

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE RECORD**

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME I**

**FIRST REGULAR SESSION**

**House of Representatives**  
December 2, 1992 to May 13, 1993

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
6th Legislative Day  
Thursday, January 14, 1993

COMMUNICATIONS

The following Communication: (S.P. 31)

116TH MAINE LEGISLATURE

January 8, 1993

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Mary Angela F. Davis, First Congregational-Christian Church, New Gloucester.

The Journal of Tuesday, January 12, 1993, was read and approved.

SENATE PAPERS

Bill "An Act Permitting the Bureau of General Services to Provide Insurance to Certain Group Homes for Children and for Persons with Mental Retardation" (S.P. 35) (L.D. 41)

Came from the Senate, referred to the Committee on **Banking and Insurance** and Ordered Printed.

Was referred to the Committee on **Banking and Insurance** in concurrence.

Bill "An Act Concerning Costs Related to Local Education Administration" (S.P. 32) (L.D. 38)

Came from the Senate, referred to the Committee on **Education** and Ordered Printed.

Was referred to the Committee on **Education** in concurrence.

Bill "An Act to Provide Restitution for Vandalism" (S.P. 33) (L.D. 39)

Bill "An Act to Amend the Laws Pertaining to the Visitation Rights of Grandparents" (S.P. 34) (L.D. 40)

Bill "An Act to Reestablish Capital Punishment in the State" (S.P. 36) (L.D. 42)

Came from the Senate, referred to the Committee on **Judiciary** and Ordered Printed.

Were referred to the Committee on **Judiciary** in concurrence.

Non-Concurrent Matter

Bill "An Act to Amend the Terms of Public Utilities Commissioners" (H.P. 21) (L.D. 23) which was referred to the Committee on **State and Local Government** in the House on January 8, 1993.

Came from the Senate referred to the Committee on **Utilities** in non-concurrence.

On motion of Representative Clark of Millinocket, the House voted to recede and concur.

Chairpersons  
Joint Standing Committee on Banking and Insurance  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated William N. Lund of Falmouth for reappointment as Administrator of the Bureau of Consumer Credit Protection.

Pursuant to Title 9A, MRSA Section 6-103, this nomination will require review by the Joint Standing Committee on Banking and Insurance and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

S/John L. Martin  
Speaker of the House

Came from the Senate, Read and Referred to the Committee on **Banking and Insurance**.

Was Read and Referred to the Committee on **Banking and Insurance** in concurrence.

The following Communication:

DEPARTMENT OF PUBLIC SAFETY  
STATE HOUSE STATION 42  
AUGUSTA, MAINE 04333

December 4, 1992

Joseph W. Mayo  
Clerk of the House  
State House Station #2  
Augusta, ME 04333

Dear Clerk Mayo:

Please find enclosed a copy of the application submitted to the Bureau of Justice Assistance for the funding of the FY93 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

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

Sincerely,

S/John R. Atwood  
Commissioner

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
OFFICE OF THE CLERK  
AUGUSTA, ME 04333

January 14, 1993

Honorable Lorraine N. Chonko  
House Chair  
Honorable Michael D. Pearson  
Senate Chair  
Joint Standing Committee on  
Appropriations and Financial Affairs  
State House  
Augusta, Maine 04333

Dear Chairs:

I am pleased to transmit herewith a copy of the application submitted to the Bureau of Justice Assistance for the FY 1993 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program, pursuant to the Public Laws of Maine, 1987, chapter 816.

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

Was read and with accompanying papers referred to the Committee on **Appropriations and Financial Affairs**.

The following Communication:

116TH MAINE LEGISLATURE

January 11, 1993

Hon. Joseph W. Mayo  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333

Dear Clerk Mayo:

This is to notify you that pursuant to our authority under Joint Rule 39, the Majority Party is appointing Joseph McGonigle as the Partisan Staff Assistant for gubernatorial nominations.

Sincerely,

S/Dennis L. Dutremble  
Senate President

S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

The following Communication:

DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES  
BUREAU OF ACCOUNTS AND CONTROL  
STATE HOUSE STATION 14  
AUGUSTA, MAINE 04333

January 12, 1993

The Honorable John L. Martin  
Speaker of the House  
116th Legislature

The Honorable Dennis L. Dutremble  
President of the Senate  
116th Legislature

Dear Mr. Speaker and Mr. President:

In accordance with Title 5, Maine Revised Statutes Annotated, Section 1547, the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1992.

The first section of the report consists of the General Purpose Financial Statements for all funds reported in accordance with generally accepted accounting principles. Generally accepted accounting principles for the Governmental Funds uses the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as current assets. Expenditures are generally recognized when the related fund liability is incurred. Exceptions to generally accepted accounting principles in these financial statements include accumulated unpaid vacation and sick leave which has not been recorded, and interest on general long-term debt which is recognized when due.

The second section is reported as it has been in the past, based upon the budgetary and legal requirements. Please refer to Note 7 of the General Notes to the Financial Statements for the reconciliation of the fund balances between the two sections. Comparative budgetary data and statistical information have also been included in this report to promote a better understanding of the State's finances.

Questions and comments about this report or any phase of State finances are always welcome.

Sincerely,

S/David A. Bourne  
State Controller

S/Victor E. Fleury  
Deputy State Controller

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

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

**Banking and Insurance**

Bill "An Act to Allow 3rd-party Reimbursement for Counseling Professionals" (H.P. 36) (L.D. 44) (Presented by Representative MORRISON of Bangor) (Cosponsored by Speaker MARTIN of Eagle Lake, Senator CONLEY of Cumberland and Representative GEAN of Alfred)

Ordered Printed.  
Sent up for Concurrence.

**Business Legislation**

Bill "An Act Concerning Installation of Propane Gas Water Heaters" (H.P. 38) (L.D. 46) (Presented by Representative JONES of Pittsfield) (Cosponsored by Senator CIANCHETTE of Somerset, Representative REED of Dexter and Representative TARDY of Palmyra)

Ordered Printed.  
Sent up for Concurrence.

**Energy and Natural Resources**

Bill "An Act to Set Reasonable Dioxin Levels" (EMERGENCY) (H.P. 41) (L.D. 49) (Presented by Representative GRAY of Sedgwick) (Cosponsored by Senator McCORMICK of Kennebec, Representative COLES of Harpswell and Representative GOULD of Greenville)

Ordered Printed.  
Sent up for Concurrence.

**Labor**

Bill "An Act to Require Recovery of Unemployment Benefit Overpayments" (H.P. 37) (L.D. 45) (Presented by Representative DEXTER of Kingfield)

Ordered Printed.  
Sent up for Concurrence.

**Transportation**

Bill "An Act to Amend the Laws Governing Automatic Loss of License" (H.P. 39) (L.D. 47) (Presented by Representative TARDY of Palmyra)

(The Committee on Reference of Bills had suggested reference to the Committee on Legal Affairs.)

On motion of Representative O'Gara of Westbrook, was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

**Marine Resources**

Resolve, Directing the Department of Environmental Protection to Study the Safety of Seafood in Maine Waters (H.P. 40) (L.D. 48) (Presented by Representative HEINO of Boothbay) (Cosponsored by Representative FARREN of Cherryfield, Senator VOSE of Washington and Representative KILKELLY of Wiscasset)

Ordered Printed.  
Sent up for Concurrence.

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

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

**SENATE PAPER**

The following Joint Order: (S.P. 37)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 19, 1993, at ten o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

**SENATE PAPERS**

Bill "An Act to Improve Access to Maine's Veterans' Homes" (EMERGENCY) (S.P. 41) (L.D. 53)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Facilitate the Sale of Health Insurance" (S.P. 39) (L.D. 51)

Came from the Senate, referred to the Committee on Banking and Insurance and Ordered Printed.

Was referred to the Committee on Banking and Insurance in concurrence.

Resolve, to Require the Department of Education

to Develop Education Guidelines for Public Schools (S.P. 40) (L.D. 52)

Came from the Senate, referred to the Committee on Education and Ordered Printed.

Was referred to the Committee on Education in concurrence.

---

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

**SENATE PAPERS**

Bill, "An Act to Provide a Method of Taxation for Development Projects" (EMERGENCY) (S.P. 42) (L.D. 54)

Came from the Senate, referred to the Committee on Taxation and Ordered Printed.

Was referred to the Committee on Taxation in concurrence.

---

Bill "An Act to Protect the Safety of Members of Municipal and Volunteer Fire Departments" (S.P. 43) (L.D. 55)

Came from the Senate, referred to the Committee on Transportation and Ordered Printed.

Was referred to the Committee on Transportation in concurrence.

---

Bill "An Act to Amend the Requirements for Notice of Public Proceedings of the Public Utilities Commission" (S.P. 38) (L.D. 50)

Came from the Senate, referred to the Committee on Utilities and Ordered Printed.

Was referred to the Committee on Utilities in concurrence.

---

Pursuant to House Rule 1, the Speaker made the following appointments to the Joint Standing Committees of the House:

**AGING, RETIREMENT AND VETERANS**

John Jalbert, of Lisbon, CHAIR  
Mary R. Cathcart, of Orono  
Jason D. Wentworth, of Arundel  
Marc J. Vigue, of Winslow  
Pamela H. Hatch, of Skowhegan  
Alvin L. Barth, Jr., of Bethel  
Dean F. Clukey, of Houlton  
Henry L. Joy, of Island Falls  
Brenda Birney Quint, of Paris  
Robert L. Tufts, of Stockton Springs

**AGRICULTURE**

Robert J. Tardy, of Palmyra, CHAIR  
John A. Aliberti, of Lewiston  
Robert E. Hussey, Jr., of Milo  
Conrad Heesch, of Wilton  
Douglas J. Ahearne, of Madawaska  
Donald A. Strout, of Corinth  
Robert W. Spear, of Nobleboro  
Lawrence F. Nash, of Camden  
Ruel P. Cross, of Dover-Foxcroft  
Richard Kneeland, of Easton

**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Lorraine N. Chonko, of Topsham, CHAIR  
Roger M. Pouliot, of Lewiston  
Donnell P. Carroll, of Gray  
Michael H. Michaud, of East Millinocket  
Charlene B. Rydell, of Brunswick  
Clyde A. Hichborn, of Howland  
George J. Kerr, of Old Orchard Beach  
Judith C. Foss, of Yarmouth  
Mary H. MacBride, of Presque Isle  
Gary W. Reed, of Falmouth

**AUDIT AND PROGRAM REVIEW**

Phyllis R. Erwin, of Rumford, CHAIR  
John A. Aliberti, of Lewiston  
George A. Townsend, of Eastport  
William Lemke, of Westbrook  
Mona Walker Hale, of Sanford  
Eleanor M. Murphy, of Berwick  
Wesley Farnum, of South Berwick  
Albert G. Stevens, of Sabattus  
Alvin L. Barth, Jr., of Bethel  
Edward L. Dexter, of Kingfield

**BANKING AND INSURANCE**

Edward L. Pineau, of Jay, CHAIR  
Phyllis R. Erwin, of Rumford  
Richard H.C. Tracy, of Rome  
Ruth Joseph, of Waterville  
Anne M. Rand, of Portland  
Mona Walker Hale, of Sanford  
Joseph G. Carleton, Jr., of Wells  
Leslie Kutasi, Jr., of Bridgton  
Richard H. Campbell, of Holden  
Sumner A. Jones, Jr., of Pittsfield

**BUSINESS LEGISLATION**

Annette M. Hogle, of Portland, CHAIR  
Marc J. Vigue, of Winslow  
Vivian St. Onge, of Greene  
Arthur H. Clement, of Clinton  
Julie Winn, of Glenburn  
Jack L. Libby, of Kennebunk  
William F. Reed, of Dexter  
Robert A. Cameron, of Rumford  
Gerald A. Hillock, of Gorham  
Calvin A. Thompson, of Lincoln

**EDUCATION**

Elizabeth H. Mitchell, of Vassalboro, CHAIR  
James V. Oliver, of Portland  
Sophia Douglass Pfeiffer, of Brunswick  
Stephen P. Simonds, of Cape Elizabeth  
Peter A. Cloutier, of South Portland

Elizabeth J. Pinette, of Fort Kent  
 Kathleen Stevens, of Orono  
 Omar P. Norton, of Winthrop  
 Wendy L. Ault, of Wayne  
 Mary E. Small, of Bath

ENERGY AND NATURAL RESOURCES

Paul F. Jacques, of Waterville, CHAIR  
 James Mitchell, of Freeport  
 James Reed Coles, of Harpswell  
 Richard A. Gould, of Greenville  
 Virginia Constantine, of Bar Harbor  
 Thomas E. Poulin, of Oakland  
 Jason D. Wentworth, of Arundel  
 Willis A. Lord, of Waterboro  
 Malachi Anderson, of Woodland  
 John F. Marsh, of West Gardiner

FISHERIES AND WILDLIFE

Dorothy A. Rotondi, of Athens, CHAIR  
 Paul F. Jacques, of Waterville  
 Herbert E. Clark, of Millinocket  
 Richard H. C. Tracy, of Rome  
 E. Michael Swazey, of Bucksport  
 Anne M. Larrivee, of Gorham  
 Ernest C. Greenlaw, of Standish  
 Frank H. Farren, Jr., of Cherryfield  
 Charles H. Heino, of Boothbay  
 Roy I. Nickerson, of Turner

HOUSING AND ECONOMIC DEVELOPMENT

Rita B. Melendy, of Rockland, CHAIR  
 Conrad Heeschen, of Wilton  
 Charles C. Plourde, of Biddeford  
 Ralph I. Coffman, of Old Town  
 G. Steven Rowe, of Portland  
 Mary E. Sullivan, of Bangor  
 Edward L. Dexter, of Kingfield  
 Richard Kneeland, of Easton  
 John P. Marshall, of Eliot  
 Brenda Birney Quint, of Paris

HUMAN RESOURCES

Sharon Anglin Treat, of Gardiner, CHAIR  
 Donald H. Gean, of Alfred  
 Joline Landry Beam, of Lewiston  
 Michael F. Brennan, of Portland  
 Michael J. Fitzpatrick, of Durham  
 Birger T. Johnson, of South Portland  
 Elizabeth Townsend, of Portland  
 Peggy A. Pendleton, of Scarborough  
 Joan M. Pendexter, of Scarborough  
 Joseph Bruno, of Raymond

JUDICIARY

Constance D. Cote, of Auburn, CHAIR  
 Susan Farnsworth, of Hallowell  
 Mary R. Cathcart, of Orono  
 Andrew Ketterer, of Madison  
 Edward L. Caron, Jr., of Biddeford  
 Sean F. Faircloth, of Bangor  
 Jane W. Saxl, of Bangor  
 David N. Ott, of York  
 Sumner H. Lipman, of Augusta  
 Debra D. Plowman, of Hampden

LABOR

Richard P. Ruhlin, of Brewer, CHAIR  
 Vivian St. Onge, of Greene  
 Gail M. Chase, of China  
 Arthur H. Clement, of Clinton  
 Rosalie H. Aikman, of Poland  
 Robert B. Carr, of Sanford  
 James D. Libby, of Buxton  
 David A. Lindahl, of Northport

LEGAL AFFAIRS

Beverly C. Daggett, of Augusta, CHAIR  
 William Lemke, of Westbrook  
 John M. Michael, of Auburn  
 James S. Bowers, of Washington  
 Albert P. Gamache, of Lewiston  
 Albert G. Stevens, of Sabattus  
 Richard A. Bennett, of Norway  
 Lawrence F. Nash, of Camden  
 Julie-Marie Robichaud, of Caribou  
 Harry G. True, of Fryeburg

MARINE RESOURCES

James Mitchell, of Freeport, CHAIR  
 James Reed Coles, of Harpswell  
 Virginia Constantine, of Bar Harbor  
 James G. Skoglund, of St. George  
 George A. Townsend, of Eastport  
 E. Michael Swazey, of Bucksport  
 Theone F. Look, of Jonesboro  
 Charles H. Heino, of Boothbay  
 Frank H. Farren, Jr., of Cherryfield  
 Kenneth F. Lemont, of Kittery

STATE AND LOCAL GOVERNMENT

Ruth Joseph, of Waterville, CHAIR  
 Marge L. Kilkelly, of Wiscasset  
 Glenith C. Gray, of Sedgwick  
 Lucien A. Dutremble, of Biddeford  
 Douglas J. Ahearne, of Madawaska  
 G. Steven Rowe, of Portland  
 Ellen W. Walker, of Blue Hill  
 Theone F. Look, of Jonesboro  
 Richard A. Bennett, of Norway  
 Paul R. Young, of Limestone

TAXATION

Susan E. Dore, of Auburn, CHAIR  
 Guy R. Nadeau, of Saco  
 Robert J. Tardy, of Palmyra  
 Santo S. DiPietro, of South Portland  
 Annette M. Heglund, of Portland  
 Anne M. Rand, of Portland  
 Susan Farnsworth, of Hallowell  
 Eleanor M. Murphy, of Berwick  
 Robert W. Spear, of Nobleboro  
 Richard N. Simoneau, of Thomaston

TRANSPORTATION

William B. O'Gara, of Westbrook, CHAIR  
 Hilda C. Martin, of Van Buren  
 Robert E. Hussey, Jr., of Milo  
 George F. Ricker, of Lewiston

LEGISLATIVE RECORD - HOUSE, JANUARY 14, 1993

Rita B. Melendy, of Rockland  
Charles C. Plourde, of Biddeford  
Joseph D. Driscoll, of Calais  
Donald A. Strout, of Corinth  
Ronald C. Bailey, of Farmington  
Harry W. Bailey, of Township 27

Kontos of Windham, Chair  
Constantine of Bar Harbor  
Norton of Winthrop  
Greenlaw of Standish

Gould of Greenville  
Vigue of Winslow  
Marsh of West Gardiner

ENGROSSED BILLS

UTILITIES

Herbert E. Clark, of Millinocket, CHAIR  
Maria Glen Holt, of Bath  
Herbert C. Adams, of Portland  
Carol A. Kontos, of Windham  
David J. Cashman, of Old Town  
Ralph I. Coffman, of Old Town  
James O. Donnelly, of Presque Isle  
Hugh A. Morrison, of Bangor  
Rosalie H. Aikman, of Poland  
Joseph B. Taylor, of Cumberland

Kilkelly of Wiscasset, Chair  
Skoglund of St. George  
Look of Jonesboro  
Farren of Cherryfield

Ruhlin of Brewer  
Holt of Bath  
Murphy of Berwick

RULES AND BUSINESS OF THE HOUSE

The Speaker, Ex Officio  
Whitcomb of Waldo

Gwadosky of Fairfield  
Zirnkilton of  
Mount Desert

HOUSE COMMITTEE ON ELECTIONS

CORRECTIONS

Anne M. Larrivee, of Gorham, CHAIR  
James V. Oliver, of Portland  
Mary R. Cathcart, of Orono  
Donald H. Gean, of Alfred  
Sophia Douglass Pfeiffer, of Brunswick  
Birger T. Johnson, of South Portland  
Harry W. Bailey, of Township 27  
Dean F. Clukey, of Houlton  
Ruel P. Cross, of Dover-Foxcroft  
John P. Marshall, of Eliot

Jacques of Waterville, Chair  
Pouliot of Lewiston  
Townsend of Eastport  
Morrison of Bangor

Chonko of Topsham  
Gould of Greenville  
Strout of Corinth

---

On motion of Representative Swazey of Bucksport,  
Adjourned at 4:53 p.m. until Tuesday, January 19,  
1993, at ten o'clock in the morning pursuant to Joint  
Order (S.P. 37)

---

RULES

Charlene B. Rydell, of Brunswick, CHAIR  
Elizabeth H. Mitchell, of Vassalboro  
Clyde A. Hichborn, of Howland  
James Reed Coles, of Harpswell  
Marge L. Kilkelly, of Wiscasset  
Ellen W. Walker, of Blue Hill  
Gary W. Reed, of Falmouth  
Richard A. Bennett, of Norway  
David N. Ott, of York  
Debra D. Plowman, of Hampden

---

Pursuant to House Rule 1, the Speaker made the  
following appointments to the Standing Committees of  
the House:

STANDING COMMITTEES OF THE HOUSE

WAYS AND MEANS

Nadeau of Saco, Chair  
Plourde of Biddeford  
Gray of Sedgwick  
Foss of Yarmouth

Hale of Sanford  
Gean of Alfred  
Lord of Waterboro

LEAVES OF ABSENCE

Hichborn of Howland, Chair  
Hoglund of Portland  
Aikman of Poland  
Stevens of Sabattus

Melendy of Rockland  
Lemke of Westbrook  
Anderson of Woodland

BILLS IN THE SECOND READING