

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Fifteenth Legislature**

OF THE

**State Of Maine**

**VOLUME III**

**FIRST REGULAR SESSION**

Senate

December 5, 1990 to May 20, 1991

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

Senator GILL of Cumberland  
Senator GOULD of Waldo

In Senate Chamber  
Thursday  
January 3, 1991

COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
DEPARTMENT OF STATE  
AUGUSTA, MAINE 04333

Senate called to Order by the President.

Prayer by the Honorable Nancy Randall Clark of Cumberland.

January 2, 1991

**SENATOR NANCY RANDALL CLARK:** Let us pray. Good Shepherd of the souls of humankind. Reach into the events of past history, as well as current events and make Your will known to us. Reveal Your purposes in this state of ours, saving us from our past poor designs. Walk with us today and in the days to come toward Your Kingdom of truth and justice. Amen.

To the President of the Senate and the Speaker of the House of Representatives of the One Hundred and Fifteenth Legislature of the State of Maine:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith transmit the returns of the votes cast for Governor in the several cities, towns and plantations in the State of Maine at the General Election held on November 6, 1990, as submitted by the appropriate officials of the municipalities involved immediately following said election.

Reading of the Journal of Friday, December 21, 1990.

Respectfully,

The Chair made note of the presence of the Senator from Penobscot, Senator Emerson, and informed the members that Senator Emerson had taken and subscribed the necessary oaths of office required by the Constitution to qualify him to enter upon the discharge of his official duties.

S/G. William Diamond  
Secretary of State

STATE OF MAINE  
GOVERNOR  
GENERAL ELECTION  
NOVEMBER 6, 1990

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

S.P. 55

ORDERED, the House concurring, that the returns of votes for the Governor, given in the several cities, towns and plantations of the State for political years 1991, 1992, 1993 and 1994, be referred to a Joint Select Committee of seven on the part of the Senate, with such as the House may join.

Which was READ and PASSED.

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

The Chair appointed to the Joint Select Committee on Gubernatorial Vote the following on the part of the Senate:

Senator CONLEY of Cumberland  
Senator ESTES of York  
Senator BRANNIGAN of Cumberland  
Senator BOST of Penobscot  
Senator BRAWN of Knox

County	<u>Adam,</u> <u>Andrew</u> Augusta Unenrolled	<u>Brennan,</u> <u>Joseph E.,</u> Portland Democrat	<u>McKernan,</u> <u>John R., Jr.</u> Auburn Republican	Other
Androscoggin	5805	21880	16098	23
Aroostook	2466	10964	13922	0
Cumberland	8184	52163	50752	87
Franklin	1132	5723	6050	4
Hancock	2202	7426	11877	24
Kennebec	4487	24025	22535	26
Knox	1589	5810	8499	5
Lincoln	1607	5571	8368	4
Oxford	2619	10474	9783	6
Penobscot	5774	24816	30507	24
Piscataquis	783	3213	4177	4
Sagadahoc	1505	6399	6634	6
Somerset	1955	9610	8784	7
Waldo	1572	5300	7373	17
Washington	1230	5258	6378	44
York	<u>5467</u>	<u>31406</u>	<u>32029</u>	<u>30</u>
Report Total	48377	230038	243766	311

Which was READ and REFERRED TO THE JOINT SELECT COMMITTEE ON GUBERNATORIAL VOTE.

The Following Communication:

**STATE OF MAINE  
OFFICE OF THE PRESIDENT  
AUGUSTA, MAINE 04333**

December 21, 1990

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

Dear Madam Secretary:

Pursuant to Senate Rule 36, I have made the following appointments:

Committee on Bills in the Second Reading

Senator Beverly Miner Bustin, Chair  
Senator Stephen C. Estes  
Senator Barbara A. Gill  
Senator Donald F. Collins

Committee on Engrossed Bills

Senator Zachary E. Matthews, Chair  
Senator Harry L. Vose  
Senator Linda Curtis Brawn  
Senator Margaret G. Ludwig

Committee on Conduct and Ethics

Senator Joseph C. Brannigan, Chair  
Senator N. Paul Gauvreau  
Senator Michael D. Pearson  
Senator Muriel D. Holloway  
Senator David L. Carpenter

Sincerely,

S/Charles P. Pray  
President of the Senate

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**STATE OF MAINE  
OFFICE OF THE PRESIDENT  
AUGUSTA, MAINE 04333**

December 31, 1990

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

Dear Madam Secretary:

Pursuant to Senate Rule 36, I have appointed the following members of the Senate to the Committee on Senatorial Vote:

Senator Gerard P. Conley, Jr., Chair;  
Senator John E. Baldacci  
Senator Michael D. Pearson  
Senator Donald E. Esty, Jr.  
Senator Pamela L. Cahill  
Senator Robert R. Gould  
Senator Jerome A. Emerson

Sincerely,

S/Charles P. Pray  
President of the Senate

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**MAINE STATE LEGISLATURE  
COMMISSION TO ASSESS THE IMPACT OF  
INCREASED STATE SPENDING ON THE  
UNIVERSITY OF MAINE SYSTEM  
AUGUSTA, MAINE 04333**

December 21, 1990

The Honorable Charles P. Pray  
President of the Senate  
115th State Legislature  
Augusta, Maine 04333

Dear President Pray:

The Commission to Assess the Impact of Increased State Spending on the University of Maine System is pleased to submit its report in accordance with Resolves of 1989, Chapter 101.

Respectfully submitted,

S/John O'Dea  
Chair

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

The Following Communication:

**STATE OF MAINE  
EXECUTIVE DEPARTMENT  
STATE HOUSE STATION 38  
AUGUSTA, MAINE 04333**

December, 1990

Ashland	Mechanic Falls	Pittsfield
Fort Fairfield	Milo	Stonington
Limestone	Patten	Van Buren
		Winslow

Senate President Charles P. Pray  
Speaker of the House John L. Martin and  
Members of the 115th Maine Legislature

Dear President Pray, Speaker Martin, and Members of  
the Maine Legislature:

I am pleased to submit herewith the 1990  
Governor's Report to the Legislature on Maine's use  
of Exxon, Stripper Well, and Diamond Shamrock  
Petroleum Violation Escrow (PVE) funds.

This report is submitted to the Legislature  
pursuant to Section 6 of Chapter 818 of the Public  
Laws of 1986, Section 5 of Chapter 533 of the Public  
Laws of 1987, and Chapter 119 of the Private and  
Special Laws of 1989. It is based on information  
provided by the State agencies responsible for the  
conduct of programs and activities funded with PVE  
monies. The report contains information on the  
status of each program Maine has funded with oil  
overcharge monies and the amounts of all unexpended  
balances.

Copies of the report are being distributed to  
each member of the Legislature, agencies responsible  
for PVE-funded programs, and other interested parties.

Sincerely,

S/Richard H. Silkman

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

The above stores are principally one (1) person  
stores with high overhead costs and would not have  
high impact on licensee sales.

In accordance with Title 28-A MRSA, Section 402,  
Subsection 6, you may hold a public hearing on this  
proposed closing and advise the Liquor Commission of  
your findings.

Please do not hesitate to contact my office  
should you have any questions regarding this issue or  
any others you may want to discuss.

Very truly yours,

S/Guy A. Marcotte  
Director

Which was **READ** and **REFERRED** to the Committee on  
**LEGAL AFFAIRS.**

The Following Communication:

**MAINE STATE LEGISLATURE  
STUDENT FINANCIAL AID TRANSITION  
ADVISORY COMMITTEE  
AUGUSTA, MAINE 04333**

January 2, 1991

The Following Communication:

**STATE OF MAINE  
BUREAU OF ALCOHOLIC BEVERAGES  
STATE HOUSE STATION 8  
AUGUSTA, MAINE 04333**

December 28, 1990

Joint Standing Committee on Legal Affairs  
115th Maine Legislature  
State House  
Augusta, Maine 04333

Dear Senate and House Chair:

Upon reviewing the alternatives available to the  
Bureau of Alcoholic Beverages, the Maine State Liquor  
Commission is proposing to close ten (10) State  
Liquor Stores which would result in net savings to  
the State in the amount of \$350,000 per annum.

Please accept this communication as formal notice  
of our intent to close the following stores by the  
date of March 30, 1991:

The Honorable Charles P. Pray  
The Honorable John L. Martin  
Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Student Financial Aid Transition Advisory  
Committee is pleased to send you this copy of its  
report. The report has been submitted to the Joint  
Standing Committee on Education pursuant to P.L.  
1989, c. 698.

Sincerely,

S/Sen. Stephen M. Bost  
Chair

S/J. Michael Orenduff  
Co-Chair

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

The Following Communication:

**REPORT OF THE COMMITTEE ON  
SENATORIAL VOTE  
STATE OF MAINE**

Which was **READ** and **ORDERED PLACED ON FILE**.

January 2, 1991

**SENATE PAPERS**

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

Bill "An Act Concerning Monitoring and Inspection  
of Boarding Homes" S.P. 50 L.D. 80

Dear President Pray:

Presented by Senator **BRANN** of Knox  
Cosponsored by Senator **BUSTIN** of Kennebec and  
Representative **DUPLESSIS** of Old Town

In compliance with the Senate Order of December  
5, 1990 the Committee appointed by you to examine the  
returns of votes for Senators for the political years  
1991 and 1992, has attended to its duty and asks  
leave to report that the returns of votes cast, as  
submitted by the Secretary of State to the President  
of the Senate, meets with the approval of the  
Committee.

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

Sent down for concurrence.

Sincerely,

S/Gerard P. Conley, Jr.  
Senatorial Vote Committee

Bill "An Act to Change the Process of Selecting  
the Commissioner of Education" S.P. 51 L.D. 81

Which was **READ** and **ORDERED PLACED ON FILE**.

Presented by Senator **ESTES** of York  
Cosponsored by Senator **BOST** of Penobscot,  
Representative **PARADIS** of Frenchville and  
Representative **HANDY** of Lewiston

The Following Communication:

**115TH MAINE LEGISLATURE  
AUGUSTA, MAINE 04333**

Bill "An Act to Update Special Education Costs"  
S.P. 52 L.D. 82

December 31, 1990

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

Presented by Senator **ESTES** of York  
Cosponsored by Senator **BOST** of Penobscot,  
Representative **OLIVER** of Portland and  
Representative **PARADIS** of Frenchville

Which were referred to the Committee on **EDUCATION**  
and **ORDERED PRINTED**.

Sent down for concurrence.

Dear Madam Secretary:

Pursuant to our authority under M.R.S.A. Title 24-A,  
section 2072, we have appointed Andrew J. Finnegan of  
Greenville to the Special Select Commission on Access  
to Health Care. He replaces Frank Phillips, who has  
resigned. He will serve as that Commission's health  
provider representative.

Bill "An Act to Amend the Child Support  
Guidelines" S.P. 53 L.D. 83

Presented by Senator **TWITCHELL** of Oxford (By  
Request)

Pursuant to our authority under Chapter 500 of the  
Public Laws of 1987, we have appointed George Gagnon  
of Millinocket to the Commission on Job Opportunity  
Zones. He will replace Mr. Roy Taylor, who has moved  
out of state.

Committee on **HUMAN RESOURCES** suggested and  
**ORDERED PRINTED**.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

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

Sent down for concurrence.

Bill "An Act to Strengthen the Involuntary Commitment Laws"

S.P. 49 L.D. 79

Presented by Senator TWITCHELL of Oxford (By Request)

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

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Define "Just Value"

S.P. 54 L.D. 84

Presented by Senator VOSE of Washington  
Cosponsored by Senator CLARK of Cumberland,  
Representative TOWNSEND of Eastport and  
Representative LOOK of Jonesboro

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

Sent down for concurrence.

Bill "An Act to Eliminate the Front Motor Vehicle License Plate"

S.P. 48 L.D. 78

Presented by Senator BALDACCI of Penobscot  
Cosponsored by Senator VOSE of Washington and  
Senator TWITCHELL of Oxford

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

Sent down for concurrence.

**Pursuant to Resolves  
COMMISSION TO STUDY THE USE OF HERBICIDES**

Senator KANY for the COMMISSION TO STUDY THE USE OF HERBICIDES, pursuant to Resolves 1989, Chapter 98, ask leave to submit its findings and to report that the accompanying Bill "An Act Regarding the Forestry, Natural Habitat, Water Quality and Environmental Impacts of Pesticide Use"

S.P. 46 L.D. 72

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

Which Report was READ and ACCEPTED.

On motion by Senator CLARK of Cumberland, the Bill referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 18.

Sent down for concurrence.

**Pursuant to Resolves  
COMMISSION TO STUDY PUBLIC FINANCING  
OF STATE ELECTIONS**

Senator MATTHEWS for the COMMISSION TO STUDY PUBLIC FINANCING OF STATE ELECTIONS, pursuant to Resolves 1989, Chapter 59, ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Political Action Committees Organized Outside of the State"

S.P. 45 L.D. 71

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

Which Report was READ and ACCEPTED.

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

Sent down for concurrence.

**ORDERS**

On motion by Senator CLARK of Cumberland the following Senate Order:

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention of both branches of the Legislature to be held at 6:30 p.m. at the Augusta Civic Center for the purpose of administering to the Honorable John R. McKernan, Jr., Governor-elect, the oath required by the Constitution to qualify him to enter upon the discharge of his official duties.

Which was READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator CLARK to deliver the message to House.

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

**Joint Order**

On motion by Senator DUTREMBLE of York the following Joint Order:

S.P. 56

ORDERED, the House concurring, that a Joint Select Committee of three on the part of the Senate, with such as the House may join, be appointed to consider the Governor's Message and report a reference of its several subjects to appropriate committees.

Which was **READ** and **PASSED**.

Sent down for concurrence.

The Chair appointed to the Joint Select Committee to consider the Governor's Message the following Senators on the part of the Senate:

Senator BUSTIN of Kennebec  
Senator TWITCHELL of Oxford  
Senator GILL of Cumberland

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Off Record Remarks

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At this point, a message was received from the House of Representatives, borne by Representative GWADOWSKY of Fairfield, informing the Senate that the House of Representatives concurred with the proposition for a Joint Convention to be held in the Augusta Civic Center at 6:30 p.m. for the purpose of Administering to the Honorable JOHN R MCKERNAN, JR. the oaths of office required by the Constitution to qualify him to enter upon the discharge of his official duties and receive from him such communciation as he may be pleased to make.

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

**ORDERS**

**Joint Order**

On motion by Senator CLARK of Cumberland the following Joint Order:

S.P. 59

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Honorable John R. McKernan, Jr., and inform him that he has been duly elected Governor of the State of Maine for the political years 1991, 1992, 1993 and 1994.

Which was **READ** and **PASSED**.

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

The Chair appointed to the Committee to inform the Honorable John R. McKernan, Jr., that he has been duly elected Governor the following on the part of the Senate:

Senator CLARK of Cumberland  
Senator DUTREMBLE of York  
Senator EMERSON of Penobscot

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The Following Joint Resolution: H.P. 79

**JOINT RESOLUTION IN HONOR AND RECOGNITION OF THE LATE DONALD V. CARTER**

WHEREAS, the Legislature has learned with shock and deep regret of the passing of Donald V. Carter, Representative from Winslow; and

WHEREAS, Representative Carter was a friend to all of us and a Legislator with a singular record of service to this body and to the people of the State of Maine; and

WHEREAS, Representative Carter began his 25 years of legislative service as a Senator from Kennebec County in the 102nd Legislature, entered the House of Representatives as the Representative from Winslow in the 104th Legislature and has served continuously with us since that time; and

WHEREAS, among his many accomplishments, Representative Carter served on the Joint Standing Committee on Appropriations and Financial Affairs for 20 years, and provided sustained and committed leadership to that committee since 1982; and

WHEREAS, Representative Carter was not only known for his encyclopedic knowledge of our State's fiscal matters but was also recognized for his contributions to this Legislature's efforts to provide for public access to Maine's lands and waters, to improve the quality of the Kennebec River and reintroduce its native salmon and sturgeon, and to address the issues of solid waste management and substance abuse; and

WHEREAS, Don Carter was also known for his 22 years of service on the Winslow Town Council, his service to the Winslow Lions Club, the Veterans of Foreign Wars and the Disabled American Veterans and his leadership of the Independent Insurance Agents Association of Maine and the Friends of Fort Halifax; and

WHEREAS, Don Carter was known to all of us for his ready smile and gentle wit, and for his calm and gentlemanly presence even in the most intense waning hours of each legislative session, and we will greatly miss those precious qualities; and



WHEREAS, Donald V. Carter died as he lived, in the service of the State and the people of Maine; now, therefore, be it

RESOLVED: That We, the Members of the 115th Legislature of the State of Maine now assembled in the First Regular Session, take this opportunity to express our sorrow at the passing of Representative Donald V. Carter of Winslow; and be it further

RESOLVED: That our membership pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share our sorrow at the passing of Representative Carter and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the memory of him; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be prepared and presented to his widow, Wilma, and to his 4 children as expressions of our esteem.

Comes from the House **READ and ADOPTED.**

Which was **READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Last Saturday in probably one of the most tragic events that I have ever lived through, the Committee on Appropriations and Financial Affairs, the Maine House of Representatives, the Maine Legislature, the people of the State of Maine, lost one of it's finest, Donald Carter of Winslow.

We had been preparing at that time and had been engaged in negotiations over what is just simply the latest round of difficulties, perhaps more intense than most times, but of difficulties within the budget. Donald Carter had suggested a number of different solutions to the problems that we faced this last week, just as he had done all of his life in the legislature, in the service of Winslow and the State of Maine. He was my seatmate for about ten years. I served with him as did many of the people here in this Senate and the Maine House of Representatives. He was a member also of this Body, a past State Senator himself.

There are so many memories that go through your mind at a time like this and I would like to share just a few of them with you. Some of them happy memories. A week ago, the Democrats in this Senate had a caucus in this building. We were supposed to be meeting in Appropriations, and I wanted Don to know that I was being held up and would not be there as soon as I would like to be. So I asked someone to go find somebody to go find him, and he came to the place where we were having our caucus, and somehow or other the thought struck me at the time, wouldn't it be nice, that this former Senator would address the Maine Senate and members of his party again. I gave him a chair and he sat down and the first thing he said was, this is the first time that I have been back in the Senate since I was in the 102nd Maine Legislature, and it feels good. He talked about that several times afterward, and got a chuckle out of it,

how he had now gone back to the Senate for at least a very brief period of time.

You know he did just about everything a man could do in the service of his country. If you listened to the Order that was just read to us, disabled American Veteran, World War II, Winslow Town Council, Maine Legislature; Maine Senate and Maine House. I don't think that there was ever a moment in his adult life that he wasn't in some sort of a lead position in making decisions for the people that he lived with. Those of you who are members of the House, who were members of the House at one time or the other, those who had a good basic foundation in the legislature process, those of you who were fortunate enough to do that, would know that every year they have the Welcome Back Day. In the Maine House of Representatives, the Clerk of the House reads the call of the roll of the years, and I enjoy going back there that day, as do other former House Members, there is nothing quite like it. Don would be seated in seat 122. And those of you who have been there I am sure you can see him doing it now. Ed Pert would say the 115th Maine Legislature, Don would rise, hands in front of him, looking right straight ahead. The 114th, 113th, 112th, 111th, 110th, 109th, 108th, 107th, 106th, and he would still be looking straight ahead, and by that time, everybody had gone down, Lorraine Chonko, even, was not even standing. The 105th, 104th, skip a session, and 102nd, and oh how proud he was to stand there while everybody else sort of dwindled to insignificance! I used to sit there and say gosh I wish I could be able to do that, but there are very few people who will ever be able to do that. He was an outstanding Member of the Maine Legislature.

Just last month, I was in Winslow, as was the good Senator Matthews, and others, to be with him when he buried his mother. I can remember him talking to me on Committee last year, whispering to me, I got to go home, my mother is not well. All the problems that were laying on his shoulders at the time. He has a lovely wife, lovely children, four children, nine brothers and sisters, a big family. He was very, very, very proud of being French. We had a joke in the Committee, amongst the Democrats, anyway, when we were caucusing in my office downstairs, Senator Brannigan and myself, and Representative Carroll were the only three that spoke English as Democrats on the Committee. All the rest would speak French. Very proud of that, very proud of being Catholic, and very, very, proud of serving the people of Winslow for so very long.

A couple years ago I had occasion to try to find Don, he wasn't in the building, and so I decided to call his home to find out if he was there, and I looked in the little book, and I found his number, and I called the number, and his secretary answered. I didn't know that it was his wife. I didn't know that she was his secretary. I asked, is Don there, she said no he is not. I said listen, this is National Secretaries Month. When you see him again, make sure that he gets you something for National Secretaries Month, would you? Didn't know it was his wife. Is he a good boss? And she said to me on the phone, I have never had any complaints. He treats me pretty well, and he has never been better to anyone than he has been to me. Then she said to me, I am his wife you know. Well, I was embarrassed. I told Don about that the next day and he thought that was

very funny. He said his wife had mentioned that to him. It was one of those nice moments.

Don was always thinking about his District, always thinking about all of Maine, but always thinking about his District. When we had the flood a year or so ago, it swept away Fort Halifax in Winslow, down the river it went. Don was just beside himself sitting on the Committee beside me saying, "Oh! The Fort is gone!". Don, maybe they can find parts of the Fort, and he said I have got people out looking for the logs that go on the Fort, I have got helicopters looking for them, and he found them! He found the logs, enough so that when they reconstructed the Fort, it was partly put back together with the logs that had been in it in the first place. Everything else stopped. Fort Halifax became the number one priority in his life at that moment. Then he began the campaign to get it back on the Register of National Historic places, arguing with them that he had enough wood in it to make it acceptable. I can remember last year, looking on television one night, and seeing Don Carter in a colonial hat, with three corners on it, in a uniform, parading around the Fort, in Fort Halifax. He had gotten it done.

Last week we had before us the Commissioner of Community and Economic Development, and he went right after her. Why isn't Fort Halifax on the map! Why don't you tell people it's there! Always thinking about Winslow. That wasn't the only thing that he thought about. He thought about the environment of the state. He was a legend. How many times had he asked this legislature, the people of the state, to allow salmon to once again take their rightful place on the Kennebec River, so that all of us could have access to that fishery. I hope that someday that that will become a reality.

To each one of us who knew him, were indeed blessed by the life of Don Carter. He was a wonderful, gentle man. A wonderful sense of humor, extremely tolerant of me, of other people. Even those of you who didn't know him are blessed, because he past this way. His concerns for the environment, for his people, and those in Maine who were less fortunate than some of us are, and for his family, and for the family, I should say as an institution, who were very familiar subjects on his mind and very familiar to us on the Appropriations Committee.

You know I could go on forever with memories of a Co-Chairman that I very rarely had any difficulties with. He was such a nice person. Such a fine individual, that I guess that the last thing that I would like to say is probably the best compliment that I could give anybody, and that is that he died as he lived in the service of the People of the State of Maine.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. First, I want to say thank you to the Senator from Penobscot, Senator Pearson. I think that his words are eloquent and certainly, right on target with Representative Don Carter.

Representative Don Carter was my mentor, my teacher. From my first day in this legislature, then in the House, I called Don my teacher because he was always there to share bits of wisdom, guidance, and advice, as has been mentioned from the good gentlemen from Penobscot, Senator Pearson, there probably will never be as strong, as courageous, as true hearted a legislator as Representative Don Carter. As I thought about over the last few days, the tributes that one could give to Don Carter, and there are very, very many, the one that stands in my mind today, is his support of the family. Don Carter believed in the institution of the family. He believed in the community. He epitomizes what sometimes we think of as old fashioned values, but those old fashioned values, ladies and gentlemen of the Senate, are transcendent values, they don't change. He loved his country, he loved his state, he loved his family and his community, and we are, as the good Senator from Penobscot, said, blessed in having known Representative Don Carter, a great man, and I hope and I pray to God every day, that we will have someone who will step in to the shoes of Representative Carter, and keep his guiding light forever in their mind. He was a great friend, a great legislator, and we will miss him. Thank you Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to thank the good Senator from Kennebec, Senator Matthews, and the good Senator from Penobscot, Senator Pearson, for sharing their very special and private thoughts about Representative Don Carter with the rest of us. And I, too feel I must rise.

Don was a special friend to me, we were neighbors there, right across the Kennebec, and he would always refer to Waterville as West Winslow, because Waterville had been part of Winslow. We had many discussions on local issues, especially, and state issues, he was just a special friend and colleague to me as he was to so many others, and I believe that most of us here in the Maine Legislature are replaceable. I know that I am very replaceable, I am sure that some of you here in this room would agree with that. But Don Carter is irreplaceable. He was just very special, a very solid rock. He kind of reminds me when I think of Don, I think of the Maine granite. He was that solid and that steady. He just had a fountain of knowledge that came of years of caring, and studying, and learning, a very intelligent person, and compassionate.

He was also very issue oriented in addition to caring deeply about representing his community properly as they wish to be represented, and there were some issues that were just very dear to him, and he could be a real bull dog, and very tenacious once he set his mind upon something. When we discuss some of those issues here in the Maine Senate, I will certainly be thinking of Don. He wanted to abolish counties. Well, I am sure we will be debating that issue again. He cared deeply about cleaning up the Kennebec River. One thing that was extremely important to him was to see the Atlantic Salmon with which that river once teamed returned, and the sturgeon, weighing several hundred pounds upon which the Indians relied even more than they did upon the

salmon. He cared about the restoration of the historic Fort Halifax, which Senator Pearson referred to. He was very interested in solid waste management.

His beloved wife, Wilma, was a native of Germany, and Don and his wife, Wilma, often went to Germany, and his last trip to Germany he also visited some of the countries of Eastern Europe, and he came back feeling very strongly that a part of the problem, and a reason for the revolutions in Eastern Europe were due to their failure to deal with the environment and the ecology than any other reason. It was fascinating to listen to Don, to talk with him, because he was interested in so many things. He was especially interested in having a second bridge over the Kennebec at Waterville/Winslow, and this was a project of his for twenty years. Now that it is finally going to become a reality, it is well along in the planning stage, and is just about ready for construction, and certainly, that bridge should be named after Don Carter. Of course, he was interested in the budgetary process in state government, and was very interested in local government, and he always thought about how our policy development affected the communities as a long time Town Counselor.

Obviously, I could go on, and on, and on, but I won't. I just wanted to share some of those things with you, and he was always there for his community and for the State of Maine, and he will be sorely missed.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I sat in seat 124 in the House and Don Carter was in 122. I served on the Appropriations Committee with him for six years. I daily went by his chair, and Don would smile and say, we have got another day Ruth, another day. You know one thing we are going to do, we are going to come out with unanimity. It is a hard word to say! And that is how he used to say it! It brought attention to you that the Appropriations Committee must work together, and we must do the business of the people of the State of Maine. Every day he worked toward that goal.

People before me have told you stories of Don, and I will tell you the story of Saturday morning. Now Saturday morning was snowy, and Don Carter said it is thirty-four degrees, and you know those ruts on Route 95 are going to be there today, and I am not going to go that way. And I said Don, you know I am not either, I am going down Route 3 and hopefully if I get to Belfast, I will run into rain. Well that is exactly what happened, but as I went through the hills of Montville, China, and everything else, I could see white knuckles, and thought of people going north to Aroostook County, and finally, when I did get home, I am home safely. I just can't believe this. The telephone rang, and Don didn't make it. To stand and talk to someone two hours before and discuss road conditions and the safest way to go home, was something that Don took into consideration. He was a very careful man. He weighed everything. That is something that I learned from him. It was a wonderful experience.

I think that I must tell you also, that I think that Don was one of the "Good Ole Boys". I really

think he loved it when the Appropriations Committee was the "Good Ole Boys", and when I went on, I didn't blame him, I thought here is this woman, she will talk alot, she will drive him nuts, and she will ask alot of questions, and so forth, so I made up my mind I was going to learn from him, and I did. The other day when I looked at the Appropriations Committee, I thought, oh my Lord! There are six women and seven men here now! I hope that they learn from Don Carter, because if they listen, they will, and they are.

I remember Don Carter, the Honorable Don Carter, as a God fearing man, who feared no man. And a God loving man, who loved all of God's creatures.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Some of you know that my husband served in the Legislature before his death, and he served with Don Carter, so when it was my turn to come to the Legislature, I came knowing a few people here, one of them being Don Carter. He told me had known my husband, and made me feel very comfortable.

During the years when I became Chairman of the Eastern Regional Conference of the Council of State Government, Don Carter was very supportive. He and Wilma came to the conferences that we had, and he always learned something from those conferences. He always gave something at those conferences. I got to know them a little bit at that time, and we had many things in common. We were both from the Catholic faith. Our families each had four children, two boys and two girls. It was a warm, friendly, couple that I got to know a little bit at those conferences, and during the legislative session, I appeared quite frequently before Appropriations Committee. I must say, that the Senate Chair of the Appropriations Committee has always treated me with much kindness, and a little fooling around sometimes, but all in good nature. But Don Carter always had questions to ask, he always solicited information if it was something special he was interested in, he made a point of asking a question the right way so that it would give further information to that cause.

He was truly a gentleman. I enjoyed very much going before Appropriations with the two Chairs of that Committee, because they treated everyone fairly. He will be sorely missed. He taught alot of people in the legislature. Senator Foster indicated that many people on the Committee learned from him, and I think that the lessons that were learned will be passed on from those who learned from him.

**THE PRESIDENT:** The Chair would ask the Members to please join in a moment of silence and prayer. Thank you.

Which was **ADOPTED**, in concurrence.

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Off Record Remarks

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

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The Chair requested the Committee appointed to wait upon the Honorable John R. McKernan, Jr. and inform him that he had been duly elected Governor of the State of Maine for the political years 1991, 1992, 1993, and 1994 to discharge its duties.

The Sergeant-At-Arms escorted the Committee to the Office of the Governor.

Subsequently, the Senator from Cumberland, Senator **CLARK** reported that the Joint Select Committee on Gubernatorial Votes had delivered the message with which they were charged.

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Senate at Ease

Senate called to order by the President.

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

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

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On motion by Senator **KANY** of Kennebec, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

#### COMMUNICATIONS

The Following Communication: S.P. 57

#### REPORT OF THE JOINT SELECT COMMITTEE ON GUBERNATORIAL VOTE STATE OF MAINE

January 3, 1991

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

Dear President Pray and Speaker Martin:

The Joint Select Committee of the One Hundred and Fifteenth Legislature on returns of votes for Governor given in at the several cities, towns and plantations of this State for the political years 1991, 1992, 1993 and 1994, has attended to its duty and asks leave to report that the whole number of votes returned for Governor was 523,082; that Andrew Adam of Augusta had 48,377 votes; Joseph E. Brennan of Portland had 230,038 votes; John R. McKernan, Jr., of Auburn had 243,766 votes; and Others had 311.

S/Gerry Conley, Jr.  
Chairman on the part of of the Senate

S/Phyllis R. Erwin  
Chairman on the part of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

Sent down for concurrence.

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

#### COMMITTEE REPORTS

House

#### Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase the Amount the State may Borrow in Anticipation of Tax Revenues" (Emergency)

H.P. 10 L.D. 13

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-6)**.

Signed:

Senators:  
PEARSON of Penobscot  
BRANNIGAN of Cumberland

Representatives:  
CARTER of Winslow  
CHONKO of Topsham  
MICHAUD of East Millinocket  
PARADIS of Frenchville  
POULIOT of Lewiston  
CARROLL of Gray  
RYDELL of Brunswick

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-7)**.

Signed:

Senator:  
FOSTER of Hancock

Representatives:  
MACBRIDE of Presque Isle  
REED of Falmouth  
FOSS of Yarmouth

Comes from the House the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-6)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-6)** AS **AMENDED BY HOUSE AMENDMENT "B" (H-9)**, thereto.

Which Reports were **READ**.

Senator **PEARSON** of Penobscot moved to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-7)** Report in **NON-CONCURRENCE**.

The Bill **READ ONCE**.

Committee Amendment "B" (H-7) **READ**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-7)** Report.

On further motion by same Senator, the Senate **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-6)** Report, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-6) **READ**.

On further motion by same Senator, House Amendment "B" (H-9) to Committee Amendment "A" (H-6) **READ**.

On further motion by same Senator, House Amendment "B" (H-9) to Committee Amendment "A" (H-6) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-3) to Committee Amendment "A" (H-6) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This offers an opportunity for the Administration to borrow the Tax and Participation Notes for the cash flow problems of upwards to One Hundred and Twenty-five million dollars, and it also requires that it be paid back by the end of this fiscal year, and that the Bill is Amended now to have a provision in it that requires that it get the first money to pay it back so that it will all be paid back by the end of June. This is essentially what was the Minority Report with an

Amendment guaranteeing that it is going to be paid back.

On further motion by same Senator, Senate Amendment "A" (S-3) to Committee Amendment "A" (H-6) **ADOPTED**.

Committee Amendment "A" (H-6) as Amended by Senate Amendment "A" (S-3) thereto **ADOPTED** in **NON-CONCURRENCE**.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE**.

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

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On motion by Senator **MILLS** of Oxford, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

#### **ORDERS**

##### **Joint Order**

On motion by Senator **DUTREMBLE** of York, the following Joint Order:

S.P. 60

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Monday, January 7, 1991, at 4 o'clock in the afternoon.

Which was **READ** and **PASSED**.

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

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

#### **ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

##### **Emergency**

An Act to Increase the Amount the State may Borrow in Anticipation of Tax Revenues  
H.P. 10 L.D. 13  
(S "A" S-3 to C "A" H-6)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act Authorizing Certified Breeders of Domestic Animals to Administer Rabies Vaccinations"  
H.P. 61 L.D. 89

Bill "An Act Amending the Potato Branding Laws"  
H.P. 73 L.D. 101

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

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

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Bill "An Act Regarding the Acceptance of Certain Checks"  
H.P. 57 L.D. 85

Bill "An Act Concerning Consent to Dental Care"  
H.P. 60 L.D. 88

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

Which were referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Amend the Law Concerning Family Medical Leave"  
H.P. 75 L.D. 103

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

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

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Bill "An Act Designed to Make the Use and Storage of Firearms Safer"  
H.P. 59 L.D. 87

Bill "An Act Concerning the Licensing of Organizations Operating Games of Chance or Beano"  
H.P. 67 L.D. 95

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act Concerning the Season for Harvesting Scallops"  
H.P. 66 L.D. 94

Come from the House referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Modify the Territory of the Northport Village Corporation"  
H.P. 58 L.D. 86

Resolve, Authorizing the State to Release Its Interest in Certain Real Property in Rumford, Maine  
H.P. 68 L.D. 96

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

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

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Bill "An Act Concerning Notifications of Action on Requests for Tax Abatements"  
H.P. 70 L.D. 98

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Authorize Certified Reserve Officers to Enforce Motor Vehicle Registration Laws"  
H.P. 65 L.D. 93

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

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

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**Off Record Remarks**

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**Senate at Ease**

Senate called to order by the President.

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The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **KANY** of Kennebec, and Senator **MATTHEWS** of Kennebec, the Senate **ADJOURNED** in the memory of Representative Donald V. Carter of Winslow, until Monday, January 7, 1991, at 4:00 in the afternoon.