

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
February 2, 1993

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

Prayer by Reverend Thomas Blackstone of the First United Methodist Church in Boothbay Harbor.

REVEREND THOMAS BLACKSTONE: Will you join me in the spirit of prayer? Gracious and faithful God we who feel your presence and power in this chamber and who seek your guidance in the deliberations of this Senate are struck with amazement at the power placed in this body to heal the suffering and loss of vision which in these times of hardship assails our State. With courage and compassion these who are here assembled seek by their labor to improve the lives and livelihoods of their brothers and sisters in the communities from which they come. Grant, Oh God, the realization of these Senator's dreams and hopes, liberate them from cynicism which can grow like a cancer upon a free and democratic people. Grant them to know that where there is the desire to do what is right there is always hope. As we submit ourselves to our creator's justice and seek to follow in the footsteps of the leaders of our various religious traditions help us, Oh God, to keep the most vulnerable ones in our communities ever before our eyes and in our hearts, lest even one of your children suffer distress needlessly. May God bless the State of Maine, may God grant compassion and wisdom to her leaders and may God's benediction rest upon these Senators, their staff, the custodians and groundskeepers of this place and the husbands and wives and children of these Senators who endure separation in order that this body might do its work. In the name of hope and love and compassion Amen.

Reading of the Journal of Thursday, January 28, 1993.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Protect Animal Enterprises"
H.P. 163 L.D. 215

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

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

On motion by Senator **HANLEY** of Oxford, Tabled 1 Legislative Day, pending **REFERENCE.**

COMMUNICATIONS

The Following Communication:

**DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333**

29 January 1993

The Honorable Dennis L. Dutremble
President, Maine Senate
State House
Augusta, Maine 04333

Dear President Dutremble:

The Bureau of Parks and Recreation, Maine Department of Conservation, is pleased to submit the report on its experience controlling timber harvesting and herbicide application operations in the Allagash Wilderness Waterway as required by 12 MRSA section 670 subsection 3.

Copies of the report's executive summary are provided to all members of the Senate. One copy of the complete report is provided to you and an additional five copies of the complete report are available in the secretary's office for those Senators who desire information beyond the executive summary. If additional copies of the complete report are needed, do not hesitate to let me know.

Sincerely,
S/C. Edwin Meadows
Commissioner

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

The Following Communication:

**PUBLIC UTILITIES COMMISSION
STATE HOUSE STATION 18
AUGUSTA, MAINE 04333**

February 1, 1993

Secretary of the Senate
Maine Senate
State House Station 3
Augusta, Maine 04333

January 28, 1993

Dear Secretary O'Brien:

In accordance with Title 35-A of the Maine Statutes, I am enclosing the Annual Report of the Maine Public Utilities Commission.

Please do not hesitate to call if you have any questions regarding the materials contained in the report.

Sincerely,

S/Charles A. Jacobs
Administrative Director

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

The Following Communication:

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

January 28, 1993

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 37, I have today made the following appointments to the Committee on Bills in the Second Reading:

Senator Richard J. Carey of Kennebec, Chair
Senator Alton E. Cianchette of Somerset
Senator Jane A. Amero of Cumberland
Senator Stephen E. Hall of Piscataquis.

Please let me know if you have any questions.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

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

The Following Communication:

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

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 37, I have today made the following appointments to the Committee on Engrossed Bills:

Senator Harry L. Vose of Washington, Chair
Senator Georgette B. Berube of Androscoggin
Senator Margaret G. Ludwig of Aroostook
Senator Jeffrey H. Butland of Cumberland.

Please let me know if you have any questions.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

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

The Following Communication:

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

January 28, 1993

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 38, I have today made the following appointments to the Committee on Conduct and Ethics:

Senator Gerard P. Conley, Jr. of Cumberland, Chair
Senator Bonnie L. Titcomb of Cumberland
Senator Judy A. Paradis of Aroostook
Senator Ruth S. Foster of Hancock
Senator Philip E. Harriman of Cumberland.

Please let me know if you have any questions.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

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

SENATE PAPERS

Bill "An Act to Ensure Geographically Appropriate Placement for Nursing Home Residents"
S.P. 87 L.D. 241

Presented by Senator **PINGREE** of Knox
Cosponsored by Senators: **KIEFFER** of Aroostook,
LUDWIG of Aroostook, **PARADIS** of Aroostook,
Representatives: **CARROLL** of Gray, **FARNSWORTH** of
Hallowell, **HOLT** of Bath, **KILKELLY** of Wiscasset,
MELENDY of Rockland, **RYDELL** of Brunswick,
TOWNSEND of Portland, **TREAT** of Gardiner

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

On motion by Senator **ESTY** of Cumberland,
referred to the Committee on **HUMAN RESOURCES**.

Sent down for concurrence.

Bill "An Act to Clarify the Procedures by Which Fees Are Collected under the Petroleum Market Share Act" (Emergency)
S.P. 94 L.D. 248

Presented by Senator **BALDACCI** of Penobscot

Bill "An Act to Abolish the Board of Licensure of Railroad Personnel"
S.P. 98 L.D. 251

Presented by Senator **VOSE** of Washington

Bill "An Act Relating to the Licensing of Counselors"
S.P. 103 L.D. 281

Presented by Senator **BALDACCI** of Penobscot

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

Sent down for concurrence.

Resolve, Directing the Department of Corrections to Develop a Plan for the Employment of Correctional Facility Inmates
S.P. 88 L.D. 242

Presented by Senator **HANLEY** of Oxford
Cosponsored by Representative **KUTASI** of Bridgton and
Senators: **BUTLAND** of Cumberland, **CARPENTER** of York,
KIEFFER of Aroostook, **SUMMERS** of Cumberland, Representatives: **BAILEY** of Township 27,
BARTH of Bethel, **BENNETT** of Norway

Which was referred to the Joint Select Committee on **CORRECTIONS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Discontinue Legislative Approval of Technical College Collective Bargaining Agreements"
S.P. 93 L.D. 247

Presented by Senator **O'DEA** of Penobscot

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

Sent down for concurrence.

Bill "An Act to Allow the Sale of Surplus Lands from the State Nursery" (Emergency)
S.P. 89 L.D. 243

Presented by Senator **PEARSON** of Penobscot
Cosponsored by Representatives: **HICHBORN** of Howland, **THOMPSON** of Lincoln

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

Sent down for concurrence.

Bill "An Act to Prevent Discrimination"
S.P. 92 L.D. 246

Presented by Senator **CONLEY** of Cumberland
Cosponsored by Senator **AMERO** of Cumberland, Representative **FARNSWORTH** of Hallowell and Senators: **BALDACCI** of Penobscot, **BUSTIN** of Kennebec, **CLEVELAND** of Androscoggin, **DUTREMBLE** of York, **HANDY** of Androscoggin, **HARRIMAN** of Cumberland, **LAWRENCE** of York, **MCCORMICK** of Kennebec, **PINGREE** of Knox, **TITCOMB** of Cumberland, **VOSE** of Washington, Representatives: **ADAMS** of Portland, **BRENNAN** of Portland, **CASHMAN** of Old Town, **CHASE** of China, **COLES** of Harpswell, **FAIRCLOTH** of Bangor, **GEAN** of Alfred, **HOGLUND** of Portland, **HOLT** of Bath, **JOHNSON** of South Portland, **LARRIVEE** of Gorham, **MORRISON** of Bangor, **O'GARA** of Westbrook, **OLIVER** of Portland, **PARADIS** of Augusta, **PFEIFFER** of Brunswick, **PINEAU** of Jay, **RAND** of Portland, **RICHARDSON** of Portland, **ROWE** of Portland, **RYDELL** of Brunswick, **SIMONDS** of Cape Elizabeth, **SULLIVAN** of Bangor, **TOWNSEND** of Portland, **TRACY** of Rome, **TREAT** of Gardiner

Bill "An Act to Amend the Child Protection Laws"
S.P. 102 L.D. 280

Presented by Senator **BALDACCI** of Penobscot (By Request)

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

Sent down for concurrence.

Bill "An Act Regarding the Purchase of Spirits at State Liquor Stores"

S.P. 91 L.D. 245

Presented by Senator **BALDACCI** of Penobscot

Bill "An Act to Amend the Campaign Finance Laws"

S.P. 97 L.D. 250

Presented by Senator **HANLEY** of Oxford
Cosponsored by Representatives: **AULT** of Wayne, **BENNETT** of Norway, **GOULD** of Greenville, **TRUE** of Fryeburg

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

Sent down for concurrence.

Resolve, Creating a Special Commission to Erect a Plaque in the Hall of Flags Honoring Medal of Honor Recipients from Maine

S.P. 101 L.D. 279

Presented by Senator **PEARSON** of Penobscot
Cosponsored by Senator **VOSE** of Washington, Representative **ERWIN** of Rumford and Senators: **BUTLAND** of Cumberland, **CARPENTER** of York, **KIEFFER** of Aroostook, Representatives: **ANDERSON** of Woodland, **BAILEY** of Township 27, **BAILEY** of Farmington, **CAMPBELL** of Holden, **CARLETON** of Wells, **CARON** of Biddeford, **CARR** of Sanford, **CLARK** of Millinocket, **CLEMENT** of Clinton, **CLOUTIER** of South Portland, **CLUKEY** of Houlton, **COLES** of Harpswell, **CROSS** of Dover-Foxcroft, **DEXTER** of Kingfield, **FARREN** of Cherryfield, **GAMACHE** of Lewiston, **GEAN** of Alfred, **GOULD** of Greenville, **GREENLAW** of Standish, **HICHBORN** of Howland, **HILLOCK** of Gorham, **JALBERT** of Lisbon, **JONES** of Pittsfield, **JOY** of Island Falls, **LIBBY** of Kennebunk, **LINDAHL** of Northport, **MORRISON** of Bangor, **NICKERSON** of Turner, **NORTON** of Winthrop, **O'GARA** of Westbrook, **OTT** of York, **PLOURDE** of Biddeford, **POULIOT** of Lewiston, **REED** of Dexter, **RICKER** of Lewiston, **ROWE** of Portland, **SIMONDS** of Cape Elizabeth, **SIMONEAU** of Thomaston, **TAYLOR** of Cumberland, **TOWNSEND** of Eastport, **TRUE** of Fryeburg, **TUFTS** of Stockton Springs, **VIGUE** of Winslow, **YOUNG** of Limestone

Bill "An Act to Make the Terms of Certain Commissioners Coterminous with the Term of the Governor"

S.P. 104 L.D. 282

Presented by Senator **CAREY** of Kennebec

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

Sent down for concurrence.

Bill "An Act to Establish a Sales Tax Exemption for Project Graduation Organizations"

S.P. 90 L.D. 244

Presented by Senator **BALDACCI** of Penobscot

Bill "An Act to Exempt Certain Real Estate Transfers from the Real Estate Transfer Tax"

S.P. 95 L.D. 249

Presented by Senator **BALDACCI** of Penobscot

Bill "An Act to Aid in the Administration of the Motor Vehicle Excise Tax"

S.P. 99 L.D. 277

Presented by Senator **HANDY** of Androscoggin
Cosponsored by Senators: **BALDACCI** of Penobscot, **BERUBE** of Androscoggin, **PARADIS** of Aroostook, Representatives: **AHEARNE** of Madawaska, **DORE** of Auburn

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

Sent down for concurrence.

Bill "An Act to Provide Additional Powers to the Public Utilities Commission"

S.P. 100 L.D. 278

Presented by Senator **VOSE** of Washington
Cosponsored by Representative: **CLARK** of Millinocket
Submitted by the Public Utilities Commission pursuant to Joint Rule 24.

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

The following **Ought Not to Pass** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

From the Committee on **ENERGY & NATURAL RESOURCES** Bill "An Act to Compensate Landowners for Property Value Loss Due to Wetlands Conservation" H.P. 32 L.D. 35

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE**.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate, the Tabled and Later (12/2/92) Assigned matter:

SENATE ORDER - regarding Bills and Resolves carrying or requiring an appropriation of highway revenue or involving a loss of highway revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Transportation, be placed on a special calendar to be called up for consideration only by a member of that Committee.

Tabled - December 2, 1992, by Senator **ESTY** of Cumberland.

PENDING - PASSAGE

(In Senate, December 2, 1992, **READ**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE**.

The Chair laid before the Senate, the Tabled and Later (12/2/92) Assigned matter:

SENATE ORDER - regarding all Bills and Resolves carrying or requiring an appropriation or involving a loss of revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Appropriations and Financial Affairs, be placed on a special calendar to be called up for consideration only by a member of that committee.

Tabled - December 2, 1992, by Senator **ESTY** of Cumberland.

PENDING - PASSAGE

(In Senate, December 2, 1992, **READ**.)

The Chair laid before the Senate the Tabled and Later (12/2/92) Assigned matter:

SENATE ORDER - regarding all Bills and Resolves carrying or requiring an appropriation of fishery and wildlife revenue or involving a loss of fishery and wildlife revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Fisheries and Wildlife be placed on a special calendar to be called up for consideration only by a member of that committee.

Tabled - December 2, 1992, by Senator **ESTY** of Cumberland.

PENDING - PASSAGE

(In Senate, December 2, 1992, **READ**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE**.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Resolve, to Consolidate the University of Maine at Fort Kent into the University of Maine at Presque Isle

S.P. 84 L.D. 197

Tabled - January 28, 1993, by Senator **PARADIS** of Aroostook.

Pending - **REFERENCE**

(Committee on **EDUCATION** suggested and **ORDERED PRINTED**.)

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

Sent down for concurrence.

Off Record Remarks

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

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

On motion by Senator **HANDY** 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

Joint Order

The following Joint Order: H.P. 196

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill, "An Act to Make Supplemental Appropriations in Fiscal Year 1992-93 to Meet Certain Payrolls," to the House.

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

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

On motion by Senator **VOSE** of Washington, **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

House

Ought to Pass Pursuant to Joint Order

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Appropriations in Fiscal Year 1992-93 to Meet Certain Payrolls" (Emergency)

H.P. 217 L.D. 285

Reported that the same **Ought to Pass** pursuant to Joint Order H.P. 196.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

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

On motion by Senator **CAREY** of Kennebec, **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:

ENACTORS

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

Emergency

An Act to Make Supplemental Appropriations in Fiscal Year 1992-93 to Meet Certain Payrolls
H.P. 217 L.D. 285

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.

Senator **WEBSTER** of Franklin was granted unanimous consent to address the Senate on the Record:

Senator **WEBSTER**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would request that when the Senate adjourns today we do so in memory of Norman Walker of Skowhegan. I would just like to tell you a little bit about Norman, I served two terms in the House of Representatives as many of you know and Norm was serving there with me, he recently passed away and I'd like to share with the Senate a story that I found to be moving. We were

sitting in the House chamber a few days before the April filing deadline back in 1984 and I asked him if he was going to run again and he said "well Charlie, I'm not a young man, I've enjoyed my tenure in the Legislature but if statistics hold true I might live another ten years. So the question is do I spend 20% of my life in the Maine Legislature or do I go home and spend it with my family?" He decided at that time not to run for re-election even though everybody who knew Norm knew he would have been re-elected. I always remembered the fact that he decided that being home with his wife and his family and spending time with his grandchildren was more important and perhaps should be more important than serving here. I think we all love this process, we've all enjoyed, those of us who have been here and those who will be here, have enjoyed it but it's refreshing to see candid comments like the one Norm Walker shared with me at that time. Those of us who knew Norm regret his passing but I'm pleased that he spent his final years with his family and so I would ask today that when we adjourn we do so in his memory. Thank you.

On motion by Senator **WEBSTER** of Franklin,
ADJOURNED in memory of **REPRESENTATIVE NORMAN**
WALKER of Skowhegan, until Thursday, February 4,
1993, at 10:00 in the morning.