

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Thirteenth Legislature**

OF THE

**State Of Maine**

## VOLUME IV

### **SECOND REGULAR SESSION**

March 25, 1988 to May 5, 1988

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### **SECOND CONFIRMATION SESSION**

May 13, 1988

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### **THIRD CONFIRMATION SESSION**

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### **FOURTH CONFIRMATION SESSION**

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### **FOURTH SPECIAL SESSION**

November 28, 1988

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

December 3, 1986 to December 6, 1988

under my name. I have listened to the remarks of a number of people here this evening and I do not in any way, shape or form question your sincerity. I do envy in some small fashion and in some large fashions your nobleness in being able or economically positioned to support this amendment which would decrease Legislative salaries as proposed in this largest Supplemental Budget ever to be presented in the history of our state.

There are some people in this state who must work for a living and yet who have the same desire to serve in the Legislature and to serve their constituencies in any shape or form in public service as those of you who are more landed or moneyed. We drive a variety of cars and many of us can pay for them and some of us pay mortgage payments and car payments out of our Legislative salaries, for that is our sole means of compensation. And lest you fear that this Legislature would ever become a dreadfully professional Legislature, let me remind you that the only guarantee that it shall not is that a barely adequate salary that will allow all Maine citizens from all economic levels, whether supported by spouse, or having received inheritances from families or having lady luck land on their doorstep, and that includes my friends in this Chamber, people who must work for a living. When they are allowed to at least candidate for the Maine Senate, knowing that they will receive adequate compensation, therein is the guarantee that this Maine Legislature and all those that come thereafter will be indeed a citizen Legislature. I join you in opposing that, what is perceived to be by some, inevitable development, not necessarily progress, but I do not believe that it will occur in my lifetime and as I look around at those who are much younger than I am, in yours either. I submit to you that the guarantee to preclude that dreadful occurrence is an adequate compensation. That includes this minimal proposed salary increase and this Supplemental Budget. Dreadful? No. Fearful? No. Will you be held accountable? Yes, but isn't that the bottom line for all of our actions here? If you have a spouse that helps support you, then you can support this pending motion, but there are those among us, here in this very Chamber, who's sole compensation is the salary they earn. Men and women, we earn it. Again, I would hope in this Roll Call that you join with me in opposing the Adoption of Senate Amendment "A" (S-493). Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator CLARK of Cumberland, to ADOPT Senate Amendment "A" (S-493) to Committee Amendment "A" (S-489).

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 BLACK, BRAWN, CAHILL, COLLINS, DILLENBACK, GOULD, LUDWIG, MAYBURY, SEWALL, WEBSTER, WHITMORE

NAYS: Senators ANDREWS, BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TUTTLE, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

11 Senators having voted in the affirmative and 24 Senators having voted in the negative, with No Senators being absent, the motion of Senator CLARK of

Cumberland, to ADOPT Senate Amendment "A" (S-493) to Committee Amendment "A" (S-489), FAILED.

Committee Amendment "A" (S-489) ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 for Construction and Renovation of Public Safety Facilities"

S.P. 970 L.D. 2578

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-494).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-494) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

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

Off Record Remarks

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

After Recess

Senate called to order by the President.

The following proceedings were conducted after 12:01 a.m., April 20, 1988.

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

COMMITTEE REPORTS

House

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Fund a Supplemental Highway Program and to Establish a Program to Fund the Construction of Extraordinary Bridges" (Emergency)

H.P. 1799 L.D. 2463

Have had the same under consideration and ask leave to report that the House Recede from Passage to be Engrossed, Indefinitely Postpone Senate Amendment "B" (S-417) to Committee Amendment "A" (H-588); Indefinitely Postpone House Amendment "D" (H-643) to Committee Amendment "A" (H-588); Indefinitely Postpone Committee Amendment "A" (H-588); Read and Adopt Conference Committee Amendment "A" (H-762) and Pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A" (H-762) in Non-Concurrence.

That the Senate Recede and Concur.

Signed on the part of the House:

Representative LISNIK of Presque Isle

Representative DIAMOND of Bangor  
 Representative CASHMAN of Old Town  
 Signed on the part of the Senate:  
 Senator DOW of Kennebec  
 Senator THERIAULT of Aroostook  
 Senator BLACK of Cumberland

Comes from the House Report READ and ACCEPTED.  
 Bill PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE  
 COMMITTEE AMENDMENT "A" (H-762) in NON-CONCURRENCE.  
 Report READ.

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

Senator DOW: Thank you Mr. President. Mr.  
 President, men and women of the Senate. This  
 Committee of Conference Report probably is not to the  
 liking to everyone in this Senate as most compromises  
 are not, but the Committee worked hard to come up  
 everything that the Governor and the Transportation  
 Committee had in their program. There is no question  
 in my mind that everyone in this Senate Chamber knows  
 what is in this Committee Report. I do not intend to  
 stand here and prolong the discussion on it, if you  
 have any questions on the Report or what is in it, I  
 would be glad to answer any one of your questions. I  
 do hope you support it, as I said the Committee  
 worked hard and it is a compromise that I think we  
 can all support. Thank you.

On motion by Senator SEWALL of Lincoln, supported  
 by a Division of at least one-fifth of the Members  
 present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the  
 Senate is ACCEPTANCE of the Committee of Conference  
 Report.

A vote of Yes will be in favor of ACCEPTANCE.

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 BALDACCI, BLACK, COLLINS,  
 DILLENBACK, DOW, EMERSON, ERWIN,  
 GAUVREAU, GILL, GOULD, KANY,  
 MATTHEWS, MAYBURY, PEARSON, PERKINS,  
 RANDALL, THERIAULT, TWITCHELL

NAYS: Senators ANDREWS, BERUBE, BRANNIGAN,  
 BRAUN, BUSTIN, CAHILL, CLARK,  
 DUTREMBLE, ESTES, KERRY, LUDWIG,  
 SEWALL, TUTTLE, USHER, WEBSTER,  
 WHITMORE, THE PRESIDENT - CHARLES P.  
 PRAY

ABSENT: Senators None

18 Senators having voted in the affirmative and  
 17 Senators having voted in the negative, with No  
 Senators being absent, the Committee of Conference  
 Report was ACCEPTED, in concurrence.

Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Correct Additional Errors and  
 Inconsistencies in the Laws of Maine" (Emergency)

H.P. 1939 L.D. 2638

In House, April 19, 1988, PASSED TO BE ENGROSSED  
 AS AMENDED BY HOUSE AMENDMENT "A" (H-755).

In Senate, April 19, 1988, PASSED TO BE ENGROSSED  
 in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

The Senate RECEDED and CONCURRED.

(See Action Later Today)

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 Authorize a  
 Bond Issue to Provide Funds to Create an Adaptive  
 Equipment Loan Program"

H.P. 1686 L.D. 2315

Reported that the same Ought to Pass as Amended  
 by Committee Amendment "A" (H-760).

Signed:

Senators:

PEARSON of Penobscot  
 BERUBE of Androscoggin

Representatives:

RIDLEY of Shapleigh  
 CHONKO of Topsham  
 CARTER of Winslow  
 NADEAU of Lewiston  
 LISNIK of Presque Isle  
 MCGOWAN of Canaan

The Minority of the same Committee on the same  
 subject reported that the same Ought Not to Pass.

Signed:

Senator:

EMERSON of Penobscot

Representatives:

FOSTER of Ellsworth  
 DAVIS of Monmouth  
 HIGGINS of Scarborough  
 FOSS of Yarmouth

Comes from the House the Majority OUGHT TO PASS  
 AS AMENDED Report READ and ACCEPTED and the Bill  
 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE  
 AMENDMENT "A" (H-760).

Which Reports were READ.

On motion by Senator PEARSON of Penobscot, the  
 Majority OUGHT TO PASS AS AMENDED Report was  
 ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-760) READ and ADOPTED,  
 in concurrence.

Under suspension of the Rules, READ A SECOND TIME  
 and PASSED TO BE ENGROSSED, as Amended, in  
 concurrence.

On motion by Senator WEBSTER of Franklin, the  
 Senate RECONSIDERED whereby it RECEDED and CONCUR on:  
 Bill "An Act to Correct Additional Errors and  
 Inconsistencies in the Laws of Maine" (Emergency)

H.P. 1939 L.D. 2638

(In House, April 19, 1988, that Body ADHERED.)

(In Senate, April 19, 1988, PASSED TO BE  
 ENGROSSED in NON-CONCURRENCE.)

(In House, April 19, 1988, PASSED TO BE ENGROSSED  
 AS AMENDED BY HOUSE AMENDMENT "A" (H-755).)

On motion by Senator WEBSTER of Franklin, the  
 Senate ADHERED.

On motion by Senator BRANNIGAN of Cumberland, the  
 Senate RECONSIDERED whereby it ADHERED.

Senator BRANNIGAN of Cumberland moved to RECEDE  
 and CONCUR.

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

Senator WEBSTER: Thank you Mr. President. Mr.  
 President, men and women of the Senate. We debated  
 and discussed this issue earlier and I think one of  
 the things that has frustrated me the most having  
 been in the Legislature for a while is that the  
 legislative process has always been that of  
 compromise. It seems to me that this Body in its