

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Fourteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME IV**

**FIRST SPECIAL SESSION**  
August 21, 1989 to August 22, 1989  
Index

**FIRST CONFIRMATION SESSION**  
October 30, 1989  
Index

**SECOND CONFIRMATION SESSION**  
December 12, 1989  
Index

**SECOND REGULAR SESSION**  
January 3, 1990 to March 19, 1990

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

In Senate Chamber  
Monday  
January 29, 1990

Senate called to Order by the President.

Prayer by the Honorable Edgar E. Erwin of Oxford.  
HONORABLE EDGAR E. ERWIN: Let us pray. Our Father, may Thy spirit be upon us today. Assist us to act justly and to walk humbly with Thee. Guide us in the responsibilities of leadership and service to the people of the great and wonderful state of Maine. Grant us wisdom and understanding in making decisions on the issues that we face today. May we be mindful of our capabilities and our limitations as we attend to the needs and concerns of those we represent. May all of us be dedicated to the sacred trust place in us and always discharge it faithfully. May the pursuit of common aims bind the membership together in genuine and warm companionship. Let harmony and good prevail. Amen.

Reading of the Journal of Friday, January 26, 1990.

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

S.P. 883  
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Thursday, February 1, 1990, at 10 o'clock in the morning. Which was READ and PASSED.  
Under suspension of the Rules, ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE  
House Papers

Bill "An Act Concerning Emergency Needs of Developmentally Disabled Persons and Mentally Retarded Persons"

H.P. 1618 L.D. 2240  
Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

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

Bill "An Act to Reclassify Surface Waters of the State"

H.P. 1622 L.D. 2244  
Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

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

Bill "An Act to Amend Certain Provisions of the Fish and Wildlife Laws" (Emergency)

H.P. 1621 L.D. 2243  
Comes from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act Providing for the 1990 Amendments to the Finance Authority of Maine Act"

H.P. 1619 L.D. 2241  
Comes from the House referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED. Which was referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Provide Greater Compliance with General Assistance Laws"

H.P. 1617 L.D. 2239  
Comes from the House referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED. Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Implement Changes for the Deferred Collection of Homestead Property Taxes"

H.P. 1620 L.D. 2242  
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.

Off Record Remarks

COMMUNICATIONS

The Following Communication: H.P. 1623  
UNIVERSITY OF MAINE  
BUREAU OF PUBLIC ADMINISTRATION  
THE ROGER CLAPP GREENHOUSES  
ORONO, MAINE 04469-0127  
January 23, 1990

Mr. Ed Pert  
Clerk of the House  
State House Station #2  
Augusta, ME 04333  
Dear Clerk Pert:

Enclosed please find the 1989 Maine State Government Internship Report.

Sincerely,  
S/Nancy Toombs  
Administrative Assistant

Comes from the House READ and with Accompanying Papers ORDERED PLACED ON FILE. Which was READ and with Accompanying Papers ORDERED PLACED ON FILE, in concurrence.

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

SENATE PAPERS

Bill "An Act Concerning the Discontinuance and Replacement of Group Health Insurance"

S.P. 880 L.D. 2250  
Presented by Senator COLLINS of Aroostook  
Cosponsored by Representative DONALD of Buxton, Senator THERIAULT of Aroostook and Representative ALLEN of Washington  
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.  
Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Bill "An Act to Provide for Wider Production of Certain Deer for Food"

S.P. 881 L.D. 2251  
Presented by Senator EMERSON of Penobscot

Cosponsored by Representative KILKELLY of Wiscasset and Representative NUTTING of Leeds Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24. Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Bill "An Act Concerning Full Disclosure of Legislation-influencing Donations and Expenditures" S.P. 882 L.D. 2252 Presented by Senator WEBSTER of Franklin Cosponsored by Senator WEYMOUTH of Kennebec, Representative GOULD of Greenville and Representative DEXTER of Kingfield Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED. Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon ordered were sent down forthwith for concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Prohibit the Sale of Milk Products in Plastic Containers"

H.P. 1508 L.D. 2088

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Modify the Solid Waste Law as it Applies to Aseptic Packaging"

H.P. 1525 L.D. 2110

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Concerning Special Waste"

H.P. 1532 L.D. 2117

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Pertaining to the Generation of Electric Power Through the Use of Wood"

H.P. 1552 L.D. 2150

Ought to Pass As Amended

The Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Law Concerning the Use of Replacement Motor Vehicles"

H.P. 1349 L.D. 1866

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-738).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-738).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-738) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on EDUCATION on 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

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-739).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-739).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-739) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Promote Sound Capital Investment As Part of Local Growth Management Programs"

H.P. 1362 L.D. 1879

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-737).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-737).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-737) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Give the Department of Conservation an Option on Abandoned Railroad Lines"

H.P. 1352 L.D. 1869

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-740).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-740).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-740) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Senator GILL for the Committee on EDUCATION on Bill "An Act to Amend the Law Concerning Postgraduate Education in the Field of Medicine"

S.P. 747 L.D. 1951

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

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House

Bill "An Act Relating to the Designation of Beneficiaries by Members of the Maine State Retirement System"

H.P. 1331 L.D. 1848

Bill "An Act to Clarify the Status of Court Mediators, Court Appointed Special Advocates and Bail Commissioners with Respect to Civil Liability"

H.P. 1422 L.D. 1974  
Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Bill "An Act to Integrate Relief Provided by the Maine Residents Property Tax Program with Poverty Abatements"

H.P. 1341 L.D. 1858  
Which was READ A SECOND TIME.  
THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator CAHILL.

Senator CAHILL: Thank you. Mr. President, Men and Women of the Senate. I'm sorry, I don't really see anyone from the Committee on Taxation in their seats right now but I just wanted to know if anyone here could give a brief explanation of this bill. I apparently don't have it.

Off Record Remarks

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED, in concurrence.

House as Amended  
Bill "An Act Relating to the Status of Nursing Professions in Maine"

H.P. 1148 L.D. 1591  
(C "A" H-734)  
Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Senate  
Bill "An Act to Increase the Debt Limit of the Stonington Water Company" (Emergency)  
S.P. 824 L.D. 2132  
Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.  
Sent down for concurrence.

Senate As Amended  
Bill "An Act to Reform the Juvenile Criminal Justice System"

S.P. 541 L.D. 1512  
(C "A" S-479)  
Bill "An Act Concerning the Commission to Implement the Computerization of Criminal History Record Information"

S.P. 832 L.D. 2140  
(C "A" S-478)  
Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.  
Sent down for concurrence.

The Following Communication:  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
January 26, 1990

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 Energy and Natural Resources has had under consideration the

nomination of Richard P. Bentzel of Fairfield, for reappointment to the Sludge & Residuals Utilization Research Foundation.

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. Ludwig of Aroostook,  
Rep. Hoglund of Portland

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 Richard P. Bentzel of Fairfield, for reappointment to the Sludge & Residuals Utilization Research Foundation be confirmed.

Sincerely,  
S/Senator Judy C. Kany S/Rep. Michael H. Michaud  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.  
THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Richard P. Bentzel of Fairfield be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural 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, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, EMERSON, MATTHEWS, WEBSTER, WHITMORE

No Senators having voted in the affirmative and 5 Senators having voted in the negative, with 5 Senators 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 Richard P. Bentzel, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
January 26, 1990

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 Energy and Natural Resources has had under consideration the nomination of Marion Fuller Brown of York, for reappointment to the Land for Maine's Future Board.

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. Ludwig of Aroostook,  
Rep. Hoglund of Portland

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 Marion Fuller Brown of York, for reappointment to the Land for Maine's Future Board be confirmed.

Sincerely,

S/Senator Judy C. Kany S/Rep. Michael H. Michaud  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Marion Fuller Brown of York be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural 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, BUSTIN, CAHILL,  
CARPENTER, CLARK, COLLINS,  
DILLENBACK, DUTREMBLE, EMERSON,  
ERWIN, ESTES, ESTY, GAUVREAU, GILL,  
GOULD, HOBBS, HOLLOWAY, KANY,  
LUDWIG, PEARSON, PERKINS, RANDALL,  
THERIAULT, TITCOMB, TWITCHELL,  
WEYMOUTH, THE PRESIDENT - CHARLES P.  
PRAY

ABSENT: Senators BRAWN, MATTHEWS, WEBSTER,  
WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators 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 Marion Fuller Brown, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
January 26, 1990

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 Energy and Natural Resources has had under consideration the nomination of Franklin P. Eggert of Verona Island, for reappointment to the Sludge & Residuals Utilization Research Foundation.

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. Ludwig of Aroostook,  
Rep. Hoglund of Portland

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 Franklin P. Eggert of Verona Island, for reappointment to the Sludge & Residuals Utilization Research Foundation be confirmed.

Sincerely,

S/Senator Judy C. Kany S/Rep. Michael H. Michaud  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Franklin P. Eggert of Verona Island be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural 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, BUSTIN, CAHILL,  
CARPENTER, CLARK, COLLINS,  
DILLENBACK, DUTREMBLE, EMERSON,  
ERWIN, ESTES, ESTY, GAUVREAU, GILL,  
GOULD, HOBBS, HOLLOWAY, KANY,  
LUDWIG, PEARSON, PERKINS, RANDALL,  
THERIAULT, TITCOMB, TWITCHELL,  
WEYMOUTH, THE PRESIDENT - CHARLES P.  
PRAY

ABSENT: Senators BRAWN, MATTHEWS, WEBSTER,  
WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators 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 Franklin P. Eggert, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES

January 26, 1990

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY

January 26, 1990

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 Energy and Natural Resources has had under consideration the nomination of Margaret M. Roy of Cornish, for reappointment to the Board of Environmental Protection.

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. Ludwig of Aroostook,  
Rep. Hoglund of Portland

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 Margaret M. Roy of Cornish, for reappointment to the Board of Environmental Protection be confirmed.

Sincerely,

S/Senator Judy C. Kany S/Rep. Michael H. Michaud  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Margaret M. Roy of Cornish be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural 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, BUSTIN, CAHILL,  
CARPENTER, CLARK, COLLINS,  
DILLENBACK, DUTREMBLE, EMERSON,  
ERWIN, ESTES, ESTY, GAUVREAU, GILL,  
GOULD, HOBBS, HOLLOWAY, KANY,  
LUDWIG, PEARSON, PERKINS, RANDALL,  
THERIAULT, TITCOMB, TWITCHELL,  
WEYMOUTH, THE PRESIDENT - CHARLES P.  
PRAY

ABSENT: Senators BRAWN, MATTHEWS, WEBSTER,  
WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators 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 Margaret M. Roy, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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 Dana A. Cleaves of South Portland, for appointment as Chief Judge of the Administrative 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 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 Dana A. Cleaves of South Portland, for appointment as Chief Judge of the Administrative Court be confirmed.

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of Dana A. Cleaves of South Portland 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, BUSTIN, CAHILL,  
CARPENTER, CLARK, COLLINS,  
DILLENBACK, DUTREMBLE, EMERSON,  
ERWIN, ESTES, ESTY, GAUVREAU, GILL,  
GOULD, HOBBS, HOLLOWAY, KANY,  
LUDWIG, PEARSON, PERKINS, RANDALL,  
THERIAULT, TITCOMB, TWITCHELL,  
WEYMOUTH, THE PRESIDENT - CHARLES P.  
PRAY

ABSENT: Senators BRAWN, MATTHEWS, WEBSTER,  
WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators 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 Dana A. Cleaves, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY

January 26, 1990

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 E. McKinley of Portland, for appointment as Active Retired Justice of the 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 7

NAYS: 0

ABSENT: 4 Senator Gauvreau of  
Androscoggin, Rep. Farnsworth of  
Hallowell, Rep. Hastings of  
Fryeburg, and Rep. Richards of  
Hampden

Nine 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 E. McKinley of Portland, for appointment as Active Retired Justice of the Superior Court be confirmed.

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of William E. McKinley of Portland 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, BUSTIN, CAHILL,  
CARPENTER, CLARK, COLLINS,  
DILLENBACK, DUTREMBLE, EMERSON,  
ERWIN, ESTES, ESTY, GAUVREAU, GILL,  
GOULD, HOBBS, HOLLOWAY, KANY,  
LUDWIG, PEARSON, PERKINS, RANDALL,  
THERIAULT, TITCOMB, TWITCHELL,  
WEYMOUTH, THE PRESIDENT - CHARLES P.  
PRAY

ABSENT: Senators BRAWN, MATTHEWS, WEBSTER,  
WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators 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 E. McKinley, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

January 26, 1990

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 Edward W. Rogers of Portland, for appointment as Active Retired Judge of the Administrative 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 Senator Gauvreau of  
Androscoggin

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 Edward W. Rogers of Portland, for appointment as Active Retired Judge of the Administrative Court be confirmed.

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of Edward W. Rogers of Portland 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, BUSTIN, CAHILL,  
CARPENTER, CLARK, COLLINS,  
DILLENBACK, DUTREMBLE, EMERSON,  
ERWIN, ESTES, ESTY, GAUVREAU, GILL,  
GOULD, HOBBS, HOLLOWAY, KANY,  
LUDWIG, PEARSON, PERKINS, RANDALL,  
THERIAULT, TITCOMB, TWITCHELL,  
WEYMOUTH, THE PRESIDENT - CHARLES P.  
PRAY

ABSENT: Senators BRAWN, MATTHEWS, WEBSTER,  
WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators 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 Edward W. Rogers, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator ERWIN for the Committee on ENERGY AND NATURAL RESOURCES on Resolve, to Study the Use of Herbicides (Emergency)

S.P. 700 L.D. 1838

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (S-480).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-480) READ and ADOPTED.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Limit the Role of Rating Organizations in Property and Casualty Rate Making"

H.P. 1627 L.D. 2249

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which was referred to the Committee on BANKING AND INSURANCE 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

Bill "An Act to Ensure the Effective Use of Grants in the Office of the State Archivist"

H.P. 1624 L.D. 2246

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Clarify the Law Governing the Aroostook County Finance Committee" (Emergency)

H.P. 1625 L.D. 2247

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Discourage Public Competition with Private Enterprise"

H.P. 1626 L.D. 2248

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.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Concerning Full Disclosure of Legislation-influencing Donations and Expenditures"

S.P. 882 L.D. 2252

In Senate, January 29, 1990, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

Senator BALDACCI of Penobscot moved that the Senate RECEDE and CONCUR.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator BERUBE: Mr. President, is it possible to have this tabled one legislative day?

THE PRESIDENT: The Chair would answer in the affirmative.

On motion by Senator BALDACCI of Penobscot, Tabled until Later in Today's Session, pending the same Senator's motion to RECEDE and CONCUR.

Non-concurrent Matter

Bill "An Act to Provide for Wider Production of Certain Deer for Food"

S.P. 881 L.D. 2251

In Senate, January 29, 1990, referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Comes from the House referred to the Committee on AGRICULTURE and ORDERED PRINTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

ORDERS OF THE DAY

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

Bill "An Act to Integrate Relief Provided by the Maine Residents Property Tax Program with Poverty Abatements"

H.P. 1341 L.D. 1858

Tabled - January 29, 1990, by Senator DUTREMBLE of York.

Pending - PASSAGE TO BE ENGROSSED

(In House, January 26, 1990, PASSED TO BE ENGROSSED.)

(In Senate, January 29, 1990, READ A SECOND TIME)

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Thank you. Mr. President, Men and Women of the Senate, I understand there is a question about this program and what the intent of the Taxation Committee was in this particular bill. As you know, last year we passed the Maine residents property tax program to provide property tax relief for those who were in most need of it. This year we had some municipal officials come to us and explain to us that, as we all know, from time to time, they will consider, in their own community, property tax abatements for those citizens in their local communities who simply can't afford their property taxes and whom the local officials decide they will give a property tax abatement to. What was not included in the law last year was that in their considering how much to give that citizen in property tax abatement, they could consider the amount of money that taxpayer received through the program we passed last year. It was certainly not our intention to exclude that. It simply was not put into the law

and just as a technical matter, we thought we would include it in the law to allow those municipal officials to consider whatever additional revenue those property taxpayers received from the State in determining the amount of property tax abatement they will receive on the local level. That since occurred to us and we passed it unanimously.

Which was PASSED TO BE ENGROSSED, in concurrence.

RECALLED FROM LEGISLATIVE FILES

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Estes.

Senator ESTES: Thank you Mr. President. Is the Senate in possession of L.D. 1564?

THE PRESIDENT: The Chair would answer in the affirmative, having been held at the Senator's request.

On motion by Senator ESTES of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it INDEFINITELY POSTPONED:

Resolve, Creating the Special Commission to Study and Evaluate the Status of Education Reform in Maine (Emergency)

S.P. 561 L.D. 1564

(In Senate, July 1, 1989, INDEFINITELY POSTPONED.) (RECALLED from the Legislative Files, pursuant to Joint Order S.P. 876, in concurrence.)

On further motion by same Senator, Bill and Accompanying Papers RECOMMITTED to the Committee on EDUCATION.

Sent down for concurrence.

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

Bill "An Act Concerning Full Disclosure of Legislation-influencing Donations and Expenditures" S.P. 882 L.D. 2252

Tabled - January 29, 1990 by Senator BALDACCI of Penobscot.

Pending - Motion of same Senator to RECEDE and CONCUR.

(In Senate, January 29, 1990, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.)

(In House, January 29, 1990, referred to the Committee on LEGAL AFFAIRS in NON-CONCURRENCE.)

On motion by Senator BALDACCI of Penobscot, the Senate RECEDED and CONCURRED.

Off Record Remarks

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator BRANNIGAN of Cumberland, ADJOURNED until Thursday, February 1, 1990, at 10:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
13th Legislative Day  
Thursday, February 1, 1990

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

Prayer by Reverend Bruce Felt, Augusta Baptist Church.

The Journal of Monday, January 29, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate  
Augusta, Maine 04333

January 29, 1990

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 the following: Upon the recommendation of the Joint Standing Committee on Energy and Natural Resources:

Richard P. Bentzel of Fairfield for reappointment as a member of the Sludge & Residuals Utilization Research Foundation.

Franklin P. Eggert of Verona Island for reappointment as a member of the Sludge & Residuals Utilization Research Foundation.

Marion Fuller Brown of York for reappointment as a member of the Land for Maine's Future Board.

Margaret M. Roy of Cornish for reappointment as a member of the Board of Environmental Protection.

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 29, 1990

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 the following: Upon the recommendation of the Joint Standing Committee on Judiciary:

William E. McKinley of Portland for appointment as Active Retired Justice of the Superior Court.

Edward W. Rogers of Portland for appointment as Active Retired Judge of the Administrative Court.

Dana A. Cleaves of South Portland for appointment as Chief Judge of the Administrative Court.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Unanimous Leave to Withdraw

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act to Amend the Law Concerning Postgraduate Education in the Field of Medicine" (S.P. 747) (L.D. 1951)