

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Thirteenth Legislature**

OF THE

**State Of Maine**

## VOLUME IV

### **SECOND REGULAR SESSION**

March 25, 1988 to May 5, 1988

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### **HOUSE & SENATE LEGISLATIVE SENTIMENTS**

December 3, 1986 to December 6, 1988

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
THIRD SPECIAL SESSION  
1st Legislative Day  
Thursday, September 15, 1988

This being the day designated in the proclamation of the Governor for meeting of the One Hundred and Thirteenth Legislature in extra session, the members of the House of Representatives assembled in the Hall of the House at 10:00 o'clock in the morning and were called to order by the Speaker.

Prayer by Reverend Dr. Peter Misner, Wayne-North Wayne Community Church.  
Pledge of Allegiance.

For the purpose of ascertaining the presence of a quorum, a certified roll of the Representatives was taken.

The elected membership of the House being 151 and 147 members having answered to their names with 4 being absent, a quorum was found to be present.

Absent were Representatives Boutilier of Lewiston, Holt of Bath, Pines of Limestone and Rice of Stonington.

State of Maine  
PROCLAMATION

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of a record-high excess of revenues over projections at the end of the just concluded fiscal year; and

WHEREAS, these additional revenues have resulted, in large measure, from higher than anticipated yields from Maine's personal and corporate income taxes; and

WHEREAS, it is deemed to be in the State's best interest and to be the fair and proper thing to do for the Legislature to authorize the return of these revenues to the taxpayers in an equitable, efficient and expeditious manner;

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, by virtue of constitutional power vested in me as Governor, do hereby convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Thursday, the fifteenth (15th) day of September, 1988 at ten (10) o'clock in the morning in order to receive communications, enact legislation to return excess revenues, appropriate additional funds to address critical and urgent needs within the State's mental health delivery system and to appropriate additional monies to continue present anti-drug activities, which are currently threatened by cut backs in Federal monies and conduct such other legislative business as may be appropriate.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this sixteenth day of August in the Year of our Lord One Thousand Nine Hundred and Eighty-Eight.

S/JOHN R. MCKERNAN, JR.  
Governor

S/PETER W. DANTON  
Deputy Secretary of State

Was read and ordered placed on file.

On Motion of Representative DIAMOND of Bangor, the following Order:

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives was assembled in the Hall of the House for the consideration of such business as may come before the House.

Was read and passed and the Chair appointed the following Members:

- Representative CASHMAN of Old Town
- Representative MAYO of Thomaston
- Representative SWAZEY of Bucksport
- Representative NADEAU of Saco
- Representative DUFFY of Bangor
- Representative DORE of Auburn
- Representative JACKSON of Harrison
- Representative ZIRNKILTON of Mount Desert
- Representative SEAVEY of Kennebunkport
- Representative WHITCOMB of Waldo

(At Ease)

The House was called to order by the Speaker.

At this point, Representative CASHMAN of Old Town reported that the Committee had delivered the message with which it was charged.

On motion of Representative GWADOSKY of Fairfield, the following Order:

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives was present for the consideration of such business as may come before the House.

Was read and passed and Representative DIAMOND of Bangor was appointed to convey the message and subsequently reported that he had delivered the message with which he was charged.

SENATE PAPERS

The following Communication:  
Maine State Senate  
Augusta, Maine 04333  
May 13, 1988

The Honorable John L. Martin  
Speaker of the House  
113th 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 Agriculture, the Governor's nomination of Donald W. Graves of Mars Hill for appointment to the Harness Racing Commission.

Donald W. Graves is replacing Sumner J. Goffin.  
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  
May 13, 1988

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of David Brock Hornby of Cape Elizabeth for appointment as Associate Justice of the Maine Supreme Judicial Court.

David Brock Hornby is replacing David A. Nichols.

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  
May 13, 1988

The Honorable John L. Martin  
Speaker of the House  
113th 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 Marine Resources, the Governor's nomination of Myron A. Sprague, Jr. of Swan's Island for reappointment to the Marine Resources Advisory Council.

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  
May 13, 1988

The Honorable John L. Martin  
Speaker of the House  
113th 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 State and Local Government, the Governor's nomination of Dennis P. Lemieux of Brunswick for appointment to the Civil Services Appeals Board.

Dennis P. Lemieux is replacing Harold Gosselin.

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  
June 15, 1988

The Honorable John L. Martin  
Speaker of the House  
113th 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 Banking and Insurance, the Governor's nomination of Joseph A. Edwards of Readfield for reappointment as Superintendent of the Bureau of Insurance.

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

June 15, 1988

The Honorable John L. Martin  
Speaker of the House  
113th 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 Education, the Governor's nominations of Gordon Pow of Belgrade, Richard Crabtree of Winthrop, Walter Moulton of Brunswick and Ronald Milliken of Farmington for appointment to the Maine Educational Loan Authority.

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

June 15, 1988

The Honorable John L. Martin  
Speaker of the House  
113th 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 Education, the Governor's nomination of Marilyn W. Crandlemire of Machias for appointment to the Maine Educational Loan Authority.

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

June 15, 1988

The Honorable John L. Martin  
Speaker of the House  
113th 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 Education, the Governor's nominations of Elizabeth B. Noyce of Bremen for reappointment, Hobart F. Harnden of South Portland and King Cummings of Stratton for appointments to the Board of Trustees, Maine Maritime Academy.

Hobart F. Harnden will be replacing Alan Timm and King Cummings will be replacing Stanley Tupper.

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  
June 15, 1988

Augusta, Maine 04333  
June 15, 1988

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

The Honorable John L. Martin  
Speaker of the House  
113th 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 Energy and Natural Resources, the Governor's nomination of Meredith H. Murray of New Gloucester for reappointment to the Maine Low-Level Radioactive Waste Authority.

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Legal Affairs, the Governor's nomination of Robert M. Healy, Lt. Col. USMC (Retired) of Augusta for appointment to the State Lottery Commission.

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

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

Was read and ordered placed on file.

Was read and ordered placed on file.

COMMUNICATIONS

The following Communication:  
Maine State Senate  
Augusta, Maine 04333  
June 15, 1988

The following Communication:  
STATE OF MAINE  
DEPARTMENT OF STATE  
STATE HOUSE STATION 101  
AUGUSTA, MAINE  
DIVISION OF PUBLIC ADMINISTRATION

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

June 21, 1988  
Hon. Edwin H. Pert  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333  
Dear Clerk Pert:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife, the Governor's nominations of John Crabtree of Warren, Dr. Ogden E. Small, O.D. of Caribou and William C. Sylvester of Clayton Lake for appointment to the Inland Fisheries and Wildlife Advisory Council.

Enclosed you will find a certified copy of the agreements submitted to this office by the Penobscot Nation whereby they agree to the provisions of Chapter 712 and 756 of the Public Laws of 1987 pursuant to the United States Code, Title 25, Section 1725 (e) (1).

John Crabtree is replacing Asa Holmes. Dr. Ogden Small is replacing Sally Rooney and William C. Sylvester is replacing Marc S. Plourde.

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

Sincerely,  
s/Peter W. Danton  
Deputy Secretary of State

Was read and ordered placed on file.

RESOLUTION  
NUMBER 06-15-88-01-02  
OF THE PENOBSCOT NATION

The following Communication:  
Maine State Senate  
Augusta, Maine 04333  
June 15, 1988

WHEREAS, the Penobscot Nation is a federally recognized Indian Tribe; and  
WHEREAS, the Penobscot Tribal Governor and Council is the duly authorized and elected governing body of the Penobscot Nation.

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

WHEREAS, the Penobscot Nation held a General Meeting June 15, 1988 for the purpose of approving or disapproving legislation that was enacted by the 113th Legislature for the State of Maine;

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nominations of Frederick B. Hurley of Wayne, Maynard Marsh of Gorham for reappointment and Linda E. Smith of Augusta for appointment to the Maine Indian-Tribal State Commission.

THEREFORE, BE IT RESOLVED, that the Penobscot Nation approved Resolution 06-15-88-01: S.P. 929-L.D. 2440 AN ACT Concerning the Penobscot Tribal Court, c. 756.

Resolution 06-15-88-02: S.P. 860-L.D. 2248 AN ACT Relating to the Penobscot Indian Reservation, c. 712.

Linda E. Smith is replacing Paul Frinsko.  
Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

CERTIFICATION

I, Elizabeth J. Kimball, hereby certify that I am the Deputy Tribal Clerk and Official custodian of certain records, including minutes of the Meetings of the Penobscot Indian Nation, a federally recognized and sovereign Indian Tribe duly organized and existing under the Laws of the United States, and that the foregoing is a true, accurate and compared transcripts of resolutions contained in the Minute Book of The Nation, adopted at a General Meeting of said Nation duly held on the 15th day of June, 1988, and that the proceedings of said Nation, and that the said resolutions have not been amended or revoked and is in full force and effect.

Was read and ordered placed on file.

S/James G. Sappier S/E. J. Kimball

The following Communication:  
Maine State Senate

LEGISLATIVE RECORD - HOUSE, SEPTEMBER 15, 1988

Governor                      Deputy    Tribal    Clerk  
Attest  
Was read and with accompanying papers ordered placed on file.

July 12, 1988

Edwin H. Pert  
Clerk of the House  
Station 2  
Augusta, Maine 04333

I have mailed under separate cover a compilation report of the unorganized territory tax district for fiscal year ended June 30, 1987. This report was required under Title 5, Section 243, Paragraph 3A, M.R.S.A.

Sincerely,  
S/Rodney L. Scribner, CPA  
State Auditor

Was read and with accompanying report ordered placed on file.

The following Communication:  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333  
June 28, 1988

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333  
Dear Clerk Pert:

Pursuant to 1 MRSA, Section 1002, I am submitting the name of Gregory G. Cyr, of Portage, for appointment to the Maine Commission on Governmental Ethics and Election Practices.

This appointment requires a two-thirds vote of the House of Representatives.

Sincerely,  
S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

In accordance with Title 1, Section 1002 of the Maine Revised Statutes Annotated, a two-thirds vote of those members present and voting being required, a total was taken. 110 voted in favor of same and none against, and accordingly the nominee was confirmed.

At this point, a message was received from the Senate, borne by Senator DUTREMBLE of York announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

The following Communication: (H.P. 1988)  
DEPARTMENT OF CONSERVATION  
State House Station 22  
Augusta, Maine 04333

June 23, 1988  
Representative John L. Martin, Speaker  
Maine House of Representatives  
State House Station 2  
Augusta, Maine 04333  
Dear Speaker Martin:

It is with great pleasure that I am able to send to you the final report of the 1986 Midcycle Resurvey of the Spruce-Fir Forests in Maine. This report represents the work of many dedicated persons, persons from within and outside the Department of Conservation.

Earlier you received a preliminary report of the survey. Except for a minor change, the earlier report is included in this final report.

If I can be of further assistance to you, please feel free to contact me.

Sincerely,  
S/John H. Cashwell, III  
Director

Was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 1989)  
STATE OF MAINE  
DEPARTMENT OF AUDIT  
STATE HOUSE STATION 66  
AUGUSTA, MAINE 04333

The following Communication:  
DEPARTMENT OF PUBLIC SAFETY  
36 Hospital Street  
Augusta, Maine 04333  
May 31, 1988

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

Enclosed please find a copy of the application submitted to the Bureau of Justice Assistance for funding under the State and Local Assistance for Narcotics Control Formula Grant Program.

The program requires that the application be submitted to the State Legislature or its designated body for review. Unless I receive further instructions from you, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,  
S/John R. Atwood  
Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication:  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333  
June 24, 1988

Hon. Donald V. Carter, House Chair  
Hon. Michael D. Pearson, Senate Chair  
Joint Standing Committee on Appropriations  
and Financial Affairs  
State House  
Augusta, Maine 04333  
Dear Chairs:

I am pleased to transmit herewith a copy of the application for State and Local Assistance for Narcotics Control: Formula Grant Program, pursuant to the Public Laws of Maine, 1987, Chapter 349.

Sincerely,  
S/Edwin H. Pert  
Clerk of the House

Was read and with accompanying report ordered placed on file.

The following Communication:  
State of Maine  
DEPARTMENT OF FINANCE  
Bureau of the Budget  
State House - Station 58  
Augusta, Maine 04333  
August 15, 1988

Honorable John R. McKernan, Jr.  
Governor of Maine  
State House  
Augusta, Maine 04333  
Honorable Charles P. Pray and  
Honorable John L. Martin,  
Co-Chairs, Legislative Council  
State House  
Augusta, Maine 04333  
Dear Sirs:

In accordance with Section 2, Chapter 865, Public Laws of 1987, the following is submitted.

I have reviewed the status of the General Fund and although the Unappropriated Equity (Surplus) figure for fiscal year 1988 has not been finalized there is sufficient data available to indicate that it will far exceed the amount required for this certification.

Therefore, after consultation with the Director of the Office of Fiscal and Program Review, I certify that the amount of \$1,292,132.85 is available in the General Fund as of June 30, 1988 to fund the purpose of Chapter 865, Public Laws of 1987.

Sincerely,  
S/G. William Buker  
State Budget Officer

Was read and ordered placed on file.

The following Communication: (H.P. 1970)  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333  
September 1, 1988

John L. Martin  
Speaker of the House  
113th Legislature  
Charles P. Pray  
President of the Senate  
113th Legislature

Dear Mr. Speaker and Mr. President:

On September 1, 1988, six Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on September 1, 1988 as follows:

Appropriations and Financial Affairs

Bill "An Act to Amend the Demonstration Teaching Nursing Home Law" (H.P. 1964) (L.D. 2661) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representative CARTER of Winslow, Senators BERUBE of Androscoggin and GILL of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Making Appropriations for Additional Staff to the Office of Employee Assistants for the Workers' Compensation Commission" (Emergency) (H.P. 1965) (L.D. 2662) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senator DUTREMBLE of York, Representatives McHENRY of Madawaska and WILLEY of Hampden) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Provide Funds for Safe Collection and Disposition of Hazardous Household Pesticides" (Emergency) (H.P. 1966) (L.D. 2663) (Presented by Representative DORE of Auburn) (Cosponsors: Representatives LISNIK of Presque Isle, Tardy of Palmyra and Senator ERWIN of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Education

Bill "An Act to Amend Project ASPIRE for High School Students in the State" (H.P. 1969) (L.D. 2666) (Presented by Representative DIAMOND of Bangor)

(Cosponsors: Senators CLARK of Cumberland, PERKINS of Hancock, and Representative MURPHY of Kennebunk) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

State and Local Government

Bill "An Act to Correct the Expiration Date for the Term of Office for a Washington County Commissioner" (H.P. 1967) (L.D. 2664) (Presented by Representative LOOK of Jonesboro) (Cosponsor: Senator RANDALL of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Utilities

Bill "An Act to Create the East Pittston Water District" (Emergency) (H.P. 1968) (L.D. 2665) (Presented by Representative REEVES of Pittston) (Cosponsor: Senator DOW of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Edwin H. Pert  
Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication:  
STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION BUILDING  
AUGUSTA, MAINE 04333  
August 23, 1988

The Honorable John Martin  
Speaker of the House of Representatives  
State House Station #2  
Augusta, ME 04333

Dear Speaker Martin:

Enclosed is the report on "Additional Study of Gross Vehicle Weight" as required by L.D. 2463, section 15 (P.L. 1988, Chapter 793).

This study was required to be completed before permits for the new 100,000 pound general commodity vehicle were issued. Such permits became available for the first time on August 4, 1988, the earliest possible date. The report has been in the review and printing process since then.

Cost allocation recommendations are expected to cover the relatively small revenue and equity implication of the report. These recommendations will be available in the fall.

Sincerely,  
S/Dana F. Connors  
Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 1972)  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333  
September 6, 1988

John L. Martin  
Speaker of the House  
113th Legislature  
Charles P. Pray  
President of the Senate  
113th Legislature

Dear Mr. Speaker and Mr. President:

On September 6, 1988, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on September 6, 1988 as follows:

Human Resources

Bill "An Act to Prevent the Establishment of a Maximum Limit Reimbursement for Adjustments to the Prospective Rate for Nursing Staff Wages" (H.P. 1971) (L.D. 2668) (Presented by Representative BOUTILIER of Lewiston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Edwin H. Pert  
Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1980)  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

September 9, 1988

John L. Martin  
Speaker of the House  
113th Legislature  
Charles P. Pray  
President of the Senate  
113th Legislature

Dear Mr. Speaker and Mr. President:

On September 9, 1988, seven Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on September 9, 1988 as follows:

Agriculture

Bill "An Act to Provide for Pooling of Certain Over-Order Premiums Under the Maine Milk Pool" (Emergency) (H.P. 1977) (L.D. 2675) (Presented by Representative TARDY of Palmyra) (Cosponsors: Senators BLACK of Cumberland, MATTHEWS of Kennebec and Representative BRAGG of Sidney)

Appropriations and Financial Affairs

Bill "An Act to Clarify the Issuance of Securities by the Maine Court Facilities Authority" (Emergency) (H.P. 1973) (L.D. 2671) (Presented by Representative CARTER of Winslow) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Fund a Full-Time Position for the Commission on Governmental Ethics and Election Practices" (Emergency) (H.P. 1975) (L.D. 2673) (Presented by Representative DIAMOND of Bangor) (Cosponsor: Senators PERKINS of Hancock, CLARK of Cumberland and Representative FOSTER of Ellsworth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Authorize Additional Staff for the Maine Land Use Regulation Commission" (Emergency) (H.P. 1979) (L.D. 2683) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representative JACQUES of Waterville, Senators PEARSON of Penobscot and WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Taxation

Bill "An Act Relating to Municipal General Obligation Securities" (H.P. 1974) (L.D. 2672) (Presented by Representative NADEAU of Lewiston) (Cosponsors: Representatives DORE of Auburn, POULIOT of Lewiston and Senator GAUVREAU of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Utilities

Bill "An Act to Make Technical Changes in the Charter of the Waterville Sewerage District" (Emergency) (H.P. 1976) (L.D. 2674) (Presented by Representative JOSEPH of Waterville) (Cosponsors: Senator KANY of Kennebec and Representative JACQUES of Waterville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Create the South Waterboro Water District" (Emergency) (H.P. 1978) (L.D. 2676) (Presented by Representative LORD of Waterboro) (Cosponsors: Representative RIDLEY of Shapleigh and Senator BLACK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Edwin H. Pert  
Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1982)  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

September 9, 1988

John L. Martin  
Speaker of the House  
113th Legislature  
Charles P. Pray  
President of the Senate  
113th Legislature

Dear Mr. Speaker and Mr. President:

On September 9, 1988, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on September 9, 1988 as follows:

Energy and Natural Resources

Bill "An Act to Enhance Land Use Regulation" (Emergency) (H.P. 1981) (L.D. 2684) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representative MICHAUD of East Millinocket, Senators PERKINS of Hancock and CLARK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Edwin H. Pert  
Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1986)  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

September 12, 1988

John L. Martin  
Speaker of the House  
113th Legislature  
Charles P. Pray  
President of the Senate  
113th Legislature

Dear Mr. Speaker and Mr. President:

On September 12, 1988, three Bills were received by the Clerk of the House.



Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on September 12, 1988 as follows:

Education

Bill "An Act to Amend the Maine Student Educational Enhancement Deposit Program" (Emergency) (H.P. 1985) (L.D. 2688) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senators CLARK of Cumberland, ESTES of York and Representative BOST of Orono) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Judiciary

Bill "An Act to Ensure the Integrity of the Judicial Process under the Bail Law" (Emergency) (H.P. 1984) (L.D. 2687) (Presented by Representative PARADIS of Augusta) (Cosponsors: Representative ROTONDI of Athens, Senators BRANNIGAN of Cumberland and BLACK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Taxation

Bill "An Act to Return Surplus Revenues to the Taxpayers of Maine" (Emergency) (H.P. 1983) (L.D. 2686) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Representative JACKSON of Harrison, Senators TWITCHELL of Oxford and SEWALL of Lincoln)

Sincerely,  
S/Edwin H. Pert  
Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication:  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

September 14, 1988

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that I have made the following appointments:

On May 12, 1988, pursuant to my authority under Chapter 814 of the Public Laws of Maine, 1988, I appointed Representative Patrick McGowan of Canaan, Representative Donnell Carroll of Gray, Representative James Reed Coles of Harpswell and Representative Theone Look of Jonesboro to serve as House members on the Study Commission on Coastal Search and Rescue.

On May 12, 1988, pursuant to my authority under Chapter 111 of the Resolves of Maine, 1988, I appointed Representative James Mitchell of Freeport, Representative Richard Ruhlin of Brewer and Representative Thomas Duffy of Bangor to serve as House members on the Special Commission on Boating.

On May 12, 1988, pursuant to my authority under Chapter 129 of the Private and Special Laws of Maine, 1988, I appointed Representative Maria Holt of Bath to serve as the House member on the Maine Information Commission on Agent Orange.

On May 13, 1988, pursuant to my authority under Chapter 105 of the Resolves of Maine, 1988, I reappointed Representative Paul Jacques of Waterville, Representative Dorothy Rotondi of Athens, Representative Carol Allen of Washington, Representative E. Michael Swazey of Bucksport, and

Representative Frank Farren, Jr., of Cherryfield to serve on the Commission to Review Laws Relating to Registered Maine Guides.

On May 18, 1988, pursuant to my authority under Chapter 107 of the Resolves of Maine, 1988, I appointed Representative Donald V. Carter of Winslow to serve on the Supreme Judicial Court Plan and Design Commission.

On May 18, 1988, pursuant to my authority under Chapter 816 of the Public Laws of Maine, 1988, I appointed Representative Carol Allen of Washington and Representative Judith Foss of Yarmouth to serve on the Maine Water Supply Study Commission.

On May 18, 1988, pursuant to my authority under Chapter 779 of the Public Laws of Maine, 1988, I appointed Representative Ruth Joseph of Waterville, Representative Richard Ruhlin of Brewer, Representative JoAnne Lapointe of Auburn, and Representative Ralph Willey of Hampden to serve on the Subcommittee on Rehabilitation.

On May 18, 1988, pursuant to my authority under Chapter 112 of the Resolves of Maine, 1988, I appointed Representative Nathaniel Crowley of Stockton Springs, Representative James Reed Coles of Harpswell, Representative Mary Small of Bath, and Representative Theone Look of Jonesboro to serve on the Study Committee on Marine Research.

On May 18, 1988, pursuant to my authority under Chapter 816 of the Public Laws of Maine, 1988, I reappointed Donald E. Nicoll of Portland and Dr. Guy Raymond of Fort Kent to serve on the Maine Health Policy Council.

On May 19, 1988, pursuant to my authority under Chapter 106 of the Resolves of Maine, 1988, I appointed Representative Margaret Pruitt Clark of Brunswick, Representative Bradford Boutilier of Lewiston, and Representative Jean Dellert of Gardiner to serve as House members on the Commission to Study the Status of Nursing and Health Care Professions in Maine.

On May 19, 1988, pursuant to my authority under Chapter 139 of the Private and Special Laws of Maine, 1988, I appointed Representative Charles Priest of Brunswick, Representative Carl Sheltra of Biddeford, and Representative Donnell Carroll of Gray to serve as House members on the Commission to Examine Rent Increases and Other Issues Concerning Mobile Homes.

On May 19, 1988, pursuant to my authority under Chapter 769 of the Public Laws of Maine, 1988, I appointed Representative Donald Strout of Corinth to serve as the House member on the Maine Transportation Capital Improvement Planning Committee.

On May 19, 1988, pursuant to my authority under Chapter 848 of the Public Laws of Maine, 1988, I appointed Representative Stephen Bost of Orono, Representative John Cashman of Old Town, Representative John Nutting of Leeds, and Representative Lee Davis of Monmouth to serve as House members on the Special Commission to Study School Funding and State Tax Law.

On May 26, 1988, pursuant to my authority under Chapter 106 of the Resolves of Maine, 1988, I appointed Norman Fournier of Wallagrass (health care management) and Sally Powers of Portland (direct nursing care staff) to serve on the Commission to Study the Status of Nursing and Health Care Professions in Maine.

On June 1, 1988, pursuant to my authority under Chapter 112 of the Resolves of Maine, 1988, I appointed Representative James Handy of Lewiston to serve as a House member on the Study Committee on Marine Research. He will be replacing Representative Mary Small, who is unable to serve.

On June 2, 1988, pursuant to my authority under Chapter 139 of the Private and Special Laws of Maine, 1988, I appointed Richard Hathaway of Brunswick representing mobile home owners and Arthur Ritch of Augusta representing mobile home park owners/operators to serve on the Commission on Manufactured Housing.

On June 3, 1988, pursuant to my authority under Chapter 105 of the Resolves of Maine, 1988, I appointed Representative Herbert Clark of Millinocket to serve on the Commission to Review the Laws relating to Registered Maine Guides. He will be replacing Representative Paul Jacques, who is unable to serve.

On June 3, 1988, pursuant to my authority under Chapter 107 of the Resolves of Maine, 1988, I appointed Representative Beverly Daggett of Augusta to serve on the Supreme Judicial Court Plan and Design Commission. She will be replacing Representative Donald Carter, who is unable to serve.

On June 9, 1988, pursuant to my authority under Chapter 106 of the Resolves of Maine, 1988, I appointed Marie Lowell of Buckfield to serve as the representative for consumers on the Commission to Study the Status of Nursing and Health Care Professions in Maine.

On August 3, 1988, pursuant to my authority under 5 MRSA, Section 7021, I appointed Brenda Elaine Humphrey of Portland to serve on the Maine Commission for Women. She will be replacing Sister Claudette Poulin whose term has expired.

Sincerely,  
S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

The following Communication:  
113th Maine Legislature  
September 14, 1988

Honorable Edwin H. Pert  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333  
Dear Clerk Pert:

This is to notify you that pursuant to our authority under Chapter 110, Resolves of 1987, we have appointed the following to serve on the Special Commission on Early Childhood Education and Development:

Phillip Hayes of Farmington, replacing Lynn Morneault as the grade 7-12 teacher representative  
Debbie Dunn of Augusta, replacing Robin Bubar as the preschool project representative

Pursuant to our authority under Chapter 129 of the Private and Special Laws of 1988, we have appointed the following to serve on the Maine Information Commission on Agent Orange:

Hon. Maria Glen Holt of Bath, as Chairman

Pursuant to our authority under Chapter 138 of the Private and Special Laws of 1988, we have appointed the following to the Study of the Necessity and Feasibility of Establishing a Health Information Recording System:

Sen. Zachary Matthews of Kennebec  
Sen. R. Donald Twitchell of Oxford  
Sen. Donald Collins of Aroostook  
Sen. Raynold Theriault of Aroostook  
Rep. Peter Manning of Portland  
Rep. Charlene Rydell of Brunswick  
Rep. Rita Melendy of Rockland  
Rep. P. Kelley Simpson of Casco  
Rep. David Stanley of Cumberland

Pursuant to our authority under Chapter 816 of the Public Laws of 1988, we have appointed the following to serve on the Department of Environmental Protection Advisory Committee:

Sen. Michael Pearson of Penobscot  
Sen. Ronald Usher of Cumberland  
Rep. Michael Michaud of East Millinocket  
Rep. Willis Lord of Waterboro  
Rep. Vinton Ridley of Shapleigh  
Rep. Leland Davis of Monmouth

Pursuant to our authority under Chapter 816, Public Laws of 1988, we have appointed the following to serve on the State Capitol Commission:

Hon. Merle Nelson of Falmouth Foreside  
Don Cyr of Grand Isle  
Sally Rand of Freeport  
Joan Woodcock of Bangor

Pursuant to our authority under Chapter 848 of the Public Laws of 1988, we have appointed the following to serve on the Special Commission to Study School Funding and State Tax Law:

Rep. Stephen Bost of Orono, as Chair  
Donald Waddell of Fort Kent, as public member

Sincerely,  
S/Charles P. Pray S/John L. Martin  
President of the Senate Speaker of the House  
Was read and ordered placed on file.

At this point, a message came from the Senate, borne by the Senator from Cumberland, Senator CLARK, proposing a Joint Convention of both branches of the Legislature to be held at 10:30 a.m. in the Hall of the House, for the purpose of extending to His Excellency, the Honorable John R. McKernan, Jr., an invitation to attend the Convention and make such communication as he may be pleased to make.

Subsequently, the House voted to concur in the proposal for a Joint Convention, and the Chair appointed Representative Diamond of Bangor to convey a message to the Senate to that effect.

Subsequently, Representative Diamond of Bangor reported that he had delivered the message with which he was charged.

(2-16) The following Communication:  
WORKERS' COMPENSATION COMMISSION  
STATE HOUSE STATION 27  
AUGUSTA, MAINE 04333  
May 19, 1988

Honorable John L. Martin  
Speaker, House of Representatives  
State House Station 2  
Augusta, Maine 04333  
RE: Quarterly Report for the First Quarter of  
Calendar 1988  
39 M.R.S.A. §92(3)

Dear Speaker Martin:  
This letter and statistical attachments are the quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. §92(3). During the first quarter of 1988 the Commission received an estimated 2,444 petitions and disposed of 2,125 by decision or dismissal.

Commissioners Cote, Cox, and Pelletier assumed their posts during the first quarter of 1988. We anticipate Commissioner Bruce Livingston will be sworn in during June.

With the new Commissioners on board, we are hopeful that the time it takes to litigate a disputed case can be significantly reduced.

We plan to focus this year on delays in appeal decisions. Due to the volume of litigation and

informal conferences, appellate decisions have been taking longer and a backlog has developed. The Appellate Division will be bearing down more aggressively on Commissioners.

There have been no complaints or filings in connection with the 30 day decision rule of M.R.S.A. §99-B as implemented by Commission Rule 22.11. A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further if you wish.

Sincerely,  
S/Ralph L. Tucker  
Chairman

Was read and with accompanying report ordered placed on file.

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The following Communication:  
WORKERS' COMPENSATION COMMISSION  
STATE HOUSE STATION 27  
AUGUSTA, MAINE 04333  
August 25, 1988

Honorable John L. Martin  
Speaker, House of Representatives  
State House Station 2  
Augusta, Maine 04333  
RE: Quarterly Report for the Second Quarter of  
Calendar 1988

39 M.R.S.A. §92(3)  
Dear Speaker Martin:  
This letter and statistical attachments are the quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. §92(3). During the second quarter of 1988 the Commission received an estimated 2,646 petitions and disposed of 2,915 by decision or dismissal.

Commissioner Bruce Livingston was sworn in July 1, 1988. Commissioner Nicholas Scaccia has resigned effective September 2, 1988. We understand attorney Dawn Lieb has been nominated to the Commission and, if confirmed, will be able to start hearings as early as October.

Economic growth in Southern Maine seems to be increasing the Commission's caseload for that region without a corresponding reduction elsewhere in the state. Accordingly, we urgently need to apply more resources to our Augusta and Portland regional offices to accommodate the shift in caseload.

There have been no complaints or filings in connection with the 30 day decision rule of M.R.S.A. §99-B as implemented by Commission Rule 22.11. A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further if you wish.

Sincerely,  
S/Ralph L. Tucker  
Chairman

Was read and with accompanying report ordered placed on file.

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The following Communication:  
Executive Department  
DIVISION OF COMMUNITY SERVICES  
State House Station 73  
Augusta, Maine 04333  
September 14, 1988

The Honorable John Martin  
Speaker of the House  
State House Station #2  
Augusta, ME 04333  
Dear Speaker Martin:

I am pleased to submit to you our report on the Maine Weatherization Assistance Program for July 1, 1985 - June 30, 1988.

The Weatherization Program received a total of \$29,778,204 in Federal Block Grant funds and State Legislature allocated funding during the reporting period. Of this total amount, \$3,582,000 was funded through the State Legislature for the three program years: \$1,196,000 for 1986, \$1,190,000 for 1987 and \$1,196,000 for 1988.

A total of 9,220 Maine low-income households were assisted with weatherization services during this period.

Priority weatherization service was given to those eligible low-income households that include elderly, children under age 2 or disabled persons who are hypothermia susceptible.

The Weatherization Assistance Program is administered by the Division of Community Services and is implemented through the 11 Community Action Agencies in Maine.

We appreciate your support for the Division of Community Services and for the programs that we administer and look forward to continued cooperation and assistance.

Sincerely,  
S/Nicola C. Kobritz  
Director

Was read and with accompanying report ordered placed on file.

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

CONSENT CALENDAR  
First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1978) (L.D. 2676) Bill "An Act to Create the South Waterboro Water District" (Emergency) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-801)

On motion of Representative Lord of Waterboro, was removed from the Consent Calendar, First Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-801) was read by the Clerk.

On motion of Representative Lord of Waterboro, tabled pending adoption of Committee Amendment "A" and later today assigned.

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(H.P. 1964) (L.D. 2661) Bill "An Act to Amend the Demonstration Teaching Nursing Home Law" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-802)

(H.P. 1965) (L.D. 2662) Bill "An Act Making Appropriations for Additional Staff to the Office of Employee Assistants for the Workers' Compensation Commission" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-803)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence.

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REPORTS OF COMMITTEES

Representative MANNING from the Committee on Human Resources on Bill "An Act to Prevent the Establishment of a Maximum Limit Reimbursement for

Adjustments to the Prospective Rate for Nursing Staff Wages" (H.P. 1971) (L.D. 2668) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

DUFFY of Bangor  
DORE of Auburn  
JACKSON of Harrison  
ZIRNKILTON of Mount Desert  
SEAVEY of Kennebunkport  
WHITCOMB of Waldo

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1973) (L.D. 2671) Bill "An Act to Clarify the Issuance of Securities by the Maine Court Facilities Authority" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 1976) (L.D. 2674) Bill "An Act to Make Technical Changes in the Charter of the Waterville Sewerage District" (Emergency) Committee on Utilities reporting "Ought to Pass"

(H.P. 1968) (L.D. 2665) Bill "An Act to Create the East Pittston Water District" (Emergency) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-800)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bill was received and, upon the recommendation of the Committee on Reference of Bills, was referred to the following Committee, Ordered Printed and Sent up for Concurrence:

Energy and Natural Resources

Bill "An Act to Correct a Technical Error in the Air Quality Law" (Emergency) (H.P. 1987) (L.D. 2691) (Presented by Representative MICHAUD of East Millinocket) (Cosponsor: Representative DEXTER of Kingfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, Charles P. Pray, in the Chair.

On motion of Senator Clark of Cumberland, it was ORDERED, that a Committee be appointed to wait upon His Excellency, the Honorable John R. McKernan, Jr., Governor of the State of Maine, to extend an invitation to him to attend the Convention and make such communications as he may be pleased to make.

The Chairman appointed:

Senators: TWITCHELL of Oxford  
DOW of Kennebec  
SEWALL of Lincoln  
Representatives: CASHMAN of Old Town  
MAYO of Thomaston  
SWAZEY of Bucksport  
NADEAU of Saco

Senator CLARK for the Committee subsequently reported the Committee had discharged the duty assigned it, and the Governor was pleased to say that he would forthwith attend the Convention.

At this point, Governor John R. McKernan, Jr., entered the Convention Hall amid prolonged applause, the audience rising.

The Governor addressed the Joint Convention as follows:

Mr. President, Mr. Speaker, Members of the 113th Legislature: As they say in Korea, let the games begin! (applause)

Seriously, I do want to welcome all of you to Augusta and reassure you that the Olympian effort of reaching a bipartisan agreement on how best to return the state surplus appears to have been accomplished. If indeed that is the case, I believe we all deserve a gold medal, but far more importantly, the citizens of this state will get their silver. (I realize it is early but during the day you will get that.)

As states across the nation are facing hard times and huge budget deficits, Maine has been blessed with continued prosperity and an unprecedented surplus. As other states find it necessary to raise taxes again, Maine finds itself returning revenues to the taxpayers of this state again.

Faced with more money than we expected or need in this year, state government has done what it should. We are returning the money to those who paid it. Government is not going to get bigger, the wallets of hard working Maine men and women are.

For the past month, members of the Taxation Committee have worked with our administration to ensure that the money is returned as quickly as possible to those who paid it. On Tuesday, the Committee unanimously approved a plan that provides significant relief to the middle-class, as well as property tax relief to our citizens and communities.

I want to thank the two chairs of the Taxation Committee, Representative Cashman and Senator Twitchell, as well as Representative Jackson for their strong desire to reach a consensus on what could have been (within 60 days of an election) a very partisan issue. Because of their involvement, we have been able to devise a fair and practical system of tax relief in 1988 that will not put burdensome demands on future budgets.

But just because we've cleared one hurdle doesn't mean there aren't others before us. Maine faces a number of major challenges that cannot wait until the 114th Legislature to be resolved.

Through work with the Appropriations Committee, we are proposing a funding package that will address major problems in our delivery of services to the mentally ill in our state.

We are proposing adding badly needed staff to the Land Use Regulatory Commission and the Department of Environmental Protection in order to relieve tremendous pressures brought on those agencies by growth across the state.

We are proposing funds to assure that critical drug enforcement activities will be able to continue at their current level.

These are challenges that we must address now, and we must address them in a manner that meets the

Off Record Remarks

state's needs, not only tomorrow, but in the long term.

In each of these areas, we know what needs to be done, and we have the resources to see that it is done. I hope that the same spirit that allowed us to come together on the tax issue will enable us to reach a consensus on these other important challenges that we face.

As I said to Tom Murphy last night -- and I was quoting someone; I want to make that clear -- "politics and teaching are the noblest of professions because they touch lives and set social and moral values in a way that no other profession can." That's a tremendous responsibility for all of us, one that this legislature has met repeatedly in the past two years. I'm confident that during this session, you will do so again.

Thank you very much. (applause, the audience rising)

At the conclusion of the Governor's address, the Governor withdrew amid applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its chamber, amid applause of the House, the members rising.

In the House

The House was called to order by the Speaker.

Off Record Remarks

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass as Amended

Later Today Assigned

Representative NADEAU from the Committee on Taxation on Bill "An Act Relating to Municipal General Obligation Securities" (H.P. 1974) (L.D. 2672) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-804)

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-804) was read by the Clerk.

Representative Nadeau of Saco offered House Amendment "A" (H-805) to Committee Amendment "A" (H-804) and moved its adoption.

House Amendment "A" (H-805) to Committee Amendment "A" (H-804) was read by the Clerk.

On motion of Representative Diamond of Bangor, tabled pending adoption of House Amendment "A" to Committee Amendment "A" (H-804) and later today assigned.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar, First Day.

(H.P. 1983) (L.D. 2686) Bill "An Act to Return Surplus Revenues to the Taxpayers of Maine" (Emergency) Committee on Taxation reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed and sent up for concurrence.

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Extend the Reporting Date of the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute" (Emergency) (S.P. 1032) (L.D. 2690)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Human Resources)

Under suspension of the rules, without reference to any committee, the Bill was read twice, passed to be engrossed in concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on Consent Calendar, First Day.

H.P. 1967) (L.D. 2664) Bill "An Act to Correct the Expiration Date for the Term of Office for a Washington County Commissioner" Committee on State and Local Government reporting "Ought to Pass"

S.P. 1022) (L.D. 2678) Bill "An Act to Stagger the Filing Dates of Annual Corporation Reports with the Secretary of State" (Emergency) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-552)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed and sent up for concurrence and the Senate Paper was passed to be engrossed as amended in concurrence.

(At Ease to the Gong)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Create the South Waterboro Water District" (Emergency) (H.P. 1978) (L.D. 2676) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-801).

Representative Lord of Waterboro offered House Amendment "A" (H-806) to Committee Amendment "A" and moved its adoption.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act Relating to Municipal General Obligation securities" (H.P. 1974) (L.D. 2672) as amended by Committee Amendment "A" (H-804) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" (H-805) to Committee Amendment "A" (H-804).

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of House Amendment "A" to Committee Amendment "A."

What this amendment does is that it sunsets the provision of law that is being changed. I guess my feeling would be that that is not necessary. All tax exemptions, income property and sales are reviewed on a regular basis by the Taxation Committee anyway. This particular provision of tax law would be reviewed by us in our normal course of events and I don't think that it merits any special attention. I would hope that you would support me on the move to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: The essential reason why I introduced this House Amendment was basically to let us sit back and evaluate or let the future legislatures sit back and evaluate what has transpired over a two year period. I felt this was a more conservative approach. We don't really know any future costs to this type of legislation.

In response to one of the concerns of my good friend and chairman, whereby he says this kind of review happens anyway, I would suggest that that is true. However, it is a lot easier to answer something in the affirmative than it is to answer something in the negative. What I mean by that is, once an exemption is on the books, and believe you me, if you know anything about trying to remove exemptions, I think you will understand what I am talking about. Once an exemption is on the books, it is virtually impossible to remove it. Therefore, the proposal that I am proposing would have it the other way whereby the initiative would have to come back in two years to prove the point of why the exemption should be in place.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, I want to concur with the Chairman of the Committee and say that these exemptions are reviewed periodically. I urge you all to vote to indefinitely postpone the amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Old Town, Representative Cashman, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

98 having voted in the affirmative and 9 in the negative, the motion did prevail.

Subsequently, Committee Amendment "A" (H-804) was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication: (S.P. 1017)

Maine State Senate  
Augusta, Maine 04333

September 1, 1988

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature

The Honorable John L. Martin  
Speaker of the House  
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that September 1, 1988 three bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on September 1, 1988 as follows:

STATE AND LOCAL GOVERNMENT

Bill "An Act to Permit the State of Maine to Exercise the Right of Eminent Domain over Certain Lands Located within the Town of Lebanon" (S.P. 1014) (L.D. 2659) (Presented by Senator TUTTLE of York) (Cosponsored by: Representative MURPHY of Berwick, Representative RIDLEY of Shapleigh, Representative CARROLL of Gray) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

UTILITIES

Bill "An Act to Create the Deer Isle Water District" (Emergency) (S.P. 1015) (L.D. 2660) (Presented by Senator PERKINS of Hancock) (Cosponsored by: Representative RICE of Stonington) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Increase the Borrowing Capacity of the Stonington Water Company" (S.P. 1016) (L.D. 2667) (Presented by Senator PERKINS of Hancock) (Cosponsored by: Representative RICE of Stonington) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate  
S/Edwin H. Pert  
Clerk of the House

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

The following Communication: (S.P. 1020)  
Maine State Senate  
Augusta, Maine 04333  
September 7, 1988

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature

The Honorable John L. Martin  
Speaker of the House  
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that on September 7, 1988, one Bill and one Resolve were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on September 7, 1988, as follows:

STATE AND LOCAL GOVERNMENT

Bill "An Act to Authorize the Annexation of Land Adjacent to the Town of Millinocket" (Emergency) (S.P. 1018) (L.D. 2669) (Presented by President PRAY of Penobscot) (Cosponsored by: Representative CLARK of Millinocket) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

FISHERIES AND WILDLIFE

Resolve, Concerning the Special Commission on Boating (Emergency) (S.P. 1019) (L.D. 2670) (Presented by Senator USHER of Cumberland)

LEGISLATIVE RECORD - HOUSE, SEPTEMBER 15, 1988

(Cosponsored by: Representative RUHLIN of Brewer)  
(Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate  
S/Edwin H. Pert  
Clerk of the House

Came from the Senate, read and ordered placed on  
file.

Was read and ordered placed on file in  
concurrence.

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The following Communication: (S.P. 1027)  
Maine State Senate  
Augusta, Maine 04333  
September 9, 1988

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature  
The Honorable John L. Martin  
Speaker of the House  
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today six bills were  
received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14,  
these bills were referred to the Joint Standing  
Committees and ordered printed on September 9, 1988  
as follows:

Appropriations and Financial Affairs

Bill "An Act to Clarify the Implementation of the  
Overboard Discharge Replacement Fund and the  
Overboard Discharge Assistance Fund" (Emergency)  
(S.P. 1021) (L.D. 2677) (Presented by Senator ESTES  
of York) (Cosponsored by: Senator CLARK of  
Cumberland, Representative HOLLOWAY of Edgecomb,  
Representative RYDELL of Brunswick) (Approved for  
Introduction by a Majority of the Legislative Council  
pursuant to Joint Rule 26)

Bill "An Act to Make Supplemental Appropriations  
and Allocations for the Expenditures of State  
Government and to Change Certain Provisions of the  
Law Necessary to the Proper Operations of State  
Government for the Fiscal Year Ending June 30, 1989"  
(Emergency) (S.P. 1024) (L.D. 2680) (Presented by  
Senator PEARSON of Penobscot) (Cosponsored by:  
Representative HIGGINS of Scarborough, Senator  
EMERSON of Penobscot, Representative CARTER of  
Winslow)

Bill "An Act to Expedite the Allocation of Solid  
Waste Management Assistance" (Emergency) (S.P. 1026)  
(L.D. 2682) (Presented by: President Pray of  
Penobscot) (Cosponsored by: Speaker MARTIN of Eagle  
Lake, Senator PEARSON of Penobscot, Representative  
MICHAUD of East Millinocket) (Approved for  
Introduction by a Majority of the Legislative Council  
pursuant to Joint Rule 26)

Human Resources

Bill "An Act to Modify the Radiation Protection  
Services Statute for Commercial Nuclear Power  
Facilities in the State" (Emergency) (S.P. 1023)  
(L.D. 2679) (Presented by Senator CAHILL of  
Sagadahoc) (Cosponsored by: Representative HOLLOWAY  
of Edgecomb)

State and Local Government

Bill "An Act to Stagger the Filing Dates of  
Annual Corporation Reports with the Secretary of  
State" (Emergency) (S.P. 1022) (L.D. 2678) (Presented  
by President PRAY of Penobscot) (Cosponsored by:  
Speaker MARTIN of Eagle Lake, Senator TUTTLE of York,  
Representative CARROLL of Gray) (Approved for

Introduction by a Majority of the Legislative Council  
pursuant to Joint Rule 26)

Utilities

Bill "An Act to Amend the Limitation of  
Indebtedness for the Starks Water District"  
(Emergency) (S.P. 1025) (L.D. 2681) (Presented by  
Senator WEBSTER of Franklin) (Approved for  
Introduction by a Majority of the Legislative Council  
pursuant to Joint Rule 26)

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate  
S/Edwin H. Pert  
Clerk of the House

Came from the Senate, read and ordered placed on  
file.

Was read and ordered placed on file in  
concurrence.

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The following Communication: (S.P. 1030)  
Maine State Senate  
Augusta, Maine 04333  
September 12, 1988

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature  
The Honorable John L. Martin  
Speaker of the House  
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today two bills were  
received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14,  
these bills were referred to the Joint Standing  
Committee and ordered printed on September 12, 1988  
as follows:

HUMAN RESOURCES

Bill "An Act to Establish the Board of Overseers  
of the Augusta and Bangor Mental Health Institutes"  
(Emergency) (S.P. 1028) (L.D. 2685) (Presented by  
Senator BUSTIN of Kennebec) (Cosponsored by: Senator  
BALDACCI of Penobscot, Representative CARROLL of  
Gray) (Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 26)

BUSINESS LEGISLATION

Resolve, Directing the Attorney General to Study  
the Trade Practices of the Motor Fuel Sales Industry  
(Emergency) (S.P. 1029) (L.D. 2689) (Presented by  
Senator CLARK of Cumberland) (Cosponsored by:  
Representative TUPPER of Orrington, Senator CAHILL of  
Sagadahoc, Representative TARDY of Palmyra) (Approved  
for Introduction by a Majority of the Legislative  
Council pursuant to Joint Rule 26)

S/Joy J. O'Brien  
Secretary of the Senate  
S/Edwin H. Pert  
Clerk of the House

Came from the Senate, read and ordered placed on  
file.

Was read and ordered placed on file in  
concurrence.

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The following Communication: (S.P. 1031)  
MAINE TURNPIKE AUTHORITY  
430 RIVERSIDE STREET  
PORTLAND, MAINE 04103  
August 29, 1988

President Charles P. Pray  
Chairman  
Legislative Council  
Office of the President  
State House

Augusta, Maine 04333  
Dear President Pray:

In accordance with Section 1966, Paragraph 4, Title 23, M.R.S.A., I am pleased to provide you with a copy of the Maine Turnpike Authority's semi-annual report. Copies of this report have been sent directly to each member of leadership, members of the Transportation Committee and other members of the Legislature.

The Authority is prepared to respond to whatever questions or concerns you may have relative to this report.

Sincerely,  
S/Paul E. Violette  
Executive Director

Came from the Senate, read and with accompanying report ordered placed on file.

Was read and with accompanying report ordered placed on file in concurrence.

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Utilities reporting "Leave to Withdraw" on Bill "An Act to Create the Deer Isle Water District" (Emergency) (S.P. 1015) (L.D. 2660)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills and Resolutions were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Agriculture

Bill "An Act Relating to Horse Racing and Racing Facilities" (H.P. 1990) (L.D. 2692) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives MCGOWAN of Canaan, ALIBERTI of Lewiston, and Senator COLLINS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Committee on Reference of Bills had suggested reference to the Committee on Agriculture.)

Under suspension of the rules and without reference to any committee, the Bill was read once.

The House reconsidered its action whereby the Bill was given its first reading.

Subsequently, the Bill was referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Increase the Sewerage Facilities Construction General Fund Bond Issue for Individual Pollution Abatement Projects" (Emergency) (H.P. 1992) (L.D. 2694) (Presented by Representative HOLLOWAY of Edgecomb) (Cosponsors: Representative RYDELL of Brunswick, President PRAY of Penobscot, and Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

State and Local Government

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify the Original Constitutional Resolution Making the Language of the Constitution Gender-Neutral (H.P. 1993) (L.D. 2695) (Presented by Representative DIAMOND of Bangor) (Cosponsor: Senator PERKINS of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Taxation

Bill "An Act to Clarify the Maine Jobs and Investment Tax Credit Law" (Emergency) (H.P. 1991) (L.D. 2693) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senators CLARK of Cumberland, EMERSON of Penobscot, and Representative DORE of Auburn) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 1025) (L.D. 2681) Bill "An Act to Amend the Limitation of Indebtedness for the Starks Water District" (Emergency) Committee on Utilities reporting "Ought to Pass"

(S.P. 1021) (L.D. 2677) Bill "An Act to Clarify the Implementation of the Overboard Discharge Replacement Fund and the Overboard Discharge Assistance Fund" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S.P. 1016) (L.D. 2667) Bill "An Act to Increase the Borrowing Capacity of the Stonington Water Company" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-551)

(H.P. 1969) (L.D. 2666) Bill "An Act to Amend Project ASPIRE for High School Students in the State" Committee on Education reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers were passed to be engrossed or passed to be engrossed as amended in concurrence and the House Paper was passed to be engrossed and sent up for concurrence.

The following items appearing on Supplement No. 7 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Stagger the Filing Dates of Annual Corporation Reports with the Secretary of State (S.P. 1022) (L.D. 2678) (C. "A" S-552)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.



PASSED TO BE ENACTED  
Emergency Measure

An Act to Extend the Reporting Date of the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute (S.P. 1032) (L.D. 2690)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED  
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Protect the Environment around the Union Chemical Company Hazardous Waste Site" (Emergency) (H.P. 1994) (L.D. 2696) (Presented by Representative ALLEN of Washington) (Cosponsors: Representatives MICHAUD of East Millinocket, HOLLOWAY of Edgecomb and Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Committee on Reference of Bills had suggested the Committee on Utilities)

Under suspension of the rules and without reference to any committee, the Bill was read twice, passed to be engrossed and sent up for concurrence.

CONSENT CALENDAR  
First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1985) (L.D. 2688) Bill "An Act to Amend the Maine Student Educational Enhancement Deposit Program" (Emergency) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-807)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

(At Ease to Gong)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 9 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED  
Emergency Measure

An Act to Increase the Borrowing Capacity of the Stonington Water Company (S.P. 1016) (L.D. 2667) (C. "A" S-551)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Clarify the Implementation of the Overboard Discharge Replacement Fund and the Overboard Discharge Assistance Fund (S.P. 1021) (L.D. 2677)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Amend the Limitation of Indebtedness for the Starks Water District (S.P. 1025) (L.D. 2681)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES  
Unanimous Leave to Withdraw

Representative FOSTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Fund a Full-Time Position for the Commission on Governmental Ethics and Election Practices" (Emergency) (H.P. 1975) (L.D. 2673) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 11 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES  
Unanimous Leave to Withdraw

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Additional Staff for the Maine Land Use Regulation Commission" (Emergency) (H.P. 1979) (L.D. 2683) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

CONSENT CALENDAR  
First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(S.P. 1023) (L.D. 2679) Bill "An Act to Modify the Radiation Protection Services Statute for Commercial Nuclear Power Facilities in the State" (Emergency) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-553)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was passed to be engrossed as amended in concurrence.

The following items appearing on Supplement No. 12 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED  
Emergency Measure

An Act to Correct a Technical Error in the Air Quality Law (H.P. 1987) (L.D. 2691)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Amend the Demonstration Teaching Nursing Home Law (H.P. 1964) (L.D. 2661) (C. "A" H-802)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 13 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED  
Emergency Measure

An Act to Protect the Environment around the Union Chemical Company Hazardous Waste Site (H.P. 1994) (L.D. 2696)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Amend the Maine Student Educational Enhancement Deposit Program (H.P. 1985) (L.D. 2688) (C. "A" H-807)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend Project ASPIRE for High School Students in the State (H.P. 1969) (L.D. 2666)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

109 having voted in the affirmative and none in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 14 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED  
Emergency Measure

An Act Making Appropriations for Additional Staff to the Office of Employee Assistants for the Workers' Compensation Commission (H.P. 1965) (L.D. 2662) (C. "A" H-803)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Create the East Pittston Water District (H.P. 1968) (L.D. 2665) (C. "A" H-800)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Return Surplus Revenues to the Taxpayers of Maine (H.P. 1983) (L.D. 2686)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Representative Diamond of Bangor requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 303

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bost, Bragg,

Callahan, Carroll, Cashman, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Daggett, Dellert, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hogle, Holloway, Hussey, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Kimball, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Rand, Reed, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salisbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stevens, A.; Stevens, P.; Stevenson, M.; Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Taylor, Telow, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Willey, The Speaker.

ABSENT - Baker, Bott, Boutillier, Brown, Carter, Chonko, Davis, Holt, Mitchell, Moholland, Parent, Pines, Racine, Reeves, Rice, Simpson, Stanley, Thistle, Weymouth, Whitcomb, Zirkilton.

Yes, 130; No, 0; Absent, 21; Paired, 0; Excused, 0.

130 having voted in the affirmative and none in the negative with 21 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED  
Emergency Measure

An Act to Clarify the Issuance of Securities by the Maine Court Facilities Authority (H.P. 1973) (L.D. 2671)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

An Act Relating to Municipal General Obligation Securities (H.P. 1974) (L.D. 2672) (C. "A" H-804)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 16 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED  
Emergency Measure

An Act to Make Technical Changes in the Charter of the Waterville Sewerage District (H.P. 1976) (L.D. 2674)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the

members elected to the House being necessary, a total was taken. 115 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Correct the Expiration Date for the Term of Office for a Washington County Commissioner (H.P. 1967) (L.D. 2664)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 17 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED  
Emergency Measure

An Act to Create the Waterboro Water District (H.P. 1978) (L.D. 2676) (H. "A" H-806 to C. "A" H-801)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

SENATE PAPERS

The following Communication:

Maine State Senate  
Augusta, Maine 04333

September 15, 1988

The Honorable John L. Martin  
Speaker of the House  
113th 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 Agriculture:

Animal Welfare Board

Philip G. Andrews of Fryeburg for appointment, replacing Joseph Williams.

Board of Pesticides Control

Barbara B. Lounsbury of Auburn for reappointment.  
Alan J. Lewis of Jonesport for appointment, replacing William Ginn.

Upon the recommendation of the Joint Standing Committee on Economic Development:

Finance Authority of Maine

Richard E. Dyke of Windham for appointment, replacing Roger Michaud.

Jayne Crosby Giles of Monroe for appointment, replacing Rose-Marie Joseph.

Upon the recommendation of the Joint Standing Committee on Education:

University of Maine, Board of Trustees

Dr. George W. Wood, III of Bangor for reappointment.

James R. Caron of Fort Kent for appointment, replacing Richard Morin.

Bennett D. Katz of Augusta for appointment, replacing Stanley Evans.

Board of Trustees, Maine Vocational Technical Institutes

Edward Gorham of Randolph for reappointment.  
Upon the recommendation of the Joint Standing Committee on Energy and Natural Resources:

Land Use Regulation Commission

Stephen Wight of Bethel for reappointment.  
Upon the recommendation of the Joint Standing Committee on Judiciary:

Justice, Maine Supreme Judicial Court

Honorable Daniel E. Wathen of Augusta for reappointment.

Associate Justice, Supreme Judicial Court

Samuel W. Collins, Jr. of Rockland for appointment, replacing Louis Scolnik.

Judge, Maine District Court

David B. Griffiths of Presque Isle for appointment, replacing Julian Turner.

Active Retired Judge, Maine District Court

Honorable Julian W. Turner of Presque Isle for appointment.

Member, Workers' Compensation Commission

Dawn B. Lieb of Augusta for appointment, replacing Nicholas C. Scaccia.

Upon the recommendation of the Joint Standing Committee on Labor:

Maine Labor Relations Board

Jimmy A. McGregor of Coopers Mills for appointment, Alternate Employer Representative, replacing vacant position.

Jessie Briggs Gunther of Milo for appointment, Alternate Chairman, replacing Judge Donald Webber.  
Upon the recommendation of the Joint Standing Committee on Utilities:

Public Utilities Commission

Kenneth Gordon of Arlington, Virginia for appointment, Chairman.

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 Business Legislation reporting "Leave to Withdraw" on RESOLVE, Directing the Attorney General to Study the Trade Practices of the Motor Fuel Sales Industry (Emergency) (S.P. 1029) (L.D. 2689)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Macomber of South Portland,

Adjourned until Friday, September 16, 1988, at nine o'clock in the morning.

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
THIRD SPECIAL SESSION  
JOURNAL OF THE SENATE

In Senate Chamber,  
Thursday  
September 15, 1988

In Compliance with a proclamation of His Excellency, Governor JOHN R. MCKERNAN, JR., the Senators will convene in the Senate Chamber at 10 o'clock in the morning.

Senate called to Order by the President.

Prayer by Reverend Edgar Jones of the Winthrop Congregational Church in Winthrop.

REVEREND JONES: Let us pray. Oh God, You have created this good earth and all of us who live on it. You have given us Your goodness and led us in many wondrous ways. We ask Your blessing here in the Senate of the State of Maine this morning, as they gather to do the difficult tasks of being to whom they serve, leaders and legislators. We ask that You grant them wisdom and compassion. Grant to them insight into difficult issues which they face and the discernment to know which is good and true and the courage to stand by their decisions. Grant that their actions may reflect Your loving care for all people in this state and care for our wonderful environment and heritage. Amen.

The Secretary will read the Proclamation.

State of Maine  
PROCLAMATION

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of a record-high excess of revenues over projections at the end of the just concluded fiscal year; and

WHEREAS, these additional revenues have resulted, in large measure, from higher than anticipated yields from Maine's personal and corporate income taxes; and

WHEREAS, it is deemed to be in the State's best interest and to be the fair and proper thing to do for the Legislature to authorize the return of these revenues to the taxpayers in an equitable, efficient and expeditious manner;

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, by virtue of constitutional power vested in me as Governor, do hereby convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Thursday, the fifteenth (15th) day of September, 1988 at ten (10) o'clock in the morning in order to receive communications, enact legislation to return excess revenues, appropriate additional funds to address critical and urgent needs within the State's mental health delivery system and to appropriate additional monies to continue present anti-drug activities, which are currently threatened by cut backs in Federal monies and conduct such other legislative business as may be appropriate.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this sixteenth day of August in the Year of our Lord One Thousand Nine Hundred and Eighty-Eight.

S/JOHN R. MCKERNAN, JR.  
Governor