIAULT, TUTTLE,
TWITCHELL, USHER, WEBSTER, WHITMORE,
THE PRESIDENT - CHARLES P. PRAY
Senators DOW, DUTREMBLE, LUDWIG,
PERKINS, SEWALL

ABSENT:

EXCUSED: Senators ANDREWS, PEARSON
No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 5 Senators being absent and 2 Senators having been excused, 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 Dennis P. Lemieux, for appointment to the Civil Services Appeals Board, was CONFIRMED.
The Secretary has so informed the Speaker of the House.

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

COMMUNICATION

The Following Communication:
COMMITTEE ON MARINE RESOURCES
ONE HUNDRED AND THIRTEENTH LEGISLATURE
May 12, 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 Marine Resources has had under consideration the nomination of Myron A. Sprague, Jr. of Swan's Island, for reappointment to the Maine Resources Advisory Council.

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. Cahill of Sagadahoc,
Rep. Coles of Harpswell,
Rep. Scarpino of St. George

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 Myron A. Sprague, Jr. of Swan's Island, for reappointment to the Maine Resources Advisory Council be confirmed.

Sincerely,
S/John L. Tuttle
Senate Chair
S/James Mitchell
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on MARINE RESOURCES has recommended the nomination of Myron A. Sprague, Jr. of Swan's Island, for reappointment to the Marine Resources Advisory Council, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on MARINE 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.

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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, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, MATTHEWS, MAYBURY, RANDALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators DOW, DUTREMBLE, LUDWIG, PERKINS, SEWALL

EXCUSED: Senators ANDREWS, PEARSON

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 5 Senators being absent and 2 Senators having been excused, 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 Myron A. Sprague, Jr., for reappointment to the Marine Resources Advisory Council, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

Listen you Senators and you shall hear,

The thoughts of this poem, be it ever so dear.

On this thirteenth day of May, 1988,

I write these lines down before it is too late.

For those of you who are debating your last,

It is on to the future and just forget the past.

For those of you who will be retaining your seat,

There will be amendments to write & deadlines to meet.

So I want to give many thanks to you all, For Your

patronage and support whether it be large or small.

Best of luck no matter what the future might bring,

I will be waiting to welcome you when the bell rings.

Gratefully Pat and Bert from the snack bar.

ORDERS

On motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to His Excellency, Governor John R. McKernan, Jr., informing him that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was READ and PASSED.

The President appointed Senator CLARK of Cumberland to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

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

On motion by Senator EMERSON of Penobscot at 3:38 p.m. on Friday, May 13, 1988, the Honorable CHARLES P. PRAY, PRESIDENT, declared the Senate of the 2nd