

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Sixteenth Legislature
OF THE
State Of Maine

VOLUME VI

SECOND REGULAR SESSION

Senate
January 5, 1994 to April 6, 1994

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

In Senate Chamber
Wednesday
January 5, 1994

Pursuant to the Provisions of the Constitution and the Laws of the State of Maine, the Senators of the One Hundred and Sixteenth Legislature will convene in the Senate Chamber at 4:00 in the afternoon and will be called to order by the President

Prayer by Reverend Robert Canfield of the Free Methodist Church in Gardiner.

REVEREND ROBERT CANFIELD: Shall we pray. Dear Father you are our God, you are our creator, our maker. We have so many things to be thankful for, everything. Lord help us to give thanks to you in everything. We thank you for the beautiful world that you have given us. We thank you for the beautiful weather that we enjoy. We thank you for people, your children, created in your image. You have called us to love one another, you have called us to serve one another and to serve without love would make us like sounding brass or tinkling cymbals. So Lord, in service may we love one another and in the actions of this body, working together, serving their State, we pray Lord that you will help them and at the end of this day, at the end of this session, they may feel a well done from your hand. In your name we pray. Amen.

The Roll being called, the following Senators answered to their name:

ROLL CALL

Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CARPENTER, CIANCHETTE, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

33 Senators having answered to the Roll, the President declared a quorum present.

Out of order and under suspension of the Rules, on motion by Senator **ESTY** of Cumberland, the following Senate Order:

ORDERED, that a message be conveyed to Governor John R. McKernan, Jr., informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

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

The President appointed the Senator from Cumberland, Senator **ESTY** to deliver the message to Governor McKernan.

Subsequently, the Senator from Cumberland, Senator **ESTY** reported that he had delivered the message with which he was charged.

Out of order and under suspension of the Rules, on motion by Senator **BUSTIN** of Kennebec, the following Senate Order:

ORDERED, that a message be conveyed to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

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

The President appointed the Senator from Kennebec, Senator **BUSTIN** to deliver the message.

Subsequently, the Senator from Kennebec, Senator **BUSTIN** reported that she had delivered the message with which she was charged.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 549

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

December 14, 1993

The Honorable Dennis L. Dutremble
President of the Senate
116th Legislature

The Honorable John L. Martin
Speaker of the House
116th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today 3 bills and 1 resolve were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills and resolve were referred to the Joint Standing Committees and ordered printed on December 14, 1993, as follows:

BUSINESS LEGISLATION

Bill "An Act to Exempt Firefighters from the Licensing Requirements of Limited Electricians" (S.P. 547) (L.D. 1572) (Presented by Senator CAHILL of Sagadahoc) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

LEGAL AFFAIRS

Resolve, Authorizing Charles and Rachel Dellea to Sue the Department of Human Services for Negligence (S.P. 546) (L.D. 1571) (Presented by Senator LAWRENCE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

TAXATION

Bill "An Act to Modify the Taxation of Leases on Automobiles" (S.P. 545) (L.D. 1570) (Presented by Senator BALDACCI of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Governing Special Purpose Investment Subsidiaries" (S.P. 548) (L.D. 1573) (Presented by Senator BALDACCI of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

S/Joseph W. Mayo
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.
Sent down for concurrence.

The Following Communication: S.P. 554

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

December 20, 1993

The Honorable Dennis L. Dutremble
President of the Senate
116th Legislature

The Honorable John L. Martin
Speaker of the House
116th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today 4 bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on December 20, 1993, as follows:

HOUSING & ECONOMIC DEVELOPMENT

Bill "An Act to Make Modifications to Economic Development Activities" (Emergency) (S.P. 552) (L.D. 1576) (Presented by Senator PINGREE of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

HUMAN RESOURCES

Bill "An Act to Ensure Appropriate Resource and Referral Services for Families Needing Child Care" (Emergency) (S.P. 550) (L.D. 1574) (Presented by Senator PARADIS of Aroostook) (Cosponsored by Senator BRANNIGAN of Cumberland, Representatives: SIMONDS of Cape Elizabeth, TREAT of Gardiner) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Regarding the Custody of Remains of Deceased Persons" (S.P. 553) (L.D. 1577) (Presented by Senator CONLEY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

LEGAL AFFAIRS

Bill "An Act to Amend Certain Provisions of Law Pertaining to Brewers' Licenses" (S.P. 551) (L.D. 1575) (Presented by Senator CONLEY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

S/Joseph W. Mayo
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.
Sent down for concurrence.

The Following Communication: S.P. 561

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

December 27, 1993

The Honorable Dennis L. Dutremble
President of the Senate
116th Legislature

The Honorable John L. Martin
Speaker of the House
116th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today 6 bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and Joint Select Committee and ordered printed on December 27, 1993, as follows:

BANKING & INSURANCE

Bill "An Act to Clarify the Maine Banking Code as it Pertains to Service Corporation Serving Credit Unions" (S.P. 555) (L.D. 1591) (Presented by Senator KIEFFER of Aroostook) (Cosponsored by Senator: CAREY of Kennebec, Representatives: CARLETON of Wells, DONNELLY of Presque Isle) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend the Maine Self-Insurance Guarantee Association Assessment Base" (S.P. 556) (L.D. 1592) (Presented by Senator CAREY of Kennebec) (Cosponsored by Senator: DUTREMBLE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Promote Managed Care and to Otherwise Facilitate the Cost-effective Delivery of Health Care in the State" (S.P. 560) (L.D. 1596) (Presented by Senator CONLEY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

JOINT SELECT COMMITTEE ON CORRECTIONS

Bill "An Act to Amend the Conditions of Probation" (S.P. 557) (L.D. 1593) (Presented by Senator BUSTIN of Kennebec) (Cosponsored by Representative: CLUKEY of Houlton) (Submitted by the Department of Corrections pursuant to Joint Rule 24.)

TRANSPORTATION

Bill "An Act to Provide an Option for a Two-year Vehicle Registration Program" (S.P. 558) (L.D. 1594) (Presented by Senator ESTY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

UTILITIES

Bill "An Act to Improve the Efficiency of Rate Processing by Consumer-owned Electric Utilities" (S.P. 559) (L.D. 1595) (Presented by Senator LUDWIG of Aroostook) (Cosponsored by Senator: CARPENTER of York, Representative: DONNELLY of Presque Isle) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

S/Joseph W. Mayo
Clerk of the House

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

Sent down for concurrence.

The Following Communication: S.P. 568

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

December 29, 1993

The Honorable Dennis L. Dutremble
President of the Senate
116th Legislature

The Honorable John L. Martin
Speaker of the House
116th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today 6 bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on December 29, 1993, as follows:

BANKING & INSURANCE

Bill "An Act to Provide for Consistent Data Collection" (S.P. 562) (L.D. 1597) (Presented by Senator KIEFFER of Aroostook) (Cosponsored by Senator: MCCORMICK of Kennebec) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Bill "An Act to Require Disclosure of Minimum Bid Requirements at Mortgage Foreclosure Sales" (S.P. 567) (L.D. 1602) (Presented by Senator MARDEN of Kennebec) (Cosponsored by Senators: BEGLEY of Lincoln, CARPENTER of York, HARRIMAN of Cumberland, KIEFFER of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

LEGAL AFFAIRS

Bill "An Act to Amend the Liquor Laws Pertaining to the Delivery of Beer and Wine" (S.P. 565) (L.D. 1600) (Presented by Senator CAREY of Kennebec) (Cosponsored by Senator: BALDACCI of Penobscot, Representatives: BOWERS of Washington, TRUE of Fryeburg) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

TRANSPORTATION

Bill "An Act Concerning the Hauling of Mobile Homes on the Roads and Highways of the State" (S.P. 564) (L.D. 1599) (Presented by Senator GOULD of Waldo) (Cosponsored by Representative LINDAHL of Northport and Representatives: O'GARA of Westbrook, STROUT of Corinth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

UTILITIES

Bill "An Act to Protect Cable Television Consumers from Excessive Late Fees" (S.P. 563) (L.D. 1598) (Presented by Senator ESTY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Ensure That State Water Utility Rules Are Consistent with Federal Requirements" (S.P. 566) (L.D. 1601) (Presented by Senator VOSE of Washington) (Cosponsored by Senator: CARPENTER of York, Representatives: AIKMAN of Poland, CLARK of Millinocket) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sent down for concurrence.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

S/Joseph W. Mayo
Clerk of the House

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

The Following Communication: S.P. 575

December 30, 1993

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

Sent down for concurrence.

The Honorable Dennis L. Dutremble
President of the Senate
116th Legislature

The Honorable John L. Martin
Speaker of the House
116th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today 4 bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on December 30, 1993, as follows:

The Following Communication: S.P. 570

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

December 29, 1993

BANKING & INSURANCE

Bill "An Act to Clarify the Display of Social Security Numbers on Insurance-related Identification Cards" (Emergency) (S.P. 573) (L.D. 1617) (Presented by Senator KIEFFER of Aroostook) (Cosponsored by Representative: RYDELL of Brunswick) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 24.)

MARINE RESOURCES

Bill "An Act Concerning Commercial Fishing Licenses" (S.P. 572) (L.D. 1618) (Presented by Senator VOSE of Washington) (Cosponsored by Senator: GOULD of Waldo, Representatives: LEMONT of Kittery, MITCHELL of Freeport) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24.)

Bill "An Act Concerning the Mahogany Quahog Tax" (S.P. 571) (L.D. 1619) (Presented by Senator VOSE of Washington) (Cosponsored by Representatives: FARREN of Cherryfield, LOOK of Jonesboro, SPEAR of Nobleboro) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24.)

UTILITIES

Bill "An Act to Make Changes to the Public Utilities Commission Laws" (S.P. 574) (L.D. 1616) (Presented by Senator VOSE of Washington) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.)

The Honorable Dennis L. Dutremble
President of the Senate
116th Legislature

The Honorable John L. Martin
Speaker of the House
116th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee and ordered printed on December 29, 1993, as follows:

ENERGY AND NATURAL RESOURCES

Bill "An Act to Clarify the State's Implementing Regulations to Provide for Schedules of Compliance" (S.P. 569) (L.D. 1610) (Presented by Senator VOSE of Washington) (Cosponsored by Representatives: BAILEY of Township 27, DRISCOLL of Calais, TOWNSEND of Eastport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

S/Joseph W. Mayo
Clerk of the House

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

S/Joseph W. Mayo
Clerk of the House

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

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

Sent down for concurrence.

The Following Communication: S.P. 584

116TH MAINE LEGISLATURE

December 15, 1993

Senator Judy A. Paradis
Representative Sharon A. Treat
Chairpersons
Joint Standing Committee on Human Resources
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Sue W. Davenport of Marstons Mills, MA for appointment as Commissioner of Mental Health and Mental Retardation.

Pursuant to Title 34B, MRSA Section 1202, this nomination will require review by the Joint Standing Committee on Human Resources 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 **HUMAN RESOURCES**.

Sent down for concurrence.

The Following Communication: S.P. 586

116TH MAINE LEGISLATURE

January 3, 1994

Senator Bonnie L. Titcomb
Rep. John Jalbert
Chairpersons
Joint Standing Committee on Aging, Retirement and Veterans
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated David S. Wakelin of Cape Elizabeth for reappointment to the Maine State Retirement Board of Trustees.

Pursuant to Title 5, MRSA Section 17102, this nomination will require review by the Joint Standing Committee on Aging, Retirement and Veterans 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 **AGING, RETIREMENT AND VETERANS**.

Sent down for concurrence.

The Following Communication: S.P. 587

116TH MAINE LEGISLATURE

January 3, 1994

Senator Mark W. Lawrence
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on Energy and Natural Resources
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Edward Bradley of Hiram and Ronald I. Blum, M.D. of Patten for reappointments to the Facility Siting Board.

Pursuant to Title 38, MRSA Section 2152, these nominations will require review by the Joint Standing Committee on Energy and Natural Resources 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 **ENERGY AND NATURAL RESOURCES**.

Sent down for concurrence.

The Following Communication:

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

January 3, 1994

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

Dear Secretary O'Brien:

Please be advised that I have made the following appointments:

Pursuant to M.R.S.A. 5, Chapter 521, Subchapter IV-A, - Substance Abuse Services Commission:
Senator Beverly M. Bustin of Kennebec

Pursuant to M.R.S.A. 12, §7367, - Whitewater Safety Committee:
Ned McCann of South Portland

Pursuant to M.R.S.A. 34-B, Section 1210, - Maine Advisory Committee on Mental Retardation:
Senator John E. Baldacci of Penobscot

Pursuant to M.R.S.A. 38, Section 343-D, - Pollution Prevention Advisory Committee:
Diana White of Farmington for reappointment

Pursuant to M.R.S.A. 38, Section 551-A - Oil Spill Advisory Committee:
Marshall A. Alexander of Biddeford

Pursuant to M.R.S.A. 38, Section 1453, - Advisory Commission on Radioactive Waste:
Sen. Richard J. Carey of Kennebec
Sen. Mark W. Lawrence of York
Sen. Stephen E. Hall of Piscataquis
Nancy Holland of Shirley for reappointment

Pursuant to Public Laws of 1993, Chapter 158 - Child Care Advisory Council:
Senator James R. Handy of Androscoggin

Pursuant to Public Laws of 1993, Chapter 297 - Task Force to Study the Safe Mobility of Maine's Aging Population:
Senator John J. O'Dea of Penobscot

Pursuant to the Public Laws of 1993, Chapter 384, - Maine HIV Advisory Committee (formerly the Commission to Advise DHS on AIDS):
Senator Dale McCormick of Kennebec for reappointment

Pursuant to Public Laws of 1993, Chapter 401 - Interim Advisory Committee on Alternative Dispute Resolution in the Public Sector:
Ann Gosline of Litchfield
Michael McGovern of Cape Elizabeth.

Pursuant to Public Laws of 1993, Chapter 410, Part FFF - Advisory Board to Privatize the Maine Health Program:

I am, as Senate President, serving as a member

Pursuant to the Public Laws of 1993, Chapter 410, Part SSS, - Committee to Study the Retirement System:

Robert F. Bourgault of Biddeford

Pursuant to Private and Special Laws of 1993, Chapter 48 - Administrative Costs Task Force:

Senator Philip E. Harriman of Cumberland
Senator Bonnie L. Titcomb of Cumberland
Sally Buckwalter of Orland
Kevin Baack of Portland.

Pursuant to Resolves of 1993, Chapter 1 - Special Commission to Erect a Plaque in the Hall of Flags Honoring Medal of Honor Recipients from Maine:

Senator Michael D. Pearson of Penobscot

Pursuant to Resolves of 1993, Chapter 25 - Healthy Start Task Force:

Senator Mark W. Lawrence of York
C. Shawn Yardley of Bangor
Patricia W. Phillips of Bangor.

Pursuant to Resolves of 1993, Chapter 40, - Federal Funds Task Force:

Sen. Judy A. Paradis of Aroostook (Human Resources)
Sen. Bonnie L. Titcomb of Cumberland (Appropriations)
Sen. Jane A. Amero of Cumberland (Education)
Sen. Beverly M. Bustin of Kennebec (Joint Select Committee on Corrections)

Please let me know if you have any questions regarding these appointments.

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**

October 21, 1993

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

Dear Secretary O'Brien:

This is to notify you that pursuant to my authority under Joint Rule 13-B, I am today appointing Senator David L. Carpenter of York to serve on the Joint Select Committee on Rules. Senator Carpenter will replace Senator Pamela L. Cahill of Sagadahoc who has resigned.

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**.

The Following Communication:

**BUREAU OF CORPORATIONS, ELECTIONS, AND COMMISSIONS
DEPARTMENT OF
THE SECRETARY OF STATE
STATE HOUSE STATION 101
AUGUSTA, MAINE 04333-0101**

December 7, 1993

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

Dear President Dutremble:

Please find enclosed a certified copy of the Governor's Proclamations relating to the November 2, 1993 Election, for your files.

Sincerely,
S/Rebecca Wyke, Director
Corporations and
Elections

**STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE**

I, the Secretary of State of the State of Maine, do hereby Certify that the paper to which this is attached is a true copy from the records of this office.

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this seventh day of December in the year of our Lord one thousand nine hundred and ninety three.

S/Bill Diamond
Secretary of State

The following Proclamation:

**STATE OF MAINE
PROCLAMATION**

An Act to Impose Term Limitations on Legislators, Constitutional Officers and the State Auditor

WHEREAS, the electors of the State of Maine presented to the One Hundred and Sixteenth Legislature in the First Regular Session an initiated bill entitled,

"An Act to Impose Term Limitations on Legislators, Constitutional Officers and the State Auditor,"

under the provisions of Article IV, Part Third, Section 18 of the Constitution of Maine, and

WHEREAS, the Legislature failed to enact such initiated bill, and

WHEREAS, the initiated bill was submitted to the electors for approval, by proclamation of the Governor, at the election to be held on the Tuesday following the first Monday in November, 1993, and

WHEREAS, it appears by the return of votes cast by the electors of the various cities, towns and plantations voting upon said initiated bill on November 2, 1993, and reviewed by the Governor on November 18, 1993, that a majority of said votes were in favor of the initiated bill becoming law; namely,

159,785 for, and
76,732 opposed;

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, in pursuance of the provisions of the Constitution of Maine in such case provided, declare said measure adopted, to take effect and become law thirty days after the date of this proclamation.

IN TESTIMONY THEREOF I have caused the Great Seal of the State to be hereunto affixed given under my hand at Augusta this eighteenth day of November in the year One Thousand Nine Hundred and Ninety-Three.

S/JOHN R. MCKERNAN, JR.
GOVERNOR

S/BILL DIAMOND
Secretary of State

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

The Following Communication:

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

October 7, 1993

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

Dear President Dutremble:

Land Use Regulation Commission member Robert Hazelwood's term expired on July 9, 1993, and he has continued to serve in that capacity. As you know, by law he can only serve 90 days beyond the expiration of his term unless I notify the Legislature of my findings that extension of a member's term beyond this period is in the best interest of the work of the Commission. Pursuant to 12 MRSA, Section 683, I hereby submit a formal notification of my intention to extend Mr. Hazelwood's term beyond October 9, 1993.

It is my intention to have a nominee posted for this position when the Legislature returns for the Second Regular Session in January.

In the meantime, it is important that Robert Hazelwood continue to participate as a member of the Commission. The Commission has pending before it three applications for which public hearings have been held and which will be presented to the Commission for final decision within the next several months. In particular, the proposals for a subdivision, campground development, and a zoning change to facilitate siting of a regional landfill are pending matters which Mr. Hazelwood has been involved. His knowledge of these cases make it necessary to have him take part in the final deliberations to ensure fair consideration of those matters.

Thank you for your consideration,

Sincerely,

S/ John R. McKernan, Jr.
GOVERNOR

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

The Following Communication:

**DEPARTMENT OF EDUCATION
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333**

November 30, 1993

TO: Members of the 116th Legislature
Bureau of the Budget

FROM: Leo G. Martin, Commissioner

SUBJECT: Actual Education Costs of Base Year 1992-93

Pursuant to the provisions of 20-A MRSA section 15604, I am providing notification of the "actual education costs" as defined in subsection 1, of 20-A MRSA section 15604 for the base year 1992-93.

- A. Operating costs
 - (1) Elementary \$508,656,423
 - (2) Secondary 269,194,840
- B. Special education costs for programs operated by administrative units 98,626,815

- C. Special education tuition and board excluding medical costs 24,209,948
 - (1) Tuition and board for pupils placed by administrative units \$12,626,940
 - (2) Tuition and board for State Wards and direct State placement 4,251,563
 - (3) Adjustments under section 15612, subsection 6 (Special Education Hardship grants) 0
 - (4) Cost to the state for State agency clients (section 15613 subsection 5) 7,331,445
- D. Vocational education costs 21,363,307
- E. Transportation operating costs 56,069,481
- F. Bus Purchases
 - (1) Purchase of Buses-Reg. Approvals 4,374,295
- G. Debt Service Costs
 - (1) Principal and Interest 60,833,622
 - (2) Insured Value Factor 1,975,721
 - (3) Leased (approved) 4,626,879
 - (4) Other major capital costs 2,167,112
- H. Cost of reimbursement for private school services 201,000
- I. Cost of state expenditure for teacher retirement benefits 139,184,431
- J. Early childhood educational programs 515,246

These expenditures are from state and local monies only, except that Federal P.L. 81-874 funds are included.

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

The Following Communication:

116TH MAINE LEGISLATURE

November 16, 1993

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

Dear Secretary O'Brien:

Pursuant to our authority under Section 929-A of 10 MRSA, we, together with Governor McKernan, have made the following appointments to the Maine Economic Growth Council:

Lucien Deschaine of Madawaska
Greg Cyr of Portage Lake
Albert Lepage of Auburn
John Fitzsimmons of Augusta
Ann Anctil of Augusta
Tom Ellsworth of Biddeford
George N. Campbell, Jr. of Portland
George P. Connick of Augusta
Ken Gibb of Bangor
Jim Ashe of Rockport
Ed Kinan of Portland
Joann langlois of Lewiston
Helen Sloan Dudman of Ellsworth
Ray Hewes of Presque Isle
Senator Rochelle Pingree of Knox
Senator Leo R. Kieffer of Aroostook
Rep. Rita B. Melendy of Rockland
Rep. Stephen M. Zirnkilton of Mount Desert

Please let us know if you have any questions regarding these appointments.

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**.

The Following Communication:

**STATE OF MAINE
DEPARTMENT OF AUDIT
STATE HOUSE STATION 66
AUGUSTA, MAINE 04333**

LETTER OF TRANSMITTAL

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

Dear President Dutremble:

We are pleased to submit the sixth Single Audit of the State of Maine, covering the fiscal year ended June 30, 1992.

We conducted the audit pursuant to Title 5 MRSA, Chapter 11 which authorized the State Department of Audit:

To perform a postaudit of all accounts and other financial records of the state government or any department or agency thereof, including the Judiciary and the Executive Department of the Governor, except the Governor's expense account, and to report annually on this audit, and at such other times as the Legislature may require.

The state expended \$1.054 billion in federal financial assistance. The audit was conducted to meet the requirements of the Single Audit Act of 1984, authorized under the United States Code, USC 31, Chapter 75 and the regulations established by the U.S. Office of Management and Budget (OMB) Circular A-128, "Audits of State and Local Governments."

The objectives of the audit were:

To examine the state's financial statements and determine if they were presented fairly and in accordance with generally accepted accounting principles;

To assess whether the state's systems and procedures for financial accounting, reporting and internal controls were adequate;

To assess the state's accountability for revenues; to determine the propriety of expenditures, the extent to which funds have been expended in accordance with prescribed state and federal laws and regulations; and to examine the state's compliance with federal regulations pertaining to financial reports and claims for reimbursements; and

To recommend corrective actions for any deficiencies noted; and to include management's responses to our findings and recommendations.

The State of Maine's accounting system and procedures, internal control, and compliance with rules and regulations have certain weaknesses which we have included in the following reports:

Reports on Compliance and Internal Controls - include those audit findings which, in our opinion, represent material weaknesses. There are two findings which identify material weaknesses in internal control; these can be found on pages 65 and 71; one that affects compliance with state laws and regulations is on page 94.

Schedule of Reportable Conditions - includes those audit findings which we consider to be reportable conditions under standards established by the American Institute of Certified Public Accountants. The fifteen reportable conditions begin on page 75.

Schedule of Findings and Questioned Costs - includes eighty findings which resulted from our review of the federal programs administered by the State of Maine. These findings begin on page 105.

Management Letter includes one hundred audit findings designed to strengthen internal controls and operating efficiencies that affect many state agencies. These findings begin on page 189.

We again must render a qualified opinion on the state's financial statements because the state does not record certain accruals as required by generally accepted accounting principles.

In addition, we do not express an opinion on the General Fixed Assets Account Group (GFAAG) because the state's accounting records for GFAAG are incomplete.

I commend the staff of the Department of Audit, whose professionalism and dedication made the preparation of this report possible. Through our efforts, and the ongoing cooperation of the Maine Department of Administrative and Financial Services and other state agencies, we will continue to provide financial information that serves the needs of governmental decision makers, federal regulators, credit rating agencies, financial institutions and interested citizens of Maine.

We would be pleased to respond to any of your questions or comments about the 1992 Single Audit Report.

S/Rodney L. Scribner, CPA
State Auditor

September 14, 1993

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

In accordance with Title 1 MRSA Section 1007, I submit herewith the Annual Report of the Commission on Governmental Ethics and Election Practices for the calendar year 1992.

Sincerely,

S/Marilyn Canavan
Director

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

The Following Communication:

**MAINE HUMAN RIGHTS COMMISSION
STATE HOUSE STATION 51
AUGUSTA, MAINE 04333**

October 25, 1993

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

Dear President Dutremble:

On behalf of the Commissioners and staff of the Maine Human Rights Commission, I am pleased to forward to you the Commission's Annual Report for the last fiscal year.

Sincerely,

S/Patricia E. Ryan
Executive Director

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

The Following Communication:

**COMMISSION ON GOVERNMENTAL ETHICS AND
ELECTION PRACTICES
OFFICE OF THE SECRETARY OF STATE
STATE HOUSE STATION 101
AUGUSTA, MAINE 04333**

October 4, 1993

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

Dear President Dutremble:

The Following Communication:

**HEALTH CARE FINANCE COMMISSION
STATE HOUSE STATION 102
AUGUSTA, MAINE 04333**

December 1, 1993

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

Dear Senator Dutremble:

When the Legislature enacted significant revisions to Maine's hospital payment system in 1989, it directed the Commission to conduct a review of two of the newly enacted provisions, the special exception adjustment and the variable adjustment factor. This review was to be conducted after these new provisions had been in place for two payment year cycles. The second payment year cycle following the statutory implementation date for these two provisions was completed on September 30, 1993.

The Legislature also directed the Commission to submit a report on its review with any recommendations for changes to the special exception adjustment and the variable adjustment factor. Enclosed is a copy of the Commission's report and its recommendations.

On the basis of its review, the Commission is not recommending further changes to the special exception adjustment at this time. A 1991 statutory amendment supplied an important clarification of the provision and the Commission believes that it is otherwise meeting the objectives identified at the time of its enactment.

In contrast, the Commission's review of the variable adjustment factor has led it to the conclusion that the statutory upper and lower limits on the factor should be eliminated. The Commission believes that the retention of these limits will add to the cost of hospital services in a manner that is not consistent with the purposes of the variable adjustment factor. The Commission will be requesting that the Legislature modify the variable adjustment factor in the Second Regular Session in order to avoid this unintended consequence of the current statutory language.

If you have questions about the enclosed report or any other aspects of the Commission's activities, please do not hesitate to let me know.

Sincerely,

S/Robert K. Clarke
Executive Director

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

The Following Communication:

**BUREAU OF TAXATION
STATE OF MAINE
STATE OFFICE BUILDING
AUGUSTA, MAINE 04333**

December 14, 1993

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

Dear President Dutremble:

The accompanying report of State-owned real estate is submitted in accordance with the provisions of Title 36 MRSA, §1283.

This report includes twenty-five properties or interests acquired through liens maturing.

The Resolve includes the legal descriptions of each property in Part A relative to 1991 matured tax liens and incorporates the entire amount of outstanding tax, interest and costs which have accrued, and recommendations for disposition. Part B includes a narrative description of each property for 1991 matured liens.

Respectfully submitted,

S/John D. LaFaver
State Tax Assessor

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

The Following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
APPORTIONMENT COMMISSION**

September 30, 1993

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

Dear Secretary O'Brien:

The Maine Apportionment Commission met on September 21, 1993 to give final approval to the enclosed plan for redistricting County Commissioner Districts.

Sincerely,

S/Justice Jack O. Smith
Chair

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

The Following Communication:

**DEPARTMENT OF EDUCATION
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333**

August 16, 1993

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

Dear Senator Dutremble:

Under the Education Reform Act of 1984, the Commissioner of Education is required to annually publish a report on the status of public education in the State of Maine.

The Performance Report on Maine's Public Schools, 1993, updates ongoing efforts and current and new initiatives at the state and local levels to provide a quality education for our students.

Next year's report will better reflect the reorganization of the Department of Education now underway following the recent adjournment of the Legislature.

I hope this report will be useful to you and that you will contact the Department if you need further information.

Sincerely,

S/Leo G. Martin
Commissioner

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

The Following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JUVENILE CORRECTIONS TASK FORCE**

December 8, 1993

The Honorable Dennis L. Dutremble
The Honorable John L. Martin
Maine Legislature
State House
Augusta, ME 04333

Dear President Dutremble and Speaker Martin:

This letter is to inform you that the Juvenile Corrections Task Force has submitted its report to the Health and Social Service Transition Team pursuant to Resolves of 1993, c. 36.

Sincerely,

S/Cushman D. Anthony, Chair

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

2. School administrative units which do not utilize a line-item budget may transfer funds to other categories.
3. For certain types of funds that are transferred between school administrative units (for tuition costs and for transportation and other services provided to another school administrative unit), the amount is budgeted in both school administrative units, since each unit must appropriate these funds. Since these instances cannot be netted out in the State Total Summary, the state totals will overestimate actual expenditures to some degree.

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

The Following Communication:

**DEPARTMENT OF EDUCATION
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333**

MEMORANDUM

TO: Joy J. O'Brien, Secretary of the Senate

FROM: Leo G. Martin, Commissioner

DATE: January 4, 1994

RE: Report on Habitual Truants for the 1992-93 School Year

In accordance with 20-A MRSA Section 5051, I am hereby submitting our annual report of habitual truants identified by school superintendents during the school year 1992-93. A habitual truant is defined as a student of compulsory school age (7 to 17) who has attained the equivalent of 10 full days of non-excused absences or 7 consecutive days of non-excused absences during a school year.

The number of identified habitual truants under age 15 has decreased as compared to the previous school year while the number of habitual truants age 15 or older has increased. We believe the decrease reflects the attention being given to irregular school attendance by school officials across the state. The Department's continuing efforts to provide assistance to schools stress the need to intervene at earlier grades by identifying students at risk and developing ongoing positive strategies. A summary report for the most recent ten years is included for your review and information.

Additional information regarding this report can be obtained from Frank Antonucci, Consultant for Truancy, Dropout and Alternative Education, at 287-5110.

The Following Communication:

**DEPARTMENT OF EDUCATION
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333**

November 17, 1993

TO: The Honorable Dennis L. Dutremble,
President of the Senate
The Honorable John L. Martin,
Speaker of the House

FROM: S/Leo G. Martin, Commissioner

SUBJECT: FY 94 Report of All School Administrative Unit State and Local Revenues

In accordance with 20-A MRSA, section 15618-A, a report of all school administrative unit state and local revenues designated in K-12 education in their FY 94 budgets has been compiled and a copy is provided for your use.

It should be noted that the amounts budgeted in the various categories may not be the same as actual expenditures for these categories, for the following reasons:

1. Some budgeted amounts may be unexpended and carried forward to the following year. The statewide balance forward, for all budget categories, is usually between 2% and 3%.

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

SENATE PAPERS

Bill "An Act to Amend the Structure of Veterans'
Services"
S.P. 583 L.D. 1627

Presented by Senator **CAHILL** of Sagadahoc
Cosponsored by Senator: **TITCOMB** of Cumberland,
Representatives: **DEXTER** of Kingfield, **ERWIN** of
Rumford, **HEINO** of Boothbay, **JALBERT** of Lisbon
Submitted by the Department of Defense and
Veterans' Services pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Amend the Credit Reporting Laws"
S.P. 579 L.D. 1623

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representatives: **RAND** of Portland,
TRACY of Rome
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Bill "An Act to Ensure Quality Psychological
Services"
S.P. 580 L.D. 1624

Presented by Senator **PARADIS** of Aroostook
Cosponsored by Representative: **SIMONDS** of Cape
Elizabeth
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Bill "An Act Concerning Health Insurance"
S.P. 582 L.D. 1626

Presented by Senator **MCCORMICK** of Kennebec
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

Bill "An Act to Enhance and Improve the Special
Education Complaint Management Process"
S.P. 578 L.D. 1622

Presented by Senator **AMERO** of Cumberland
Submitted by the Department of Education pursuant
to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Reinstate the State Eye Care
Program"
S.P. 576 L.D. 1620

Presented by Senator **LUTHER** of Oxford
Cosponsored by Senator: **PEARSON** of Penobscot,
Representative: **MARTIN** of Eagle Lake
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Committee on **HUMAN RESOURCES** suggested and
ORDERED PRINTED.

On motion by Senator **ESTY** of Cumberland,
referred to the Committee on **APPROPRIATIONS AND**
FINANCIAL AFFAIRS and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Clarify Certain Marine Resource
Definitions"
S.P. 581 L.D. 1625

Presented by Senator **VOSE** of Washington
Cosponsored by Senator: **GOULD** of Waldo,
Representatives: **FARREN** of Cherryfield, **LEMONT** of
Kittery, **MITCHELL** of Freeport
Submitted by the Department of Marine Resources
pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Protect Utility Consumers from
Bearing Responsibility for Utility Mismanagement"
S.P. 577 L.D. 1621

Presented by Senator **ESTY** of Cumberland
Cosponsored by Representatives: **HOLT** of Bath,
RICHARDSON of Portland
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

At this point, a message was received from the House of Representatives borne by Representative GWADOSKY of Fairfield, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

ORDERS

Joint Order

On motion by Senator **ESTY** of Cumberland the following Joint Order:

S.P. 585

ORDERED, the House concurring, that Bill "An Act to Clarify the Definition of Teacher under the Laws of the Maine State Retirement System" H.P. 680, L.D. 922, and all its accompanying papers, be recalled from the Legislative Files to the Senate.

Which was **READ**.

Pursuant to Joint Rule 15, this Joint Order requires the affirmative vote of two-thirds of the members present and voting. 31 Senators having voted in the affirmative and 1 Senator having voted in the negative, and 31 being more than two-thirds of the members present and voting, the Joint Order was **PASSED**.

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

Senator **PEARSON** of Penobscot was granted unanimous consent to address the Senate off the Record.

On motion by Senator **SUMMERS** of Cumberland, **ADJOURNED** until Thursday, January 6, 1994, at 4:00 in the afternoon.