

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 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
March 9, 1993

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

Prayer by Reverend Norman Towns of the Little Falls Baptist Church in South Windham.

REVEREND NORMAN TOWNS: Senator Dutremble, Ladies and Gentlemen of the Senate, and to all of you folks who help to make things run efficiently, it's good to be here with you and would you bow with me in prayer. Gracious God, our Father, how good it is to be here in this Senate. To be among these folk who have been elected to promote democracy within our State. Holy Father we thank you for the privilege of living in this great country, and for dedicated men and women who promote their lives by service to the State. In a time when we have come to know of opportunities within our country, of freedoms that have gone envied around the world, and Father we thank you for each of these as we thank you too for the strong family relationships. Lord we do ask that you provide this body with the wisdom and strength and courage and the vision to promote each of these. We realize that this is a fragile gift that we have been handed by our forefathers and Father we ask that you help these folk to preserve these, not only for this generation but for generations to come. Lord we do ask that you be present with them and that you guide them through each of these phases this day for it is in the name of our Lord that we pray. Amen.

Reading of the Journal of Thursday, March 4, 1993.

Off Record Remarks

Joint Resolutions

The Following Joint Resolution: H.P. 576

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO ENACT EMERGENCY LEGISLATION WAIVING UNFUNDED FEDERAL MANDATES THAT HAVE BEEN IMPOSED ON THE SEVERAL STATES OR THEIR POLITICAL SUBDIVISIONS

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States, as follows:

WHEREAS, the Federal Government has mandated new programs and transferred the responsibility of funding these programs to the several states and their political subdivisions; and

WHEREAS, the Federal Government has also reduced or eliminated funding for certain programs administered at the state or local government level; and

WHEREAS, the several states and their political subdivisions, as a result of economic recession and the substantial costs of these programs are experiencing severe revenue shortfalls and budget imbalances that are further exacerbated by having to fund these unfunded federal mandates; and

WHEREAS, the several states, unlike the Federal Government, are required by their constitutions to balance their budgets, which further reduces their ability to absorb unfunded federal mandates; and

WHEREAS, the State of Maine, recognizing the inequity of passing unfunded mandates on to its political subdivisions amended its Constitution in November of 1992 to prohibit state legislation or state administrative rules that require additional local government expenditures unless the Maine State Legislature funds those mandates; and

WHEREAS, the federal practice of deferring program costs to the states is inherently unfair because many states, such as Maine, lack the resources to fund these programs; and

WHEREAS, relief from unfunded mandates is most especially needed in the federal laws and rules governing benefits and utilization for Medicaid recipients, benefit levels for other entitlements and environmental regulation so that the several states and their political subdivisions can regain greater authority over their respective budgets and increase their ability to create jobs; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to enact legislation that provides waivers to unfunded federal mandates, be they wholly or partially unfunded; and be it further

RESOLVED: That this legislation direct the various agencies of the Federal Government to streamline the process by which federal mandates will be waived; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States,

to the governor of each state, the Speaker of the Lower House and the President of the Senate in each state and to each Member of the Maine Congressional Delegation.

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

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

COMMUNICATIONS

The Following Communication: S.P. 278

116TH MAINE LEGISLATURE

March 5, 1993

Senator Gerard P. Conley, Jr.
Rep. Constance D. Cote
Chairpersons
Joint Standing Committee on Judiciary
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Francis C. Marsano of Belfast for appointment as a Justice of the Maine Superior Court.

Pursuant to the Constitution, Article V, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and referred to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 280

116TH MAINE LEGISLATURE

March 8, 1993

Senator John J. O'Dea
Rep. Elizabeth H. Mitchell
Chairpersons
Joint Standing Committee on Education
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Bridget Healy of Freeport for appointment to the Maine Technical College System Board of Trustees.

Pursuant to Title 20-A, MRSA Section 12705, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and referred to the Committee on **EDUCATION**.

Sent down for concurrence.

The Following Communication:

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

March 5, 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 36, I have today appointed Sen. Richard J. Carey of Kennebec to the Joint Standing Committee on Taxation.

Senator Carey will be replacing Sen. John J. Cleveland who has resigned as the second Senator on the Taxation Committee.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

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

presenting background information on the MTA's 1994 Revenue Budget through the Committee process.

The Following Communication:

116th MAINE LEGISLATURE

March 4, 1993

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

Sincerely,
S/Paul E. Violette
Executive Director

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

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 914 of the Public Laws of 1989, we have today reappointed Sen. Joseph Brannigan, of Cumberland; Rep. Charles Plourde, of Biddeford; and Rep. Ronald Bailey, of Farmington, to the Commission on Investment Capital. We have also appointed Sen. Rochelle Pingree, of Knox, and Rep. Marc Vigue of Winslow, to this panel.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

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

SENATE PAPERS

Bill "An Act to Clarify Reporting Requirements for Medical Malpractice Carriers to the Bureau of Insurance"

S.P. 267 L.D. 804

Presented by Senator **SUMMERS** of Cumberland

Bill "An Act to Clarify and Preserve the Public Advocate's Authority to Protect the Rights of Employers Subject to Surcharges for Maine's Workers' Compensation Residual Market Pool" (Emergency)

S.P. 272 L.D. 836

Presented by Senator **MCCORMICK** of Kennebec
Cosponsored by Senators: **CAREY** of Kennebec, **CLEVELAND** of Androscoggin, Representatives: **JOSEPH** of Waterville, **MITCHELL** of Vassalboro, **PINEAU** of Jay

Bill "An Act to Change or Clarify Language in the Maine Insurance Code Relative to Procurement of Surplus Lines Insurance and Pertaining to Licensing Procedures in Order to Provide for a More Efficient Regulatory System"

S.P. 273 L.D. 837

Presented by Senator **KIEFFER** of Aroostook
Cosponsored by Senator: **CAREY** of Kennebec, Representatives: **KNEELAND** of Easton, **KUTASI** of Bridgton, **PINEAU** of Jay, **YOUNG** of Limestone
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

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

Sent down for concurrence.

The Following Communication:

**MAINE TURNPIKE AUTHORITY
430 RIVERSIDE STREET
PORTLAND, MAINE 04103**

March 4, 1993

Honorable Dennis Dutremble
President of the Senate
State House Station 3
Augusta, Maine 04333

Honorable John L. Martin
Speaker of the House of Representatives
State House Station 2
Augusta, Maine 04333

Dear President Dutremble/Speaker Martin:

I am pleased to forward to the Maine Legislature the Maine Turnpike Authority's 1994 Revenue Fund Operating Budget in accordance with Initiated Bill Chapter 1, 1991. The specific section of the law is Sec. 3, 23 M.R.S.A. 1961 sub - 6.

I look forward to working with the Legislature and

Bill "An Act to Amend the Provisions Related to the Supervised Community Confinement Program"
S.P. 269 L.D. 833

Presented by Senator **AMERO** of Cumberland
Cosponsored by Senator: **KIEFFER** of Aroostook, Representative: **CARROLL** of Gray
Submitted by the Department of Corrections pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Establish a Professional Standards Board for Maine Educators"

S.P. 274 L.D. 838

Presented by Senator **HANDY** of Androscoggin
Cosponsored by Representative **ALIBERTI** of
Lewiston and Senator: **ESTY** of Cumberland,
Representatives: **ADAMS** of Portland, **CARROLL** of
Gray, **CHASE** of China, **JOSEPH** of Waterville,
KILKELLY of Wiscasset, **MARTIN** of Eagle Lake

Bill "An Act to Provide for the Efficient Delivery of Educational Services to Children with Special Needs"

S.P. 275 L.D. 839

Presented by Senator **HANDY** of Androscoggin
Cosponsored by Representative **CONSTANTINE** of Bar
Harbor and Senators: **MCCORMICK** of Kennebec,
O'DEA of Penobscot, **PARADIS** of Aroostook,
Representatives: **BEAM** of Lewiston, **CARROLL** of
Gray, **GWADOSKY** of Fairfield, **JOSEPH** of
Waterville, **KILKELLY** of Wiscasset, **MITCHELL** of
Vassalboro, **OLIVER** of Portland, **PINEAU** of Jay,
RYDELL of Brunswick, **WINN** of Glenburn

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

Sent down for concurrence.

Bill "An Act to Require Public Notice of Unusual Radioactive Emissions"

S.P. 279 L.D. 842

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Senator: **FOSTER** of Hancock,
Representatives: **GEAN** of Alfred, **HOLT** of Bath

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

Sent down for concurrence.

Bill "An Act to Provide Immunity for Private Physicians in Public Hospitals"

S.P. 266 L.D. 803

Presented by Senator **BALDACCI** of Penobscot
Cosponsored by Senator: **FOSTER** of Hancock,
Representatives: **PLOWMAN** of Hampden, **SAXL** of
Bangor
Submitted by the Department of Mental Health and
Mental Retardation pursuant to Joint Rule 24.

Bill "An Act to Enhance Collection of Child Support"

S.P. 271 L.D. 835

Presented by Senator **CAREY** of Kennebec (By Request)

Bill "An Act to Protect Maine Businesses and Consumers from Unfair and Deceptive Trade Practices"

S.P. 276 L.D. 840

Presented by Senator **HARRIMAN** of Cumberland
Cosponsored by Representative **GWADOSKY** of
Fairfield and Senator: **CIANCHETTE** of Somerset

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

Sent down for concurrence.

Bill "An Act to Clarify Maine Election Laws"

S.P. 268 L.D. 805

Presented by Senator **CAREY** of Kennebec
Cosponsored by Representative **DAGGETT** of Augusta
and Representatives: **ROBICHAUD** of Caribou,
STEVENS of Sabattus
Submitted by the Department of the Secretary of
State pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Establish the Boundary between the Town of Cornville and the Town of Skowhegan"

S.P. 270 L.D. 834

Presented by Senator **MARDEN** of Kennebec
Cosponsored by Senator: **CIANCHETTE** of Somerset,
Representative: **HATCH** of Skowhegan

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

Sent down for concurrence.

Pursuant to Resolves

Committee on Transportation

The Committee on **TRANSPORTATION**, pursuant to
Resolve 1987, Chapter 33, ask leave to submit its
findings and to report that the accompanying Bill "An
Act to Revise and Recodify the Maine Revised
Statutes, Title 29"

S.P. 277 L.D. 841

Be referred to the Committee on **TRANSPORTATION** for Public Hearing and printed pursuant to Joint Rule 20.

Off Record Remarks

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

The Bill referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

Sent down for concurrence.

The Committee on **MARINE RESOURCES** on Bill "An Act to Retain the Current Standard for the Release of Tributyltin in Marine Antifouling Paints" (Emergency) H.P. 7 L.D. 14

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-32)**.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **TRANSPORTATION** on Bill "An Act to Amend the Law Pertaining to Abandoned Vehicles" H.P. 320 L.D. 408

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

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.

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-32)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-32) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

Senate

Ought to Pass

Senator **HANDY** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Allow Young People to Accompany Their Parents When Voting" S.P. 136 L.D. 427

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

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

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass As Amended

The Committee on **EDUCATION** on Bill "An Act Concerning Employees of the Maine Technical College System" (Emergency) H.P. 78 L.D. 108

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-29)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-29)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-29) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Establish the Boundary Between Enfield and Passadumkeag" S.P. 49 L.D. 71

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

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

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Establish a Part of the Boundary Between Enfield and Lowell"
S.P. 132 L.D. 423

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

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

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass As Amended

Senator **CIANCHETTE** for the Committee on **BUSINESS LEGISLATION** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-41)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-41) **READ** and **ADOPTED**.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

Senator **AMERO** for the Committee on **EDUCATION** on Resolve, to Require the Department of Education to Develop Education Guidelines for Public Schools
S.P. 40 L.D. 52

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-42)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-42) **READ** and **ADOPTED**.

The Resolve as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

Divided Report

The Majority of the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Abolish the Board of Licensure of Railroad Personnel"

S.P. 98 L.D. 251

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-40)**.

Signed:

Senators:

CIANCHETTE of Somerset
BUSTIN of Kennebec
MARDEN of Kennebec

Representatives:

THOMPSON of Lincoln
HOGLUND of Portland
VIGUE of Winslow
REED of Dexter
ST. ONGE of Greene
CLEMENT of Clinton

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Representatives:

HILLOCK of Gorham
CAMERON of Rumford

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-40) **READ** and **ADOPTED**.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Require the State to Pay for Mediation Sessions"

S.P. 107 L.D. 310

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-39)**.

Signed:

Senators:

HANDY of Androscoggin
BEGLEY of Lincoln

Representatives:

AIKMAN of Poland
RUHLIN of Brewer
ST. ONGE of Greene
SULLIVAN of Bangor
CHASE of China
LINDAHL of Northport
CARR of Sanford
CLEMENT of Clinton

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Sent down for concurrence.

Representative:
LIBBY of Buxton

Which Reports were READ.

ENACTORS

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-39) **READ** and **ADOPTED.**

An Act Concerning Installation of Propane Gas Water Heaters

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

H.P. 38 L.D. 46
(H "A" H-24 to C
"A" H-22)

SECOND READERS

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Committee on **Bills in the Second Reading** reported the following:

ORDERS OF THE DAY

House

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

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

SENATE REPORTS - from the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Establish Hours of Education for the Practice of Public Accountancy"
S.P. 52 L.D. 73

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-33)**

Senate As Amended

Bill "An Act to Amend the Requirements for Notice of Public Proceedings of the Public Utilities Commission"
S.P. 38 L.D. 50
(C "A" S-36)

Tabled - March 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, March 4, 1993, Reports **READ.**)

Bill "An Act to Amend the Filing Requirements to Perfect a Security Interest in Consumer Goods"
S.P. 53 L.D. 74
(C "A" S-35)

On motion by Senator **ESTY** of Cumberland, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **BUSINESS LEGISLATION.**

Sent down for concurrence.

Bill "An Act to Prohibit the Board of Land Surveyors from Enacting Continuing Education Rules"
S.P. 63 L.D. 125
(C "A" S-34)

Off Record Remarks

Bill "An Act to Amend Certain Laws Affecting Waste Discharges by Quasi-municipal Agencies"
S.P. 76 L.D. 177
(C "A" S-32)

Senator **GOULD** of Waldo was granted unanimous consent to address the Senate off the Record.

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended.**

Off Record Remarks

On motion by Senator **O'DEA** of Penobscot,
ADJOURNED until Wednesday, March 10, 1993, at 9:30
in the morning.