

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
Thursday
January 6, 1994

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

Prayer by the Honorable Margaret G. Ludwig of Aroostook.

SENATOR MARGARET G. LUDWIG: O Thou, who art the light of the minds who know thee, the strength of the wills that serve thee, help us so to know thee that we may truly love thee; and so to love thee that we may fully serve thee, who to serve is perfect freedom. Amen.

Reading of the Journal of Wednesday, January 5, 1994.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
STATE HOUSE STATION 38
AUGUSTA, MAINE 04333

December 28, 1993

Senate President Dennis L. Dutremble
Speaker of the House John L. Martin, and
Members of the 116th Maine Legislature

Dear President Dutremble, Speaker Martin, and Members of the Maine Legislature:

I am pleased to submit herewith the 1993 Governor's Report to the Legislature on Maine's use of Exxon, Stripper Well, and Diamond Shamrock Petroleum Violation Escrow (PVE) funds.

This report is submitted to the Legislature pursuant to Section 6 of Chapter 818 of the Public Laws of 1986, Section 5 of Chapter 533 of the Public Laws of 1987, and Chapter 119 of the Private and Special Laws of 1989. It is based on information provided by the State agencies responsible for the conduct of programs and activities funded with PVE

monies. The report contains information on the status of each program Maine has funded with oil overcharge monies and the amounts of all unexpended balances.

Copies of the Report are being distributed to each member of the Legislature, agencies responsible for PVE-funded programs, and other interested parties.

Sincerely,

S/Stephen J. Adams

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

SENATE PAPERS

Bill "An Act to Promote Equitable Penalties for Unlicensed Consumer Lending"

S.P. 589 L.D. 1649

Presented by Senator **CARPENTER** of York
Cosponsored by Senator: **BRANNIGAN** of
Cumberland, Representatives: **CARLETON** of Wells,
REED of Falmouth
Submitted by the Department of Professional and
Financial Regulation pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Amend Conditions of the Supervised Community Confinement Program"

S.P. 588 L.D. 1648

Presented by Senator **KIEFFER** of Aroostook
Cosponsored by Representatives: **CROSS** of
Dover-Foxcroft, **LARRIVEE** of Gorham
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.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

ORDERS

Joint Order

On motion by Senator **ESTY** of Cumberland the following Joint Order: S.P. 590

ORDERED, the House concurring, that there be prepared, after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 400 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and Officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required.

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

Sent down for concurrence.

On motion by Senator **BUSTIN** of Kennebec, the following Joint Order: S.P. 591

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 11, 1994, at four o'clock in the afternoon.

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Authorize a Limited License to Permit Funeral Service Practitioners to Offer Additional Preneed Funeral Service Products" H.P. 1216 L.D. 1635

Bill "An Act Regarding Insurance Coverage for Mental Illness" H.P. 1218 L.D. 1637

Come from the House referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.

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

Bill "An Act to Clarify Plumbing Permit Fees" (Emergency) H.P. 1215 L.D. 1634

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

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

Bill "An Act to Amend the Community Correction Law" H.P. 1213 L.D. 1632

Comes from the House referred to the Joint Select Committee on **CORRECTIONS** and **ORDERED PRINTED**.

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

Resolve, to Reclassify the Position of a Former Teacher's Aide H.P. 1212 L.D. 1631

Bill "An Act to Authorize the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District" (Emergency) H.P. 1221 L.D. 1640

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

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

Bill "An Act to Amend the Solid Waste Laws to Permit Quasi-municipal Corporations to Enter Agreements for Development and Financing of Waste Facilities" H.P. 1222 L.D. 1641

Comes from the House referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**.

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

Bill "An Act Authorizing Medicaid Reimbursement for Certain Providers of Counseling Services"
H.P. 1209 L.D. 1628

Bill "An Act to Require Disclosure of Corporate Interests in Applications for Public Assistance"
H.P. 1210 L.D. 1629

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

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

Bill "An Act to Amend the Provisions Relating to Mental Examination and Observation of Persons Accused of a Crime"
H.P. 1214 L.D. 1633

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

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

Bill "An Act to Strengthen Enforcement of Manufactured Housing Warranties"
H.P. 1219 L.D. 1638

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

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

Bill "An Act to Modify the Manufacture of Motor Vehicle Registration Plates"
H.P. 1217 L.D. 1636

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

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

Bill "An Act to Enhance Assessment and Collection Powers of the Boothbay Harbor Sewer District" (Emergency)

H.P. 1220 L.D. 1639

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

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

COMMUNICATIONS

The Following Communication: H.P. 1179

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

December 14, 1993

John L. Martin
Speaker of the House
116th Legislature

Dennis L. Dutremble
President of the Senate
116th Legislature

Dear Mr. Speaker and Mr. President:

On December 14, 1993, two Bills were received by the Clerk of the House.

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

Banking and Insurance

Bill "An Act to Amend the Maine Banking Code to Clarify the Definition of Limited-time and Seasonal Branches and to Provide a Definition of In-school Branches" (H.P. 1178) (L.D. 1569) (Presented by Representative ERWIN of Rumford) (Cosponsored by Representatives: KUTASI of Bridgton, PINEAU of Jay, Senator: MCCORMICK of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Transportation

Bill "An Act to Allow Nonresidents to Possess Antique License Plates" (H.P. 1177) (L.D. 1568) (Presented by Representative ZIRNKILTON of Mount Desert) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

The Following Communication: H.P. 1183

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

December 20, 1993

John L. Martin
Speaker of the House
116th Legislature

Dennis L. Dutremble
President of the Senate
116th Legislature

Dear Mr. Speaker and Mr. President:

On December 20, 1993, three Bills were received by the Clerk of the House.

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

Marine Resources

Bill "An Act to Strengthen Penalties for the Unlawful Cutting of Lobster Traps" (EMERGENCY) (H.P. 1180) (L.D. 1578) (Presented by Representative ZIRNKILTON of Mount Desert) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Utilities

Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1994" (EMERGENCY) (H.P. 1181) (L.D. 1579) (Presented by Representative CLARK of Millinocket) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.)

Bill "An Act Concerning Municipal Appointments" (H.P. 1182) (L.D. 1580) (Presented by Representative TARDY of Palmyra) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

The Following Communication: H.P. 1194

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

December 27, 1993

John L. Martin
Speaker of the House
116th Legislature

Dennis L. Dutremble
President of the Senate
116th Legislature

Dear Mr. Speaker and Mr. President:

On December 27, 1993, ten Bills were received by the Clerk of the House.

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

Agriculture

Bill "An Act to Provide for Greater Efficiency within the Department of Agriculture, Food and Rural Resources" (H.P. 1191) (L.D. 1588) (Presented by Representative TARDY of Palmyra) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Banking and Insurance

Bill "An Act to Clarify Automobile Insurance Laws" (H.P. 1186) (L.D. 1583) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representative: PINEAU of Jay, Senator: BUSTIN of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend the Laws Governing Foreclosure of Mortgages" (H.P. 1187) (L.D. 1584) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Representatives: CARLETON of Wells, HALE of Sanford, Senator: McCORMICK of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Energy and Natural Resources

Bill "An Act to Amend Road Dust Nuisance Laws" (H.P. 1185) (L.D. 1582) (Presented by Representative LORD of Waterboro) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Resolve, to Preserve the Competitiveness of Maine's Existing Business and Industry and to Preserve the Ability of the State to Attract New Investment by Petitioning for Removal from the Ozone Transport Region (EMERGENCY) (H.P. 1193) (L.D. 1590) (Presented by Representative CLARK of Millinocket) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

The Following Communication: H.P. 1203

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

December 29, 1993

Human Resources

Bill "An Act to Clarify Certain Provisions of Maine's Hospital Payment System" (H.P. 1188) (L.D. 1585) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representative RYDELL of Brunswick, Senator: PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

John L. Martin
Speaker of the House
116th Legislature

Dennis L. Dutremble
President of the Senate
116th Legislature

Legal Affairs

Bill "An Act to Decrease the Number of Sleeping Rooms a Hotel Must Have in Order to Obtain a Liquor License" (H.P. 1184) (L.D. 1581) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Senator PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Dear Mr. Speaker and Mr. President:

On December 29, 1993, eight Bills were received by the Clerk of the House.

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

Agriculture

Bill "An Act Concerning the Possession of Firearms by Persons under the Influence of Intoxicating Liquor or Drugs or with an Excessive Blood-alcohol Level" (H.P. 1190) (L.D. 1587) (Presented by Representative LIPMAN of Augusta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Adjust the Dates for Distributions from the State Harness Racing Commission" (H.P. 1202) (L.D. 1611) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representative HUSSEY of Milo, Senator: TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

State and Local Government

Resolve, Regarding the Sale of State-owned Property (H.P. 1192) (L.D. 1589) (Presented by Representative CLARK of Millinocket) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Fisheries and Wildlife

Bill "An Act to Restrict the Type of Fishing Allowed on Long Pond, or Beaver Mountain Lake, to Artificial Lures and Flies" (H.P. 1195) (L.D. 1603) (Presented by Representative BARTH of Bethel) (Cosponsored by Representative HOLT of Bath) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Transportation

Bill "An Act to Raise the Motor Vehicle Registration Fee to Aid in the Construction of Salt and Sand Storage Facilities" (H.P. 1189) (L.D. 1586) (Presented by Representative GOULD of Greenville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Judiciary

Bill "An Act to Clarify the Status of the Maine Indian Tribal-State Commission" (H.P. 1196) (L.D. 1604) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Senator PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,

S/ Joseph W. Mayo
Clerk of the House

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

Legal Affairs

Bill "An Act to Clarify Maine Election Laws" (H.P. 1201) (L.D. 1609) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representative STEVENS of Sabattus, Senators: CAREY of Kennebec, HALL of Piscataquis) (Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.)

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

Resolve, Authorizing Glenn Greenlaugh to Sue the State (H.P. 1197) (L.D. 1605) (Presented by Representative TOWNSEND of Eastport) (By Request) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Marine Resources

Bill "An Act to Establish the Lobster Promotion Council as a Public Instrumentality" (EMERGENCY) (H.P. 1199) (L.D. 1607) (Presented by Representative MITCHELL of Freeport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Transportation

Bill "An Act to Amend the Motor Vehicle Laws" (H.P. 1200) (L.D. 1608) (Presented by Representative BAILEY of Farmington) (Cosponsored by Representatives: HUSSEY of Milo, O'GARA of Westbrook, STROUT of Corinth, Senator: GOULD of Waldo) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)

Utilities

Bill "An Act to Amend the Charter of the Portland Water District" (EMERGENCY) (H.P. 1198) (L.D. 1606) (Presented by Representative TAYLOR of Cumberland) (Cosponsored by Representative: KONTOS of Windham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

The Following Communication: H.P. 1208

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

December 30, 1993

John L. Martin
Speaker of the House
116th Legislature

Dennis L. Dutremble
President of the Senate
116th Legislature

Dear Mr. Speaker and Mr. President:

On December 30, 1993, four Bills were received by the Clerk of the House.

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

Banking and Insurance

Bill "An Act to Amend the Workers' Compensation Laws By Allowing Guarantors of Self-Insurers to Utilize Approved Letters of Credit" (H.P. 1206) (L.D. 1614) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Representative: PINEAU of Jay, Senators: KIEFFER of Aroostook, McCORMICK of Kennebec, PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Repeal the Sunset on Rating Practices in Small Group Health Plans and Individual Health Insurance" (H.P. 1207) (L.D. 1615) (Presented by Representative PINEAU of Jay) (Cosponsored by Senator ESTY of Cumberland and Representative: RYDELL of Brunswick, Senator: TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Marine Resources

Bill "An Act to Prohibit Dragging in Waters within the Area of an Aquacultural Lease" (H.P. 1204) (L.D. 1612) (Presented by Representative TOWNSEND of Eastport) (Cosponsored by Representatives: LOOK of Jonesboro, MITCHELL of Freeport, Senator: VOSE of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Transportation

Bill "An Act Concerning Business Directional Signs on Certain Controlled Access Highways" (H.P. 1205) (L.D. 1613) (Presented by Representative LINDAHL of Northport) (Cosponsored by Senator GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

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

RECALLED FROM LEGISLATIVE FILES

Mandate

An Act to Clarify the Definition of Teacher under the Laws of the Maine State Retirement System
H.P. 680 L.D. 922
(S "A" S-362 to C
"A" H-369)

(In House, July 1, 1993, **PASSED TO BE ENACTED.**)

(In Senate, July 1, 1993, **FAILED OF ENACTMENT**
in **NON-CONCURRENCE.**)

(**RECALLED** from the Legislative Files, pursuant
to Joint Order S.P. 585.)

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

On further motion by same Senator, the Senate
RECONSIDERED its action whereby the Bill **FAILED OF**
ENACTMENT.

This being a mandate and in accordance with the
provision of Section 21 of Article IX of the
Constitution and having received the affirmative vote
of 26 Members of the Senate, with No Senators having
voted in the negative, and 26 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.

Off Record Remarks

On motion by Senator **HARRIMAN** of Cumberland,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

The **ADJOURNMENT ORDER** having been returned from
the House **READ** and **PASSED**, in concurrence, on
motion by Senator **CAHILL** of Sagadahoc, **ADJOURNED**
until Tuesday, January 11, 1994, at 4:00 in the
afternoon.