

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

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

In Senate Chamber
Thursday
January 12, 1989

Senate called to Order by the President Pro Tem,
Dennis L. Dutremble of York.

Prayer by Reverend Jim Hamilton-Ogden of the First Baptist Church in Waterville.

REVEREND HAMILTON-OGDEN: Thank you Senator Dutremble, members of the Senate and guests gathered here today. Let us pray. Almighty God, Who is the source of all authority and all freedom, we give thanks for all that You have entrusted to our care - the beauty and productivity of the natural environment, the material wealth and enterprise that provide employment and economic ability and stability, the human lives, young, old, in the middle, with such variety as they seek growth, health and fulfillment. The wisdom and creativity of the human mind with its ability to learn and contribute to the solving of what sometimes seem to be insurmountable problems. The responsibility sometimes seems more that we mere mortals can handle, yet You have placed great trust in us and we are awed. You have given us the ability, working together, to make this a better world, partners with You in purposes which stretch to eternity.

We pray that in our conversations and deliberations, in our choices and decisions, in our priorities and our relationships, we may have a vision of Your shalom, harmony and peace and well-being among the people, that we may respect one another and listen to one another, that we may be practical without sacrificing high principles.

We would begin this day in humble recognition that no single person has the final answer, or all the answers, that we all still have much to learn, from one another and from You. Your guidance may come in subtle ways we hardly recognize - the quiet voice of a colleague seldom heard or listened to, the seeming ranting anger of someone with whom we differ, a moment of inner conviction, a letter from a constituent, a word from our spiritual heritage almost forgotten. Prepare us to hear that voice when it comes that we may be obedient to what is highest in human existence and relationships, that we may acknowledge a divine light in the affairs of this world, a light that is both beyond and within.

You have blessed us as a people, a nation, a state. You have called us to the task of being a blessing to others. A chorus sometimes sung in Sunday School says, "Make Me a Blessing." This room, Lord God, is full of committed people, concerned about the well-being of this earth and its people, particularly that part of the world known as the state of Maine. May they, in their work, be blessed and may they be a blessing to this state and its people, humbly responsible in the tasks before them. In the name of the God who keeps us ever hopeful, the God of yesterday, today and tomorrow, working creatively in our midst to fulfill eternal purposes. Amen.

Reading of the Journal of Tuesday, January 10, 1989.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator CLARK of Cumberland, 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.

Which was READ and PASSED.

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power in the Legislature to Override those Line Item Vetoes

H.P. 10 L.D. 4

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Senator BERUBE of Androscoggin, moved that the Bill be referred to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator BERUBE of Androscoggin to refer the Bill to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

COMMUNICATIONS

The Following Communication:

S.P. 35

114TH MAINE LEGISLATURE

January 10, 1989

Senator Edgar E. Erwin
Representative Paul F. Jacques
Chairpersons
Joint Standing Committee on Fisheries and Wildlife
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated F. Dale Speed of Princeton for reappointment and Frank A. Gross of Cherryfield for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, M.R.S.A. Section 7033, these nominations will require review by the Joint Standing Committee on Fisheries and Wildlife 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 FISHERIES AND WILDLIFE.

Sent down for concurrence.

The Following Communication: S.P. 36

114TH MAINE LEGISLATURE

January 10, 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 nominated David B. Turner of Eastport and Brian P. Tarbox of Cumberland Center for reappointments to the Marine Resources Advisory Council.

Pursuant to Title 12, M.R.S.A. Section 6024, these nominations will require review by the Joint Standing Committee on Marine Resources 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 MARINE RESOURCES.
Sent down for concurrence.

The Following Communication: S.P. 37
114TH MAINE LEGISLATURE
January 10, 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 nominated 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 will require review by the Joint Standing Committee on State and Local Government 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 STATE AND LOCAL GOVERNMENT.
Sent down for concurrence.

The Following Communication: S.P. 38
114TH MAINE LEGISLATURE
January 10, 1989

Senator Judy C. Kany
Representative Michael H. Michaud
Chairpersons
Joint Standing Committee on Energy and Natural Resources
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Raymond G. Pepin of Westbrook, L. Herbert York of Farmington, Darold Woolley of Lincoln, Franklin P. Eggert of Verona Island, Esther G. Lacognata of Augusta, Richard P. Bentzel of Fairfield and Paula M. Clark of Readfield for appointments to the Board of Trustees, Sludge and Residuals Utilization Research Foundation.

Pursuant to P.L. 1988, Chapter 799, these nominations will require review by the Joint Standing Committee on Energy and Natural Resources 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 ENERGY AND NATURAL RESOURCES.
Sent down for concurrence.

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

January 9, 1989
Senator Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333
Dear Senator Pray:

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 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

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

The Following Communication:
BUREAU OF TAXATION
STATE OFFICE BUILDING
AUGUSTA, ME 04333
January 6, 1989

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, ME 04333
Dear President Pray:

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

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

ORDERS
Joint Resolution
Senator CLARK of Cumberland, requested that the RULES BE SUSPENDED BY UNANIMOUS CONSENT to present a Joint Resolution on behalf of President PRAY of

Penobscot, (Cosponsored by: Speaker MARTIN of Eagle Lake, Senator HOBBS of York, Senator DUTREMBLE of York, Representative NADEAU of Saco) 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.

Which was READ and ADOPTED.

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

On motion by Senator CLARK of Cumberland, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power in the Legislature to Override those Line Item Vetoes

H.P. 10 L.D. 4

Tabled - January 12, 1989, by Senator CLARK of Cumberland.

Pending - Motion of Senator BERUBE of Androscoggin to refer the Bill to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

(Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.)

(In House, January 10, 1989, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.)

Senator BERUBE of Androscoggin requested and received Leave of the Senate to withdraw her motion

to refer the Bill to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, the Bill was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

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

Senator KANY of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator HOBBS of York, ADJOURNED until Tuesday, January 17, 1989, at 10:00 in the morning.