

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

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 Carl O. Bradford, for reappointment as Justice of the Maine Superior Court, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

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

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. Regarding Supplement #1, I have had questions as to why the Governor has withdrawn the name of Brian Tarbox for appointment to the Marine Resources Advisory Council. In case anyone were to feel that it was anything unacceptable about Mr. Tarbox, I would like to lay that to rest. That is not the reason that the Governor has withdrawn the nomination. The Joint Standing Committee on Marine Resources would have been delighted and will be delighted to reappoint this fine young man to the Council. The problem is that there was no place for him. The Governor appointed two people when there was only one vacancy and fortunately the House Chair, Representative Mitchell, remembered that this Legislature and that Committee last year made the decision that when the next vacancy would be filled by the President of the Maine Lobsters Association. That vacancy happened in November, immediately upon two vacancies appearing, one of them was immediately filled, by law, by the head of the Lobsterman's Association. So, we had to choose between the two appointee's. We chose the one who had the longest term of service. We have proposed an interim law which will allow Mr. Tarbox's name to be reappointed and I believe that will be done. It is necessary that he be reappointed because he represents aquaculturists and he represents a part of the State that is not as well represented as it must be. He also represents an occupation that is not well represented as it must be. I am sure that is more explanation that anyone wanted to hear, but it does fill some time while we are waiting for supplement #5 and it also clears the name of Mr. Tarbox.

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

ENACTORS

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

Emergency Resolve

Resolve, to Extend the Reporting Deadline of the Commission to Study the Status of Nursing Professions in Maine

H.P. 45 L.D. 58

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 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.

On motion by Senator KANY of Kennebec, ADJOURNED until Thursday, February 2, 1989, at 10:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
11th Legislative Day
Thursday, February 2, 1989

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

Prayer by Reverend Timothy Ensworth, Congregational Church, Cumberland.

The Journal of Tuesday, January 31, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

January 31, 1989

The Honorable John L. Martin
Speaker of the House
114th 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 Housing and Economic Development, the Governor's nomination of Timothy P. Agnew of Yarmouth for appointment as Chief Executive Officer of the Finance Authority of Maine.

Timothy P. Agnew is replacing Stanley Provus.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

January 31, 1989

The Honorable John L. Martin
Speaker of the House
114th 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 Judiciary, the Governor's nomination of William S. Brodrick of Kennebunkport for reappointment as Justice, Maine Superior Court.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

January 31, 1989

The Honorable John L. Martin
Speaker of the House
114th 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 Judiciary, the Governor's nomination of Carl O. Bradford of Yarmouth for reappointment as Justice, Maine Superior Court.

Sincerely,

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

Was read and ordered placed on file.

Bill "An Act to Amend the Maine Banking Code" (S.P. 66) (L.D. 49)

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.

Bill "An Act to Amend the Chapter Applicable to Medicare Supplement Insurance Policies" (S.P. 67) (L.D. 50)

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.

Bill "An Act to Allow Graduates of the Department of Corrections Vocational-electrical Program to be Eligible to Apply for the Journeyman-in-training License" (S.P. 69) (L.D. 57)

Came from the Senate, referred to the Committee on Business Legislation and Ordered Printed.

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Correct Liquor License Fees" (Emergency) (S.P. 68) (L.D. 56)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Provide a Refund of Sales Tax on Certain Depreciable Machinery and Equipment Purchases" (S.P. 65) (L.D. 48)

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

Was referred to the Committee on Taxation in concurrence.

Study Report-

Committee on Housing and Economic Development

Report of the Committee on Housing and Economic Development to which was referred by the Legislative Council the Study Relative to Maine's Participation of International Trade and Effect of International Trade on Maine's Economy have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Assess Product and Technology Development in the State and to Reduce Barriers to Innovations in Technology and Production" (S.P. 57) (L.D. 40) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Housing and Economic Development and ordered printed.

Report was read and accepted and the bill referred to the Committee on Housing and Economic Development in concurrence.

Study Report-

Committee on Housing and Economic Development

Report of the Committee on Housing and Economic Development to which was referred by the Legislative Council the Study Relative to Maine's Participation of International Trade and Effect of International Trade on Maine's Economy have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Enable Maine to Seize the Opportunities and Meet the Challenges in International Trade" (S.P. 58) (L.D. 41) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Housing and Economic Development and ordered printed.

Report was read and accepted and the bill referred to the Committee on Housing and Economic Development in concurrence.

Study Report-

Committee on Housing and Economic Development

Report of the Committee on Housing and Economic Development to which was referred by the Legislative Council the Study Relative to Maine's Participation of International Trade and Effect of International Trade on Maine's Economy have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Make More Effective Use of Maine's Public and Private Higher Educational Institutions as Sources of Input for Public Policy" (S.P. 59) (L.D. 42) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Housing and Economic Development and ordered printed.

Report was read and accepted and the bill referred to the Committee on Housing and Economic Development in concurrence.

Reported Pursuant to Joint Order

Report of the Joint Select Committee on Corrections, pursuant to Joint Order S.P. 16 ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to the Maine Correctional Advisory Commission" (Emergency) (S.P. 60) (L.D. 43) be referred to the Joint Select Committee on Corrections for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Joint Select Committee on Corrections and ordered printed.

Report was read and accepted and the bill referred to the Joint Select Committee on Corrections in concurrence.

Reported Pursuant to Joint Order

Report of the Joint Select Committee on Corrections, pursuant to Joint Order S.P. 16 ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish a Supreme Judicial Court Sentence Review Mechanism Relative to Sentences Involving Terms of Imprisonment of One Year or More" (S.P. 61) (L.D. 44) be referred to the Joint Standing Committee on Judiciary on for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Judiciary and ordered printed.

Report was read and accepted and the bill referred to the Committee on Judiciary in concurrence.

Reported Pursuant to Joint Order
Report of the Joint Select Committee on Corrections, pursuant to Joint Order S.P. 16 ask leave to submit its findings and to report that the accompanying Resolve, to Request the Department of Corrections to Undertake a Probation Systems Management Study (Emergency) (S.P. 62) (L.D. 45) be referred to the Joint Select Committee on Corrections for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Joint Select Committee on Corrections and ordered printed.

Report was read and accepted and the bill referred to the Joint Select Committee on Corrections in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 72)
114TH MAINE LEGISLATURE
January 30, 1989

Senator Joseph C. Brannigan
Representative James Mitchell
Chairpersons
Joint Standing Committee on Marine Resources
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Brian P. Tarbox of Cumberland Center for reappointment to the Marine Resources Advisory Council.

Pursuant to Title 12, M.R.S.A. Section 6024, this nomination is currently pending before the Joint Standing Committee on Marine Resources.

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 Marine Resources.

Was Read and Referred to the Committee on Marine Resources in concurrence.

The following Communication:
UNIVERSITY OF MAINE
25 NORTH STEVENS
ORONO, MAINE 04469
January 27, 1989

Mr. Ed Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333
Dear Clerk Pert:

Enclosed please find the 1988 Maine State Government Internship Program Report.

Sincerely,
S/Khi V. Thai
Director

Was read and with accompanying report ordered placed on file.

The following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
WHITEWATER ADVISORY COMMITTEE
January 31, 1989

President Pray
Speaker Martin

State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

Enclosed is the annual report of the Whitewater Advisory Committee that is required by 12 MRSA Section 7369-A. The Committee would be pleased to discuss any aspect of this report with you at your convenience.

The Committee is at the moment without a Chairman since there has not been a meeting with a quorum present since the resignation of Clinton Townsend, the previous Chairman.

As Vice Chairman, I am acting as Chairman until a regular Chairman is elected.

Sincerely,
S/Wilmot Robinson
Vice Chairman

Was read and with accompanying report ordered placed on file.

The following Communication:
DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333
January 31, 1989

The Honorable Charles P. Pray
President, Maine State Senate
State House
Augusta, Maine 04333
The Honorable John L. Martin
Speaker, Maine House of Representatives
State House
Augusta, Maine 04333

Dear President Pray, Speaker Martin and Members of the 114th Legislature:

The Department of Conservation and Inland Fisheries and Wildlife are pleased to submit their report on the Maine All-Terrain Vehicle Laws, as required by statute (P.L. 1985, C. 762, Section 28).

The report was prepared by the Bureau of Parks and Recreation, Department of Conservation, working with representatives of the Department of Inland Fisheries and Wildlife and an ad hoc Advisory Committee representing persons knowledgeable about, interested in and affected by ATVs.

Notwithstanding the legislative recommendations made in the report, the Departments' opinion is that additional enforcement and educational efforts are needed rather than major, new initiatives.

Sincerely,
S/C. Edwin Meadows
Commissioner
Dept. of Conservation
S/William Vail
Commissioner
Dept. of Inland
Fisheries & Wildlife

Was read and with accompanying report ordered placed on file.

The following Communication:
DEPARTMENT OF FINANCE
STATE CLAIMS COMMISSION
STATE HOUSE STATION 49
AUGUSTA, MAINE 04333
January 25, 1989

The Honorable John L. Martin
Speaker of the House
House of Representatives
State House Station 2
Augusta, Maine 04333

RE: Report of Small Claim to Legislature

Dear Speaker Martin:
Herewith is Report of Small Claims which were received in this office during 1988 and which is being submitted to you for your information and records in accordance with Title 5 M.R.S.A., Section 1510-A, Subsection 8.
A similar report is also being submitted to the Honorable Charles P. Pray, President of the Senate, and if you or your staff should have any questions in connection with this report, please communicate with this office.

Yours very truly,
S/Ronald M. Roy
Chief Counsel

Was read and with accompanying report ordered placed on file.

The following Communication:
Maine State Legislature
Augusta, Maine 04333
January 30, 1989

Honorable Charles P. Pray, Senate President
Honorable John L. Martin, House Speaker
114th State Legislature
Augusta, Maine 04333

Dear President Pray and Speaker Martin:
The Joint Standing Committee on Taxation is pleased to report to the Legislature regarding its statutory reviews conducted during the interim.

Title 36 MRSA, Section 198 required the Committee to review certain tax expenditure items relating to income tax modifications. No changes, additions or deletions to these items are recommended at this time.

Title 36 MRSA, Section 1760, subsection 9-D, required the Committee to review the annual report on the phase-in of a sales tax exemption for fuel and electricity purchased for use at manufacturing facilities. This exemption is progressing smoothly and should be fully effective for the fiscal year beginning July 1, 1991. By phasing-in this exemption, the State will not be hit with a large loss of revenue in a single year.

Title 36 MRSA, Section 6217 required the Committee to study the Household Tax and Rent Refund Program and recommend retention, repeal or revision. The Committee met this requirement during its review and deliberation of L.D. 2574, "AN ACT to Expand the Property Tax Circuit Breaker Program". Public Law 1987, c. 839 implemented our revisions to the program and retained it indefinitely by removing the Sunset Clause. However, we hope to continue our review and analysis of this program during this session because we view it as the best method of providing property tax relief for the citizens of the State of Maine.

We welcome your input in these or any of our future studies.

Sincerely,
Joint Standing Committee on Taxation
S/Thomas H. Andrews S/John A. Cashman
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:
DEPARTMENT OF
MENTAL HEALTH AND MENTAL RETARDATION
State House Station 40
Augusta, Maine 04333
January 30, 1989

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

Dear Speaker Martin:
Enclosed are copies of Biennial Plan for Children Who Have Special Needs as required by the enabling statute of the Bureau of Children with Special Needs. This plan outlines the status of services for Maine's children and youth who have treatment needs related to developmental delays, developmental disabilities, and severe emotional disturbances. It provides a long-range plan for addressing the multiple treatment needs of these vulnerable Maine children.

Many substantial gains have been made on behalf of Maine's children and youth who have special treatment needs, due in large part to the efforts of the Maine Legislature. Much remains to be accomplished and we look forward to working with the Legislature in the stewardship of resources needed by Maine's children who have developmental and emotional handicaps.

Respectfully yours,
S/Susan B. Parker
Commissioner

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolve 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 Make Additional Allocations for Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance, for the Fiscal Year Ending June 30, 1989" (EMERGENCY) (H.P. 62) (L.D. 86) (Presented by Representative HIGGINS of Scarborough) (Cosponsored by Senator PEARSON of Penobscot, Senator PERKINS of Hancock and Representative CARTER of Winslow)

Bill "An Act to Make Additional Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Year Ending June 30, 1989" (EMERGENCY) (H.P. 64) (L.D. 88) (Presented by Representative CARTER of Winslow) (Cosponsored by Senator PEARSON of Penobscot, Representative HIGGINS of Scarborough and Senator PERKINS of Hancock)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Provide Rest Breaks for Certain Persons Exempted from the Minimum Wage Law" (H.P. 53) (L.D. 74) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Senator KANY of Kennebec)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Establish the Position of County Administrator for Androscoggin County" (H.P. 50) (L.D. 71) (Presented by Representative LAPOINTE of Auburn) (Cosponsored by Representative JALBERT of Lisbon and Representative TRACY of Rome)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Resolve, Authorizing Lorraine Gray to Bring a Civil Action Against the State of Maine and Individual Past and Present Employees of the Department of Human Services (H.P. 54) (L.D. 75) (Presented by Representative ROLDE of York) (Cosponsored by Representative MURPHY of Berwick, Representative SHELTRA of Biddeford and Representative PLOURDE of Biddeford)

(Committee on State and Local Government had been suggested.)

On motion of Representative Joseph of Waterville, was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

TABLED AND ASSIGNED

Bill "An Act Concerning Payments in Lieu of Taxes to Municipalities with State-owned Property" (H.P. 52) (L.D. 73) (Presented by Representative MAYO of Thomaston) (Cosponsored by Representative HICKEY of Augusta, Representative DUFFY of Bangor and Senator BUSTIN of Kennebec)

(Committee on Taxation had been suggested.)

On motion of Representative Carter of Winslow, tabled pending reference and specially assigned for Tuesday, February 7, 1989.

Taxation

Bill "An Act to Amend the Sales Tax Exemption for Out-of-State Residents Purchasing Trailers in Maine" (H.P. 63) (L.D. 87) (Presented by Representative STEVENS of Bangor) (Cosponsored by Representative DUFFY of Bangor and Senator BALDACCI of Penobscot)

Ordered Printed.

Sent up for Concurrence.

Transportation

Bill "An Act to Increase the Motor Vehicle Inspection Fees" (H.P. 49) (L.D. 70) (Presented by Representative McPHERSON of Eliot) (Cosponsored by Senator TWITCHELL of Oxford, Senator GOULD of Waldo and Representative POULIOT of Lewiston) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)

Bill "An Act to Extend the Reporting Deadline on the Casco Bay Ferry Service Study" (EMERGENCY) (H.P. 51) (L.D. 72) (Presented by Representative WEBSTER of Cape Elizabeth) (Cosponsored by Senator TWITCHELL of Oxford, Representative CLARK of Millinocket and Representative FOSS of Yarmouth) (Submitted by the Department of Transportation pursuant to Joint Rule 24.)

Ordered Printed.

Sent up for Concurrence.

Reported Pursuant to Private and Special Law

Representative PRIEST for the Commission on Manufactured Housing, pursuant to Private and Special Law 1987, chapter 139 ask leave to submit its findings and to report that the accompanying Resolve, Directing the Office of Comprehensive Land Use Planning to Prepare a Guide to the Manufactured Housing Laws (EMERGENCY) (H.P. 47) (L.D. 61) be referred to the Joint Standing Committee on Housing and Economic Development for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted.

On motion of Representative Gwadosky of Fairfield, tabled pending reference and specially assigned for Tuesday, February 7, 1989.

Reported Pursuant to Private and Special Law
Representative PRIEST for the Commission on Manufactured Housing, pursuant to Private and Special Law 1987, chapter 139 ask leave to submit its findings and to report that the accompanying Resolve, to Require the Manufactured Housing Board to Develop a Manufactured Housing Installation Standard (EMERGENCY) (H.P. 48) (L.D. 62) be referred to the Joint Standing Committee on Housing and Economic Development for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted.

On motion of Representative Gwadosky of Fairfield, tabled pending reference and specially assigned for Tuesday, February 7, 1989.

Reported Pursuant to Resolve

Representative MITCHELL for the Special Commission on Boating, pursuant to Resolve 1987, chapter 111 ask leave to submit its findings and to report that the accompanying Bill "An Act to Regulate Personal Watercraft" (H.P. 55) (L.D. 76) be referred to the Joint Standing Committee on Fisheries and Wildlife for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Reported Pursuant to Resolve

Representative MITCHELL for the Special Commission on Boating, pursuant to Resolve 1987, chapter 111 ask leave to submit its findings and to report that the accompanying Bill "An Act to Prohibit the Use of Personal Watercraft" (H.P. 56) (L.D. 77) be referred to the Joint Standing Committee on Fisheries and Wildlife for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Reported Pursuant to Resolve

Representative DUFFY for the Special Commission on Boating, pursuant to Resolve 1987, chapter 111 ask leave to submit its findings and to report that the accompanying Bill "An Act Concerning the Operation of Watercraft" (H.P. 57) (L.D. 78) be referred to the Joint Standing Committee on Fisheries and Wildlife for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Reported Pursuant to Resolve

Representative RUHLIN for the Special Commission on Boating, pursuant to Resolve 1987, chapter 111 ask leave to submit its findings and to report that the accompanying Bill "An Act Concerning the Safe and Responsible Operation of Watercraft" (H.P. 58) (L.D. 79) be referred to the Joint Standing Committee on Fisheries and Wildlife for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Reported Pursuant to Resolve

Representative MITCHELL for the Special Commission on Boating, pursuant to Resolve 1987, chapter 111 ask leave to submit its findings and to report that the accompanying Bill "An Act Concerning Boating and Other Water-based Activities" (H.P. 59) (L.D. 80) be referred to the Joint Standing Committee on Fisheries and Wildlife for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

ORDERS

On motion of Representative HOLT of Bath, the following Joint Resolution: (H.P. 60) (Submitted by the Maine Information Commission on Agent Orange and Radiation pursuant to Private and Special Law 1987, chapter 129. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO GRANT PRESUMPTIVE COMPENSATION TO VIETNAM VETERANS WITH CERTAIN MEDICAL CONDITIONS

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Fourteenth Legislature, now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, many Vietnam veterans have developed conditions which are more prevalent among this group than among the general populace, such as chloracne, porphyria cutanea tarda, non-Hodgkin's lymphoma and lung cancer; and

WHEREAS, these conditions require extensive medical care and may make the veteran partially or totally disabled; and

WHEREAS, the failure of the United States Veterans Administration to consider these conditions as service-related has caused additional suffering and distress to these veterans; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to grant presumptive compensation to Vietnam veterans with these conditions and to allow such compensation for additional conditions as the evidence accumulates; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George Bush, President of the United States; the President of the Senate; and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation and each governor of the 50 states and United States territories.

Was read and adopted and sent up for concurrence.

On motion of Representative HOLT of Bath, the following Joint Resolution: (H.P. 61) (Submitted by the Maine Information Commission on Agent Orange and Radiation pursuant to Private and Special Law 1987, chapter 129. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO MANDATE THAT THE UNITED STATES VETERANS ADMINISTRATION MAKE TESTS AVAILABLE TO VIETNAM-ERA VETERANS WHICH MEASURE THE AMOUNT OF DIOXIN IN AN INDIVIDUAL

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First

Regular Session of the One Hundred and Fourteenth Legislature, now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, there is continually increasing evidence that many medical conditions are associated with exposure to dioxin; and

WHEREAS, many veterans have elevated dioxin levels in their bodies; and

WHEREAS, the failure of the United States Veterans Administration to consider these conditions as service-related, until further studies are conducted, will cause additional suffering and distress to these veterans; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to direct the United States Veterans Administration to make available to any Vietnam-era veteran who was potentially exposed to dioxin-contaminated herbicides while in military service, a test which measures the level of dioxin (2, 3, 7, 8 -- TCDD) in the veteran's body; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George Bush, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, each member of the Maine Congressional Delegation and each governor of the 50 states and the United States territories.

Was read and adopted and sent up for concurrence.

On motion of Representative HOLT of Bath, the following Joint Resolution: (H.P. 65) (Submitted by the Maine Information Commission on Agent Orange and Radiation pursuant to Private and Special Law 1987, chapter 129. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO EXEMPT FUNDS AWARDED TO VIETNAM VETERANS FROM THE CLASS ACTION SUIT AGAINST DOW CHEMICAL CORPORATION FROM THE DETERMINATION OF ELIGIBILITY FOR FEDERALLY ESTABLISHED PUBLIC ASSISTANCE PROGRAMS

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Fourteenth Legislature, now assembled, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, some Vietnam veterans will receive compensation from the out-of-court settlement of the class action suit against Dow Chemical Company; and

WHEREAS, the money from this settlement may make these veterans ineligible for certain federally established public assistance programs; and

WHEREAS, the class action settlement was initiated to benefit Vietnam veterans and not to restrict access to federal assistance programs nor to save the federal government money; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to amend the Social Security Act of the United States to provide an exemption for funds awarded to Vietnam veterans pursuant to the class action suit for the purpose of determining eligibility for federally funded public assistance programs; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George Bush, President

of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act Dealing with Coastal Search and Rescue" (H.P. 35) (L.D. 35)
(Committee on Appropriations and Financial Affairs suggested)

TABLED - January 31, 1989 by Representative MITCHELL of Freeport.

PENDING - Reference.

On motion of Representative Carter of Winslow, retabled pending reference and specially assigned for Tuesday, February 7, 1989.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act to Restrict State Grants for Community Mental Health Services to Agencies which Provide Salaries Comparable to Equivalent State Positions" (H.P. 43) (L.D. 54)
(Committee on Human Resources suggested)

TABLED - January 31, 1989 by Representative CARTER of Winslow.

PENDING - Reference.

On motion of Representative Carter of Winslow, retabled pending reference and specially assigned for Tuesday, February 7, 1989.

The Chair laid before the House the third tabled and today assigned matter:

Expression of Legislative Sentiment recognizing Police Chief Bertram Snow (SLS 20)
- In Senate, Passed on January 19, 1989

TABLED - January 31, 1989 by Representative MAYO of Thomaston.

PENDING - Passage in concurrence.

On motion of Representative Mayo of Thomaston, the House voted to indefinitely postpone SLS 20. Sent up for concurrence.

The Chair laid before the House the fourth tabled and today assigned matter:

Bill "An Act Appropriating Funds to the Department of Educational and Cultural Services for Early Childhood Education" (H.P. 23) (L.D. 18)
(Committee on Education suggested)

TABLED - January 31, 1989 by Representative CARTER of Winslow.

PENDING - Reference.

On motion of Representative Carter of Winslow, retabled pending reference and specially assigned for Tuesday, February 7, 1989.

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. 83)
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 7, 1989, at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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. 86)
JOINT RESOLUTION COMMEMORATING THE 250th ANNIVERSARY OF THE TOWN OF BRUNSWICK, MAINE

WHEREAS, one of the chain of historically important towns that is located along the coast of New England is Brunswick, nationally known for its excellence in manufacturing and education; and

WHEREAS, within the vast territory of the Province of Massachusetts a permanent settlement was established along the banks of the Androscoggin River by the Pejepscot Proprietors in 1714; and

WHEREAS, that settlement became known as the Town of Brunswick, and was subsequently incorporated in 1739 as the 11th town organized in Maine; and

WHEREAS, Brunswick is not only historically important as an early manufacturing center and as a hub of commerce, but also has since 1794 served as the home of the renowned Bowdoin College; and

WHEREAS, Brunswick and its citizens have always maintained the town's great charm and civility while supporting industry, commerce, education and an important part of our Nation's air and sea defenses; now, therefore, be it

RESOLVED, That We, the Members of the 114th Legislature of the State of Maine now assembled in the First Regular Session, take this special opportunity on the eve of the 250th anniversary of the Town of Brunswick to commend the officials and citizens of this great town for the success which they have achieved together for more than two centuries and to extend to each our sincere hopes and best wishes for continued achievement over the next 250 years; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative HIGGINS of Scarborough, the following Joint Resolution: (H.P. 66) (Cosponsors: Senator PERKINS of Hancock, Representative WEBSTER of Cape Elizabeth and Representative PARADIS of Old Town)

JOINT RESOLUTION IN HONOR AND RECOGNITION OF THE LATE RALPH F. PRIME OF WINDSOR

WHEREAS, the Legislature has learned with deep regret of the sudden passing of Ralph F. Prime, of Windsor; and

WHEREAS, "only he can understand what a farm is, what a country is, who shall have sacrificed part of himself to his farm and country"; and

WHEREAS, his door was always open and the hand of friendship extended to all who came to share the bounty of his labors, enjoy a good home cooked meal and the joys of his family; and

WHEREAS, Ralph was founder and leader of Brown Swiss Cattle Breeders, showed and officiated at

countless agricultural fairs and was a tireless worker and director of many dairy organizations; and

WHEREAS, Roseledge Farm became a legend of national and international prominence in the dairy industry for more than 35 years; and

WHEREAS, the stars in the heaven above may long shine brightly on this caring gentleman who has given so much for the betterment of mankind; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the 114th Legislature take this opportunity to express our sorrow at the passing of Ralph F. Prime who was widely recognized in our State Dairy Industry; and be it further

RESOLVED: That our membership pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share this great loss and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the deceased; and be it further

RESOLVED: That suitable copies of this joint resolution be prepared and presented to his dear wife Rosa and their family in token of our esteem.

Was read.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would be remiss this morning if I didn't have a few words to say about this Resolution.

In the many years that I have served here, it is probably the saddest thing that I have ever had to do. I became acquainted with Ralph about 15 years ago through Rosa, who, as many of you know, served in many capacities in state government and, at that time, was serving in the Financial Affairs Office downstairs when I first went to the Appropriations Committee. Since then, she has had various positions within state government and is now working for the House Republican office. I know that many of you know her from her previous service to the state.

I feel sad about the fact that Ralph has passed away and I know many of you do here as well. He was a kind, loving gentleman that I became very, very fond of. I feel very fortunate to have known such a person.

As the Resolution points out, he was a great supporter of farms, dairy cattle, the sort of thing being from the southern part of the state I don't get too involved with but it was clear that he had a passion for that industry in the State of Maine.

In addition to that, he had a great passion for the fairs in the State of Maine. He worked very, very diligently at Windsor Fair and at other fairs throughout the state. In fact, this last weekend was the annual fair meeting that they have. Ralph had been sick for quite some time but was fortunate enough to be able to go to that fair meeting this last weekend. There is a saying "that when you get a chance to do something you really, really like to do, it is a lot like you died and went to heaven." I think from Ralph's standpoint, being able to have gone to that meeting this last weekend and to have come home and passed away in his sleep, he actually did die and go to heaven. I just want to bring that to the attention of the House because he was the kind of a guy that makes Maine a special, special place to live. I feel fortunate to have known him and I know our prayers and condolences go out to Rosa and all the members of his family. I thank you Mr. Speaker and Members of the House.

Subsequently, the Resolution was adopted and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Pineau of Jay, Adjourned in memory of Ralph F. Prime of Windsor until Tuesday, February 7, 1989, at ten o'clock in the morning pursuant to Joint Order (S.P. 83)
