

# 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

Please be advised that Governor John R. McKernan, Jr. has nominated Ellen A. Gorman of Cumberland for appointment as Judge-at-Large of the Maine District Court and Bernard C. Staples of Bar Harbor for appointment as Judge of the Maine District Court, District V.

Pursuant to Title 4, M.R.S.A. Section 157, these nominations will require review by the Joint Standing Committee on Judiciary 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 JUDICIARY.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.P. 46  
114TH MAINE LEGISLATURE

January 19, 1989

Senator Georgette B. Berube  
Representative Ruth Joseph  
Chairpersons  
Joint Standing Committee on State and Local Government  
114th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of the Honorable Harland Bragg of Waterville for appointment to the Natural Resources Financing and Marketing Board.

Pursuant to Title 10, M.R.S.A. Section 985, this nomination is currently pending before the Joint Standing Committee on State and Local Government.

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 STATE AND LOCAL GOVERNMENT.

Sent down for concurrence.

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

Senator DUTREMBLE of York was granted unanimous consent to address the Senate off the Record.

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator THERIAULT of Aroostook, ADJOURNED until Tuesday, January 24, 1989, at 10:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
8th Legislative Day  
Tuesday, January 24, 1989

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

Prayer by Reverend Gary Capen, First United Methodist Church, Boothbay Harbor.

National Anthem by Mount View High School Band, Thorndike.

The Journal of Thursday, January 19, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Clarify the Law Concerning the Inclusion of Nursing Home Benefits in Life Insurance Policies" (S.P. 42) (L.D. 12)

Came from the Senate, referred to the Committee on Banking and Insurance and Ordered Printed.

Was referred to the Committee on Banking and Insurance in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 44)  
114TH MAINE LEGISLATURE

January 18, 1989

Senator Bonnie L. Titcomb  
Representative Daniel B. Hickey  
Chairpersons  
Joint Standing Committee on Aging, Retirement and Veterans  
114th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Jon A. Lund of Hallowell for reappointment and William J. Deering of Bangor for appointment to the Maine State Retirement Board of Trustees.

Pursuant to Title 5, M.R.S.A. Section 1031, these nominations will require review by the Joint Standing Committee on Aging, Retirement and Veterans 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 Aging, Retirement and Veterans.

Was Read and Referred to the Committee on Aging, Retirement and Veterans in concurrence.

The following Communication: (S.P. 45)  
114TH MAINE LEGISLATURE

January 19, 1989

Senator Barry J. Hobbins  
Representative Patrick E. Paradis  
Chairpersons  
Joint Standing Committee on Judiciary  
114th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Ellen A. Gorman of Cumberland for appointment as Judge-at-Large of the Maine District Court and Bernard C. Staples of Bar Harbor for appointment as Judge of the Maine District Court, District V.

Pursuant to Title 4, M.R.S.A. Section 157, these nominations will require review by the Joint Standing Committee on Judiciary 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 Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

The following Communication: (S.P. 46)  
114TH MAINE LEGISLATURE  
January 19, 1989

Senator Georgette B. Berube  
Representative Ruth Joseph  
Chairpersons  
Joint Standing Committee on State and Local Government  
114th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of the Honorable Harland Bragg of Waterville for appointment to the Natural Resources Financing and Marketing Board.

Pursuant to Title 10, M.R.S.A. Section 985, this nomination is currently pending before the Joint Standing Committee on State and Local Government.

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 State and Local Government.

Was Read and Referred to the Committee on State and Local Government in concurrence.

The following Communication:  
114th MAINE LEGISLATURE  
January 20, 1989

Honorable Vincent L. McKusick  
Chief Justice  
142 Federal Street  
Portland, ME 04101  
Dear Mr. Chief Justice:

We would like to invite you to deliver your annual report to a Joint Convention of the Legislature on Tuesday, February 7th at 11:00 a.m.

Please let us know if this is convenient for you.

Sincerely,  
S/Charles P. Pray  
President of the Senate  
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 20, 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 227, I have today appointed Don Cyr, of Lille, to serve on the Maine-Canadian Legislative Advisory Commission.

Sincerely,  
S/John L. Martin  
Speaker

Was read and ordered placed on file.

The following Communication:  
DEPARTMENT OF PUBLIC SAFETY  
ALCOHOL AND DRUG ABUSE PLANNING COMMITTEE  
STATE HOUSE STATION 11  
AUGUSTA, MAINE 04333  
January 20, 1989

TO: The Honorable Charles P. Pray, President of the Senate  
The Honorable John L. Martin, Speaker of the House  
FROM: S/John Atwood, Chairperson  
Alcohol and Drug Abuse Planning Committee

In accordance with PL 1983, Chapter 464, the Alcohol and Drug Abuse Planning Committee (ADPC) is to conduct a statewide needs assessment every four (4) years. Although the next required assessment is not due until 1991, the ADPC felt that it was timely to conduct a needs assessment two (2) years following the major increase in the Premium Fund. This allows us to assess not only the current needs for substance abuse prevention, education and treatment programs/services, but also the change in needs resulting from the increase in the Premium Fund.

The enclosed needs assessment document presents the substance abuse needs in the areas of dual diagnosis, education, law enforcement, corrections, and treatment as identified by individuals attending regional meetings. Comparing these results with those of the 1984 needs assessment, it is clear that the 1988 participants were better able to provide the specifics as they related to both need and methods for addressing the needs. Please note that in addition to the recommendations, a listing of the participants making the recommendations are included.

I have enclosed a sufficient number of copies of this report so that each legislator will have their own copy. A copy of the transmittal letter has been inserted.

If you have any questions, please contact Al Anderson or me.

Was read and with accompanying report ordered placed on file.

The following Communication:  
MAINE STATE LEGISLATURE  
BLUE RIBBON COMMISSION ON THE  
REGULATION OF HEALTH CARE  
EXPENDITURES  
AUGUSTA, MAINE 04333  
January 23, 1989

President Pray  
Speaker Martin  
State House  
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Blue Ribbon Commission on the Regulation of Health Care Expenditures is pleased to submit its report to the Legislature pursuant to P.L. 1987, c.440, §8.

Sincerely,  
S/Sen. N. Paul Gauvreau  
Chair

Was read and with accompanying report ordered placed on file.

(At Ease)

The House was called to order by the Speaker.

**PASSED TO BE ENGROSSED  
WITHOUT REFERENCE TO COMMITTEE**

Bill "An Act Concerning Legislative Review of Nominations for Chief Executive Officer of the Finance Authority of Maine" (EMERGENCY) (H.P. 18) (L.D. 13) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Senator CLARK of Cumberland, Senator PERKINS of Hancock and Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

By unanimous consent, without reference to any committee, the Bill was read twice.

Representative Gwadowsky of Fairfield offered House Amendment "A" (H-2) and moved its adoption.

House Amendment (H-2) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

**ORDERS**

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Bradford E. Boutillier of Lewiston be excused January 17 for personal reasons.

Was read and passed.

(At Ease)

The House was called to order by the Speaker.

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

**PASSED TO BE ENACTED  
Emergency Measure**

An Act Concerning Legislative Review of Nominations for Chief Executive Officer of the Finance Authority of Maine and for the Natural Resource Financing and Marketing Board (H.P. 18) (L.D. 13) (H. "A" H-2)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative McGowan of Canaan, Adjourned until Thursday, January 26, 1989, at eleven-thirty in the morning.

STATE OF MAINE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Tuesday  
January 24, 1989

Senate called to Order by the President.

Prayer by Pastor Norman Deakin of the Seventh Day Adventist Church in Farmingdale.

PASTOR DEAKIN: Before we have the prayer, I would like to read Psalm 24 verses 1-5 for us.

"The earth is the Lord's and the fullness thereof; the world and they that dwell within. For he founded upon the seas and established it upon the floods. Who shall ascend into the hill of the Lord? Who shall stand in his holy place? He that hath clean hands and a pure heart, who hath not lifted up his soul under vanity or sworn deceitfully. He shall receive the blessing from the Lord and righteousness from the God of his salvation."

Shall we bow our heads. Our heavenly Father, the only true and great God of this world, and the giver of every good gift. We come before Thy throne of grace this morning with our prayer because You have told us in Your word that if we want something we are to ask for it, and if it be according to Thy will, it will be given.

Thus we come, recognizing the awesome responsibility that rests upon each shoulder in this Chamber today. And the great need to find solutions and answers to the problems and issues that will be faced.

But, our heavenly Father, we recognize our own weakness, and we see in You the great strength and that there is nothing impossible for You to solve. Where You spoke a word and this world with all its complexities came into being. The problems to be faced here this day, fade into insignificance in the face of all that Thou has done.

So we ask, our heavenly Father, that Your blessing be upon this Senate and its members, that Your presence be in this Chamber. That wisdom and understanding be given to each of its members. That the wonderful state of Maine that we all love, will not only grown and prosper, but will provide a little taste of heaven here on earth. Bless each one and all that is done, and we thank You, our God, giving all honor and glory to Thy most precious and wonderful name. Amen.

Reading of the Journal of Thursday, January 19, 1989.

**Off Record Remarks**

**PAPERS FROM THE HOUSE  
Joint Resolutions**

The Following Joint Resolution: H.P. 19  
JOINT RESOLUTION IN RECOGNITION OF  
DOROTHY WALKER BUSH LEBLOND

Whereas, Dorothy Walker Bush LeBlond, affectionately known as Doro, is the only daughter of the President and Mrs. George Herbert Walker Bush; and

Whereas, Doro LeBlond is also the daughter of the great State of Maine, as she, her husband William and their 2 children, Sam and Ellie, have wisely chosen Maine as their home; and

Whereas, Doro LeBlond exemplifies virtues that the citizens of the United States and Maine hold