

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME III**

**FIRST REGULAR SESSION**

**Senate**

December 2, 1992 to May 18, 1993

Reading of the Journal of Wednesday, December 3, 1992.

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

In Senate Chamber  
Tuesday  
January 5, 1993

**COMMUNICATIONS**

The Following Communication: S.P. 22

Senate called to Order by the President.

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

Prayer by Reverend Stanley Wheeler of the First Baptist Church in Waterville.

**REVEREND STANLEY WHEELER:** Gracious and ever merciful God, gathered here on this day are the leaders of our Government. They are women and men of power and prestige, they are among the elite of our society, they have been given privileges and are among the privileged. Let us be reminded on this day Oh Lord that when you came to earth to walk as one of us you came in the form of a poor carpenter. You came to announce good news to the poor, release to the captives, healing to the sick. You are the God of the powerless and the despised. Let these men and women gathered here this day hear your word, let them know of your love toward all of your creation, let them understand that they stand before you and are ultimately responsible only to you. Their's is a daunting task Oh Lord, they have much power and the temptation to abuse that power is great, I ask that they might put aside that temptation Lord and let them do their work as is pleasing in your sight and in accord with your will.

Help them to understand the truth of your sovereignty Lord, for you are the creator of all that was, and all that is, and all that will be and your creation is good. Let these men and women understand that they are but stewards of your creation, that they have been given privileges and status and also that they have been given great responsibility. Let them hear the voices of the silent, the voices of the oppressed, the voices of the poor, the voices of the mentally ill, the voices of all those who have no voice, who have no political power and no clout, no lobbyists. Let them hear these voices Oh Lord and grant them the courage to respond in a way that is pleasing in your sight. Let them do that which is right, not that which is expedient. Let them have the courage to face the people of this State, not with partisan politics and political maneuvering, but with honesty, integrity, with answers to problems not excuses for inaction, with reality and not with finger pointing. Let them be aware of your presence in their lives and the lives of all your human family and let them govern with justice for all. Hear these petitions Oh Lord I pray, in the name of Jesus Christ, your risen Son, through whom you have reconciled all the earth unto yourself. Amen.

December 4, 1992

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

Dear Secretary O'Brien:

Pursuant to my authority under Article IV, Part Third, Section 1-A of the Constitution of Maine, I have appointed Senator Richard J. Carey of Kennebec and Senator Mark W. Lawrence of York to serve on the Apportionment Commission.

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

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

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

Sent down for concurrence.

The Following Communication: S.P. 23

**THE MAINE DEMOCRATIC PARTY  
PO BOX 5258  
AUGUSTA, ME 04332**

December 5, 1992

Joy J. O'Brien  
Secretary of the Senate  
Augusta, ME 04333

Dear Secretary O'Brien:

This is to confirm my telephone conversation of this date that I have appointed Mr. David Shiah, RR 2 Box 3500, Bowdoinham, Maine 04008, 666-5902, as my representative on the Maine Apportionment Commission.

Sincerely,  
S/Jo Karr  
Chair

Dear Madam Secretary:

This is to notify you that Anthony W. Buxton of Portland has been selected by the Democratic members of the 1993 Apportionment Commission to serve as Public Member.

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

Sent down for concurrence.

Sincerely,

S/Michael H. Michaud  
Chair  
Democratic Delegation

The Following Communication: S.P. 24

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

Sent down for concurrence.

**116TH MAINE LEGISLATURE**

December 10, 1992

Senator Dale McCormick  
Rep. Elizabeth H. Mitchell  
Chairpersons  
Interim Joint Standing Committee on Banking and Insurance  
116th Legislature  
Augusta, Maine 04333

The Following Communication:

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

December 10, 1992

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Helen Dudman of Ellsworth, Harvey Picker of Camden and Martin Hanish of Manchester for appointment as public members to the Maine Employers' Mutual Insurance Company.

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

Pursuant to P.L. 1992, Ch. 885, these nominations will require review by the Interim Joint Standing Committee on Banking and Insurance.

Dear Secretary O'Brien:

Pursuant to the Joint Rules (S.P. 11) adopted December 3, 1992, please be advised that I have appointed the following to the Joint Select Committee on Rules on the part of the Senate:

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

S/John L. Martin  
Speaker of the House

Senator Beverly M. Bustin of Kennebec, Chair  
Senator John J. O'Dea of Penobscot  
Senator John E. Baldacci of Penobscot  
Senator Pamela L. Cahill of Sagadahoc  
Senator Philip E. Harriman of Cumberland.

Which was **READ** and **REFERRED** to the Interim Committee on **BANKING AND INSURANCE**.

Please let me know if you have any questions.

Sent down for concurrence.

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

The Following Communication: S.P. 25

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

**1993 APPORTIONMENT COMMISSION  
MAINE STATE LEGISLATURE**

December 14, 1992

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

The Following Communication:

**DEPARTMENT OF EDUCATION  
STATE HOUSE STATION 23  
AUGUSTA, MAINE 04333**

December 14, 1992

TO: Joy J. O'Brien, Secretary to the Senate  
Joseph W. Mayo, Clerk of the House  
Jack Nicholas, Director, Bureau of the Budget

FROM: S/Leo G. Martin, Commissioner

SUBJECT: Certified Funding Level for Adult Education - FY 94

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

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

Pursuant to the provision of Title 20-A, M.R.S.A., Chapter 315, Section 8606-A, I am required to certify, prior to December 15, 1992 to the Legislature and to the Bureau of the Budget, a recommendation for the funding level for the various program categories in Adult Education.

Please see the recommendation below:

**EDUCATION: ADULT EDUCATION**

FY94

All Other Category 6400 - Grants to private organizations. \$ 85,500.00

Category 6300 - Grants to cities and towns. (This includes programs for high school completion, adult literacy, general adult education, adult handicapped, adult vocational education and administration) \$5,204,439.00

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

The Following Communication:

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

January 4, 1993

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

Dear Secretary O'Brien:

Pursuant to Senate Rule 36, please be advised that I have made the following Committee Appointments for the 116th Legislature:

**Joint Standing Committee on Aging, Retirement & Veterans**

Senator Bonnie L. Titcomb, Cumberland, Chair  
Senator Dale McCormick, Kennebec  
Senator Charles Webster, Franklin

**Joint Standing Committee on Agriculture**

Senator Judy A. Paradis, Aroostook, Chair  
Senator Rochelle M. Pingree, Knox  
Senator Harold D. Marden, Kennebec

**Joint Standing Committee on Appropriations & Financial Affairs**

Senator Michael D. Pearson, Penobscot, Chair  
Senator Bonnie L. Titcomb, Cumberland  
Senator Ruth Foster, Hancock

**Joint Standing Committee on Audit & Program Review**

Senator John J. Cleveland, Androscoggin, Chair  
Senator M. Ida Luther, Oxford  
Senator Charles M. Begley, Lincoln

**Joint Standing Committee on Banking & Insurance**

Senator Dale McCormick, Kennebec, Chair  
Senator Richard J. Carey, Kennebec  
Senator R. Leo Kieffer, Aroostook

**Joint Standing Committee on Business Legislation**

Senator Alton E. Cianchette, Penobscot, Chair  
Senator Beverly Miner Bustin, Kennebec  
Senator Harold D. Marden, Kennebec

**Joint Standing Committee on Education**

Senator John J. O'Dea, Penobscot, Chair  
Senator Mark W. Lawrence, York  
Senator Jane A. Amero, Cumberland

The Following Communication:

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

December 16, 1992

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

Dear Secretary O'Brien:

Pursuant to my authority under Senate Rule 36, I have today made the following temporary appointments to the Joint Standing Committee on Banking and Insurance:

Dale McCormick of Kennebec, Chair  
Richard J. Carey of Kennebec  
R. Leo Kieffer of Aroostook

The purpose of these interim appointments which will expire on December 31, 1992, is to allow the Committee to act on the nominations by the Governor to the new Board of Directors of the Maine Employers' Mutual Insurance Company.

**Joint Standing Committee on Energy & Natural Resources**

Senator Mark W. Lawrence, York, Chair  
Senator Alton E. Cianchette, Penobscot  
Senator Margaret Ludwig, Aroostook

**Joint Standing Committee on Fisheries & Wildlife**

Senator M. Ida Luther, Oxford, Chair  
Senator John J. O'Dea, Penobscot  
Senator Stephen E. Hall, Piscataquis

**Joint Standing Committee on Housing & Economic Development**

Senator Rochelle M. Pingree, Knox, Chair  
Senator Joseph C. Brannigan, Cumberland  
Senator Philip E. Harriman, Cumberland

**Joint Standing Committee on Human Resources**

Senator Judy A. Paradis, Aroostook, Chair  
Senator John E. Baldacci, Penobscot  
Senator Philip E. Harriman, Cumberland

**Joint Standing Committee on Judiciary**

Senator Gerard P. Conley, Jr., Cumberland, Chair  
Senator Georgette B. Berube, Androscoggin  
Senator Dana C. Hanley, Oxford

**Joint Standing Committee on Labor**

Senator James R. Handy, Androscoggin, Chair  
Senator M. Ida Luther, Oxford  
Senator Charles M. Begley, Lincoln

**Joint Standing Committee on Legal Affairs**

Senator Richard J. Carey, Kennebec, Chair  
Senator James R. Handy, Androscoggin  
Senator Stephen E. Hall, Piscataquis

**Joint Standing Committee on Marine Resources**

Senator Harry L. Vose, Washington, Chair  
Senator Rochelle M. Pingree, Knox  
Senator Robert R. Gould, Waldo

**Joint Standing Committee on State & Local Government**

Senator Georgette B. Berube, Androscoggin, Chair  
Senator Donald E. Esty, Jr., Cumberland  
Senator Jeffrey H. Butland, Cumberland

**Joint Standing Committee on Taxation**

Senator John E. Baldacci, Penobscot, Chair  
Senator John J. Cleveland, Androscoggin  
Senator Charles E. Summers, Cumberland

**Joint Standing Committee on Transportation**

Senator Joseph C. Brannigan, Cumberland, Chair  
Senator Judy A. Paradis, Aroostook  
Senator Robert R. Gould, Waldo

**Joint Standing Committee on Utilities**

Senator Harry L. Vose, Washington, Chair  
Senator John J. Cleveland, Androscoggin  
Senator David L. Carpenter, York

**Joint Select Committee on Corrections**

Senator Beverly Miner Bustin, Kennebec, Chair  
Senator Gerard P. Conley, Jr., Cumberland  
Senator R. Leo Kieffer, Aroostook

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

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

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The Following Communication:

**JOINT SELECT COMMITTEE TO STUDY THE FEASIBILITY  
OF A STATEWIDE HEALTH INSURANCE PROGRAM  
MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333**

December 2, 1992

The Honorable Dennis L. Dutremble  
The Honorable John L. Martin  
Maine Legislature  
State House  
Augusta, ME 04333

Dear President Dutremble and Speaker Martin:

The Joint Select Committee to Study the Feasibility of a Statewide Health Insurance Program is pleased to submit its report to the Legislature. The Committee was created by vote of the Legislative Council on August 22, 1991.

Sincerely,

S/Sen. Judy C. Kany                      S/Rep. Elizabeth H. Mitchell  
Senate Chair                              House Chair

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

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The Following Communication:

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

December 4, 1992

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

Dear Secretary O'Brien:

Please find enclosed a copy of an 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

Which was **READ** and with accompanying Papers **REFERRED** to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS**.

The Following Communication:

**STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333**

December 14, 1992

The Honorable Dennis L. Dutremble  
The Honorable John L. Martin  
Maine Legislature  
State House  
Augusta, ME 04333

Dear President Dutremble and Speaker Martin:

We are pleased to send you this copy of the final report on Confidentiality of Public Records. The report is a staff study completed by the Office of Policy and Legal Analysis as authorized by the Legislative Council of the 115th Legislature.

Sincerely,  
S/Martha E. Freeman  
Director

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

The Following Communication:

**THE CITY OF CALAIS  
CITY BUILDING  
CALAIS, MAINE 04619**

December 23, 1992

Honorable Joy J. O'Brien  
Secretary of the Senate  
State House Station #3  
Augusta, ME 04333-0003

Dear Madam Secretary:

I am pleased to transmit to the Legislature the Resolution of the City of Calais approving the acquisition of land in Calais by the Passamaquoddy Tribe for the development of a hotel and casino.

If you need anything further, please do not hesitate to contact me.

Respectfully,  
S/Theresa M Porter  
City Clerk

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

**SENATE PAPERS**

Bill "An Act to Exempt Warden Service Vehicles from Participation in the Central Motor Pool" (Emergency)

S.P. 14 L.D. 4

Presented by Senator **PEARSON** of Penobscot  
Cosponsored by Senator **SUMMERS** of Cumberland,  
Representative **ROTONDI** of Athens and  
Representative **SWAZEY** of Bucksport

Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

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

Sent down for concurrence.

Bill "An Act Concerning Private Agencies That Have Contracts with the Department of Human Services" S.P. 15 L.D. 5

Presented by Senator **VOSE** of Washington  
Cosponsored by Representative **TOWNSEND** of Eastport and Representative **DRISCOLL** of Calais

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

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

Sent down for concurrence.

Bill "An Act Regarding Arrest Warrants"  
S.P. 16 L.D. 6

Presented by Senator **BRANNIGAN** of Cumberland  
Cosponsored by Representative **PARADIS** of Augusta  
and Representative **COTE** of Auburn

Committee on **JUDICIARY** suggested and **ORDERED PRINTED.**

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

Sent down for concurrence.

Resolve, to Allow Neal and Linda Chute to Bring  
an Action against the State

S.P. 17 L.D. 7

Presented by Senator **TITCOMB** of Cumberland  
Cosponsored by Representative **LORD** of Waterboro

Committee on **LEGAL AFFAIRS** suggested and **ORDERED PRINTED.**

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

Sent down for concurrence.

Bill "An Act to Clarify the Enforcement Authority  
of the Maine Sardine Council" (Emergency)  
S.P. 20 L.D. 10

Presented by Senator **VOSE** of Washington

Bill "An Act to Abolish the Atlantic Sea Run  
Salmon Commission"

S.P. 21 L.D. 11

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

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

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

Sent down for concurrence.

Bill "An Act Prohibiting Political Activity by  
Members of the Workers' Compensation Board"  
S.P. 19 L.D. 9

Presented by Senator **PEARSON** of Penobscot

Committee on **STATE & LOCAL GOVERNMENT** suggested and **ORDERED PRINTED.**

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

Sent down for concurrence.

Bill "An Act to Legalize Blue-dot Taillights"  
S.P. 18 L.D. 8

Presented by Senator **CARPENTER** of York  
Cosponsored by Representative **FARNUM** of South  
Berwick and Representative **CARR** of Sanford

Committee on **TRANSPORTATION** suggested and **ORDERED PRINTED.**

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

Sent down for concurrence.

Off Record Remarks

Senator **BUSTIN** of Kennebec was granted  
unanimous consent to address the Senate off the  
Record.

Senator **CARPENTER** of York was granted unanimous  
consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **CLEVELAND** of Androscoggin,  
**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.



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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Make Supplemental Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1993" (Emergency)  
H.P. 17 L.D. 18

Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

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

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair if I may. I would like to know, what is the Substance Abuse Services - Mental Health and Mental Retardation 6-bed, short-term residential program that the start up of which has been delayed? Thank you.

**THE PRESIDENT:** The Senator from Kennebec, Senator McCormick has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My understanding is that that is a 6-bed facility that is being built for the dual diagnosis, Mental Health and Mental Retardation, for alcohol and substance abuse, but in no way can they open until June 1993. So this is a delay of the \$200,000 and that can and will be made up, hopefully with the Governor submitting it, during the time between now and June. So it does not stop that facility from coming on line, it's only that they don't need the money right now. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I guess I'd like to pose another question to anyone who could answer through the Chair. My concern is that from the letter we got from Mr. Millet that the reason for this appropriation now is because services that we thought were going to be established in the community are not currently in the community. I need a little bit more explanation as to why they're not in the community, what's the hang up? Is it the consent decree? What's the problem? Thank you.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In response to the question of the Senator from Kennebec, the answer is various and sundry throughout the Bill, but basically in a generic sort of way what it is is that in a number of instances what was anticipated to have been started didn't get started on time. What was anticipated, for example, putting people into a community based facility, the proposals have not been as quickly forthcoming, as numerous, and haven't been dealt with as quickly as we thought they would be and consequently there is some money. The gist of this Bill, as I think everybody knows, in order to meet the payroll of Bangor Mental Health and Augusta Mental Health and Mental Health Services. These are the various sources of money which we asked about at some length in a meeting we held at about 9:00 this morning and were given very solid assurances by Representatives of the Department of Mental Health that this money was real and could be counted on and is caused by those savings that I just mentioned. Thank you.

Which was **PASSED TO BE ENGROSSED**, without reference to a Committee and **ORDERED PRINTED**, in concurrence.

Under Suspension of the Rules ordered sent forthwith to the Engraving Department.

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On motion by Senator **LUDWIG** of Aroostook, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**ENACTORS**

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

**Emergency**

An Act to Make Supplemental Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1993

H.P. 17 L.D. 18

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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Off Record Remarks

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On motion by Senator **BALDACCI** of Penobscot,  
**ADJOURNED** until Friday, January 8, 1993, at 11:00  
in the morning.