

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Adjourned until Tuesday, January 10, 1989, at ten o'clock in the morning pursuant to Joint Order (S.P. 26).

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

In Senate Chamber
Thursday
January 5, 1989

Senate called to Order by the President.

Prayer by Reverend David Bell of the United Methodist Church in Waldoboro.

REVEREND BELL: I invite you to be in the spirit of prayer. Oh almighty God, author of all wisdom, look upon these, Your children, as they begin their tasks for this year. Hear the fears of those who are new to this Chamber. May the counsel of those more experience members prove stability and sound guidance for this Body. May freshness and experience be mingled to the profit of all deliberations. Give listening ears to these Senators so that they can hear the many voices on what to do with education, taxes, health issues and garbage. Give strength of resolve to these Senators so that they may deal with these and other issues to the benefit of all the citizens of our State. As the world began in Your mind, love began in Your heart; so let our laws begin in Your will. Amen.

Reading of the Journal of Tuesday, January 3, 1989.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 26

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

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: H.P. 7

DEPARTMENT OF
EDUCATIONAL AND CULTURAL SERVICES
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333

To: Edwin H. Pert, Clerk of the House

From: S/Eve M. Bither, Commissioner

Date: December 2, 1988

Re: Report on habitual truants for the 1987-88 school year.

In accordance with 20-A MRSA Section 5051, I am pleased to submit our annual report on the number of habitual truants identified by school superintendents during the 1987-88 school year. A summary of findings for previous school years regarding habitual truant cases has been included with this year's report for your information. Departmental recommendations for resolving truancy and enforcement of compulsory education are embodied in a separate legislative document which is designed to strengthen school actions for prevention of truancy and which increases disposition options available to judges in prosecution of habitual truancy cases brought before the District Courts.

Additional information regarding this report and statistics contained therein can be obtained by contacting the Office of Truancy, Dropout and Alternative Education, 289-5110.

Comes from the House READ and with Accompanying Papers ORDERED PLACED ON FILE.

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE, in concurrence.

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT SELECT COMMITTEE ON CORRECTIONS
December 30, 1988

President Pray
Speaker Martin
State House

Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Joint Select Committee on Corrections is pleased to submit the attached report of our study of Maine's Corrections System pursuant to the joint order of the Legislature SP 16. We hope you find this report useful.

Sincerely,

S/Sen. Beverly Miner Bustin S/Rep. Harlan R. Baker
Senate Chair House Chair

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication: S.P. 28
DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333
December 30, 1988

President Charles P. Pray
Senate Chambers

State House Station 3
Augusta, Maine 04333

Speaker John L. Martin
House of Representatives

State House Station 2
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

In 1985, the 112th Legislature established the Forests for the Future Program (Chapter 488, PL 1985) to assess the condition of the maine forest and make recommendations for enhanced management. As part of its function, the program reports annually to the Legislature and the Governor on its activities, accomplishments, and recommendations. The target date for that report is January 1 of each year.

The purpose of this letter is to request a short extension on the due date in order to allow time to incorporate recent developments concerning forest policy issues.

Since becoming Commissioner in November, I have convened a series of forest policy discussions among state agencies and interested forest-related organizations to seek areas of common agreement leading toward a cooperative approach for establishing a forest policy for Maine. I also have convened an internal task force at the Department of Conservation consisting of representatives of the several bureaus involved (Commissioners Office, Forestry, Public Lands, and LURC) to look at the mechanics and details of administering a forest policy program for the state.

These two events relate directly to the function of the Forest for the Future Program. The Citizens' Forestry Advisory Council, which is part of that program, is aware of these discussions and has

provided input and direction to them. In order to allow time to finalize the results of these discussions in the report, we are requesting an extension until January 31, 1989 by which time it should be ready for printing and distribution.

At that time, we will send you the full report along with transmittal letters. Thank you for your understanding and consideration in this situation.

Sincerely,
S/C. Edwin Meadows, Jr.
Commissioner

Which was READ and ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication: S.P. 29
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
STATE HOUSE STATION 38
AUGUSTA, MAINE 04333
December 30, 1988

Dear Maine Legislator:

I am pleased to provide a copy of Implementation of Maine's Coastal Policies 1986-88, pursuant to the reporting requirement in 38 MRSA, sec. 1803. This document describes local and state progress that has been made in implementing Maine's coastal policies since they were enacted in 1986. At the end of this report, you will find recommendations for your consideration.

Also enclosed is the new publication Maine Coastal Program: The First Decade and Beyond. This booklet highlights some of the significant achievements made by the Coastal Program during its first ten years, and looks ahead to the critical work that remains.

We welcome your responses to these two reports and look forward to working with you on implementing their recommendations.

Sincerely,
S/Richard H. Silkman
Director
State Planning Office

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication:
STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

January 3, 1989

Honorable Joy J. O'Brien
Secretary of the Senate

State House Station 3
Augusta, ME 04333

Dear Madam Secretary:

Pursuant to my authority under Senate Rule 36, I have appointed the following Senators to the Joint Standing Committees. The first name on the list for each Committee indicates the Senate Chair.

Joint Standing Committee on Aging, Retirement, and Veterans -- Senator Bonnie L. Titcomb, Senator Nancy Randall Clark, Senator Pamela L. Cahill;

Joint Standing Committee on Agriculture -- Senator R. Donald Twitchell, Senator Judy C. Kany, Senator Jerome A. Emerson;

Joint Standing Committee on Appropriations and Financial Affairs -- Senator Michael D. Pearson, Senator Joseph C. Brannigan, Senator Thomas R. Perkins;

Joint Standing Committee on Audit and Program Review -- Senator Beverly Miner Bustin, Senator Georgette B. Berube, Senator Linda Curtis Brawn;
 Joint Standing Committee on Banking and Insurance -- Senator Raynold Theriault, Senator Beverly Miner Bustin, Senator Donald F. Collins;
 Joint Standing Committee on Business Legislation -- Senator John E. Baldacci, Senator Barry J. Hobbins, Senator R. Peter Whitmore;
 Joint Standing Committee on Education -- Senator Stephen C. Estes, Senator Stephen M. Bost, Senator Barbara A. Gill;
 Joint Standing Committee on Energy and Natural Resources -- Senator Judy C. Kany, Senator Edgar E. Erwin, Senator Margaret G. Ludwig;
 Joint Standing Committee on Fisheries and Wildlife -- Senator Edgar E. Erwin, Senator Donald E. Esty, Jr., Senator Robert R. Gould;
 Joint Standing Committee on Housing and Economic Development -- Senator Dennis L. Dutremble, Senator Thomas H. Andrews, Senator Norman E. Weymouth;
 Joint Standing Committee on Human Resources -- Senator N. Paul Gauvreau, Senator Bonnie L. Titcomb, Senator Edwin C. Randall;
 Joint Standing Committee on Judiciary -- Senator Barry J. Hobbins, Senator N. Paul Gauvreau, Senator Muriel D. Holloway;
 Joint Standing Committee on Labor -- Senator Donald E. Esty, Jr., Senator Zachary E. Matthews, Senator R. Peter Whitmore;
 Joint Standing Committee on Legal Affairs -- Senator Zachary E. Matthews, Senator John E. Baldacci, Senator Robert G. Dillenback;
 Joint Standing Committee on Marine Resources -- Senator Joseph C. Brannigan, Senator Stephen C. Estes, Senator Linda Curtis Brawn.
 Joint Standing Committee on State and Local Government -- Senator Georgette B. Berube, Senator Donald E. Esty, Jr., Senator David L. Carpenter;
 Joint Standing Committee on Taxation -- Senator Thomas H. Andrews, Senator John E. Baldacci, Senator Jerome A. Emerson;
 Joint Standing Committee on Transportation -- Senator R. Donald Twitchell, Senator Raynold Theriault, Senator Robert R. Gould;
 Joint Standing Committee on Utilities -- Senator Stephen M. Bost, Senator Charles P. Pray, Senator David L. Carpenter

Sincerely,
 S/Charles P. Pray
 President of the Senate
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
 BUREAU OF TAXATION
 STATE OFFICE BUILDING
 AUGUSTA, MAINE 04333
 January 3, 1989

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

Enclosed please find the annual report evaluating the loss due to the tax exemption on ethanol-blended fuel. This report is required by 36 M.R.S.A. section 2915.

For the 1988 calendar year, the tax rate on ethanol-blended fuel was 13 cents per gallon through April 30, 1988 and 15 cents per gallon for the remainder of the year. This rate reflects a 1 cent

exemption from the 14 cents per gallon gasoline tax rate in effect through April 30, 1988 and the 16 cent rate in effect for the remainder of the year.

There were no reported sales of ethanol-blended fuel in Maine for this period. Therefore, there was no loss of highway fund revenue attributable to this exemption.

This report was prepared with the assistance of the Office of Energy Resources.

Respectfully submitted,
 S/John D. LaFaver
 State Tax Assessor
 Bureau of Taxation

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

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

COMMUNICATIONS

The Following Communication: S.P. 30
 114TH MAINE LEGISLATURE
 January 4, 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 Carl O. Bradford of Yarmouth and William S. Brodrick of Kennebunkport for reappointment as Justice, Maine Superior Court.

Pursuant to Title 7, M.R.S.A. Section 1, 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.

The Following Communication: S.P. 31
 114TH MAINE LEGISLATURE
 January 4, 1989

Senator Donald E. Esty, Jr.
 Representative Edward A. McHenry
 Chairpersons
 Joint Standing Committee on Labor
 114th Legislature
 Augusta, Maine 04333
 Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Ralph M. Willey of Hampden for appointment as the Employer Representative to the Unemployment Insurance Commission.

Pursuant to Title 26, M.R.S.A. Section 1081, this nomination will require review by the Joint Standing Committee on Labor 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 LABOR.

Sent down for concurrence.

The Following Communication: S.P. 32
114TH MAINE LEGISLATURE
January 4, 1989

Senator Dennis L. Dutremble
Representative Gregory G. Nadeau
Chairpersons
Joint Standing Committee on Housing and Economic
Development
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Timothy P. Agnew of Yarmouth for appointment as Chief Executive Officer of the Finance Authority of Maine.

Pursuant to Title 10, M.R.S.A. Section 972, this nomination will require review by the Joint Standing Committee on Housing and Economic Development 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 HOUSING AND ECONOMIC DEVELOPMENT.
Sent down for concurrence.

The Following Communication:
STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

January 4, 1989
Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333
Dear Madam Secretary:

Pursuant to my authority under Senate Rule 1, I have appointed the following Senators to preside as President pro tempore in my absence:

Sen. Nancy Randall Clark - January 10, 1989
Sen. Dennis L. Dutremble - January 12, 1989
Sen. Michael D. Pearson - January 17, 1989
Sen. Beverly Miner Bustin - January 19, 1989

If you have any questions, please do not hesitate to contact me.

Sincerely,
S/Charles P. Pray
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

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

COMMUNICATIONS

The Following Communication:
STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

January 4, 1989
Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333
Dear Madam Secretary:

Pursuant to Senate Paper 25, I have appointed the following Senators to the Joint Select Committee on Corrections:

Senator Beverly Miner Bustin, Chair
Senator Zachary Matthews
Senator Thomas Perkins

Please let me know if you have any questions about these appointments.

Sincerely,
S/Charles P. Pray
President of the Senate
Which was READ and ORDERED PLACED ON FILE.

Senate at Ease
Senate called to order by the President.

Off Record Remarks

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 10, 1989, at 10:00 in the morning.