

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
Tuesday
January 26, 1993

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

Prayer by Reverend Calvin Dame of All Souls Unitarian Church in Augusta.

REVEREND CALVIN DAME: Let us pray. Spirit of life and love which flows through us and all the world, called by a thousand names and known by no name at all be in our hearts. May we be truly thankful this day for the gift of life which is ours, a gift we did not earn, a gift we cannot demand, a gift no money can buy, a gift beyond our powers of understanding, the glorious and elusive mystery of life upon this earth. We would ask blessings this day and in the days to come. Blessings upon the members of this assembly, we would ask the blessings of insight, we would ask the blessings of imagination, we would ask the blessings of patience, we would ask the blessings of an open mind, we would ask the blessings of forbearance, we would ask the blessings of steadfastness as we seek to know and to do that which is right and good, we would ask even the healing blessings of humor that we might remember our own shortcomings and forgive the shortcomings of others, and finally we would ask the blessing of perspective, that in the days and nights to come the members of this Senate will remember who they are, who they are called to serve, and will be guided in their actions by a high and broad vision of a commonwealth, of a society where fairness and justness and the reality of hope extends to all its citizens. Amen.

Reading of the Journal of Monday, January 25, 1993.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Maintain the Integrity of Commodity Tax Accounts" (Emergency)
H.P. 92 L.D. 122

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 Concerning the Reimbursement of Beverage Container Handling Costs"
H.P. 99 L.D. 141

Bill "An Act to Revise the Grandfathering Provisions for Acupuncturists"
H.P. 111 L.D. 153

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

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

Bill "An Act to Amend the Laws Governing Certification of Professional Speech and Language Therapists"
H.P. 110 L.D. 152

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

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

Bill "An Act to Foster Cooperative Legislative Oversight of Natural Resource Agencies"
H.P. 107 L.D. 149

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 Provide Mental Health Services to the Elderly"
H.P. 57 L.D. 87

Bill "An Act Requiring Substance Abuse Treatment Programs to Provide Nutrition Counseling"
H.P. 95 L.D. 137

Bill "An Act to Permit Professional Review Committees to Work with Impaired Physician Assistants"
H.P. 103 L.D. 145

Bill "An Act to Increase the Effectiveness of Child Support Enforcement"
H.P. 108 L.D. 150

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

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

Bill "An Act to Impose a Cap on Awards of Damages in Tort Actions"
H.P. 100 L.D. 142

Bill "An Act to Provide for Enhanced Penalties for Crimes Committed against Elderly or Handicapped Persons"
H.P. 105 L.D. 147

Bill "An Act to Amend the Laws Governing Termination of Parental Rights and Placement of Children"
H.P. 109 L.D. 151

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

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

Bill "An Act to Amend the Election Laws"
H.P. 104 L.D. 146

Bill "An Act Authorizing Presidential Preference Primary Elections in the State"
H.P. 114 L.D. 156

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 the Taking of Sea Urchins"
H.P. 98 L.D. 140

Bill "An Act to Regulate the Season and Drag Size for Scallop in Cobscook Bay and Passamaquoddy Bay"
H.P. 106 L.D. 148

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 Related to the Code Enforcement Officer Certification Program"
H.P. 96 L.D. 138

Bill "An Act to Increase the County Share of the Government Operations Surcharge Fund"
H.P. 97 L.D. 139

Bill "An Act to Amend the Laws Governing the Publication of Municipal Annual Reports"
H.P. 102 L.D. 144

Come from the House referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Which were referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Adjust Veterans' Property Tax Exemptions to Coincide with the Increase in Property Values"
H.P. 112 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.

Bill "An Act to Provide Operating Funds for the Casco Bay Island Ferry District"
H.P. 94 L.D. 136

Bill "An Act to Establish Physical Qualifications for Insulin-controlled Diabetics and People with Visual Impairments to Operate Commercial Motor Vehicles"
H.P. 101 L.D. 143

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

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

Bill "An Act Concerning Fair Electric Rates" (Emergency) H.P. 113 L.D. 155

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.

Joint Orders

The following Joint Order: H.P. 115

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as it sees fit to revise the salaries of county officers and lay the county taxes for the year 1993.

Comes from the House **READ** and **PASSED**.

Which was **READ** and **PASSED**, in concurrence.

SENATE PAPERS

Bill "An Act to Amend Certain Laws Affecting Waste Discharges by Quasi-municipal Agencies" S.P. 76 L.D. 177

Presented by President **DUTREMBLE** of York Cosponsored by Representative **CARON** of Biddeford and Senator: **CARPENTER** of York, Representative: **MURPHY** of Berwick

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

Sent down for concurrence.

Bill "An Act to Allow Hunting of Small Game Animals on Sundays" S.P. 78 L.D. 179

Presented by Senator **LUTHER** of Oxford (By Request) Cosponsored by Senator: **KIEFFER** of Aroostook, Representative: **RUHLIN** of Brewer

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

Sent down for concurrence.

Bill "An Act Regarding Low-cost Drugs for the Elderly" S.P. 74 L.D. 175

Presented by Senator **BERUBE** of Androscoggin Cosponsored by Representatives: **ADAMS** of Portland, **ALIBERTI** of Lewiston, **DORE** of Auburn, **RYDELL** of Brunswick

Bill "An Act to Allocate Funds to a Teenage Homeless Shelter in Bangor" S.P. 77 L.D. 178

Presented by Senator **BALDACCI** of Penobscot Cosponsored by Representatives: **FAIRCLOTH** of Bangor, **MORRISON** of Bangor, **SAXL** of Bangor, **SULLIVAN** of Bangor, **WINN** of Glenburn

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

Sent down for concurrence.

Bill "An Act Regarding the Removal of Public Utility Commission Commissioners" S.P. 75 L.D. 176

Presented by Senator **LUTHER** of Oxford Cosponsored by Representatives: **CLEMENT** of Clinton, **COFFMAN** of Old Town, **GRAY** of Sedgwick, **LEMKE** of Westbrook

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

Sent down for concurrence.

COMMITTEE REPORTS

Senate

Ought to Pass

Senator **HANDY** for the Committee on **LABOR** on Bill "An Act to Amend the Dislocated Worker Benefits Program" (Emergency)

S.P. 47 L.D. 69

Reported that the same **Ought to Pass**.

Which Report was **READ** and **ACCEPTED**.

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

On motion by Senator **HANDY** of Androscoggin, Senate Amendment "A" (S-13) **READ** and **ADOPTED**.

Which was, **PASSED TO BE ENGROSSED, as Amended**.

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **CARPENTER** of York, **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:

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **CLEVELAND** for the Committee on **TAXATION** on Bill "An Act to Amend the Defense Finance and Accounting Service Financial Assistance Laws"

S.P. 68 L.D. 129

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-14)**.

Which Report was **READ** and **ACCEPTED**.

Senate at Ease

Senate called to order by the President.

The Bill **READ ONCE**.

Committee Amendment "A" (S-14) **READ** and **ADOPTED**.

Which was, 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:

ENACTORS

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

Emergency

An Act to Amend the Dislocated Worker Benefits Program

S.P. 47 L.D. 69
(S "A" S-13)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 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.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **UTILITIES** on Bill "An Act to Promote the Location of a Federal Department of Defense Facility in Penobscot County"

H.P. 35 L.D. 43

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-14)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-14)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-14) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator **BUSTIN** of Kennebec, **ADJOURNED** until Thursday, January 28, 1993, at 4:00 in the afternoon.