

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

In Senate Chamber
Tuesday
January 22, 1991

On motion by Senator **DUTREMBLE** of York, the following Joint Order:
S.P. 88

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until the call of the President of the Senate and the Speaker of the House when there is need to conduct legislative business.

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

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

Senate called to Order by the President.

Prayer by the Honorable Charles E. Summers of Cumberland.

SENATOR CHARLES E. SUMMERS: Gracious God of every place and time, we ask You to listen to us, Your children, and to free us from our own unwillingness to listen to You. We want to live in Your hope, having the courage to care for the world around us. We ask that You give us the wisdom, the courage, and compassion to deal with problems that at times seem insurmountable.

We pray for Governor McKernan, and ask that you give him the strength to face the most difficult situation of his life. We pray for his son, Peter, and we hold onto the hope that he will recover and once again live life to its fullest.

We also ask that You watch over our men and women who are bravely serving their country in the Middle East. And it is with them in mind that we remember the words of our great President, Dwight Eisenhower, who said, "Freedom from fear, and injustice, and oppression will be ours only in the measure that men and women who value such freedom are ready to sustain its possession to defend it against every thrust from within or without". Amen.

Reading of the Journal of Thursday, January 17, 1991

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

ORDERS
Joint Order

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Change the Time Required for Purchase of Armed Forces Service Credit"
H.P. 96 L.D. 137

Comes from the House referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**.

Which was referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Appropriate Funds to Continue the Surname Index Project at the Maine State Library"
H.P. 97 L.D. 138

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

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

On motion by Senator **PEARSON** of Penobscot, **RECONSIDERED** reference to Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

On further motion by same Senator, Tabled 1 Legislative Day, pending **REFERENCE**.

Bill "An Act to Exempt the Repair and Maintenance of Road Culverts from Approval by the Department of Environmental Protection"
H.P. 98 L.D. 139

Bill "An Act to Establish Standards of Financial Need for Grants under the Small Community Grants Program" (Emergency)

H.P. 99 L.D. 140

Come from the House referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

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

Bill "An Act to Change the Title of the Commission on Safety in the Maine Workplace"

H.P. 100 L.D. 141

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.

Joint Order

The following Joint Order: H.P. 101

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as it sees fit to revise the salaries of county officers and lay the county taxes for the year 1991.

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

Which was **READ** and **PASSED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 82

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

January 11, 1991

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

Dear Madam Secretary:

Pursuant to Joint Order, (S.P. 75), I have made the following appointments.

Joint Select Committee on Corrections

Senator Beverly Miner Bustin, Chair
Senator N. Paul Gauvreau, Member
Senator Barbara Gill, Member

Please let me know if you have any questions about these appointments.

Sincerely,

S/Charles P. Pray
President of the Senate

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

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Revise Transition Services for Disabled Students"

S.P. 79 L.D. 142

Presented by Senator **BOST** of Penobscot
Cosponsored by Senator **ESTES** of York,
Representative **HANDY** of Lewiston and Senator
BRANNIGAN of Cumberland

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

Sent down for concurrence.

Bill "An Act to Preserve the Integrity of the Maine State Lottery"

S.P. 80 L.D. 143

Presented by Senator **MCCORMICK** of Kennebec
Cosponsored by Representative **FARNSWORTH** of
Hallowell, Senator **BUSTIN** of Kennebec and
Representative **NORTON** of Winthrop

Resolve, Authorizing Robert L. Gray to Bring a Civil Action against the State

S.P. 81 L.D. 144

Presented by Senator **GOULD** of Waldo (By Request)

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

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Offset Costs of Probation Services" H.P. 37 L.D. 53

Tabled - January 17, 1991, by Senator GAUVREAU of Androscoggin.

Pending - REFERENCE

(Committee on JUDICIARY suggested and ORDERED PRINTED.)

(In House, January 14, 1991, referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED.)

Which was referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED, in concurrence.

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 Allow the Systems Assessment Commission to Extend Reporting Deadlines S.P. 70 L.D. 126 (H "A" H-10)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 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.

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

COMMUNICATIONS

The Following Communication: S.P. 83

115TH MAINE LEGISLATURE

January 22, 1991

Senator Dale McCormick
Rep. John Jalbert
Chairpersons
Joint Standing Committee on Aging, Retirement and Veterans
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated David S. Wakelin of Cape Elizabeth for reappointment to the Maine State Retirement Board of Trustees.

Pursuant to Title 5, MRSA Section 17102, this nomination will require review by the Joint Standing Committee on Aging, Retirement and Veterans and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was READ and REFERRED to the Committee on AGING, RETIREMENT AND VETERANS.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.P. 85

115TH MAINE LEGISLATURE

January 22, 1991

Senator Bonnie L. Titcomb
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on Energy and Natural Resources
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Eugene L. Gendron, Jr. of South

Portland for reappointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA Section 361, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

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

S/John L. Martin
Speaker of the House

Which was READ and REFERRED to the Committee on ENERGY AND NATURAL RESOURCES.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.P. 86

115TH MAINE LEGISLATURE

January 22, 1991

Senator Joseph C. Brannigan
Rep. Rita B. Melendy
Chairpersons
Joint Standing Committee on Housing and Economic Development
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Cynthia T. Spires of South Gardiner for appointment to the Adaptive Equipment Loan Program Fund Board.

Pursuant to Title 10, MRSA Section 373, this nomination will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

Please be advised that Governor John R. McKernan, Jr. has nominated Ray D. Hews of Presque Isle for appointment to the Natural Resources Financing and Marketing Board.

Pursuant to Title 10, MRSA Section 985, this nomination will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

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

S/John L. Martin
Speaker of the House

Which was READ and REFERRED to the Committee on HOUSING AND ECONOMIC DEVELOPMENT.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.P. 87

115TH MAINE LEGISLATURE

January 22, 1991

Senator Georgette B. Berube
Rep. Ruth Joseph
Chairpersons
Joint Standing Committee on State & Local Government
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Lai Orenduff of Farmington for appointment as Chair of the Cultural Affairs Committee.

Pursuant to Title 27, MRSA Section 553, this nomination will require review by the Joint Standing Committee on State & Local Government and confirmation by the Senate.

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

S/John L. Martin
Speaker of the House

Which was READ and REFERRED to the Committee on STATE & LOCAL GOVERNMENT.

Sent down for concurrence.

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

Senator **GAUVREAU** of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator **GAUVREAU**: Thank you Mr. President. Ladies and Gentlemen of the Senate. As you know, yesterday marked the passing of the formal holiday honoring the late Dr. Martin Luther King for his single achievements to our society. I rise today to commemorate the accomplishments of Dr. King and all of those who supported his work towards non-violent peaceful change in our society, and I do so in a rather sober and somber vein.

When I grew up, there was tremendous hope and exhilaration because of the Civil Rights movement. Dr. King, in fact, did personify for a generation the notion that we could accomplish major change in our society in a peaceful, non-violent fashion. He epitomized for many of us the hope that we would someday realize and share in his dream of a society in which all persons, regardless of race, regardless of color, regardless of ethnic origin, regardless of gender, would have a meaningful and a true opportunity to equally partake in the benefits of our society.

Unfortunately now, some twenty-three years since the passing of Dr. King, in my view, we have probably not even maintained the level of progress which had been realized in the fifties and sixties, and probably in many areas gone back, and realized a downturn toward our commitment of equal justice.

In 1980 the average income of a black family in our society was around \$20,500. Some ten years later on, the actual income of black families in our society decreased, decreased, below the 1980 level. In relative to earnings of white families, black income has decreased, and decreased sharply over the past fifteen years.

We see the impact of this economic disparity in all aspects of our society. In the area that I have worked a great deal in, health care, the descendant between a white and black opportunity is perhaps most telling. We also understand in the area of law and justice, somewhere around seventeen percent of Americans belong to minorities, and fully forty-six percent of the victims, the victims of violent crime are members of minority groups.

Perhaps most discouraging of all, are the attitudes of American citizens. I think many of us would like to believe that our fellow citizens fully share our goals and our objectives for black persons to fully and equally take part in our society. There are disturbing indications that in fact is not the case. Opinion research at the University of Chicago, just this past year, indicated some truly startling opinions amongst Americans. Some seventy-eight percent, seventy-eight percent, of Americans responding to the surveys indicated that blacks are more likely to be lazy, blacks are more likely to be less intelligent, blacks are in fact, are more likely to try to support themselves and their families.

Those attitudes in the late twentieth century, I think, are truly revealing, and although we have perhaps made a significant beginning in our goal toward racial equality, we are certainly no where near where we should be at this point in our nations history.

Unfortunately, from my prospective, events in government over the last several years have not provided a real sustenance and commitment to our goal of racial equality. In fact, the United States Government, just a few years ago, took the position that in respect to racially segregated private institutions, the U.S. Government should provide tax benefits to institutions which did discriminate on the basis of race, and it took an act of U.S. Congress to overturn that decision. We have also seen a truly discouraging succession of court cases which has significantly reduced meaningful judicial remedies to insure equal equality.

And perhaps most important of all, in my view, is the politicizing of our commitment toward racial equality. Back in the 1960's the courts had fashioned a number of remedies to allow black people a meaningful opportunity to take part in our society. But in recent years, those remedies have in fact, themselves become highly controversial and highly politicized, and as a result, we have seen virtual stagnation in our goal for racial equality.

So I rise today because of my view that we have not perhaps paid enough respect to Dr. King or to the goals and objectives of racial equality. I can recall standing and debating on whether we should even have a holiday in memory of Dr. King and those supported equal rights for all American citizens. I believe that it is time for us to double our commitment to racial equality in our society. Certainly, the events of the past ten or fifteen years are most sobering. I pointed out to you the social attitudes of our people, and the failures of black Americans to realize equality economically or socially. So I rise today to commemorate the passing of Dr. King, and certainly the objectives that he has stood for, and the notion that we should have a racially neutral country, and that we should promote non-violent social change. Thank you very much.

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **GAUVREAU** of Androscoggin, **ADJOURNED** until the call of the President of the Senate and the Speaker of the House.