

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
Wednesday
January 30, 1991

Senate called to Order by the President.

Prayer by the Honorable Dennis L. Dutremble of York.

SENATOR DENNIS L. DUTREMBLE: Lord, we do not know what is best for us, but You know, and for that we pray. We pray that You help guide the Members of this Legislature into doing what is right for the people of Maine. We pray and humbly ask that You give strength and courage to those American families who may have loved ones in the Middle East. We pray and humbly ask You to protect those by bearing the brunt of the war on the battlefields of the Persian Gulf. We pray for the President and other world leaders as they search for means to bring peace and stability to troubled lands. We pray that from all the tragedies and confusions, as well as the aspirations of this time, there may come a just and lasting peace to cover the earth. And Lord, with sorrow and compassion, we pray for Peter McKernan, who has so suddenly been taken away from this world. We pray that through You, Lord, he may find peace and happiness in eternal rest. Amen.

Reading of the Journal of Tuesday, January 22, 1991.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Establish Wastewater Management Districts"
H.P. 110 L.D. 153

Bill "An Act to Assist in the Cleanup of Contaminated Property"
H.P. 113 L.D. 156

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 Expand the Law Concerning Failure to Wear a Flotation Device"
H.P. 105 L.D. 148

Bill "An Act to Amend the Laws Governing Operation of a Watercraft"
H.P. 106 L.D. 149

Come from the House referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

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

Bill "An Act to Establish a Statewide Area Health Education Centers System"
H.P. 112 L.D. 155

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

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

Bill "An Act to Encourage Safety in the Workplace"
H.P. 109 L.D. 152

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

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

Resolve, Authorizing Paul Wiegleb to Bring a Civil Action Against the State
H.P. 104 L.D. 147

Bill "An Act to Regulate Petitioners at the Polls on Election Day"
H.P. 107 L.D. 150

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.

Bill "An Act Concerning Succession to the Position of Treasurer of State"
H.P. 103 L.D. 146

Bill "An Act to Authorize Residents of Municipalities to Amend Proposed Ordinances at Town Meetings"

H.P. 108 L.D. 151

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.

Bill "An Act Concerning Reimbursement to Municipalities for Property Taxes Lost Due to the Classification of Property in Farmland and Open Space Programs" (Emergency)

H.P. 111 L.D. 154

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.

COMMUNICATIONS

The Following Communication:

**STATE OF MAINE
SPECIAL COMMITTEE ON THE NEW CAPITOL AREA MASTER PLAN
AUGUSTA, MAINE 04333**

January 15, 1991

Honorable Charles P. Pray
Chairman of the Legislative Council
State House
Augusta, Maine 04333

Dear Mr. Chairman and Members of the Legislative Council:

As chairman of the Special Committee on the New Capitol Area Master Plan, I respectfully submit this report pursuant to Chapter 60 of the Resolves of 1989.

The report, prepared by the Master Planner CBT/Childs Bertman Tseckares and Casendino, Inc. in association with the consultant team of Whitman & Howard, Inc. and T.Y. Lin International, documents in detail the existing conditions of the Capitol Area, analyzes future needs and outlines recommendations for future action. The report in addition includes a summary of the work required and a cost estimate for Phase II of the New Capitol Area Master Plan.

The Special Committee and the Master Planning Team very much looks forward to completing all of the necessary work required to develop and enact a Master

Plan that will respond to both the future needs of the Capitol Area, as well as to all the citizens of Maine.

Respectfully,

S/Jon S. Oxman, Chairman
Special Committee on the New Capitol Area Master Plan

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

The Following Communication:

**THE SENATE OF MAINE
AUGUSTA, MAINE 04333**

January 11, 1991

The Honorable Charles P. Pray
Chairman, Legislative Council
115th Legislature
Augusta, Maine 04333

Dear Senator Pray:

Pursuant to Joint Rule 39, please be advised that May M. Ross has been appointed our partisan staff assistant for nominations.

Sincerely,

S/Charles M. Webster
Senate Republican Leader

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

The Following Communication:

MAINE TRAVEL INFORMATION ADVISORY COUNCIL

January 24, 1991

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

Dear Mr. President:

The Maine Travel Information Advisory Council is pleased to present this report of a Study of The Maine Traveler Information Services Act, Title 23, Chapter 21 - Sections 1901-1925 and of the Rules and Regulations adopted to implement the Law, as required by Public Law 735, 1990.

Sincerely,

S/Marion Fuller Brown
Chairman, Maine Travel
Information Advisory
Council

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

The Following Communication:

**STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES
AUGUSTA, MAINE 04333**

January 15, 1991

Honorable Charles P. Pray
President
Maine State Senate
State House
Augusta, Maine 04333

Dear President Pray:

This is the Department's report of its legislative plan for review and modification of child support awards in support enforcement cases of the Department, pursuant to Section B-1, Part B, L. 1989, c. 877 (copy enclosed). The report deals not only with the plan itself but also with the Department's perception of the problems consequent to both enactment and non-enactment of a legislative plan for an expedited commencement of judicial proceedings for the modification of child support awards in the context of federally mandated review and modification.

History

In the 2nd session of the 114th Legislature, L.D. 2391 (copy enclosed) presented three child support enforcement initiatives of the Department: Immediate income withholding (part A); review and modification of child support awards in the Department's support enforcement cases (part B); and, administrative commencement of paternity actions (part C).

With respects to Part B of L.D. 2391, the Legislature provided, by Section B-2 of Part B, L. 1989 c. 877, that the Department adopt by rulemaking pursuant to the Maine Administrative Procedure Act a plan for reviews of child support awards in its cases as required to be effective October 13, 1990 by the Social Security Act, section 466 (a) (10). A copy of the Department's plan adopted by rulemaking, effective October 14, 1990, is enclosed.

Section B-1 of Part B, L. 1989 c. 877, directed the Department, in consultation with the Supreme Judicial Court, the Family Law Section of the Maine State Bar Association, and Pine Tree Legal Assistance, Incorporated, to develop a plan in accordance with the requirements of the Social

Security Act, section 466 (a) (10), effective October 13, 1993, for triennial review of child support awards in the Department's support enforcement cases.

On December 6, 1990 the Department wrote to the following consultants, soliciting their views and suggestions in connection with the development of a legislative plan:

Hon. Robert Crowley (Chair), Hon. Ellen Gorman and Hon. Michael Wescott, for the Supreme Judicial Court;

Hon. Cushman Anthony, Judiciary Committee Liaison;

Kathryn Ainsworth, Esq., Michael Asen, Esq., and Roderick Potter, Esq., for the Family Law Section of the Maine State Bar Association; and

Mary Henderson, Esq., and Charles Henegar, Esq., for Pine Tree Legal Assistance, Incorporated.

Legislative Plan

We enclose the Department's legislative plan as developed to date in the form of a proposed new section 321 of Title 19 of the Maine Revised Statutes ("Section 321"), a copy of which is enclosed.

Section 321, like Part B of L.D. 2391, has as its ultimate goal the implementation of the federal requirement for triennial reviews of child support awards in the Department's support enforcement cases. The two major considerations underlying Section 321, as was the case with Part B of L.D. 2391, are maximum use of the Department's support enforcement caseload data resources and its newly implemented computer capabilities for conducting reviews of the child support awards; and, the effectual commencement of judicial modification proceedings by means of the filing of: (1) the Department's proposals which result from the reviews conducted by it, (2) the factual bases for them, and (3) either challenges to the Department's proposals or proof that timely challenges have not been made. A third component of Section 321 (outlined in Part B of L.D. 2391, and developed in the Department's review and modification rulemaking effective October 14, 1990) is a statutory scheme for the review and modification by the Department of its own administrative decisions establishing child support awards.

However, there are a number of differences between the legislative plan set forth as Part B of L.D. 2391, 114th Legislature, and that articulated by Section 321: (1) Section 321 provides for full disclosure by the Department of the basis for its proposals resulting from its reviews. The L.D. 2391 proposal was deficient in this regard, as was noted by Pine Tree Legal Assistance, Incorporated. (2) The disclosure requirements for parents subject to the court orders and administrative decisions to be reviewed have been narrowed so as not to exceed those necessary for reviews, and the time for such disclosure by parents has been enlarged so as to be co-equal with the required advance notice to parents of the conducting of reviews by the Department. (3) Section 321 also supplies an order of review and cut-off ages for the conducting of reviews. (4) Section 321 describes explicitly the notices to be given to parents subject to the orders and

administrative decisions being reviewed, both with respect to the reviews and with respect to the Department's proposals resulting from the reviews. (5) Section 321 is explicit to the effect that a parent's failure to challenge the Department's proposal concerning modification of a child support award will be deemed a consent to the proposal. (6) Section 321, unlike Part B, L.D. 2391 would not exclude court modification proceedings from the mediation process.

As noted by Governor McKernan in his letter of January 3, 1991 to Chief Justice McKusick (copy enclosed), the federal requirement that triennial reviews of child support awards in support enforcement cases of the Department be in effect by October 13, 1993 raises the prospect of significant burdens upon the resources of the Maine court system, because of what the Department estimates may be as many as 7,000 reviews annually of child support awards in the Department's support enforcement caseload that have been established by Maine court orders. Even if only 50% of these reviews result in actively litigated judicial modification proceedings, the additional child support award modification caseload of the court system will be extremely large. Accordingly, as the Governor also indicates in his letter, the Department is considering recourse to our Congressional delegation for the purpose of securing an exemption from the triennial review requirement, mitigation of the requirements of the existing federal legislation concerning review and modification, or postponement of the present implementation deadline of October 13, 1993.

At the same time, non-enactment of legislation such as that proposed by Section 321 will not solve the problem, because the very fact of Maine's implementation of the federal requirement of a general plan for review and modification to be in effect by October 13, 1990 (the Department's rulemaking effective October 14, 1990, pursuant to Section B-1, Part B, L. 1989, c. 877) creates the potential for an unprecedented number of child support award reviews, the ultimate disposition of which can be effected only by court modification proceedings. This results from the fact that, in accordance with proposed federal regulations implementing Section 466 (a) (10) of the Social Security Act, the Department's plan effective October 14, 1990 requires the Department to develop and implement a plan for advising all parents subject to orders embodying child support awards in the Department's cases of their right to request reviews. However, in the absence of legislative authority for an expedited commencement of modification proceedings such as proposed by Section 321, the Department's implementation of its plan in this regard can result in nothing by huge backlogs of legal referrals by the Department to the Attorney General's Office for the institution of modification proceedings. In short, without legislation such as Section 321, the Department cannot even fulfill its general plan, much less meet the requirement of triennial reviews.

We are transmitting copies of this report and its enclosures to the Executive Director of the Legislative Council and the Department's consultants in its development of its legislative plan.

Sincerely,

S/Rollin Ives
Commissioner

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

The Following Communication:

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
STATE HOUSE STATION 16
AUGUSTA, MAINE 04333

January 24, 1991

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

Dear President Pray:

In accordance with Public Law 585, 1989, the Department of Transportation has submitted its report, "A Comprehensive Review of Feasible Alternatives of Utilizing Recyclable Materials in Construction", to the Joint Standing Committee on Energy & Natural Resources and Transportation, and to the State Purchasing Agent. I am pleased to transmit a copy of the report to you.

Sincerely,

S/Dana F. Connors
Commissioner

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

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

January 24, 1991

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

Dear Madam Secretary:

Please be advised that I have made the following appointments:

Pursuant to my authority under Chapter 43 of the Resolves of 1983, I have appointed Senator R. Donald Twitchell to the Regional Agriculture Committee.

Pursuant to my authority under M.R.S.A. Title 22, Section 5108-A, I have appointed Senator Nancy Randall Clark to the Maine Committee on Aging.

Pursuant to my authority under Chapter 934 of the Public Laws of 1990, I have appointed Senator Beverly Miner Bustin to the Maine Council on Alcohol and Drug Abuse Prevention and Treatment.

Pursuant to my authority under M.R.S.A. 3, Section 227, I have re-appointed Senator Georgette Berube and Senator Raynold Theriault to the Maine Canadian Legislative Advisory Commission.

Pursuant to my authority under M.R.S.A. 3, Section 2-A, I have re-appointed Mr. Robert Reny of Damariscotta and Mr. Philip Annis of Dover-Foxcroft to the State Compensation Commission.

Pursuant to my authority under M.R.S.A. 34-A, Section 1204-A, I have appointed Senator N. Paul Gauvreau to the Maine Correctional Advisory Committee.

Pursuant to my authority under M.R.S.A. Title 5, Section 19103, I have appointed Mr. Dennis King of Bangor and Senator Gerard P. Conley, Jr. to the Health Policy Advisory Council.

Pursuant to my authority under M.R.S.A. Title 5, Section 462, I have appointed Senator Gerard P. Conley, Jr. to the Maine Human Development Commission.

Pursuant to my authority under M.R.S.A. Title 26, Section 2005, I have re-appointed Senator Donald Esty as my designee on the Human Resource Development Council.

Pursuant to my authority under M.R.S.A. 34-B, Section 1210, I have appointed Senator Stephen Bost to the Maine Advisory Committee on Mental Retardation.

Pursuant to my authority under Chapter 468 of the Public Laws of 1985, I have recommended Senator Stephen Bost to the Governor for appointment as the Senate member of the Pine Tree Partnership Fund Board.

Pursuant to my authority under M.R.S.A. 38, Section 1453, I have appointed Senator Bonnie Titcomb and Senator John Baldacci, and re-appointed Senator Margaret Ludwig and Nancy Holland of Shirley, to the Advisory Commission on Radioactive Waste.

Pursuant to my authority under M.R.S.A. Title 23, Section 4501, I have appointed Senator Raynold Theriault to the Maine Transportation Capitol Improvement Planning Commission.

Pursuant to my authority under M.R.S.A. 3, Section 201, I have appointed myself to serve on the Commission on Interstate Cooperation.

Sincerely,

S/Charles P. Pray
President of the Senate

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

SENATE PAPERS

Bill "An Act to Appropriate Funds for Case Management Services for Troubled Youth in the Greater Portland Area"

S.P. 101 L.D. 188

Presented by Senator **BRANNIGAN** of Cumberland
Cosponsored by Representative **CHONKO** of Topsham

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

Sent down for concurrence.

Resolve, to Provide Group Insurance Coverage to Maine's Foster Parents

S.P. 92 L.D. 177

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **RYDELL** of Brunswick, Senator **MCCORMICK** of Kennebec and Representative **TREAT** of Gardiner

Bill "An Act to Increase Access to Dental Services"

S.P. 96 L.D. 181

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **MITCHELL** of Vassalboro

Bill "An Act to Improve the Enforcement of the Maine Insurance Code"

S.P. 105 L.D. 202

Presented by Senator **BRAWN** of Knox
Cosponsored by Representative **RICHARDS** of Hampden, Representative **MITCHELL** of Vassalboro and Senator **KANY** of Kennebec
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

Bill "An Act Relating to Medicare Supplement Insurance"

S.P. 106 L.D. 203

Presented by Senator **GILL** of Cumberland
Cosponsored by Representative **RICHARDS** of Hampden, Senator **CLARK** of Cumberland and Representative **TRACY** of Rome
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Facilitate Workers' Compensation Payments to Injured Workers"

S.P. 108 L.D. 205

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by Senator ESTY of Cumberland,
Representative RUHLIN of Brewer and Senator
BUSTIN of Kennebec

Committee on **BANKING AND INSURANCE** suggested and
ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, Tabled
1 Legislative Day, pending **REFERENCE.**

Bill "An Act to Amend the State Architect Licensure Laws"

S.P. 107 L.D. 204

Presented by Senator COLLINS of Aroostook
Cosponsored by Senator BALDACCI of Penobscot

Bill "An Act to Amend the Maine Uniform Transfers to Minors Act to Permit the Holding of Custodial Property Registered under a Street or Nominee Name"
S.P. 112 L.D. 209

Presented by Senator BALDACCI of Penobscot

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

Sent down for concurrence.

Bill "An Act to Prohibit the Burying of Low-level Radioactive Waste"

S.P. 89 L.D. 158

Presented by Senator WEBSTER of Franklin
Cosponsored by Representative HEPBURN of Skowhegan, Representative HOG LUND of Portland and Senator SUMMERS of Cumberland

Bill "An Act to Ensure Proper Disposal of Waste at Marinas"

S.P. 98 L.D. 183

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by Representative KONTOS of Windham

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

Sent down for concurrence.

Bill "An Act Concerning Manure Spreading"

S.P. 99 L.D. 184

Presented by Senator KANY of Kennebec
Cosponsored by Representative TRACY of Rome

Committee on **ENERGY AND NATURAL RESOURCES** suggested and **ORDERED PRINTED.**

On motion by Senator CLARK of Cumberland, Tabled
1 Legislative Day, pending **REFERENCE.**

Bill "An Act to Restrict the Consumption of Alcoholic Beverages in Licensed Day Care Homes"

S.P. 111 L.D. 208

Presented by Senator BUSTIN of Kennebec
Cosponsored by Representative MITCHELL of Vassalboro

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

Sent down for concurrence.

Bill "An Act Related to the Office of Substance Abuse"

S.P. 90 L.D. 175

Presented by Senator BUSTIN of Kennebec
Cosponsored by Representative CLARK of Brunswick, Representative HEESCHEN of Wilton and President PRAY of Penobscot

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

On motion by Senator BERUBE of Androscoggin, referred to the Committee on **STATE AND LOCAL GOVERNMENT.**

Sent down for concurrence.

Bill "An Act to Change the Term "Handicap" in the Maine Human Rights Act"

S.P. 104 L.D. 191

Presented by Senator MCCORMICK of Kennebec

Bill "An Act to Ban Tree Spiking"
S.P. 116 L.D. 211

Presented by Senator **BALDACCI** of Penobscot

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

Sent down for concurrence.

Bill "An Act to Amend the Severance Pay Laws"
(Emergency)

S.P. 84 L.D. 157

Presented by President **PRAY** of Penobscot
Cosponsored by Representative **HEESCHEN** of Wilton,
Representative **PINEAU** of Jay and Representative
CLARK of Millinocket

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

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

Bill "An Act Regarding Voter Registration"
S.P. 94 L.D. 179

Presented by Senator **HOLLOWAY** of Lincoln
Cosponsored by Representative **KILKELLY** of
Wiscasset

Bill "An Act to Eliminate Voter Registration on
Election Day"

S.P. 95 L.D. 180

Presented by Senator **BRAWN** of Knox
Cosponsored by Representative **STEVENSON** of Unity

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

Sent down for concurrence.

Bill "An Act to Limit the Number of Workers on
Lobster Boats"

S.P. 102 L.D. 189

Presented by Senator **BRANNIGAN** of Cumberland

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

Sent down for concurrence.

Bill "An Act to Define the Boundary between the
Towns of Madison, Norridgewock and Skowhegan"
S.P. 91 L.D. 176

Presented by Senator **WEBSTER** of Franklin
Cosponsored by Representative **HEPBURN** of
Skowhegan and Representative **KETTERER** of Madison

Bill "An Act to Limit Certain Terms of Office"
S.P. 97 L.D. 182

Presented by Senator **HOLLOWAY** of Lincoln

RESOLUTION, Proposing an Amendment to the
Constitution of Maine to Limit the Governor's Term of
Office

S.P. 103 L.D. 190

Presented by Senator **HOLLOWAY** of Lincoln
Cosponsored by Representative **NORTON** of Winthrop

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

Sent down for concurrence.

Bill "An Act to Provide Incentives for Senior
Citizens to Remain Residents of Maine"

S.P. 100 L.D. 185

Presented by Senator **VOSE** of Washington

Bill "An Act to Provide an Income Tax Exclusion
for Income Earned by Service in the Maine National
Guard"

S.P. 109 L.D. 206

Presented by Senator **VOSE** of Washington
Cosponsored by Representative **TOWNSEND** of Eastport

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

Sent down for concurrence.

Bill "An Act to Authorize Flag Plates on Motor
Vehicles"

S.P. 93 L.D. 178

Presented by Senator **THERIAULT** of Aroostook

Resolve, to Construct an Additional Exit on
Interstate 95 near the Bangor Mall

S.P. 110 L.D. 207

Presented by Senator **BALDACCI** of Penobscot

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

Sent down for concurrence.

Resolve, to Name the Waterville-Winslow Bridge the "Donald V. Carter Bridge"

S.P. 114 L.D. 210

Presented by Senator **MATTHEWS** of Kennebec
Cosponsored by Senator **PEARSON** of Penobscot,
Senator **KANY** of Kennebec, Representative **MITCHELL**
of Vassalboro, Representative **GWADOSKY** of
Fairfield, Representative **JACQUES** of Waterville,
Representative **JOSEPH** of Waterville and
Representative **POULIN** of Oakland

Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Which was, under suspension of the Rules,
referred to the Committee on **TRANSPORTATION** and
ORDERED PRINTED.

Sent down for concurrence.

ORDERS

Joint Resolutions

On motion by President **PRAY** of Penobscot, under
suspension of the Rules, (Cosponsored by: Speaker
MARTIN of Eagle Lake, Senator **CLARK** of Cumberland,
Senator **WEBSTER** of Franklin, Senator **DUTREMBLE** of
York, Senator **CAHILL** of Sagadahoc, Representative
GWADOSKY of Fairfield, Representative **WHITCOMB** of
Waldo, Representative **MAYO** of Thomaston, and
Representative **MARSANO** of Belfast) the following
Joint Resolution:

S.P. 113

**JOINT RESOLUTION SUPPORTING THE UNITED STATES
PRESENCE IN THE PERSIAN GULF**

WHEREAS, the President of the United States,
with authorization of Congress, has ordered military
action against Iraq in an effort to force Iraqi armed
forces from occupied Kuwait; and

WHEREAS, 415,000 men and women of the United
States Armed Forces are now involved in armed
conflict; and

WHEREAS, 158,000 members of the Reserves and
National Guard, including many men and women from
Maine, have been called to active duty since August
22, 1990 and may become involved in armed conflict;
and

WHEREAS, the members of this Legislature and the
people of Maine have the greatest pride in the men
and women of the United States Armed Forces and
support them in their efforts; now, therefore, be it

RESOLVED: That We, the Members of the One
Hundred and Fifteenth Legislature of the State of
Maine now assembled in the First Regular Session
commend and support the efforts and leadership of the
President as Commander in Chief in the Persian Gulf
hostilities; and be it further

RESOLVED: That we unequivocally support the men
and women of our Armed Forces who are carrying out
their missions with professional excellence,
dedicated patriotism and exemplary bravery; and be it
further

RESOLVED: That suitable copies of this
resolution, duly authenticated by the Secretary of
State, be transmitted to the Honorable George H. W.
Bush, President of the United States, to the
President of the Senate and the Speaker of the House
of Representatives of the Congress of the United
States, to the Secretary of Defense, to the Honorable
John R. McKernan, Jr., Governor of the State of
Maine, and to Major General Ernest C. Park.

Which was, under suspension of the Rules, **READ**.

Senate at Ease

Senate called to order by the President.

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

On motion by President **PRAY** of Penobscot, Tabled
until Later in Today's Session, pending **ADOPTION**.

On motion by Senator **PEARSON** of Penobscot,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

On motion by Senator **WEBSTER** of Franklin, under
suspension of the Rules, (Cosponsored by: Senator
CAHILL of Sagadahoc, President **PRAY** of Penobscot,
Senator **CLARK** of Cumberland, Senator **DUTREMBLE** of
York, Representative **WHITCOMB** of Waldo,
Representative **MARSANO** of Belfast, Speaker **MARTIN** of
Eagle Lake, Representative **GWADOSKY** of Fairfield,
Representative **MAYO** of Thomaston, Senator **FOSTER** of
Hancock, Senator **PEARSON** of Penobscot, Representative

FOSS of Yarmouth, Representative CHONKO of Topsham, Senator BALDACCI of Penobscot, Senator BUSTIN of Kennebec, Representative GARLAND of Bangor, Representative LEBOWITZ of Bangor, Representative MORRISON of Bangor, Representative DUFFY of Bangor, Representative STEVENS of Bangor, Representative PARADIS of Augusta, and Representative DAGGETT of Augusta) the following Joint Resolution:

S.P. 115

**JOINT RESOLUTION IN HONOR AND RECOGNITION OF THE LATE
PETER A. MCKERNAN**

WHEREAS, the Legislature has learned with deep regret of the passing of Peter A. McKernan; and

WHEREAS, Peter McKernan was known to many of us who had the occasion to share the pleasure of his company at activities and events in the State House and around the State; and

WHEREAS, we have enjoyed watching Peter's efforts and excellence in sporting events at Augusta, Kents Hill, Hanover and elsewhere; and

WHEREAS, Peter McKernan's warm smile and easy grace toward his friends were outward expressions of an inner spirit that was an inspiration to his colleagues and teammates at St. Mark's School, Kents Hill School and Dartmouth College, and as his achievements are an example of what can be accomplished by dedication, good citizenship and diligent effort; and

WHEREAS, our hearts go out to Peter's family and friends, as we recognize the deep sorrow that his passing causes them to bear; and

WHEREAS, our thoughts go especially to Governor John R. McKernan, Jr., Peter's father, with whom we have worked for many years as both a colleague and as Chief Executive; and

WHEREAS, Peter McKernan's goodness and love of life merit the special recognition of this Legislature and of the citizens of this State; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine now assembled in the First Regular Session, take this opportunity to express our sorrow at the passing of Peter A. McKernan; 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 Peter McKernan and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the memory of Peter; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and presented to Peter McKernan's mother, father and family as expressions of our esteem.

Which was, under suspension of the Rules, **READ.**

On motion by Senator CAHILL of Sagadahoc, Senate Amendment "A" (S-4) **READ** and **ADOPTED.**

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have struggled with the appropriate words to say along with this Joint Resolution for several days now. I think that each and everyone of us here share in the tragedy of the death of Peter McKernan.

Losing a child is, indeed, what every parent fears most. It seems so unfair that as parents we begin making the most minute decisions for our children almost at conception, but decisions about death are taken totally away from us, and as one minister said on Saturday, "Death is non-negotiable".

My own twenty year old daughter called me from college last Sunday, and she asked me to tell her a little bit about Peter's funeral. I thought for a while and I said, "You know, it was the nicest funeral I have ever been to". Now, we don't generally think of funerals in terms of nice, but I think that anyone that attended the service on Saturday has to agree that that particular funeral was an exception. The young men and women who spoke provided inspiration to us all. They showed strength and character, and their words were so apropos. They informed us all that apart from family, most of the people in that church did not really know Peter McKernan. They, on the other hand did, and they so very unselfishly shared so much of his life with us. Their anecdotes lightened our spirits and made us laugh and made us cry.

But the overwhelming message I received from each person that spoke that day, was that above all else, Peter McKernan was a good friend. If you think of that, isn't that truly all we really want for our children? When they go off to school, whether it be kindergarten, or high school, or even college, when they call home, the first thing we ask is, "Did you make any friends today?" Friendships are so important in our every day lives, and it must be so gratifying to Peter's mom and his dad to know how much he meant to his friends and the impact he had on each and everyone of their lives.

Today we offer our sympathy and our prayers to Peter's friends and family, and we thank you for reminding us about the important things in life, friends, families, and especially our children.

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

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to join my comrade from Sagadahoc County, in expressing some sentiments on this Resolution, which we will adjourn with here today.

I have found the past two months around here particularly depressing, of the economy and the dier straights, many of our constituents losing their jobs, the war in the Gulf increasing where many Maine men and women are risking their lives.

But I just don't think that anything has cast the depression as much as this incident with the Governor's son. There is something about the loss of a young life, someone in the spring of his life, beginning his journey to make this state, or some other state a better place to live. I feel particularly for the Governor, because this type of thing happens probably hundreds of times a day across this country, but something like this for him, where he is a public person, it then becomes a spectacle, a private thing that has been intruded upon by the media, and the cameras, and everybody else with all the other pressures of the state which he has to bear. And because he is the leader of our state, and he is a public person, something like this becomes ever so much harder to bear.

We don't talk around here very much about the things that go on inside us, what you believe inside. But I happen to have a faith, and I know other people here in this room may have a different faith, but I believe we all believe in God, and I have my own belief in God. I just want everybody here to know, and I am sure you will join me, and I would want the Governor to know, that I would be saying a prayer for him, that he will have the strength to accept what God has done, and to give him the spirit to continue on in life, and perhaps find joy once again. Thank you.

Which was **ADOPTED, as Amended.**

Sent down for concurrence.

ORDERS OF THE DAY

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

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

Tabled - January 22, 1991, by Senator **PEARSON** of Penobscot.

Pending - **REFERENCE**

(In Senate, January 22, 1991, referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**. Subsequently, **RECONSIDERED**.)

(In House, January 17, 1991, referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.)

On motion by Senator **CLARK** of Cumberland, referred to the Committee on **EDUCATION** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Joint Resolution supporting the United States Presence in the Persian Gulf
S.P. 113

Tabled - January 30, 1991, by President **PRAY** of Penobscot.

Pending - **ADOPTION**

(In Senate, January 30, 1991, **READ**.)

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to make comment on this Resolution because of my strong feeling about the war in the Persian Gulf.

I will not be voting against this Resolution, not because I support the war, but because I support the men and women, who beyond their control are fighting for us in the Persian Gulf. I rise because I would rather see this Resolution have some different words in it, and as a matter of record I would like to at least insert those words now.

Under the fourth **WHEREAS**, and after the United States Armed Forces, I would change the words to say; "and appreciate the sacrifice they are making". On page thirteen of the Calendar and under the first **RESOLVED**, I would say, "That we the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the First Regular Session, commend and", and then I would drop down to the second **RESOLVED** and say, "unequivocally support the men and women of our Armed Forces who are carrying out their missions with professional excellence, dedicated patriotism, and exemplary bravery".

I say that, and I say that I support it even though I do not support the war, in honor of the woman I talked to on the telephone the other day, whose sister is in Saudi Arabia, whose son is in Fort Devens, and whose husband is waiting to be called up. She does not want this war, she does not think it is necessary, and she is giving three people to it. That is who I honor here today.

The President requested that the Sergeant-At-Arms escort the Senator from Cumberland, Senator **CLARK** to the Rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the Floor of the Senate.

Senate called to Order by the President Pro Tem.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Madam President. Ladies and Gentlemen of the Senate. Several hours ago when we recessed, I had the privilege of going in the Minority Office and happened to have the television on. As we were milling around there trying to wait and come back to finish the Senate's duties, I discovered that the United States had lost at least a dozen of our troops in Saudi Arabia.

I have been here for ten years, and I have seen Resolutions past here, many of them in many different versions, and often times we realize they might or might not do what we want them to do. But this is an important Resolution to me, it is important to three hundred and fifty people who gathered in Franklin County in Farmington on Saturday to show support for the troops. It seems to me that the Senate ought to send a clear message to the citizenry and the troops in Saudi Arabia over fighting for our interests, that we support them.

I am in disagreement with the good Senator from Kennebec, Senator Bustin. She has suggested that we ought to remove, although, I am pleased to see that there is no Amendment, and I guess she will have to vote for it or against it based on how it is written, but I am upset that somehow we should not be supporting our President, which is what she would like to exempt out.

It seems to me, that the one thing that I am continuing to hear from my constituents, and I have heard from many people as we all have who happen to have relatives, or friends, or family fighting this war, is that these people volunteered to be there. Perhaps their mother, or their father, or their brother, or their uncle, or someone doesn't like the war, and doesn't like that we are there. Well folks, we are there now! The time to debate whether we should have gone is over. We are there now. These folks have volunteered. There is no draftees. This is an all volunteer Army. They are there doing their job fighting for our interest in this country and I am proud to endorse and support this Resolution. Madam President, I would request a Roll Call on the passage.

Senator **WEBSTER** of Franklin requested a Roll Call.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator **PRAY:** Thank you Madam President. Ladies and Gentlemen of the Senate. I came down for a couple of reasons to speak on this, and first of all I think I should start off by commending the Senator from Kennebec, Senator Bustin, for expressing herself as to her concerns about the situation that has taken place in the Middle East. Her feelings are very close to my feelings of the facts as to why we are there. That statement you probably would then question as to why I sponsored the Resolution. I also have a great deal of desire to express support

for the Americans, and as a matter of fact, for all of the Allied Forces who are involved in the Middle East war now that Congress has supported the U.S. involvement in that situation.

I think that it is important that we also note that part of the greatness of our country is that we always have the right to question the leadership, question the decisions of Congress, or any decision making Body making those decisions. It is important to note that I myself experienced war. I am not positive, but I would suspect that I am the only one here who is a Vietnam Veteran, of having already participated in a conflict, and that when we came back, we were not necessarily welcomed back because it was viewed by many of those in Veteran organizations that we failed in some way. And that sense I guess what I felt was that the American people failed. I don't think necessarily as a political science student, but as somewhat of a self-continuation, self-student in history of not only American history, but of world history. As we look back, we find the evolutionary period that takes place, events that we all view from different perspectives as we pass through. As we look back today as to rather we should have been involved in Vietnam, was a different decision than that made in the late fifties and the early sixties whether we should have been involved. Hopefully we have learned from those situations.

I would have personally preferred to see us try to extend the opportunities for economic sanctions to have worked, tried to continue the process of having a settlement being promoted by the neighboring countries of Iraq, and those who either had some religious relations with Iraq, or other types of relations, to try to resolve the situation that took place. I think we all stand here today, and as the Senator from Kennebec, Senator Bustin, had stated in her comments, she was going to be supporting the Resolution because of her desires towards the troops, and that, obviously, is the most commendable fashion that is here.

But the parallels between the two particular situations is from my own personal experience, and sometimes personal experiences, rather real or not, becomes reality to us. I think that it is important that we express our support for those who have either voluntarily joined the National Guard, or any military in a time of peace, because they had no expectations that this would be happening. It is rather a unique situation that you have a number of husbands and wives who joined the Reserves to supplement their incomes, who never, ever had the expectation that they would be in the sands of Saudi Arabia at this time of year, with children at home with either parents, or relatives, or others taking care of the kids. Obviously, a unique and different situation than the one that occurred in the 1960's.

Just to regress for a moment again, when I got out of the Service, I was in the Service from 1966 through 1970, when I got out I went into the University in 1970, a twenty-seven year old freshman, which made for some interesting discussions with eighteen and nineteen year old freshmen who were involved in the early 1970's on an anti-war sentiment. I came back as a Veteran, a little bit of a hawk, a little bit older, and we had some

interesting discussions in some of the classes that we had there. But as I have gotten older, I have had a tendency to think in retrospect, they were probably more accurate at the time than I was. My bias and prejudices were based upon my personal experiences, not looking at them in a larger and broader prospective by stepping back from the situation.

I guess I am concerned about the situation in the Middle East of the fact that we are basically defending Japans oil while we fight an economic war with Japan. I am concerned that it is our troops that have been sent over there to deal with the situation, and we talk about freedom, when there is not one country involved in that geographical area that is a democracy. But nevertheless, Congress and the President, who is our Commander in Chief by that same democratic process, has been chosen by the people of this country to lead us, and I think probably by the good words of the Senator from Cumberland, Senator Conley, while he talked about another tragedy on the Resolution that we just passed, in offering his prayers to the Governor of our State, the state leader. While we have some differences in our political sense, we cross that bridge at certain times, and while we have philosophical differences, we also cross that bridge at certain times to come together.

This Resolution that we have before us today is an attempt to separate our political philosophies, as to rather we should be there or not be there is not the intent of myself as a sponsor of this, but is to show the support for the Commander in Chief of our country, chosen by the people of this country, and for our troops, rather they voluntarily thought they would be going to Saudi Arabia or not, they are there, and to let them know that we wish them a speedy and safe return to our country where real democracy reigns and freedom rings through the town halls, the town meetings, and town gatherings across this country.

My tenure in the military was a great opportunity for me to meet people from all over this country, to see just about every state in the union, and to serve in Southeast Asia and Southeast Austin, Texas, which was very similar at times, but never the less, things that I might not have otherwise experienced. I look back today at those times, and look at how cavalier I was on some occasions in protecting my own life doing some rather foolish things over across the big ocean. But I also think it's important as I said about my earlier comments is, that when I came back, and those in my generation came back, a feeling that we were rejected by our country. I think we have learned a lot by that, and it is important now in these difficult times, when you can pick up the paper and read about people who are in the military, who are in the Reserves, who are in the Guards, who are now activated and are facing additional economic hardship. They are living on six or seven hundred dollars a month of military pay, giving up substantial pay, and they are facing difficulties while at the same time they are trying to respond to an uncertainty of national priorities and preferences. This is an expression by this Legislature to say that we do support those men and women who have responded to the call of the country rather right or wrong. That debate will continue. The ultimate determination or decision on that will

be made as it is in each and everyone of us when we return to the ballot box. History is by far the best judge as to whether we were right or wrong to get involved in this situation.

I personally have no support for the Commander in Chief of Iraq. But I do have that commitment to our Commander in Chief, and I think that the action he has taken warrants world response. The fact that so many countries have joined in this situation has made a true alliance of countries who are fighting the type of things that most of us in our generation have not seen, projected onto other individuals. It does warrant a world response, and for that fact, I do appreciate that so many countries have responded to this situation, and that is why I also express the desire to see those of the Allied Nations fair well in this situation.

I would hope as we look at this, as we go through, and this Resolution is passed, that we remember the fact that so many who fought in World War I and World War II, really fought to let everybody have that opportunity and freedom to express their own disappointments in their own government, something that they don't have authority or the opportunity over there to do. Our power really comes from our own people, those who serve and those who are here at home remaining to pay the billion dollar cost of this involvement. I hope that sometime in the near future when these people return, that we look back and we welcome them back for responding to the call of their Commander in Chief, and to the citizens of this state, that the world is a little bit better place because we have told somebody else around the world that they cannot behave as irresponsible as Saddam Hussein has responded, or has treated the people in that part of the world.

We talked about this a little bit earlier, Senator Bustin and myself, and as I stated, needs to be stressed. Her comments are well taken, and received with an understanding of the fact that the diversity of the representation of this Body and diversity of opinion around this country. The President happens to enjoy a high eighty percentile rating. Lyndon Johnson received a very high rating during the peak periods of bombing on Hanoi Harbor. History will also fade that rating. It isn't that we are here for popularity ratings. We are here to try to make the right opinions, the right decisions for the people of the world to make this a better place. I hope that in the final analysis, it is not rather we supported the President in the decision, but that we really get behind our country. Thank you very much.

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

Senator GILL: Thank you Madam President. Ladies and Gentlemen of the Senate. I hadn't intended to get involved in this little discussion here today, but, I have to say I, too, am moved by the occurrences of the last three weeks that Senator Conley had mentioned earlier.

But as I look around the Chamber, I think I am the only one here, and I maybe wrong, who has a son in the Air Force. He is not in Saudi Arabia, but he

is in Germany, he is a member of the OSI, which is the Intelligence Branch of the Air Force. He is working in Head-quarters in which there is a lot of information coming in that I would prefer he not be involved in, and I don't want to know about it. I had a call from him after the vote in Washington that was taken by Congress, and he was really disappointed in some of the interviews that took place after the Congressional Debate. He still feels strongly that the Service men who are volunteers, who volunteered to go into the Service, who are trained by the Service, are to do a job, need the support of all of the people in the whole United States.

I received a letter from him, and I am so proud of how far he has come in his life. The fact that he could assume such responsibility, that I did not expect. He has grown, he knows he has been trained, he knows what kind of a job he has been trained for. He has volunteered to go to Saudi Arabia if that is where he could serve the best, because he knows what his training was. He has two children. His remarks to me were, he knew that something had to be done now, and if anyone was going to do it, he would prefer that it would be him instead of his son.

We all know that nobody here wants war. There is nobody who would take a vote up for war. But when things don't work, and other people make decisions, and our boys are over there serving, I think they need all the support that we can give them.

I respect my seatmate and who she was representing today. I think people have different views on this, and the lady she represented may, in fact, have three people going to the Service and be called over in that area. As a mother I don't want my son to be gone. I don't want him to be in Germany, let alone go further.

When I think of what we went through this past Saturday with Peter McKernan, the minister said that day, "Why do these things happen?" We don't get answers right away. Perhaps Peter might have gone in the Service and might have ended up over there. He just went to sleep, he went easily. I don't know what the reasons are either, but I just have to say that it is important for us to support everybody who is in the Service, whether we like war, whether we like what the country is doing. I think that the President, who is the elected person knows more information about this whole situation than any of us could possibly know.

I am not in favor, I wish that the protestors would not protest, but I think they have a right to protest. The people who are serving in the Air Force, and in the Army, and in the Navy allow them that freedom to protest. I hope that they realize that if it wasn't for the freedoms that they have given to them by these people, that they wouldn't be able to do what they are doing.

I applaud the Members of this Body and the other Body who put together this Resolution. I think it is important, and I will certainly send a copy of it to my son so he can spread it around in order to help develop a higher moral for the troops, because they need all the moral they can get right now.

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

Senator **MATTHEWS:** Thank you Madam President. Ladies and Gentlemen of the Senate. I rise this evening very proud to support this Resolution.

About a week ago, I received a call from a gentlemen that I represent in the town of Fairfield, and that conversation went like this, and it is very similar to the concerns mentioned from the good Senator from Cumberland, Senator Gill. This gentlemen has a son who is also in the Service, and also happens to be in Germany, and who is on alert ready to go to the Gulf. His concern also was that the media and the press seem to love to give attention to those who oppose this just and right engagement in the Persian Gulf. This particular gentlemen had some real concerns that the message we are supporting our young men and women in the Persian Gulf is not getting out. He asked me, "What can you do, Senator Matthews, to let the people of Maine know that we do support our young men and women, especially from Maine, but Americans everywhere that are there?" And I said I would look into trying to do something to put us on Record, and I know this whole Chamber, all of us here support the men and women over there that are fighting for us.

So I rise today, having an opportunity to put in my comments, and I think the vast majority of my constituents believe that we are doing the right thing. I am very, very proud as an American, today, to say that we are with the Community of Nations of the world in opposing Saddam Hussein. The United Nations in every Resolution tried every diplomatic opportunity to get this gentlemen to cease and desist and get out of an independent nation. There are times, as we look back as Americans, that we had to stand and fight for what we believe in. In fact, we wouldn't be here if some of our forefathers and foremothers didn't fight for what we now call the 'American Democratic Great Experiment' that continues and evolves. It is right and just to be doing what we are doing. It is the right thing to stand behind the troops that are there fighting for freedom. I am very, very proud today to support this Resolution, and very, very proud of the statements of the President of the United States last night. I imagine all of us in this Chamber must have felt that queasy, twinging kind of feeling as Americans as we heard the President speak, and then the Senate Majority Leader. Two eloquent, wonderful, patriotic speeches, and I am very, very proud of those two gentlemen, and prouder still of the men and women fighting for our freedom. Thank you Madam President.

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

Senator **KANY:** Thank you Madam President. Ladies and Gentlemen of the Senate. I just wanted to rise and express a number of my wishes.

Number one, I wish that if we were going to debate this issue, that we would have had the opportunity to debate it prior to the imposed deadline of January 15th.

Second, I wish that I were articulate like the Senate Majority Leader of the United States Senate, our Senator George Mitchell, whose niece is in this Chamber at this moment, Susan Mitchell, and I strongly support his view which, as I understand it, was that he wished that the President had allowed the economic sanctions to be given more of a chance to work, and he wished for greater and longer diplomatic efforts before going to war and risking the lives of those we love and cherish.

I wish that this Resolution were written differently, that the emphasis including the title, did not emphasize the presence and the President so, and I do agree with the Gentlelady from Kennebec, Senator Bustin, on that matter. Yet, I will be voting for this because like probably each one in this Chamber, I wish our troops well, and I wish they were home. I wish that since they are not home, I wish them a safe and quick journey home, and I appreciate their willingness to risk their lives for their President, right or wrong on his decision, and for their country, right or wrong. And I say, "Thank you" to our troops.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you Madam President. Ladies and Gentlemen of the Senate. I, too, have been getting calls and speaking to constituents in my district who have sons, and daughters, and relatives in the Persian Gulf, and my heart goes out to them, and I am in full support of the troops there.

I also want to talk to you about another constituent in my district, his name is George Bush. He happens to be President of the United States and Commander in Chief of the Armed Forces in the Persian Gulf. I also support him wholeheartedly, because you have to understand that anybody that sends anybody out to war does so with a great deal of apprehension. You have got to understand and believe that every time a soldier dies, that a little bit of the President dies along with that person. I have to stand in full support at a time like this behind the President of the United States.

You know, today is the fiftieth anniversary of a great speech that was given in Washington by Franklin D. Roosevelt, the speech on "The Four Freedoms"; freedom of religion, freedom of expression, freedom from want, and freedom from fear. That speech was given at a time when the world was also troubled. I think we can all remember our history and exactly what was going on in 1941, when that speech on "The Four Freedoms" was given.

Well, those four freedoms are basically the same reasons why we are in the Persian Gulf today. Those four freedoms are basically the reasons we have to support the President, the Commander in Chief of our Armed Forces. It is because our country has certain strong beliefs and we have fought wars over them. This is not the first war over "The Four Freedoms", and it probably won't be the last. For those reasons, I am going to continue supporting the President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator **GAUVREAU:** Thank you Madam President. Ladies and Gentlemen of the Senate. I, too, feel compelled to offer a few remarks into this evenings debate. I think that those in the room would agree that somewhat in contra distinction to some of the debate in this Chamber, which can tend to be more rhetorical, I think the debate this evening reflects the very solemn, the honest, and the very sincere feelings of all who have spoken, and in fact, all in this room, regarding the Persian Gulf initiative of this country.

My prospective is perhaps slightly different than that of the others that have spoken. I am now entering my fourth decade as a person, and I am very definitely a person who was very much affected by the 1960's. It is interesting, that as I speak, last week PBS had three, six hour presentations on children of my generation. I must say, that watching the entirety of the show, I certainly related very strongly to the themes that were paramount and were most important in the latter part of the 1960's.

I have two purposes of rising this evening, and it relates to the issue of discussion and public debate in our society. Certainly, if my generation can be faulted, it can be faulted for the way in which it treated members of the Armed Forces who took part in the Southeast Asia military initiatives in the latter part of the 1960's. Our Senate President, Senator Pray, spoke very movingly this evening regarding his involvement in the Vietnamese conflict. And truly, I think it is a blemish in our history that men and women who fought so valiantly and so courageously in some quarters, were ostracized by members of our society, people who apparently had difficulty in differentiating between their concerns regarding the policy of our government and those people who were asked to sacrifice to implement that particular policy.

On the other hand, I also have memories of Americans who could not understand, who could not appreciate the conscience of those who rose in opposition to our military involvement in Southeast Asia. And many called into question the honor, the valor, the integrity, and the patriotism of those, in fact, who would rise in decent from established government policy.

I have come away from that experience a different individual. I genuinely appreciate the contributions of those people who served our country, served our country in combat, and also served our society in debate and discussion, challenging the wisdom of the policy of our government. I would not want to see the mistakes of the 1960's replayed in the 1990's. I would not want to see, and I am sure no one here would want to see anyone's courage, or integrity, or patriotic values challenged because he or she would prefer decent from the established policy of our government. On the other hand, the remarks of many Senators, that we do live in a democratic society, that we are not of one mind, and that I do not believe in terms of the appropriateness of our involvement in the Persian Gulf.

However, that debate has concluded. The President has made a decision, a decision that was supported by the majority of the members of our Congress. At this point, we have to support the initiatives of our government in the Persian Gulf. At the same time though, we have to be mindful that people do have the right to offer decent in our society, and we should not challenge that. In fact, we should appreciate that, because those men and women are engaging as citizens of our democracy. They are exercising their freedoms to challenge established government policy. That, I submit, is very healthy. I would be more concerned when citizens sat back, when citizens accepted without question government policy. Government policy can only be appropriate and reflect the majority of our people if, in fact, it is challenged at all times. But, challenged in an environment where we respect authority, respect law. I did not support his election campaign, George Bush, to become President of the United States. However, as his capacity as Commander in Chief, I do support him, and I think that is the distinction that we are making this evening. Thank you Madam President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator **COLLINS:** Thank you Madam President. Ladies and Gentlemen of the Senate. Unlike those who have spoken before, I wear a different uniform, I think. Perhaps I am the only generation among the Senators here that served in World War II, in combat, and I find that perhaps I have a different prospective from some of the things that are occurring today.

I understand very well that World War II was a quote, "Popular War", and people did come back as heroes unlike that that the good President of the Senate discussed a few minutes ago. I can sympathize with that era, too, because I had sons that grew up in that time frame, and I understand the feeling of the sixties and the early seventies.

Nevertheless, I am compelled to say that I am entirely supportive of the Resolution that is before us today. I am not insensitive to the views of those who feel that we ought not to be there. I do not share that view. I think there are good reasons to be there. I think we have gone about it in the proper fashion. This is the first time that I can recall we have involved a number of nations, we have involved the United Nations in support of this operation. While we may be the leaders, we have lots of people around the world that agree with what we are doing. I hope and pray that it will be accomplished quickly and with as little loss of life as possible, and that our troops can return swiftly. At the present time they need our support, and our President needs our support. And to those of you who listened to his remarks last night, it seems to me you couldn't help but feel supportive of the views that he spoke.

I hope that we will vote unanimously in support of the Resolution before us. Thank you Madam President.

On motion by Senator **WEBSTER** of Franklin, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator of Penobscot, Senator Pray.

Senator **PRAY:** Thank you Madam President. Ladies and Gentlemen of the Senate. I rise again, not necessarily to debate the issue at hand as much as the fact that the bell is ringing in the background.

I rise because of my concerns that the request for the Roll Call was to turn this event into a political opportunity. As I sat here and listened to each and every individual of both political persuasions talk about their desire for peace, the desire for the safe return of our Military members, I heard a sense of pride of being an American, of standing for freedom and democracy and those types of things where people can disagree on a particular prospective, but still that is the way our system operates.

The vote I suspected by the comments that were made would have been an unanimous vote, and I suspect on a Roll Call would be an unanimous vote as well. But I guess in some small way I can't help, and as I sat listening as the presiding officer requested the expression of the desire of this Chamber for a Roll Call, I noted how quickly so many rose. I was one that sat, not because I am afraid to express my opinion, or to have it be recorded, but only question the motives of those who asked for it.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Madam President. Ladies and Gentlemen of the Senate. I appreciate the good comments from the Senator from Penobscot, Senator Pray, regarding my reasoning behind the Roll Call.

I remember being here last year when we had a Resolution. I don't remember what the Resolution was now, something dealing I believe with David Silsby, if I remember, and there was a lot of strong feeling here in the Senate that he had done a good job for the legislature. We waited, in fact, maybe fifteen minutes for everybody to show up so that we could all be on Record, thirty-five to nothing in support of this Resolution. Excuse me, it was Mr. Ed MacDonald's Resolution and we wanted Ed to know, and I wanted the troops to know.

My wife spoke for me last Saturday at a Rally in Farmington. I couldn't do it, but it was quite an experience for her because she is not a public speaker, but she probably did a better job than I would have. But regardless, I have printed dozens of copies of that speech to be mailed all over the Middle East to citizens that I represent over there, who want to know what I said, and what our feelings are, and I don't anticipate that this will be a partisan vote. I didn't count, but it seems to me that there were as many Democrats as there were Republicans speaking, so obviously, most of us, if not all of us support this.

I think that this is an occasion when we should send a message, as I said before I am going to be proud, as I am sure Senator Matthews and others are, to be recorded in the affirmative on this matter.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you Madam President. Ladies and Gentlemen of the Senate. I rise only for some clarification here. I was not unaware as a veteran Legislator that if I rose to speak on this issue to express my views that I did, in fact, run the risk of having a Roll Call asked for. I think that is was well noted in the Record and by those in the Chamber that I intend to vote for this Resolution, there is no problem with that.

I am surprised that we continue to ask for a Roll Call. I don't think that asking for a Roll Call, or going under the hammer, has any difference in significance. It is obvious that the people here will vote for this Resolution, and for very obvious reasons that they would vote for this as I will. To take the time and the effort to go for a Roll Call, smacks to me of something of politics, and this issue does not deserve that. The kinds of comments that have been made here does not deserve that. The people in this Body do not deserve that. I think that it is absolutely the wrong thing to do, and it seems to me that the right thing to do would be to withdraw the motion.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator **ESTY:** Thank you Madam President. Ladies and Gentlemen of the Senate. I hesitated to rise, but the way this debate seems to be ending, I did want to share a brief story to perhaps bring this back into prospective before we do vote.

My sister, Kathy, married George this September. George is in the Navy. George is on a ship in the Red Sea right now. I would just like to say that I am real proud to support this and I will be sending this message to George in the Red Sea. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator **PRAY** of Penobscot to **ADOPT** the Joint Resolution.

A vote of Yes will be in favor of **ADOPTION**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, PRAY, RICH, SUMMERS, THERIAULT, TITCOMB, WEBSTER, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

NAYS: Senators None

ABSENT: Senators BALDACCI, TWITCHELL, VOSE

32 Senators having voted in the affirmative and No Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, the Joint Resolution was **ADOPTED**.

Sent down for concurrence.

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

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

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **CAHILL** of Sagadahoc, **ADJOURNED** in memory of Peter Alexander McKernan until Friday, February 1, 1991, at 10:00 in the morning.