

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

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

In Senate Chamber
Thursday
January 14, 1993

Senate called to Order by the President, Dennis L. Dutremble of York.

Prayer by the Honorable Georgette B. Berube of Androscoggin.

SENATOR GEORGETTE B. BERUBE: Let us pray. Let us together today walk in the paths of God's commands. Encouraging one another, inspiring one another, supporting one another so that together by patient perseverance we may all learn to participate in this legislative process and thus be made sharers of God's eternal reign of glory. Amen.

Reading of the Journal of Tuesday, January 12, 1993.

Out of order and under suspension of the Rules, on motion by Senator **BUSTIN** of Kennebec, 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.

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

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

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Clarify Eligibility for Ordinary Death Benefits under the Maine State Retirement System" (Emergency)

H.P. 25 L.D. 28

Bill "An Act to Permit Retired Teachers to Rejoin the Teachers Health Insurance Plan after Serving in the Legislature"

H.P. 26 L.D. 29

Bill "An Act to Permit Arthur Rogers to Change His Retirement Option"

H.P. 27 L.D. 30

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

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

Bill "An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1993" (Emergency)

H.P. 24 L.D. 27

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

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

Bill "An Act to Compensate Landowners for Property Value Loss Due to Wetlands Conservation"

H.P. 32 L.D. 35

Bill "An Act Concerning Fees Imposed by the Department of Environmental Protection Regarding Hazardous Waste"

H.P. 33 L.D. 36

Bill "An Act to Amend the Laws Safeguarding Production of Ground Water"

H.P. 34 L.D. 37

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

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

Bill "An Act to Lower the Age at Which Residents Are Entitled to Complimentary Hunting and Fishing Licenses"

H.P. 28 L.D. 31

Comes from the House referred to the Committee on **FISHERIES & WILDLIFE** and **ORDERED PRINTED**.

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

Resolve, Authorizing Albert W. Hallowell to Bring a Civil Action against the State
H.P. 29 L.D. 32

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

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

Bill "An Act to Establish a Date for Removal of Fishing Shacks from Tidal Waters"
H.P. 30 L.D. 33

Bill "An Act to Allow the Possession of Hatchery Produced, Sublegal, Red, Yellow or Blue Lobsters as Aquarium Pets"
H.P. 31 L.D. 34

Come from the House referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

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

Bill "An Act to Permit the Use of All-terrain Vehicles by Law Enforcement Officers"
H.P. 20 L.D. 22

Committee on **FISHERIES & WILDLIFE** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **TRANSPORTATION**.

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

Bill "An Act to Promote the Location of a Federal Department of Defense Facility in Penobscot County"
H.P. 35 L.D. 43

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

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

Off Record Remarks

COMMUNICATIONS

The Following Communication:

**INTERIM COMMITTEE ON BANKING AND INSURANCE
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

December 23, 1992

The Honorable Dennis L. Dutremble
President of the Senate of Maine
116th Legislature
State House
Augusta, Maine 04333

Dear Mr. President:

Pursuant to P.L. 1991, Ch. 885, the Interim Joint Standing Committee on Banking and Insurance has met to review the appointments of Harvey Picker of Camden, Helen Dudman of Ellsworth and Martin Hanish of Manchester as public members to the Maine Employers' Mutual Insurance Company Board of Directors.

After review, the Committee proceeded to vote on the approval of these appointments. The Committee Clerk called the roll with the following result:

YEAS: Sen.	3	Sen. McCormick of Kennebec, Sen. Carey of Kennebec, Sen. Kieffer of Aroostook
Rep.	9	Rep. Mitchell of Vassalboro, Rep. Erwin of Rumford, Rep. Paradis of Augusta, Rep. Joseph of Waterville, Rep. Rand of Portland, Rep. Rydell of Brunswick, Rep. Aikman of Poland, Rep. Bennett of Norway, Rep. Zirkilton of Mount Desert

NAYS: 0

ABSENT: 1 Rep. Daggett of Augusta

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the appointments of Harvey Picker of Camden, Helen Dudman of Ellsworth and

Martin Hanish of Manchester as public members to the Maine Employers' Mutual Insurance Company Board of Directors be approved.

Signed:

S/Dale McCormick
Senate Chair

S/Elizabeth H. Mitchell
House Chair

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

The Following Communication:

116TH MAINE LEGISLATURE

January 11, 1993

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

Dear Secretary O'Brien:

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

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

The Following Communication:

**STATE OF MAINE
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
Controller

S/Victor E. Fleury
Deputy State
State

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

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

SENATE PAPERS

Bill "An Act to Improve Access to Maine's Veterans' Homes" (Emergency)

S.P. 41 L.D. 53

Presented by Senator **VOSE** of Washington
Cosponsored by Representative **TOWNSEND** of Eastport, Representative **FARREN** of Cherryfield and Representative **LOOK** of Jonesboro

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

Sent down for concurrence.

Bill "An Act to Facilitate the Sale of Health Insurance"

S.P. 39 L.D. 51

Presented by Senator **BALDACCI** of Penobscot

Which was referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.

Sent down for concurrence.

Resolve, to Require the Department of Education to Develop Education Guidelines for Public Schools
S.P. 40 L.D. 52

Presented by Senator **LUTHER** of Oxford
Cosponsored by Representative **LEMKE** of Westbrook

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

Sent down for concurrence.

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

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

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

Sent down for concurrence.

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

Presented by Senator **BALDACCI** of Penobscot

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

Sent down for concurrence.

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

Presented by Senator **BALDACCI** of Penobscot

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

Sent down 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 **PEARSON** of Penobscot, **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 Allow 3rd-party Reimbursement for Counseling Professionals"
H.P. 36 L.D. 44

Comes from the House referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.

Which was referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Concerning Installation of Propane Gas Water Heaters"
H.P. 38 L.D. 46

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

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

Bill "An Act to Set Reasonable Dioxin Levels" (Emergency)
H.P. 41 L.D. 49

Comes from the House referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**.

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

Bill "An Act to Require Recovery of Unemployment Benefit Overpayments"
H.P. 37 L.D. 45

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, Directing the Department of Environmental Protection to Study the Safety of Seafood in Maine Waters
H.P. 40 L.D. 48

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

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

Bill "An Act to Amend the Laws Governing Automatic Loss of License"
H.P. 39 L.D. 47

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

Comes from the House referred to the Committee on **TRANSPORTATION**.

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

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **CIANCHETTE** of Somerset, **ADJOURNED** until Tuesday, January 19, 1993, at 10:00 in the morning.