

# 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  
Monday  
March 29, 1993

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

Prayer by Reverend Lloyd Rozelle of the Willimantic Community Church in Guilford.

**REVEREND LLOYD ROZELLE:** Shall we pray. Father we thank you for so many things and Lord I thank you for the privilege of being here. I thank you for the beauty of the creation that we have the privilege of seeing around us every day and Lord we just praise you for that. I thank you for these people who have taken this challenge and this responsibility. I'm sure Lord that it has been exciting, it's been perhaps rewarding and sometimes it will be terribly unthankful and Lord I would just pray that you would be with them, give them strength and wisdom for those are needed in these days.

Lord I am instructed from your Word to pray for all men, particularly for those in authority over us. Lord I do pray for the wisdom that is needed for these people gathered in this chamber, for Governor McKernan and those who advise him and for those in the House. Lord we would remember that you have said in your Word, "Blessed is the nation whose Lord is God". I pray that these people might remember that nations who have ignored that principle have passed from the scene or their power structure has passed and we just ask Lord that you would give wisdom and understanding to these people.

Give them the courage to do that which needs to be done and even to stand against pressures from the other side, whether it be the media or different groups and help them to just use the common sense that they do have. Lord in some situations I would pray that they might go back to the basics of hygiene and biology and help cut back that terrible scourge which is taking the lives of so many of our young people, particularly our young men. Give them the wisdom Lord, and the courage to stand in that. Give them wisdom in the economy. We read in your Word that the Apostle Paul made a rather blunt statement that he who may not work may not eat. So Lord we pray that there might be a wise use of the welfare there needs to be. The wise use of resources we have to develop an income that would be profitable. Lord above all we just ask that this group of men and women would be blessed, would be strengthened and you would open the doors for them to make right decisions in the days ahead. We just thank you Lord for what you will do and have done.

I'm reminded of our Redeemer when he said looking out over Jerusalem, they had rejected Him so many times, and He said "Oh Jerusalem, Jerusalem, how often I gathered you as a hen would gather her

chicks, but you would not, and your house is left unto you desolate". I believe in this nation we have come to a place where those decisions face us. We pray that this group might make right decisions and not forget the principles that made this land great. I'd ask this in Christ's precious name and for his sake I pray. Amen.

Reading of the Journal of Thursday, March 25, 1993.

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Support the Natural Areas Program" (Emergency)

S.P. 319 L.D. 972

Committee on **AUDIT & PROGRAM REVIEW** suggested and **ORDERED PRINTED** pursuant to Joint Rule 20.

In Senate, March 22, 1993, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-73)** in **NON-CONCURRENCE**.

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

**Joint Resolutions**

The Following Joint Resolution: H.P. 769

**JOINT RESOLUTION RECOGNIZING THE MAINE SNOWMOBILE ASSOCIATION ON ITS 25TH ANNIVERSARY OF SERVICE TO MAINE CITIZENS**

WHEREAS, the Maine Snowmobile Association was formed in 1968 by a group of concerned sports enthusiasts dedicated to the safe and responsible operation of snowmobiles in the State; and

WHEREAS, these citizens have persevered in maintaining and improving the image of family recreational snowmobiling in the State; and

WHEREAS, the Interconnected Trail System and the grooming and maintenance of its trails have been supported by the members of the Maine Snowmobile Association; and

WHEREAS, the more than 250 snowmobile clubs of the Maine Snowmobile Association represent approximately 12,000 families and 30,000 people; and

WHEREAS, the Maine Snowmobile Association has actively promoted increased tourism by those dedicated to snowmobiling through newspapers and other media and the publication, the "Maine Snowmobiler"; and

WHEREAS, the Maine Snowmobile Association supports the safe and responsible use of snowmobiles in the State through adoption of appropriate legislation and enforcement of the State's laws; and

WHEREAS, the Maine Snowmobile Association celebrates its 25th Anniversary this year; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature, now assembled in the First Regular Session, recognize this occasion and offer the Maine Snowmobile Association our heartiest congratulations on this milestone, with continued good wishes for many years of service to the people of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Snowmobile Association in honor of the occasion.

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

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

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#### COMMUNICATIONS

The Following Communication: S.P. 348

#### 116TH MAINE LEGISLATURE

March 25, 1993

Senator Alton E. Cianchette  
Rep. Annette M. Hoglund  
Chairpersons  
Joint Standing Committee on Business Legislation  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated David C. Kitchen of Yarmouth and Lowell T. Sherwood, Jr. of Bangor for appointments to the Maine Real Estate Commission.

Pursuant to Title 32, MRSA Section 13062, these nominations will require review by the Joint Standing Committee on Business Legislation 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 **BUSINESS LEGISLATION**.

Sent down for concurrence.

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The Following Communication:

STATE OF MAINE  
OFFICE OF SECRETARY OF STATE  
AUGUSTA, MAINE 04033-0148

March 24, 1993

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

Dear President Dutremble:

I am pleased to forward to the Maine State Senate the report of the Special Commission to Review the Electoral Process. The Commission was formed in January and completed its work on March 23, with release of this report. I am confident that the Commission's work will be thoughtfully considered by the members of the 116th Legislature. Please feel free to call upon me if I can provide further information.

Sincerely,

S/Bill Diamond  
Secretary of State

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

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#### SENATE PAPERS

Bill "An Act to Regulate Credit Insurance and to Require Disclosure to Borrowers" S.P. 354 L.D. 1068

Presented by Senator **HARRIMAN** of Cumberland  
Cosponsored by Senator: **VOSE** of Washington,  
Representative: **PINEAU** of Jay  
Submitted by the Department of Professional and  
Financial Regulation pursuant to Joint Rule 24.

Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services"

S.P. 356 L.D. 1070

Presented by Senator **BUSTIN** of Kennebec  
Cosponsored by Senators: **CIANCHETTE** of  
Somerset, **HARRIMAN** of Cumberland

(See Action Later Today)

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

Sent down for concurrence.

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Bill "An Act to Amend the Laws Concerning Requirements for Licensure of Counseling Professionals"

S.P. 349 L.D. 1063

Presented by Senator **BUSTIN** of Kennebec  
Cosponsored by Senators: **CIANCHETTE** of  
Somerset, **HARRIMAN** of Cumberland

Bill "An Act to Clarify the Laws Regarding Interior Design Services"

S.P. 351 L.D. 1065

Presented by Senator **BALDACCI** of Penobscot

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

Sent down for concurrence.

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Bill "An Act Concerning Plastic Holding Devices Used in Packaging"

S.P. 350 L.D. 1064

Presented by Senator **BALDACCI** of Penobscot  
Cosponsored by Representative **ALIBERTI** of  
Lewiston and Senator: **SUMMERS** of Cumberland,  
Representatives: **CLOUTIER** of South Portland,  
**GREENLAW** of Standish, **KERR** of Old Orchard Beach,  
**POULIN** of Oakland, **ROBICHAUD** of Caribou, **ROTONDI**  
of Athens, **RUHLIN** of Brewer, **STROUT** of Corinth,  
**TARDY** of Palmyra

Bill "An Act to Allow the Use of Polystyrene Cups in Schools"

S.P. 353 L.D. 1067

Presented by Senator **BERUBE** of Androscoggin

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

Sent down for concurrence.

Bill "An Act to Establish the Regional Revolving Loan Fund"

S.P. 357 L.D. 1071

Presented by Senator **PINGREE** of Knox  
Cosponsored by Senator: **MCCORMICK** of Kennebec,  
Representatives: **BOWERS** of Washington, **FARNSWORTH**  
of Hallowell, **MELENDY** of Rockland, **SKOGLUND** of  
St. George, **TREAT** of Gardiner, **WENTWORTH** of  
Arundel

Which was referred to the Committee on **HOUSING & ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

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Bill "An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights"

S.P. 355 L.D. 1069

Presented by Senator **CONLEY** of Cumberland  
Cosponsored by Representative **COTE** of Auburn and  
Senators: **HANDY** of Androscoggin, **LAWRENCE** of  
York, **MCCORMICK** of Kennebec, **PARADIS** of  
Aroostook, Representatives: **ADAMS** of Portland,  
**BOWERS** of Washington, **BRENNAN** of Portland,  
**CARROLL** of Gray, **CATHCART** of Orono, **FAIRCLOTH** of  
Bangor, **FARNSWORTH** of Hallowell, **GEAN** of Alfred,  
**GWADOSKY** of Fairfield, **HEESCHEN** of Wilton, **HOLT**  
of Bath, **NADEAU** of Saco, **OTT** of York, **RICHARDSON**  
of Portland, **SAXL** of Bangor, **TOWNSEND** of Portland  
Submitted by the Department of the Attorney  
General pursuant to Joint Rule 24.

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

Sent down for concurrence.

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Bill "An Act Concerning Recounts of State Election Results"

S.P. 352 L.D. 1066

Presented by Senator **SUMMERS** of Cumberland  
Cosponsored by Senator: **CARPENTER** of York

Bill "An Act to Reform Campaign Practices"  
S.P. 358 L.D. 1072

Presented by President **DUTREMBLE** of York  
Cosponsored by Senator **ESTY** of Cumberland,  
Representative **MARTIN** of Eagle Lake and  
Senator: **BUSTIN** of Kennebec, Representatives:  
**GWADOSKY** of Fairfield, **PARADIS** of Augusta

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

Sent down for concurrence.

Bill "An Act to Expedite Maintenance of Utility Facilities"

S.P. 346 L.D. 1041

Presented by Senator **VOSE** of Washington  
Cosponsored by Representatives: **DONNELLY** of  
Presque Isle, **MORRISON** of Bangor, **TAYLOR** of  
Cumberland

Bill "An Act to Provide Equitable Treatment of  
Electric Utility Conservation Costs" (Emergency)  
S.P. 347 L.D. 1042

Presented by Senator **LUTHER** of Oxford  
Cosponsored by Representative **CLARK** of  
Millinocket and Senators: **BERUBE** of  
Androscoggin, **DUTREMBLE** of York,  
Representatives: **ADAMS** of Portland, **ALIBERTI** of  
Lewiston, **COFFMAN** of Old Town, **ERWIN** of Rumford,  
**GRAY** of Sedgwick, **HEESCHEN** of Wilton, **JALBERT** of  
Lisbon, **KONTOS** of Windham, **MARTIN** of Eagle Lake,  
**NICKERSON** of Turner, **PINEAU** of Jay

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

Sent down for concurrence.

Reported that the same **Ought to Pass as Amended**  
by **Committee Amendment "A"** (H-67).

Comes from the House with the Report **READ** and  
**ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS**  
**AMENDED BY COMMITTEE AMENDMENT "A"** (H-67).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-67) **READ** and  
**ADOPTED**, in concurrence.

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

**Divided Report**

The Majority of the Committee on **LEGAL AFFAIRS**  
on Bill "An Act to Increase Unenrolled Voter  
Participation in Primary Elections"  
H.P. 280 L.D. 367

Reported that the same **Ought Not to Pass**.

Signed:

Senators:  
**CAREY** of Kennebec  
**HANDY** of Androscoggin  
**HALL** of Piscataquis

Representatives:  
**MICHAEL** of Auburn  
**GAMACHE** of Lewiston  
**STEVENS** of Sabattus  
**BENNETT** of Norway  
**NASH** of Camden  
**ROBICHAUD** of Caribou  
**TRUE** of Fryeburg

The Minority of the same Committee on the same  
subject reported that the same **Ought to Pass as**  
**Amended by Committee Amendment "A"** (H-61).

Signed:

Representatives:  
**DAGGETT** of Augusta  
**LEMKE** of Westbrook  
**BOWERS** of Washington

Comes from the House with the Report **READ** and  
the Bill and Accompanying Papers **INDEFINITELY**  
**POSTPONED**.

Which Reports were **READ**.

The Majority **OUGHT NOT TO PASS** Report  
**ACCEPTED**.

**Pursuant to Public Law**  
**DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES**

Senator **PARADIS** of Aroostook for the  
**DEPARTMENT OF AGRICULTURE, FOOD AND RURAL**  
**RESOURCES**, pursuant to Public Law 1991, chapter 779,  
ask leave to submit its findings and to report that  
the accompanying Bill "An Act to Provide Consistency  
in the Animal Welfare Laws"

S.P. 345 L.D. 1040

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

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

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

Sent down for concurrence.

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **TRANSPORTATION** on Bill "An Act  
Regarding Reimbursement for Sand and Salt Storage  
Facility Construction"

H.P. 286 L.D. 373

**Senate**  
**Ought to Pass**

Senator **VOSE** for the Committee on **MARINE RESOURCES** on Bill "An Act to Amend the Laws Concerning Transfers of Commercial Moorings"  
S.P. 166 L.D. 558

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

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

The Bill **READ ONCE**.

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

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**SECOND READERS**

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

**House As Amended**

Bill "An Act Regarding Seating on a Motorcycle or Motor-driven Cycle"

H.P. 356 L.D. 459  
(C "A" H-64)

Which was **READ A SECOND TIME**.

On motion by Senator **CAHILL** of Sagadahoc Senate Amendment "A" (S-49) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm offering Senate Amendment "A" to make what really was a mistake in the original draft of the legislation. I mentioned this last week when we debated this Bill thoroughly. What the Bill would do is say that motorcycle sidecars would be limited to two people but I was informed by the Motorcycle Association that indeed there are manufacturers who now make sidecars for three people. This would allow sidecars to be legal for whatever the manufacturer recommended the seating capacity to be. I would hope that you would support this amendment and go on to support the whole Bill. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Ludwig.

Senator **LUDWIG:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'll be very brief today but I did want to ask a basic question. When are we going to realize that we can't legislate morality, common sense, or good judgement. I think this is what we have tried to do in another part of this Bill and I'm standing now to ask you to Indefinitely Postpone L.D. 459 and all of its Papers. There's just one thing I would like to add and that is two questions we might want to ask ourselves as we see Bills passing through our

Committees. One is, is it necessary? Another is, is it enforceable? If you can answer no to either of those questions I hope you will join me when the vote is taken by Division by voting for Indefinite Postponement. Thank you.

Senator **LUDWIG** of Aroostook moved the **INDEFINITE POSTPONEMENT** of Bill and Accompanying Papers, in concurrence.

The same Senator requested a Division.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm sorry we had to pause in our discussion of the Amendment on whether we could have three, four or five people sitting in sidecars and went right to the heart of the matter, without a demonstration I might add. I would ask you to oppose the motion of Indefinite Postponement so that we can go on and consider the Amendment and then consider the Bill as we did last week. I believe that we need to deal with safety issues, especially around small children riding in front of a motorcycle operator or larger folks blocking the view of motorcycle operators. We should have the opportunity here to vote on the issue of people riding behind the operator. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **LUDWIG** of Aroostook, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence.

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **LUDWIG** of Aroostook, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence, **PREVAILED**.

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**ENACTORS**

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

An Act to Permit the Use of All-terrain Vehicles by Law Enforcement Officers  
H.P. 20 L.D. 22  
(C "A" H-43)

An Act to Amend the Laws Safeguarding Production of Ground Water  
H.P. 34 L.D. 37  
(C "A" H-44)

An Act to Classify the Medomak River  
H.P. 70 L.D. 100  
(C "A" H-45)

An Act to Repeal the Release Review Advisory Committee

S.P. 144 L.D. 435

An Act to Amend the Procedure for Settling Disputes on Construction Contract Claims

H.P. 361 L.D. 464  
(C "A" H-46)

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

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An Act to Require the State to Pay for Mediation Sessions

S.P. 107 L.D. 310  
(C "A" S-39)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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An Act to Continue the Franklin County Budget Committee

H.P. 244 L.D. 323  
(C "A" H-47)

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm going to ask my colleague from the Appropriations Committee to place this on the Table in a minute but I want to explain first that the reason this is going on the Table is because it is a State mandate which requires 90% funding by the State in order to make it happen and the cost of this cannot be estimated at this time. Thank you.

On motion by Senator **TITCOMB** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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**Emergency**

An Act Regarding Closed Clam Flats

H.P. 18 L.D. 20  
(H "A" H-48 to C  
"A" H-41)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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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**Emergency**

An Act to Preserve the Public Advocate's Participation in Residual Market Deficit Proceedings at the Bureau of Insurance

H.P. 50 L.D. 66  
(C "A" H-31)

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

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**Emergency**

An Act Authorizing the Kennebec County Commissioners to Issue Bonds in the Amount of \$300,000 for Completion of the Renovation and Expansion of the County Jail Building in Augusta

H.P. 351 L.D. 454

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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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**ORDERS OF THE DAY**

**HELD BILL**

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Mr. President, is the Senate in possession of L.D. 462?

**THE PRESIDENT:** The Chair would answer in the affirmative. The Bill having been held at the Senator's request.

On motion by Senator **BRANNIGAN** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence:



Bill "An Act to Provide Greater Access to Private Roads during Emergencies"

H.P. 359 L.D. 462  
(C "A" H-63)

(In Senate, March 25, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-63)**, in concurrence.)

(In House, March 22, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-63)**.)

On further motion by same Senator, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **ESTY** of Cumberland, the Senate **RECONSIDERED** its action whereby it **REFERRED** to the Committee on **BANKING & INSURANCE**:

Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services"

S.P. 356 L.D. 1070

On further motion by same Senator, Tabled 1 Legislative Day, pending **REFERENCE**.

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Off Record Remarks

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On motion by Senator **CIANCHETTE** of Somerset, **ADJOURNED** until Tuesday, March 30, 1993, at 10:00 in the morning.