

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

(Committee on Fisheries and Wildlife suggested)
TABLED - January 26, 1989 by Representative MITCHELL
of Freeport.
PENDING - Reference.

On motion of Representative Mitchell of Freeport,
was referred to the Committee on Marine Resources,
ordered printed and sent up for concurrence.

The Chair laid before the House the second 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 26, 1989 by Representative CARTER of
Winslow.
PENDING - Reference.

On motion of Representative Carter of Winslow,
retabled pending reference and specially assigned for
Thursday, February 2, 1989.

(Off Record Remarks)

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

PASSED TO BE ENACTED
Emergency Measure

Resolve, to Extend the Reporting Deadline of the
Commission to Study the Status of Nursing Professions
in Maine (H.P. 45) (L.D. 58)

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. 122 voted in favor of the same and none
against and accordingly the Resolve was finally
passed, 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 Rydell of Brunswick,
Adjourned until Thursday, February 2, 1989, at
ten o'clock in the morning.

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

In Senate Chamber
Tuesday
January 31, 1989

Senate called to Order by the President.

Prayer by Reverend John Anguish of the Church of the
Nazarene in Strong.

REVEREND ANGUISH: Shall we pray. Dear heavenly
Father, thank You for the privilege to come into Your
presence this morning. We realize that only through
Your mercy and grace that this is possible, for in
ourselves we are nothing. All that we have and all
that we are and all that we will be is because of
You. I pray this morning that if there is anything
that is separating each of us from You, reveal it to
us that we may confess it to You. We need a clean
heart and a clear mind to do the work of this day.
We need an unbroken chain of communication between us
and You.

I pray for these men and women who are gathered
here today. In Your wisdom to let people govern
themselves, You have given these an awesome task.
You have bestowed upon them the well-being of this
State. That requires wisdom, compassion, and
courage. We need, O Lord, all that You will provide
us.

Help them to overcome human tendencies and to
look to You for divine guidance today as they labor
for You. Thank You, O God, for Your guidance, Your
strength, Your wisdom, and Your courage. We ask You
now for Your blessing. We pray in the rich and
matchless name of Jesus Christ, our Lord and
Saviour. Amen.

Reading of the Journal of Thursday, January 26, 1989.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Reduce the Amount of Materials
from the Waste Stream by Encouraging Recycling"

H.P. 27 L.D. 25

Bill "An Act to Facilitate the Payment of Taxes
by Persons Eligible under the Household Tax and Rent
Refund Act"

H.P. 28 L.D. 26

Come from the House referred to the Committee on
TAXATION and ORDERED PRINTED.

Which were referred to the Committee on TAXATION
and ORDERED PRINTED, in concurrence.

Pursuant to Resolves
SPECIAL COMMISSION ON
EARLY CHILDHOOD DEVELOPMENT
AND EDUCATION

The SPECIAL COMMISSION ON EARLY CHILDHOOD
DEVELOPMENT AND EDUCATION, pursuant to Resolves 1987,
Chapter 110, ask leave to submit its findings and to
report that the accompanying Bill "An Act to Expand
and Improve the School Year"

H.P. 22 L.D. 17

Be referred to the Joint Standing Committee on
EDUCATION for Public Hearing and printed pursuant to
Joint Rule 18.

Comes from the House with the Report READ and
ACCEPTED and the Bill referred to the Committee on

EDUCATION and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on EDUCATION and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Pursuant to Resolves
COMMISSION TO REVIEW THE LAWS
RELATING TO REGISTERED MAINE GUIDES

The COMMISSION TO REVIEW THE LAWS RELATING TO REGISTERED MAINE GUIDES, pursuant to Resolves 1987, Chapter 105, ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Laws Relating to Licensed Maine Guides"

H.P. 20 L.D. 15

Be referred to the Joint Standing Committee on FISHERIES AND WILDLIFE for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Study Report
Committee on AGRICULTURE

Report of the Committee on AGRICULTURE to which was referred by the Legislative Council the Study Relative to Organization of the Maine Blueberry Commission have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Concerning Membership on the Maine Blueberry Commission"

H.P. 25 L.D. 20

Be referred to the Joint Standing Committee on AGRICULTURE for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on AGRICULTURE and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on AGRICULTURE and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

Study Report
COMMITTEE TO STUDY UTILITY EASEMENTS
OVER EXISTING RIGHTS-OF-WAY

Report of the COMMITTEE TO STUDY UTILITY EASEMENTS OVER EXISTING RIGHTS-OF-WAY to which was referred by the Legislative Council the Study Relative to Utility Easements Over Existing Rights-Of-Way have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish Utility Rights in Certain Easements"

H.P. 24 L.D. 19

Be referred to the Joint Standing Committee on JUDICIARY for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on

JUDICIARY and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on JUDICIARY and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

COMMUNICATIONS

The Following Communication:
COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
ONE HUNDRED AND FOURTEENTH LEGISLATURE
January 24, 1989

The Honorable Charles P. Pray
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Timothy P. Agnew of Yarmouth, for appointment as Chief Executive Officer of the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 10

NAYS: 0
ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Timothy P. Agnew of Yarmouth, for appointment as the Chief Executive Officer of the Finance Authority of Maine be confirmed.

Sincerely,

S/Dennis L. Dutremble
Senate Chair

S/Gregory G. Nadeau
House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator CLARK of Cumberland, the nomination Tabled until Later in Today's Session, pending CONSIDERATION.

The Following Communication:
COMMITTEE ON JUDICIARY
ONE HUNDRED AND FOURTEENTH LEGISLATURE
January 24, 1989

The Honorable Charles P. Pray
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of William S. Brodrick of Kennebunkport, for reappointment as Justice of the Maine Superior Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2
Representatives 10

NAYS: 0

ABSENT: 1 Sen. Holloway of Lincoln

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of William S. Brodrick of Kennebunkport, for reappointment at Justice of the Maine Superior Court be confirmed.

S/Barry J. Hobbins Senate Chair
S/Patrick E. Paradis House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator CLARK of Cumberland, the nomination Tabled until Later in Today's Session, pending CONSIDERATION.

The Following Communication:
COMMITTEE ON JUDICIARY
ONE HUNDRED AND FOURTEENTH LEGISLATURE
January 24, 1989

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Carl O. Bradford of Yarmouth, for reappointment as Justice of the Maine Superior Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 Rep. Paradis of Augusta

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Carl O. Bradford of Yarmouth, for reappointment as Justice of the Maine Superior Court be confirmed.

S/Barry J. Hobbins Senate Chair
S/Patrick E. Paradis House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator CLARK of Cumberland, the nomination Tabled until Later in Today's Session, pending CONSIDERATION.

The Following Communication:
DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
STATE HOUSE STATION 45
AUGUSTA, MAINE 04333
January 25, 1989

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

Dear President Pray:

We are pleased to submit to you the first Annual Report on the Status of the Maine Workers' Compensation system pursuant to Public Law 1987, Chapter 559. This document summarizes the results of data collection by the three agencies involved and is intended to present a profile of the workers' compensation system including costs, administration, adequacy, and an evaluation of the entire system.

To a large extent, each agency is involved with different operational concerns and views the system from a different perspective. Accordingly, this

first report is organized into three sections. On the other hand, the report itself is very much a cooperative effort.

Sincerely,
S/Joseph A. Edwards, Superintendent
Bureau of Insurance

S/James H. McGowan, Director
Bureau of Labor Standards
S/Ralph L. Tucker, Chairman
Worker's Compensation Commission

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

The Following Communication:
UNIVERSITY OF MAINE
25 NORTH STEVENS STREET
ORONO, MAINE 04469

January 27, 1989

Ms. Joy O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Ms. O'Brien:

Enclosed please find forty copies of the 1988 Maine State Government Internship Program Report. Sixty-three college students (Maine residents) were selected and placed in State agencies for a twelve-week work experience. According to the evaluations of participating agencies and interns, the 1988 Program was a success. (Also enclosed for your information and disposal are application forms for this year's Program.)

Sincerely,
S/Khi V. Thai
Director

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

SENATE PAPERS

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

Presented by Senator COLLINS of Aroostook
Cosponsored by Senator RANDALL of Washington,
Representative CURRAN of Westbrook and
Representative STEVENS of Bangor

Submitted by the Department of Professional and
Financial Regulation pursuant to Joint Rule 24.

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

Presented by Senator GILL of Cumberland
Cosponsored by Representative ALLEN of
Washington, Representative GARLAND of Bangor and
Representative BEGLEY of Waldoboro

Submitted by the Department of Professional and
Financial Regulation pursuant to Joint Rule 24.

Which were referred to the Committee on BANKING
AND INSURANCE and ORDERED PRINTED.
Sent down for 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

Presented by Senator WHITMORE of Androscoggin
Cosponsored by Senator ANDREWS of Cumberland,
Representative BAILEY of Farmington and
Representative MAYO of Thomaston
Submitted by the Department of Corrections
pursuant to Joint Rule 24.

Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Correct Liquor License Fees" (Emergency)

S.P. 68 L.D. 56

Presented by Senator DILLENBACK of Cumberland
Cosponsored by Representative HICHBORN of
LaGrange and Representative JALBERT of Lisbon
Submitted by the Department of Finance pursuant
to Joint Rule 24.

Which was referred to the Committee on LEGAL
AFFAIRS and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Provide a Refund of Sales Tax on
Certain Depreciable Machinery and Equipment
Purchases"

S.P. 65 L.D. 48

Presented by Senator TWITCHELL of Oxford
Cosponsored by Representative WALKER of Norway
Which was referred to the Committee on TAXATION
and ORDERED PRINTED.

Sent down for concurrence.

Pursuant to Resolves
SPECIAL COMMISSION ON
EARLY CHILDHOOD DEVELOPMENT
AND EDUCATION

Senator ESTES for the SPECIAL COMMISSION ON EARLY
CHILDHOOD DEVELOPMENT AND EDUCATION, pursuant to
Resolves 1987, Chapter 110, ask leave to submit its
findings and to report that the accompanying Bill "An
Act to Improve the Early Childhood Educational Plans
Grants Program"

S.P. 63 L.D. 46

Be referred to the Joint Standing Committee on
EDUCATION for Public Hearing and printed pursuant to
Joint Rule 18.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on EDUCATION
and ORDERED PRINTED, pursuant to Joint Rule 18.

On motion by Senator PEARSON of Penobscot, the
Senate RECONSIDERED whereby the Bill was referred to
the Committee on EDUCATION and ORDERED PRINTED.

On further motion by same Senator, Tabled 1
Legislative Day, pending REFERENCE.

Pursuant to Resolves
SPECIAL COMMISSION ON
EARLY CHILDHOOD DEVELOPMENT
AND EDUCATION

Senator ESTES for the SPECIAL COMMISSION ON EARLY
CHILDHOOD DEVELOPMENT AND EDUCATION, pursuant to
Resolves 1987, Chapter 110, ask leave to submit its
findings and to report that the accompanying Bill "An
Act to Expand the Head Start Preschool Opportunities
in Maine"

S.P. 64 L.D. 47

Be referred to the Joint Standing Committee on
EDUCATION for Public Hearing and printed pursuant to
Joint Rule 18.

Which Report was READ and ACCEPTED.

On motion by Senator PEARSON of Penobscot, Tabled
1 Legislative Day, pending REFERENCE.

Pursuant to Joint Order
Joint Select Committee on CORRECTIONS

Senator BUSTIN for 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.

Which Report was READ and ACCEPTED.

The Bill referred to the Joint Select Committee
on CORRECTIONS and ORDERED PRINTED, pursuant to Joint
Rule 18.

Sent down for concurrence.

Pursuant to Joint Order

Joint Select Committee on CORRECTIONS

Senator BUSTIN for 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 for Public Hearing and printed pursuant to
Joint Rule 18.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on JUDICIARY
and ORDERED PRINTED, pursuant to Joint Rule 18.

Sent down for concurrence.

Pursuant to Joint Order

Joint Select Committee on CORRECTIONS

Senator BUSTIN for 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.

Which Report was READ and ACCEPTED.

The Resolve referred to the Joint Select
Committee on CORRECTIONS and ORDERED PRINTED,
pursuant to Joint Rule 18.

Sent down for concurrence.

Study Report

Committee on HOUSING AND ECONOMIC DEVELOPMENT

Senator ANDREWS for 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 & 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 the Joint Standing Committee on
HOUSING AND ECONOMIC DEVELOPMENT for Public Hearing
and printed pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on HOUSING AND
ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to
Joint Rule 19.

Sent down for concurrence.

Study Report

Committee on HOUSING AND ECONOMIC DEVELOPMENT
Senator ANDREWS for 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 & 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 the Joint Standing Committee on HOUSING AND ECONOMIC DEVELOPMENT for Public Hearing and printed pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 19.

Sent down for concurrence.

Study Report

Committee on HOUSING AND ECONOMIC DEVELOPMENT
Senator ANDREWS for 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 & 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 the Joint Standing Committee on HOUSING AND ECONOMIC DEVELOPMENT for Public Hearing and printed pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 19.

Sent down for concurrence.

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

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

Which was READ and referred to the Committee on MARINE RESOURCES.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication:
COMMITTEE ON FISHERIES AND WILDLIFE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
January 30, 1989

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

Dear President Pray:

The Joint Standing Committee on Inland Fisheries and Wildlife convened a Public Hearing on the nomination of Frank A. Gross of Cherryfield for appointment to the Inland Fisheries and Wildlife Advisory Council on January 24, 1989.

The Governor nominated Mr. Gross on January 10, 1989.

The Committee is unable to complete its consideration of this nomination within the 20 day statutory period required by 3 MRSA, section 151.

Sincerely,

S/Sen. Edgar E. Erwin S/Rep. Paul F. Jacques
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Amend the Medical Practice Laws" (Emergency)

H.P. 30 L.D. 30

Comes from the House referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, in concurrence.

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

PAPERS FROM THE HOUSE
House Papers

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

H.P. 45 L.D. 58

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

ORDERS OF THE DAY

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

NOMINATION - of Timothy P. Agnew of Yarmouth, Chief Executive Officer of the Finance Authority of Maine.

Tabled - January 31, 1989, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, January 31, 1989, Communication from the Committee on HOUSING AND ECONOMIC DEVELOPMENT, READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on HOUSING AND ECONOMIC DEVELOPMENT has recommended the nomination of Timothy P. Agnew of Yarmouth, for appointment as Chief Executive Officer of the Finance Authority of Maine, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on HOUSING AND ECONOMIC DEVELOPMENT be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
 NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators HOBBS, MATTHEWS
 No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and No Senators having been 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 Timothy P. Agnew, for appointment as Chief Executive Officer of the Finance Authority of Maine, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

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

NOMINATION - of William S. Brodrick of Kennebunkport, Justice of the Maine Superior Court.

Tabled - January 31, 1989, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, January 31, 1989, Communication from the Committee on JUDICIARY, READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of William S. Brodrick of Kennebunkport, for reappointment as Justice of the Maine Superior Court, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on JUDICIARY be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
 NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators HOBBS, MATTHEWS

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and No Senators having been 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 William S. Brodrick, for reappointment as Justice of the Maine Superior Court, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

NOMINATION - of Carl O. Bradford of Yarmouth, Justice of the Maine Superior Court.

Tabled - January 31, 1989, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, January 31, 1989, Communication from the Committee on JUDICIARY, READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Carl O. Bradford of Yarmouth, for reappointment as Justice of the Maine Superior Court, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on JUDICIARY be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
 NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators HOBBS, MATTHEWS

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and No Senators having been

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,