

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Fourteenth Legislature**

OF THE

**State Of Maine**

**VOLUME I**

**FIRST REGULAR SESSION**

December 7, 1988 to May 10, 1989

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
5th Legislative Day  
Thursday, January 12, 1989

The House met according to adjournment and was called to order by the Speaker.  
Prayer by Reverend Eli D. Smith, Green Memorial A.M.E. Zion Church, Portland.  
The Journal of Tuesday, January 10, 1989, was read and approved.  
Quorum call was held.

COMMUNICATIONS

The following Communication: (S.P. 27)  
114TH MAINE LEGISLATURE  
January 5, 1989

Senator Zachary E. Matthews  
Representative Charles R. Priest  
Chairpersons  
Joint Standing Committee on Legal Affairs  
114th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Margaret C. Kenney of East Winthrop for appointment to the Maine State Lottery Commission. Pursuant to Title 8, M.R.S.A. Section 352, this nomination will require review by the Joint Standing Committee on Legal Affairs and confirmation by the Senate.

Sincerely,  
S/Charles P. Pray  
President of the Senate  
S/John L. Martin  
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Legal Affairs.  
Was Read and Referred to the Committee on Legal Affairs in concurrence.

The following Communication: (S.P. 33)  
114TH MAINE LEGISLATURE  
January 5, 1989

Senator Zachary E. Matthews  
Representative Charles R. Priest  
Chairpersons  
Joint Standing Committee on Legal Affairs  
114th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Mary Anne Smith of Norway for appointment to the Maine State Liquor Commission. Pursuant to Title 28, M.R.S.A. Section 52, this nomination will require review by the Joint Standing Committee on Legal Affairs and confirmation by the Senate.

Sincerely,  
S/Charles P. Pray  
President of the Senate  
S/John L. Martin  
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Legal Affairs.  
Was Read and Referred to the Committee on Legal Affairs in concurrence.

The following Communication:  
BUREAU OF TAXATION  
STATE OFFICE BUILDING  
AUGUSTA, ME 04333

January 6, 1989

The Honorable John L. Martin  
Speaker of the House  
State House Station 2  
Augusta, ME 04333  
Dear Speaker Martin:

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 MRSA section 3312, sub-section 2.

Sincerely,  
S/John D. LaFaver  
State Tax Assessor

Was read and with accompanying report ordered placed on file.

The following Communication:  
MAINE EMERGENCY MANAGEMENT AGENCY  
STATE HOUSE STATION 72  
AUGUSTA, MAINE 04333

January 9, 1989  
Representative John L. Martin  
Speaker of the House  
State House Station 2  
Augusta, Maine 04333  
Dear Speaker Martin:

As directed by P&S Law 1988, Chapter 141, the Radiological Facility Relocation Committee examined the costs to relocate the existing Maine Emergency Management Agency (MEMA) Radiological Calibration Facility to an isolated location. Enclosed is a copy of our report.

During calendar years 1986 and 1987 this facility was surveyed twice for potential radiological health effects. Both studies concluded that the facility did not create health problems for those working in the Education Building. These conclusions were included in the testimony submitted to the committee on Energy and Natural Resources during a hearing in February of 1988.

The initial site survey estimated that \$865,000 will be required for relocation expense. A funding source has not been identified at this time to accomplish this project.

Please let me know if I can be of further assistance in this matter.

Sincerely,  
S/David D. Brown  
State Director

Was read and with accompanying report ordered placed on file.

The following Communication:  
State of Maine  
House of Representatives  
Speaker's Office  
Augusta, Maine 04333  
January 9, 1989

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333  
Dear Clerk Pert:

This is to notify you that pursuant to my authority under Chapter 471 of the Public Laws of 1987, I have named Kenneth P. Allen, of Sidney, to serve again as my designee on the Maine Human Resource Development Council.

Sincerely,

S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

The following Communication:  
State of Maine  
House of Representatives  
Speaker's Office  
Augusta, Maine 04333  
January 9, 1989

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333  
Dear Clerk Pert:

This is to notify you that pursuant to my authority under 5 M.R.S.A., Section 3517, I have today reappointed Rep. Neil Rolde, of York, to serve on the Community Services Advisory Board.

Also pursuant to my authority under the Resolves of 1983, Chapter 46, I have reappointed Rep. B. Carolyne T. Mahany, of Easton, to serve on the Regional Agriculture Committee.

Also pursuant to my authority under 5 M.R.S.A., Section 19292, I have reappointed Rep. Charlene B. Rydell, of Brunswick to serve on the Committee to Advise the Department of Human Services on AIDS.

Also pursuant to my authority under 12 M.R.S.A., Section 7369A, I have reappointed Rep. Patrick K. McGowan, of Canaan, and Rep. Paul F. Jacques, of Waterville, to serve on the White Water Advisory Committee.

Sincerely,  
S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

The following Communication:  
State of Maine  
House of Representatives  
Speaker's Office  
Augusta, Maine 04333  
January 11, 1989

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333  
Dear Clerk Pert:

This is to notify you that pursuant to my authority under 20A M.R.S.A., Section 11801, I have today appointed Rep. Christine F. Burke, of Vassalboro, to the Advisory Committee on Medical Education.

Also pursuant to my authority under 23 M.R.S.A., Section 4501, I have appointed Rep. Jeffery N. Mills, of Bethel, to the Maine Transportation Capital Planning Improvement Commission.

Sincerely,  
S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

The following Communication:  
State of Maine  
House of Representatives  
Speaker's Office  
Augusta, Maine 04333  
January 11, 1989

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2

Augusta, Maine 04333  
Dear Clerk Pert:

This is to notify you that pursuant to my authority under 3 M.R.S.A., Section 2-A, I have today reappointed Paul K. McCann, of Surry, and Robert F. Dunfey, Jr., of York, to serve on the State Compensation Commission.

Sincerely,  
S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

The following Communication:  
December 30, 1988

The Honorable John R. McKernan, Jr.  
Governor, State of Maine  
The Honorable Charles P. Pray  
President, Maine State Senate  
The Honorable John L. Martin  
Speaker, Maine House of Representatives  
State House  
Augusta, Maine 04333  
Dear Governor McKernan, President Pray, Speaker Martin and Members of the 114th Legislature:

The Planning Advisory Council is pleased to submit its report as required by Maine's new growth management law (Title 30, section 4960-D, subsection 3, paragraph G). We are also pleased to report the election of John Lund as chair of the Council.

The Planning Advisory Council is required to report on any changes that may be required to accomplish the purposes of the growth management law. We ask you to recognize that implementation of the law did not begin until August 4, 1988 when it took effect. Although the Planning Advisory Council has only had the opportunity to meet twice, we are able to submit some preliminary findings and recommendations.

The Office of Comprehensive Planning in the Department of Economic and Community Development has moved quickly to implement the growth management program. Attached as appendices to this report are important program details that provide an update as to the status of the program.

The members of the Planning Advisory Council are delighted to be able to serve the State of Maine as part of a program that is so critical to the state's future. We look forward to working with you in ensuring the program's success.

Sincerely,  
S/Jon A. Lund, Chairman  
Planning Advisory Council  
On Behalf of:  
Mathew H. Eddy  
Mark A. Kearns  
John M. Lord  
Rebecca Warren Seel  
Susan S. Thomas  
Brenda V. York  
Members, Planning  
Advisory Council

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Enhance the Management of the Fish and Game Resources of the State of Maine" (H.P. 16) (L.D. 8) (Presented by Representative CARTER of Winslow) (Cosponsored by Senator ERWIN of Oxford, Representative JACQUES of Waterville, Representative McGOWAN of Canaan)

Ordered Printed.

Sent up for Concurrence.

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**Taxation**

Bill "An Act to Amend the Laws Regarding Nonresident Income Tax Returns" (H.P. 15) (L.D. 7) (Presented by Representative ROLDE of York) (Cosponsored by Representative FARNUM of South Berwick, Senator ESTES of York and Representative MURPHY of Berwick)

Ordered Printed.

Sent up for Concurrence.

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**Transportation**

Resolve, to Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Sesquicentennial of Aroostook County (Emergency) (H.P. 14) (L.D. 6) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative LISNIK of Presque Isle, Senator COLLINS of Aroostook, and Senator THERIAULT of Aroostook)

Ordered Printed.

Sent up for Concurrence.

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(At Ease)

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The House was called to order by the Speaker.

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**ORDERS OF THE DAY**

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

**PAPER FROM THE SENATE**

The following Joint Order: (S.P. 34)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 17, 1989, at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

**PAPER FROM THE SENATE**

The following Joint Resolution: (S.P. 39)

**JOINT RESOLUTION COMMEMORATING**

**DR. MARTIN LUTHER KING, JR.**

WHEREAS, Dr. Martin Luther King, Jr. was born in Atlanta, Georgia on January 15, 1929, and was the son and grandson of Baptist ministers; and

WHEREAS, Dr. King was an American clergyman and Nobel Peace Prize winner who led the civil rights movement in the United States during the 1950's and 1960's; and

WHEREAS, the power of his voice and spirit echoed across the nation, his dream a dream of the time when the evils of prejudice and segregation will vanish; and

WHEREAS, under his nonviolent philosophy and appeal to the better instincts and consciences of his fellow human beings, he moved mountains and brought about sweeping changes; and

WHEREAS, his leadership and useful life were brought to a tragic end on April 4, 1968, by an

assassin's bullet, and a great sadness fell across the land; and

WHEREAS, Dr. King's son, Dexter King, will visit the University of New England in Biddeford on Tuesday, January 17th to remind us of his father's message and to commemorate the 25th anniversary of his father's only visit to the State of Maine; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the State of Maine now assembled in First Regular Session, pause to honor the memory of Dr. Martin Luther King, Jr. and all the hopes and dreams of his life's work; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to his widow, Coretta Scott King and to his son, Dexter King, to commemorate the occasion.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

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(Off Record Remarks)

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On motion of Representative Oliver of Portland, Adjourned until Tuesday, January 17, 1989, at ten o'clock in the morning pursuant to Joint Order (S.P. 34).

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