

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
February 2, 1989

Senate called to Order by the President.

Prayer by Reverend James Blanchette of the Capehart Community Church in Bangor.

REVEREND BLANCHETTE: Let us bow our heads. Almighty God, our heavenly Father, we remember this day, Thy promise that wherever two or three are gathered in Thy name, Thou wilt be in the midst of them. We call on Thee this morning as we claim that promise, praying that each one of us may be aware of Thy presence, for Thou knowest our needs and how inadequate we know ourselves to be in the presence of the many challenges of this hour, and the sessions before us. O Lord, with Thy help, if it be Thy will, we shall be better than we are, wiser than we know, and yet stronger than we dare to dream. Hear us, O Lord, in this supplication, for we bring before Thee the Members of this Body, its officers and its servants for Thy blessing; men and women who feel the pinch and sometimes crushing weight of responsibility and the need for divine guidance; men and women who are often sorely tempted and who need the support of Thy constant gift of grace. Grant to them the courage to act boldly, and to do right as Thou hast given them to see the right, and finally, to make it clear to us all, in the name of Jesus Christ and for His sake. Amen.

Reading of the Journal of Tuesday, January 31, 1989.

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

Which was READ and PASSED.

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

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Real Estate Licensure Laws"

H.P. 31 L.D. 31

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.

Bill "An Act to Make Corrections in the Recodification of the Liquor Laws"

H.P. 42 L.D. 53

Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Create a Veterans' Property Tax Exemption Based on Disability"

H.P. 40 L.D. 51

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

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

Bill "An Act to Require Transition Speed Zones Adjacent to School Zones"

H.P. 41 L.D. 52

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

Which was referred to the Committee on TRANSPORTATION 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 Resolve, Creating the Blue Ribbon Commission to Study the Establishment of a Cabinet-level Department of Children within State Government

H.P. 38 L.D. 38

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve referred to the Committee on EDUCATION and ORDERED PRINTED, pursuant to Joint Rule 18, 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 Establish Appropriate Class Size in the Early Elementary Grades"

H.P. 39 L.D. 39

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 ON SPORT FISHERIES

The COMMISSION ON SPORT FISHERIES, pursuant to Resolves 1987, Chapter 39 and 101, ask leave to

submit its findings and to report that the accompanying Bill "An Act Requiring the State to Conduct a Test to Determine Whether Large Freshwater Salmonids can be Grown in the State's Estuarine Waters" (Emergency)

H.P. 21 L.D. 16

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 MARINE RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

Pursuant to Public Law
Committee on TRANSPORTATION

The Committee on TRANSPORTATION, pursuant to Public Law 1987, Chapter 793, ask leave to submit its findings and to report that the accompanying Bill "An Act to Remove Inequities in the Truck Weight Laws"

H.P. 34 L.D. 34

Be referred to the Joint Standing Committee on TRANSPORTATION 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 TRANSPORTATION and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

Pursuant to Public Law
Committee on TRANSPORTATION

The Committee on TRANSPORTATION, pursuant to Public Law 1987, Chapter 793, ask leave to submit its findings and to report that the accompanying Bill "An Act to Improve Compliance with Truck Weight Limits"

H.P. 36 L.D. 36

Be referred to the Joint Standing Committee on TRANSPORTATION 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 TRANSPORTATION and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

Pursuant to Private and Special Laws
MAINE INFORMATION COMMISSION
ON AGENT ORANGE AND RADIATION

The MAINE INFORMATION COMMISSION ON AGENT ORANGE AND RADIATION, pursuant to P&SL 1987, Chapter 129, ask leave to submit its findings and to report that the accompanying Bill "An Act to Authorize the Bureau of Veterans' Services to Provide Assistance to Vietnam Veterans"

H.P. 33 L.D. 33

Be referred to the Joint Standing Committee on AGING, RETIREMENT AND VETERANS 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 AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Pursuant to Private and Special Laws
MAINE INFORMATION COMMISSION
ON AGENT ORANGE AND RADIATION

The MAINE INFORMATION COMMISSION ON AGENT ORANGE AND RADIATION, pursuant to P&SL 1987, Chapter 129, ask leave to submit its findings and to report that the accompanying Resolve, Reestablishing the Maine Information Commission on Agent Orange and Radiation (Emergency)

H.P. 44 L.D. 55

Be referred to the Joint Standing Committee on AGING, RETIREMENT AND VETERANS for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Resolve referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Pursuant to Private and Special Laws
Committee on BANKING AND INSURANCE

The Committee on BANKING AND INSURANCE, pursuant to P&SL 1987, Chapter 122, ask leave to submit its findings and to report that the accompanying Bill "An Act Providing for a Report on the Availability of Insurance and Level of Competition within the Insurance Industry in Maine and a Report on Insurance Rating Organizations in Maine"

H.P. 37 L.D. 37

Be referred to the Joint Standing Committee on BANKING AND INSURANCE 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 BANKING AND INSURANCE and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

Study Report
SUBCOMMITTEE TO STUDY THE NECESSITY
AND FEASIBILITY OF ESTABLISHING
A HEALTH INFORMATION RECORDING SYSTEM

Report of the SUBCOMMITTEE TO STUDY THE NECESSITY AND FEASIBILITY OF ESTABLISHING A HEALTH INFORMATION RECORDING SYSTEM to which was referred by the Legislative Council the Study Relative to Necessity & Feasibility of Establishing a Health Information Record System have had the same under consideration and ask leave to submit its findings and to report

that the accompanying Bill "An Act Relating to the Collection of Specified Health Care Information"

H.P. 32 L.D. 32

Be referred to the Joint Standing Committee on HUMAN RESOURCES 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 HUMAN RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 46
STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333

January 25, 1989

Honorable John L. Martin
Speaker of the House
114th Maine State Legislature
State House
Augusta, Maine 04333

Dear Mr. Speaker:

In accordance with the provisions of Title 30, Section 253 of the Revised Statutes, as amended, I have the honor to transmit herewith the budget estimates of expenses of the counties within the State for the year 1989.

They are as follows:

- Androscoggin
- Aroostook
- Franklin
- Hancock
- Kennebec
- Knox
- Lincoln
- Oxford
- Penobscot
- Piscataquis
- Sagadahoc
- Somerset
- Waldo
- Washington
- York

Respectfully,
S/G. William Diamond
Secretary of State

Comes from the House READ and referred to the Committee on STATE AND LOCAL GOVERNMENT.

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT, in concurrence.

The Following Communication:
114TH MAINE LEGISLATURE
January 20, 1989

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

Dear Mr. Chief Justice:

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

Please let us know if this is convenient for you.

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

Speaker of the House
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
SUPREME JUDICIAL COURT
PORTLAND, MAINE 04112

January 27, 1989

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

Dear Mr. President:

I and my colleagues of the judiciary are always pleased to have your invitation for me to deliver our annual report to the Joint Convention of the Legislature. We will be there at 11:00 a.m. on Tuesday, February 7.

With all best wishes,

Sincerely,
S/Vincent L. McKusick

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON TAXATION
ONE HUNDRED AND FOURTEENTH LEGISLATURE

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,
S/Thomas H. Andrews
Senate Chair
S/John A. Cashman
House Chair

Which was READ and 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/Wilnot Robinson
Vice Chairman

Which was READ and with Accompanying Papers
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

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

Senate at Ease

Senate called to order by the President.

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

ORDERS
Joint Resolution

On motion by Senator CLARK of Cumberland (Cosponsored by: Representative CLARK of Brunswick, Representative PRIEST of Brunswick, Representative RYDELL of Brunswick) 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 Pejepscoot 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.

Which was READ and ADOPTED.

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

The Following Communication:

COMMITTEE ON JUDICIARY
ONE HUNDRED AND FOURTEENTH LEGISLATURE
January 31, 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 Bernard C. Staples of Bar Harbor, for appointment as Judge of the Maine District 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 9

NAYS: 0

ABSENT: 2 Sen. Holloway of Lincoln,
Rep. Richards of Hampden

Eleven 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 Bernard

C. Staples of Bar Harbor, for appointment as Judge of the Maine District Court be confirmed.

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Bernard C. Staples of Bar Harbor, for appointment as Judge of the Maine District 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?

At this time, the Chair noted the absence of the Senator from York, Senator DUTREMBLE and further excused the same Senator from today's Roll Call votes.

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, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None
EXCUSED: Senator DUTREMBLE

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent, and 1 Senator 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 Bernard C. Staples, for appointment as Judge of the Maine District Court, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
COMMITTEE ON JUDICIARY
ONE HUNDRED AND FOURTEENTH LEGISLATURE
January 31, 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 Ellen A. Gorman of Cumberland, for appointment as Judge-at-Large of the Maine District 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 9

NAYS: 0

ABSENT: 2 Sen. Holloway of Lincoln, Rep. Hastings of Fryeburg

Eleven 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 Ellen A. Gorman of Cumberland, for appointment as Judge-at-Large of the Maine District Court be confirmed.

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Ellen A. Gorman of Cumberland, for appointment as Judge-at-Large of the Maine District 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, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None
EXCUSED: Senator DUTREMBLE

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent, and 1 Senator 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 Ellen A. Gorman, for appointment as Judge-at-Large of the Maine District Court, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
COMMITTEE ON MARINE RESOURCES

ONE HUNDRED AND FOURTEENTH LEGISLATURE
January 26, 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 Marine Resources has had under consideration the nomination of David B. Turner of Eastport, for reappointment to the Marine Resources Advisory Council.

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. Ruhlin of Brewer

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 David B. Turner of Eastport, for reappointment to the Marine Resources Advisory Council be confirmed.

Sincerely,

S/ Joseph C. Brannigan
Senate Chair

S/ James Mitchell
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on MARINE RESOURCES has recommended the nomination of David B. Turner of Eastport, for reappointment to the Marine Resources Advisory Council, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on MARINE RESOURCES 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, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

EXCUSED: Senator DUTREMBLE

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent, and 1 Senator 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 David B. Turner, for reappointment to the Marine Resources Advisory Council, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for Private, Individual Sewerage Facilities Construction"

S.P. 73 L.D. 63

Presented by Senator HOLLOWAY of Lincoln
Cosponsored by President PRAY of Penobscot and Speaker MARTIN of Eagle Lake

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Facilitate the Collection of Educational and Professional Loans"

S.P. 79 L.D. 69

Presented by Senator GILL of Cumberland
Cosponsored by Senator ESTES of York, Representative REED of Falmouth and Representative O'GARA of Westbrook
Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.

Committee on EDUCATION suggested and ORDERED PRINTED.

On motion by Senator TWITCHELL of Oxford, referred to the Committee on TAXATION and ORDERED PRINTED.

Sent down for concurrence.

Resolve, Authorizing the Director of Parks and Recreation to Convey by Deed the Interests of the State in Certain Unlocated Rights-of-way

S.P. 77 L.D. 67

Presented by Senator KANY of Kennebec
Cosponsored by Representative NORTON of Winthrop
Submitted by the Department of Conservation pursuant to Joint Rule 24.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Adopt New Life Safety Requirements for Adult Boarding Care Facilities"

S.P. 76 L.D. 66

Presented by Senator CARPENTER of York
Cosponsored by Senator GAUVREAU of Androscoggin, Representative FOSS of Yarmouth and Representative CARROLL of Gray
Submitted by the Department of Human Services pursuant to Joint Rule 24.

Bill "An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Prior Owners of Boarding and Nursing Homes"

S.P. 87 L.D. 89

Presented by Senator RANDALL of Washington
Cosponsored by Senator BERUBE of Androscoggin and Representative FOSTER of Ellsworth
Submitted by the Department of Human Services pursuant to Joint Rule 24.

Which were referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Clarify the Law Authorizing the Use of Warning Devices on Department of Corrections' Vehicles"

S.P. 74 L.D. 64

Presented by Senator GILL of Cumberland
Cosponsored by Senator BRANNIGAN of Cumberland,
Representative GREENLAW of Standish and
Representative CARROLL of Gray
Submitted by the Department of Corrections
pursuant to Joint Rule 24.

Committee on LEGAL AFFAIRS suggested and ORDERED
PRINTED.

On motion by Senator CLARK of Cumberland,
referred to the Committee on TRANSPORTATION and
ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Delay Implementation of the 1989
Increase in Minimum Lobster Size" (Emergency)

S.P. 85 L.D. 85

Presented by Senator ESTES of York

Which was referred to the Committee on MARINE
RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Resolve, Authorizing the Director of Parks and
Recreation to Convey by Deed the Interest of the
State in Certain Parcels of Real Property

S.P. 78 L.D. 68

Presented by Senator BRAWN of Knox
Cosponsored by Representative WHITCOMB of Waldo,
Representative HICHBORN of LaGrange and Senator
PEARSON of Penobscot

Submitted by the Department of Conservation
pursuant to Joint Rule 24.

Which was referred to the Committee on STATE AND
LOCAL GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Make Minor Changes in the Motor
Vehicle Laws"

S.P. 75 L.D. 65

Presented by Senator GOULD of Waldo
Cosponsored by Senator THERIAULT of Aroostook,
Representative MACOMBER of South Portland and
Representative STROUT of Corinth

Submitted by the Department of Public Safety
pursuant to Joint Rule 24.

Which was referred to the Committee on
TRANSPORTATION and ORDERED PRINTED.

Sent down for concurrence.

Pursuant to Resolves
SPECIAL COMMISSION ON BOATING

Senator ERWIN for the SPECIAL COMMISSION ON
BOATING, pursuant to Resolves 1987, Chapter 111, ask
leave to submit its findings and to report that the
accompanying Bill "An Act to Amend the Laws Governing
the Operation of a Watercraft While Under the
Influence"

S.P. 84 L.D. 84

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

Which Report was READ and ACCEPTED.

On motion by Senator CLARK of Cumberland, Tabled
1 Legislative Day, pending REFERENCE.

Pursuant to Public Law
SPECIAL COMMISSION TO STUDY
SCHOOL FUNDING AND STATE TAX LAW
Senator BOST for the SPECIAL COMMISSION TO STUDY
SCHOOL FUNDING AND STATE TAX LAW, pursuant to Public

Law 1987, Chapter 848, ask leave to submit its
findings and to report that the accompanying Bill "An
Act to Increase the State's Percentage Share in the
Education Subsidy Formula to 60%"

S.P. 80 L.D. 81

Be referred to the Joint Standing Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS for Public
Hearing and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED.

On motion by Senator CLARK of Cumberland, Tabled
1 Legislative Day, pending REFERENCE.

Pursuant to Public Law
SPECIAL COMMISSION TO STUDY
SCHOOL FUNDING AND STATE TAX LAW

Senator BOST for the SPECIAL COMMISSION TO STUDY
SCHOOL FUNDING AND STATE TAX LAW, pursuant to Public
Law 1987, Chapter 848, ask leave to submit its
findings and to report that the accompanying Bill "An
Act to Fund the Cost of the Salaries for
Professionals in New or Expanded Special Education or
Gifted and Talented Programs on a One-year Basis"
(Emergency)

S.P. 81 L.D. 82

Be referred to the Joint Standing Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS for Public
Hearing and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED.

On motion by Senator CLARK of Cumberland, Tabled
1 Legislative Day, pending REFERENCE.

Pursuant to Public Law
SPECIAL COMMISSION TO STUDY
SCHOOL FUNDING AND STATE TAX LAW

Senator ESTES for the SPECIAL COMMISSION TO STUDY
SCHOOL FUNDING AND STATE TAX LAW, pursuant to Public
Law 1987, Chapter 848, ask leave to submit its
findings and to report that the accompanying Bill "An
Act to Move Certain Minor Capital Costs from the
Operating Allocation to the Debt Service Allocation
under the School Finance Act of 1985" (Emergency)

S.P. 82 L.D. 83

Be referred to the Joint Standing Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS for Public
Hearing and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED.

On motion by Senator CLARK of Cumberland, Tabled
1 Legislative Day, pending REFERENCE.

Pursuant to Private and Special Laws
COMMISSION ON MANUFACTURED HOUSING

Senator BALDACCI for the COMMISSION ON
MANUFACTURED HOUSING, pursuant to P&SL 1987, Chapter
139, ask leave to submit its findings and to report
that the accompanying Resolve, to Direct the
Manufactured Housing Board to Provide Information to
Purchasers of Manufactured Housing

S.P. 70 L.D. 59

Be referred to the Joint Standing Committee on
HOUSING AND ECONOMIC DEVELOPMENT for Public Hearing
and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED.

The Resolve referred to the Joint Standing
Committee on HOUSING AND ECONOMIC DEVELOPMENT and
ORDERED PRINTED, pursuant to Joint Rule 18.

Sent down for concurrence.

Pursuant to Private and Special Laws
COMMISSION ON MANUFACTURED HOUSING

Senator BALDACCI for the COMMISSION ON MANUFACTURED HOUSING, pursuant to P&SL 1987, Chapter 139, ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Interim Recommendations of the Manufactured Housing Commission"

S.P. 71 L.D. 60

Be referred to the Joint Standing Committee on HOUSING AND ECONOMIC DEVELOPMENT for Public Hearing and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED.

The Bill referred to the Joint Standing Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 18.

Sent down for concurrence.

Off Record Remarks

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

PAPERS FROM THE HOUSE
Joint Resolution

The Following Joint Resolution: H.P. 66

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.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Improve the Early Childhood Educational Plans Grants Program"

S.P. 63 L.D. 46

Tabled - January 31, 1989, by Senator PEARSON of Penobscot.

Pending - REFERENCE

(In Senate, January 31, 1989, Report of the Special Commission on Early Childhood Development and Education READ and ACCEPTED, the Bill referred to the Committee on EDUCATION. Subsequently, RECONSIDERED reference.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending REFERENCE.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Expand the Head Start Preschool Opportunities in Maine"

S.P. 64 L.D. 47

Tabled - January 31, 1989, by Senator PEARSON of Penobscot.

Pending - REFERENCE

(In Senate, January 31, 1989, Report of the Special Commission on Early Childhood Development and Education READ and ACCEPTED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending REFERENCE.

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator TITCOMB of Cumberland, ADJOURNED until Tuesday, February 7, 1989 at 10:00 in the morning.