

# 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  
Tuesday  
February 7, 1989

Senate called to Order by the President.

Prayer by Pastor Harold Carpenter of the Winter Street Baptist Church in Gardiner.

PASTOR CARPENTER: Gracious and eternal God, we come into Your presence this morning by the avenue of prayer. We thank You for the opportunity to commune with You at the beginning of this Session. You have called, by election, these men and women from across this great State to be in this Chamber and to represent their constituents. We thank You for this great land in which we live and You have commanded in Your word that we are to pray for those who govern; those who are in authority over us. We would ask a very special insight from You to them into the affairs which concern them and the people they represent. I would pray, Lord, that as they deliberate and make decisions and vote that it would be done not only by their own investigation, their own deliberation, the concern of their people and that also they would seek that wisdom which comes from above. We thank You for Your providence. We thank You for Your blessing upon this great State. We thank You for even the problems which concern those who legislate for if we had no problems we would not even be here to talk together and to seek Your face. So, watch over this Body elected to the Senate, give them the wisdom and discretion they need for the families which they represent and the concerns of their lives. I ask too that You might bless them, give them success in all that they do. We would ask this and much more in the name of our Lord and Saviour, Jesus Christ. Amen.

Reading of the Journal of Thursday, February 2, 1989.

Out of order and under suspension of the Rules, on motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both Branches in the Hall of the House at 11:00 in the morning, for the purpose of extending to the Honorable Vincent L. McKusick, Chief Justice of the Maine Supreme Judicial Court, and Members of the Judiciary an invitation to attend the Convention and make such communication as pleases him.

Which was READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator CLARK, to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, Senator CLARK of Cumberland reported she had delivered the message with which she was charged.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Joint Order - recognizing Bertram Snow  
SLS 20

In Senate, January 19, 1989, READ and PASSED.

Comes from the House INDEFINITELY POSTPONED in  
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Make Additional Allocations for Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance, for the Fiscal Year Ending June 30, 1989" (Emergency)

H.P. 62 L.D. 86

Bill "An Act to Make Additional Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Year Ending June 30, 1989" (Emergency)

H.P. 64 L.D. 88

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

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Provide Rest Breaks for Certain Persons Exempted from the Minimum Wage Law"

H.P. 53 L.D. 74

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

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

Resolve, Authorizing Lorraine Gray to Bring a Civil Action Against the State of Maine and Individual Past and Present Employees of the Department of Human Services

H.P. 54 L.D. 75

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

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 Establish the Position of County Administrator for Androscoggin County"

H.P. 50 L.D. 71

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

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

Bill "An Act to Amend the Sales Tax Exemption for Out-of-State Residents Purchasing Trailers in Maine"

H.P. 63 L.D. 87

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 Increase the Motor Vehicle Inspection Fees"

H.P. 49 L.D. 70

Bill "An Act to Extend the Reporting Deadline on the Casco Bay Ferry Service Study" (Emergency)

H.P. 51 L.D. 72

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

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

Pursuant to Resolves

SPECIAL COMMISSION ON BOATING

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 Regulate Personal Watercraft"

H.P. 55 L.D. 76

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

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.

Pursuant to Resolves  
SPECIAL COMMISSION ON BOATING

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 Prohibit the Use of Personal Watercraft"

H.P. 56 L.D. 77

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

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.

Pursuant to Resolves  
SPECIAL COMMISSION ON BOATING

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 Concerning the Operation of Watercraft"

H.P. 57 L.D. 78

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

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.

Pursuant to Resolves  
SPECIAL COMMISSION ON BOATING

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 Concerning the Safe and Responsible Operation of Watercraft"

H.P. 58 L.D. 79

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

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.

Pursuant to Resolves  
SPECIAL COMMISSION ON BOATING

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 Concerning Boating and Other Water-based Activities"

H.P. 59 L.D. 80

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

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.

At this point, a message was received from the House of Representatives, borne by Representative GWADOSKY of Fairfield, informing the Senate that the House of Representatives Concurs with the proposition for a Joint Convention, to be held in the Hall of the House, at 11:00 in the morning, for the purpose of extending to the Honorable Vincent L. McKusick, Chief Justice of the Maine Supreme Judicial Court, and Members of the Judiciary an invitation to attend the Convention and make such communication as pleases him.

Joint Resolutions

The Following Joint Resolution: H.P. 60

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

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

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

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

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

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

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

Comes from the House READ and ADOPTED.  
Which was READ and ADOPTED, in concurrence.

The Following Joint Resolution: H.P. 61  
JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO MANDATE THAT THE UNITED STATES VETERANS ADMINISTRATION MAKE TESTS AVAILABLE TO VIETNAM-ERA VETERANS WHICH MEASURE THE AMOUNT OF DIOXIN IN AN INDIVIDUAL

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

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

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

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

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

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

Comes from the House READ and ADOPTED.  
Which was READ and ADOPTED, in concurrence.

The Following Joint Resolution: H.P. 65  
JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO EXEMPT FUNDS AWARDED TO VIETNAM VETERANS FROM THE CLASS ACTION SUIT AGAINST DOW CHEMICAL CORPORATION FROM THE DETERMINATION OF ELIGIBILITY FOR FEDERALLY ESTABLISHED PUBLIC ASSISTANCE PROGRAMS

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

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

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

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

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

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

Comes from the House READ and ADOPTED.  
Which was READ and ADOPTED, in concurrence.

#### COMMUNICATIONS

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

February 2, 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 38, I have appointed the following individuals to serve on the Committee on Conduct and Ethics:

Senator Joseph C. Brannigan, Chair  
Senator Barry J. Hobbins  
Senator Michael D. Pearson  
Senator Margaret G. Ludwig  
Senator R. Peter Whitmore

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

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
COMMITTEE ON STATE AND LOCAL GOVERNMENT  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
February 3, 1989

The Honorable Charles P. Pray  
President of the Maine Senate  
114th Legislature  
The Honorable John L. Martin  
Speaker of the Maine House  
114th Legislature

Dear President Pray and Speaker Martin:

We are pleased to inform you that all county delegations to the 114th Legislature have organized with choice of chairpersons.

County delegation chairpersons are as follows:  
ANDROSCOGGIN Senator N. Paul Gauvreau  
AROSTOOK Representative John L. Martin  
CUMBERLAND Representative Donnell P. Carroll  
FRANKLIN Representative Richard H. C. Tracy  
HANCOCK Senator Thomas R. Perkins

KENNEBEC Representative Ruth C. Joseph  
 KNOX Representative Carol M. Allen  
 LINCOLN Representative Marge L. Kilkelly  
 OXFORD Representative Phyllis R. Erwin  
 PENOBSBOT Representative Thomas A. Duffy  
 PISCATAQUIS Representative Richard A. Gould  
 SAGADAHOOC Representative Reed Coles  
 SOMERSET Representative Dorothy A. Rotondi  
 WALDO Representative Walter E. Whitcomb  
 WASHINGTON Senator Edwin C. Randall  
 YORK Representative Vinton T. Ridley  
 S/Georgette B. Berube S/Ruth C. Joseph  
 Senate Chair House Chair  
 Which was READ and ORDERED PLACED ON FILE.

STATE HOUSE STATION 59  
 AUGUSTA, MAINE 04333  
 January 31, 1989

The Honorable Charles P. Pray  
 President of the Senate  
 State House Station #3  
 Augusta, Maine 04333  
 The Honorable John L. Martin  
 Speaker of the House  
 State House Station #2  
 Augusta, Maine 04333

Dear President Pray and Speaker Martin:

It is my pleasure to present the Department of Economic and Community Development's first biennial report, prepared to satisfy the requirements set forth in 5 MRSA section 13058. This report reflects the emphasis which has been placed on economic and community development activities in the State of Maine over the past two years. It chronicles the inception, endorsement and implementation of a new consolidated delivery approach to Maine's business and municipal communities.

The report highlights the programs within the Department of Economic and Community Development. Although the new Department of Economic and Community Development was not created until October 1987, it absorbed many existing programs, whose performance is reported over a two year period (January 1987 through December 1988). The integration of new and existing programs was a goal identified by the Legislature and addressed in the establishment of the Department. These programs' achievements reflect that commitment to quality services and program delivery.

I would welcome the opportunity to discuss the report with you at your convenience.

Sincerely,  
 S/Nathaniel H. Bowditch  
 Commissioner

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

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

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

RE: Report of Small Claim to Legislature

Dear Senator Pray:

Herewith is Report of Small Claims which were received in this office during 1988 and which is being submitted to you for your information and records in accordance with Title 5 M.R.S.A., Section 1510-A, Subsection 8.

A similar report is also being submitted to the Honorable John L. Martin, Speaker of the House, and if you or your staff should have any questions in connection with this report, please communicate with this office.

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

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

The Following Communication:  
 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION  
 BUREAU OF INSURANCE  
 STATE HOUSE STATION 34  
 AUGUSTA, MAINE 04333

February 1, 1989  
 The Honorable Charles P. Pray  
 President of the Senate  
 State House Station 3  
 Augusta, Maine 04333

Dear Senator Pray:

Attached are copies of reports delivered to your office on this date. These reports are as follows:

Report of the Superintendent of Insurance on the Lack of Availability of Coverage in Any Line of Insurance for the Year 1988. Pursuant to Public Law Chapter 627.

Report of the Superintendent of Insurance on Workers' Compensation Service Carriers and Servicing Fees for the Year 1988. Pursuant to Public Law Chapter 559, page 18.

Report of the Superintendent of Insurance on Mandatory Rating Threshold for the Year 1988. Pursuant to Public Law Chapter 559, page 19.

Report of the Superintendent of Insurance on Merit Rating for the Year 1988. Pursuant to Public Law Chapter 559, page 14.

Report of the Superintendent of Insurance on the Feasibility of Including Self-Insurers in "Fresh Start" for the Year 1988. Pursuant to Public Law Chapter 559, page 24.

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

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

Dear President Pray:

We are pleased to submit the 1988 Annual Report for the Forest for the Future Program and the Citizens' Forestry Advisory Council. The Forest for the Future Program was established to study the future supply of forest resources and to address important forestry issues. This report is submitted pursuant to Public Law 1985, Chapter 488.

We look forward to continuing to work with you on these important matters.

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

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

The Following Communication:  
 DEPARTMENT OF  
 ECONOMIC AND COMMUNITY DEVELOPMENT

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

Sincerely,  
S/ Joseph A. Edwards  
Superintendent

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

The Following Communication:  
COMMITTEE ON AGING, RETIREMENT AND VETERANS  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
February 2, 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 Aging, Retirement and Veterans has had under consideration the nomination of Jon A. Lund of Hallowell, for reappointment to the Board of Trustees, Maine State Retirement System.

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 8  
NAYS: 0  
ABSENT: 2 Rep. Dutremble of Biddeford,  
Rep. Dellert of Gardiner

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 Jon A. Lund of Hallowell, for reappointment to the Board of Trustees, Maine State Retirement System be confirmed.

Sincerely,

S/Bonnie L. Titcomb S/Daniel B. Hickey  
Senate Chair 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 AGING, RETIREMENT AND VETERANS  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
February 2, 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 Aging, Retirement and Veterans has had under consideration the nomination of William J. Deering of Bangor, for appointment to the Board of Trustees, Maine State Retirement System.

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 8  
NAYS: 0  
ABSENT: 2 Rep. Dutremble of Biddeford,

Rep. Dellert of Gardiner

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 William J. Deering of Bangor, for appointment to the Board of Trustees, Maine State Retirement System be confirmed.

Sincerely,

S/Bonnie L. Titcomb S/Daniel B. Hickey  
Senate Chair 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.

SENATE PAPERS

Resolve, to Establish the Commission to Study a Workers' Compensation State Fund

S.P. 89 L.D. 94

Presented by Senator THERIAULT of Aroostook  
Cosponsored by Representative RYDELL of Brunswick and Representative FARNUM of South Berwick  
Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Provide a Secure Treatment Facility at the Maine Youth Center"

S.P. 90 L.D. 95

Presented by Senator GILL of Cumberland  
Cosponsored by Senator BRANNIGAN of Cumberland, Representative ANTHONY of South Portland and Representative MANNING of Portland  
Which was referred to the Committee on Joint Select Committee on CORRECTIONS and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Require the Department of Human Services to Investigate Zero Discharge Systems" (Emergency)

S.P. 88 L.D. 90

Presented by Senator HOLLOWAY of Lincoln  
Cosponsored by Representative MITCHELL of Freeport, Representative COLES of Harpswell and Senator CAHILL of Sagadahoc  
Bill "An Act to Discontinue the State Park Campsite Reservation System"

S.P. 92 L.D. 97

Presented by Senator BRAWN of Knox (BY REQUEST)  
Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Amend the Law Regarding the Name of the Division of Eye Care"

S.P. 95 L.D. 100

Presented by Senator GILL of Cumberland  
Cosponsored by Senator GAUVREAU of Androscoggin, Representative DELLERT of Gardiner and Representative FARNSWORTH of Hallowell  
Submitted by the Department of Human Services pursuant to Joint Rule 24.  
Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Equalize Liquor Prices"

S.P. 91 L.D. 96

Presented by Senator THERIAULT of Aroostook

Cosponsored by Representative MARTIN of Van Buren, Representative BELL of Caribou and Senator COLLINS of Aroostook  
 Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.  
 Sent down for concurrence.

Bill "An Act to Provide an Income Tax Checkoff to Support the United States Olympic Team"

S.P. 93 L.D. 98

Presented by Senator HOLLOWAY of Lincoln  
 Cosponsored by Representative DORE of Auburn, Senator EMERSON of Penobscot and Representative SEAVEY of Kennebunkport

Bill "An Act to Provide a Sales Tax Exemption for Materials Purchased by Certain Religious Institutions"

S.P. 94 L.D. 99

Presented by Senator HOLLOWAY of Lincoln  
 Cosponsored by Representative KILKELLY of Wiscasset, Representative SEAVEY of Kennebunkport and Senator WEYMOUTH of Kennebec  
 Which were referred to the Committee on TAXATION and ORDERED PRINTED.  
 Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Amend the Laws Governing the Operation of a Watercraft While Under the Influence"

S.P. 84 L.D. 84

Tabled - February 2, 1989, by Senator CLARK of Cumberland.

Pending - REFERENCE  
 (Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.)

(In Senate, February 2, 1989, Report of the Special Commission on Boating READ and ACCEPTED.)

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 Increase the State's Percentage Share in the Education Subsidy Formula to 60%"

S.P. 80 L.D. 81

Tabled - February 2, 1989, by Senator CLARK of Cumberland.

Pending - REFERENCE  
 (Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.)

(In Senate, February 2, 1989, Report of the Special Commission to Study School Funding and State Tax Law READ and ACCEPTED.)

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

Sent down for concurrence.

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

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

Tabled - February 2, 1989, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.)

(In Senate, February 2, 1989, Report of the Special Commission to Study School Funding and State Tax Law READ and ACCEPTED.)

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

Sent down for concurrence.

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

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

Tabled - February 2, 1989, by Senator CLARK of Cumberland.

Pending - REFERENCE  
 (Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.)

(In Senate, February 2, 1989, Report of the Special Commission to Study School Funding and State Tax Law READ and ACCEPTED.)

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

Sent down for concurrence.

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 - February 2, 1989, by Senator CLARK of Cumberland.

Pending - REFERENCE  
 (Committee on EDUCATION suggested and ORDERED PRINTED.)

(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, referred to the Committee on EDUCATION and ORDERED PRINTED.

Sent down for concurrence.

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 - February 2, 1989, by Senator CLARK of Cumberland.

Pending - REFERENCE  
 (Committee on EDUCATION suggested and ORDERED PRINTED.)

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

Senator CLARK of Cumberland moved that the Bill be referred to the Committee on EDUCATION and ORDERED PRINTED.

Subsequently, the same Senator requested and received Leave of the Senate to withdraw her motion to refer the Bill to the Committee on EDUCATION.



On further motion by same Senator, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.  
Sent down for concurrence.

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

NOMINATION - of Jon A. Lund of Hallowell, Board of Trustees, Maine State Retirement System.

Tabled - February 7, 1989, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, February 7, 1989, Communication from Committee on AGING, RETIREMENT AND VETERANS, READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on AGING, RETIREMENT AND VETERANS has recommended the nomination of Jon A. Lund of Hallowell, for reappointment to the Board of Trustees, Maine Retirement System, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGING, RETIREMENT AND VETERANS 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, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators WHITMORE

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, 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 Jon A. Lund, for reappointment to the Board of Trustees, Maine State Retirement System, 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 William J. Deering of Bangor, Board of Trustees, Maine State Retirement System.

Tabled - February 7, 1989, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, February 7, 1989, Communication from Committee on AGING, RETIREMENT AND VETERANS, READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on AGING, RETIREMENT AND VETERANS has recommended the nomination of William J. Deering of Bangor, for appointment to the Board of Trustees, Maine Retirement System, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGING, RETIREMENT AND VETERANS 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, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators WHITMORE

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, 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 J. Deering, for appointment to the Board of Trustees, Maine State Retirement System, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Senate at Ease

Senate called to order by the President.

On motion by Senator HOBBS of York, RECESSED until 10:50 this morning.

After Recess

Senate called to order by the President.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

AFTER CONVENTION

IN SENATE

Senate called to order by the President.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Medical Practice Laws" (Emergency)

H.P. 30 L.D. 30

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Bill READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

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

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator GAUVREAU of Androscoggin, ADJOURNED until Thursday, February 9, 1989, at 4:00 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
13th Legislative Day  
Thursday, February 9, 1989

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

Prayer by Reverend Jonathan Appleyard, Saint Paul's Episcopal Church, Brunswick.

The Journal of Tuesday, February 7, 1989, was read and approved.

Quorum call was held.

SENATE PAPERS

(1-1) The following Communication:  
Maine State Senate  
Augusta, Maine 04333

February 7, 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 Aging, Retirement and Veterans, the Governor's nominations of William J. Deering of Bangor for appointment and Jon A. Lund of Hallowell for reappointment to the Maine State Retirement Board of Trustees.

William J. Deering is replacing Fred Kenney.

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

Was read and ordered placed on file.

(1-2) Resolve, to Establish the Commission to Study a Workers' Compensation State Fund (S.P. 89) (L.D. 94)

Comes from the Senate, referred to the Committee on Banking and Insurance and Ordered Printed.

Was referred to the Committee on Banking and Insurance in concurrence.

(1-3) Bill "An Act to Provide a Secure Treatment Facility at the Maine Youth Center" (S.P. 90) (L.D. 95)

Comes from the Senate, referred to the Joint Select Committee on Corrections and Ordered Printed.

Was referred to the Joint Select Committee on Corrections in concurrence.

(1-4) Bill "An Act to Require the Department of Human Services to Investigate Zero Discharge Systems" (Emergency) (S.P. 88) (L.D. 90)

(1-5) Bill "An Act to Discontinue the State Park Campsite Reservation System" (S.P. 92) (L.D. 97)

Come from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Were referred to the Committee on Energy and Natural Resources in concurrence.

(1-6) Bill "An Act to Amend the Law Regarding the Name of the Division of Eye Care" (S.P. 95) (L.D. 100)

Comes from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Was referred to the Committee on Human Resources in concurrence.