

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 13, 1994

Senate called to Order by the Secretary, Joy J. O'Brien.

The Secretary requested the Sergeant-at-Arms to escort the Senator from Penobscot, Senator **BALDACCI** to the Rostrum where he assumed the duties as President Pro Tem.

Senate called to Order by the President Pro Tem, **JOHN E. BALDACCI**.

Prayer by the Honorable Georgette B. Berube of Androscoggin.

SENATOR GEORGETTE B. BERUBE: Let us take a brief moment this afternoon to reflect on the following: The truly wise live simply, love one another, and pause to smell the flowers along the way. Amen.

Reading of the Journal of Tuesday, January 11, 1994.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Allow the Growth and Sale of Cultivated Ginseng in Maine"
H.P. 1236 L.D. 1663

Bill "An Act to Amend the Harness Racing Laws"
H.P. 1243 L.D. 1670

Bill "An Act to Change the Membership of the Maine Pull Events Commission"
H.P. 1249 L.D. 1676

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

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

Bill "An Act Authorizing Assessments against Income Earned in Prison as Payments to the Victims' Compensation Fund"
H.P. 1250 L.D. 1677

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.

Bill "An Act to Amend the Charter of Kents Hill School"
H.P. 1246 L.D. 1673

Bill "An Act to Encourage Efficiency in School Spending"
H.P. 1253 L.D. 1680

Bill "An Act Concerning Unusual Enrollment Increases in Schools" (Emergency)
H.P. 1263 L.D. 1690

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 Provide for Review of Certain Northeast Ozone Transport Commission Activities"
H.P. 1255 L.D. 1682

Bill "An Act to Exempt Publicly Owned Treatment Works from Certain Rules Adopted by the Board of Environmental Protection" (Emergency)
H.P. 1259 L.D. 1686

Bill "An Act to Correct an Error in the Sand Dune Laws" (Emergency)
H.P. 1260 L.D. 1687

Bill "An Act to Implement the Technical and Environmental Assistance Program"
H.P. 1264 L.D. 1691

Bill "An Act to Clarify Permitting Requirements for Cranberry Growing Operations"
H.P. 1267 L.D. 1694

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

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

Resolve, to Direct the Department of Inland Fisheries and Wildlife to Simplify Fishing Rules (Emergency)

H.P. 1234 L.D. 1661

Bill "An Act to Study Eagle Mortality in Maine and Its Relationship to Human Health"

H.P. 1235 L.D. 1662

Come from the House referred to the Committee on **FISHERIES & WILDLIFE** and **ORDERED PRINTED**.

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

Bill "An Act to Revise the Eastport Port Authority Charter"

H.P. 1266 L.D. 1693

Comes from the House referred to the Committee on **HOUSING & ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

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

Bill "An Act to Provide Assistance to Homeowners Who Have Faulty Septic Systems"

H.P. 1245 L.D. 1672

Comes from the House referred to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

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

Bill "An Act to Establish a System of Community Regional Mental Health Boards" (Emergency)

H.P. 1240 L.D. 1667

Bill "An Act to Ensure Accessibility to Mental Retardation Services for Persons Who are Deaf or Hard of Hearing"

H.P. 1241 L.D. 1668

Bill "An Act to Encourage the Establishment or Expansion of Certain Residency Programs Relating to Emergency Medicine Physicians"

H.P. 1254 L.D. 1681

Resolve, Regarding the Development of a Medicare Volume Performance Standard Demonstration Project

H.P. 1256 L.D. 1683

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 Establish a Complaint Procedure under the Maine Human Rights Act When a Conflict of Interest Exists"

H.P. 1242 L.D. 1669

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 Clarify Reporting Requirements for Party Committees"

H.P. 1244 L.D. 1671

Bill "An Act to Prohibit Electronic Video Machines"

H.P. 1252 L.D. 1679

Bill "An Act to Clarify the Certification Procedures of the Maine Criminal Justice Academy"

H.P. 1265 L.D. 1692

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

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

Bill "An Act to Establish a Limit on Lobster Trap Trawls for Certain Coastal Waters" (Emergency)

H.P. 1232 L.D. 1659

Bill "An Act to Increase Penalties for Violation of Lobster Fishing Laws"

H.P. 1261 L.D. 1688

Bill "An Act to Rejuvenate the Lobster Population in the Gulf of Maine"

H.P. 1262 L.D. 1689

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

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

Bill "An Act to Begin the Scallop Season on November 30th Annually"

H.P. 1211 L.D. 1630

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

Comes from the House **RULED NOT PROPERLY BEFORE THE BODY**.

Which was **RULED NOT PROPERLY BEFORE THE BODY**, in concurrence.

Bill "An Act Regarding Access to Property via Discontinued Roads"

H.P. 1238 L.D. 1665

Committee on **TRANSPORTATION** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **STATE & LOCAL GOVERNMENT**.

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

Bill "An Act to Amend the Law Regarding Patrolling Small Towns by the County Sheriff"

H.P. 1251 L.D. 1678

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

Comes from the House referred to the Committee on **STATE & LOCAL GOVERNMENT**.

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

Bill "An Act to Redefine Certain Articles Classified as Personal Property"

H.P. 1233 L.D. 1660

Bill "An Act to Exempt Eye Banks from Sales Tax"

H.P. 1247 L.D. 1674

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

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

Bill "An Act to Promote Child Safety"

H.P. 1248 L.D. 1675

Bill "An Act to Amend Certain Motor Vehicle Laws"

H.P. 1270 L.D. 1697

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

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

Bill "An Act to Increase the Debt Limit for the Richmond Utilities District" (Emergency)

H.P. 1237 L.D. 1664

Bill "An Act to Permit Electric Utilities Greater Flexibility in Adjusting Electric Utility Prices to Meet Changing Market Conditions"

H.P. 1239 L.D. 1666

Bill "An Act to Amend the Charter of the Brewer Water District"

H.P. 1257 L.D. 1684

Bill "An Act to Amend the Waldoboro Utility District Charter" (Emergency)

H.P. 1268 L.D. 1695

Bill "An Act to Create the Seal Harbor Water District"

H.P. 1269 L.D. 1696

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

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

Bill "An Act to Inform Telephone Consumers of Options for Deterring Unwanted Telephone Solicitation" H.P. 1258 L.D. 1685

Committee on **BUSINESS LEGISLATION** suggested and **ORDERED PRINTED**.

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

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

**Pursuant to Resolves
DEPARTMENT OF HUMAN SERVICES, BUREAU OF HEALTH**

The **DEPARTMENT OF HUMAN SERVICES, BUREAU OF HEALTH**, pursuant to Resolve 1993, chapter 22, ask leave to submit its findings and to report that the accompanying Resolve, to Extend the Reporting Date of the Study to Identify the Extent of Violence among Children (Emergency) H.P. 1271 L.D. 1715

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Resolve referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

**Pursuant to Resolves
HEALTH AND SOCIAL SERVICES TRANSITION TEAM**

The **HEALTH AND SOCIAL SERVICES TRANSITION TEAM**, pursuant to Resolve 1993, chapter 36, ask leave to submit its findings and to report that the accompanying Resolve, to Extend the Reporting Deadline of the Health and Social Services Transition Team (Emergency) H.P. 1272 L.D. 1716

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Resolve referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 623

116TH MAINE LEGISLATURE

January 12, 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 Robert C. Hazelwood of Grand Lake Stream for reappointment and Marilyn Tourtelotte of Guilford and Steven O. Mason of Greenville for appointment as members of the Land Use Regulation Commission.

Pursuant to Title 12, MRSA Section 683, 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:

DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, ME 04333

December 23, 1993

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

Dear Ms. O'Brien:

Please find enclosed a copy of the application submitted to the Bureau of Justice Assistance for the funding of the FY94 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

The Program requires that the application be submitted to the State Legislature or its designated body for review. Unless I receive further instructions, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,

S/John Atwood
Commissioner

Which was **READ** and with Accompanying Papers referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS**.

SENATE PAPERS

Bill "An Act to Promote Economic and Employment Growth in the Financial Services Sector"
S.P. 620 L.D. 1722

Presented by Senator **MCCORMICK** of Kennebec
Cosponsored by Representative **PINEAU** of Jay and
Senator: **KIEFFER** of Aroostook, Representatives:
BRUNO of Raymond, **KILKELLY** of Wiscasset
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

Bill "An Act to Amend the Laws that Deal with the Protection of Natural Resources"
S.P. 619 L.D. 1721

Presented by Senator **CAHILL** of Sagadahoc
Cosponsored by Senators: **CARPENTER** of York,
KIEFFER of Aroostook, Representatives: **HEINO** of
Boothbay, **SMALL** of Bath
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

Bill "An Act to Provide Job-site Inspectors Representing the Owner on Public Improvements"
S.P. 617 L.D. 1719

Presented by Senator **BUTLAND** of Cumberland
Cosponsored by Representative: **REED** of Falmouth
Submitted by the Department of Administrative and
Financial Services pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Encourage Innovation and Competitiveness by Electric Utilities"
S.P. 618 L.D. 1720

Presented by Senator **CARPENTER** of York
Cosponsored by Senators: **GOULD** of Waldo, **VOSE**
of Washington, Representative: **DONNELLY** of
Presque Isle
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.

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

ORDERS

Joint Order

On motion by Senator **BUSTIN** of Kennebec, the following Joint Order:

S.P. 621

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 18, 1994, at four o'clock in the afternoon.

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

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

Joint Resolution

On motion by Senator **AMERO** of Cumberland. (Cosponsored by Senators: **BEGLEY** of Lincoln, **BUTLAND** of Cumberland, **CAHILL** of Sagadahoc, **CARPENTER** of York, President **DUTREMBLE** of York, **FOSTER** of Hancock, **GOULD** of Waldo, **HALL** of Piscataquis, **HANLEY** of Oxford, **HARRIMAN** of Cumberland, **KIEFFER** of Aroostook, **LUDWIG** of Aroostook, **MARDEN** of Kennebec, **SUMMERS** of Cumberland, **WEBSTER** of Franklin and Representative **REED** of Falmouth) the following Joint Resolution:
S.P. 622

JOINT RESOLUTION IN MEMORY OF FRED C. SCRIBNER, JR.

WHEREAS, the Legislature has learned with deep regret of the passing of Fred C. Scribner, Jr., of Falmouth; and

WHEREAS, Fred C. Scribner, Jr. was a lawyer for 61 years and a senior partner in the Portland law firm of Pierce, Atwood, Scribner, Allen, Smith and Lancaster and was known as the dean of Portland's lawyers; and

WHEREAS, Mr. Scribner was very active in the Episcopal Church at the parish, diocesan and national levels; and

WHEREAS, Mr. Scribner was often referred to as "Mr. Republican," having served in many leadership capacities in the Republican Party; and

WHEREAS, Mr. Scribner was widely known and highly regarded for his sensitivity to the needs of family, friends and associates and was also well-known for his kindness, honesty, grace and humor; and

WHEREAS, Fred Scribner's unique record of public service and dedication merits the special gratitude of his colleagues and of the citizens of this State; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature of the State of Maine now assembled in the Second Regular Session, take this opportunity to express our sorrow at the passing of Fred C. Scribner, Jr.; and be it further

RESOLVED: That our membership pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share our sorrow at the passing of Fred C. Scribner, Jr. and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the memory of Fred C. Scribner, Jr.; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and presented to his 3 sons, Fred, Curtis and Charles as an expression of our esteem.

Which was **READ**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise today to speak in memory and in honor of Fred C. Scribner, Jr. who passed away last week at the age of 86 years. Mr. Scribner has long been known in Maine circles as Mr. Republican, a title which he certainly earned and one which he certainly enjoyed. Fred Scribner served during the Eisenhower administration as the Under Secretary of the Treasury, he was also general counsel to the National Republican Committee. He presided over several Maine Republican conventions and was responsible for putting together the 1956 National Republican Convention in San Diego. Mr. Scribner loved the political process, so much so that ten years ago he agreed to serve on Maine's Reapportionment Commission. He was very proud of the fact that that Reapportionment Commission, unlike others, was able to come to an agreement on reapportionment, one that could pass through the Legislature and he has always given great credit to our President Pro Tem, Senator Baldacci, for making that all possible.

Fred Scribner also took deep interest in my own political campaign for the State Senate. So much so that he called me one day after I had announced my decision to run for this body, and asked that I have lunch with him so that he could give me his years of wisdom and advice on how to run a political campaign. After having lunch and walking down Congress Street, back to his office, he suddenly stooped over, and he was at that time not very steady on his feet and I wondered what was happening. He bent over because he saw a penny on the ground. He picked it up and said this is good luck, take this and remember that your campaign is off to a good start. That was my first contribution, one penny.

Besides politics and government, Fred Scribner loved his work with his law firm. His work ethics are legend. He worked right up until the time that he died. He commanded respect of the legal community not only in Maine, but beyond our borders. He was a pillar in the Episcopal church, a leader in the Boy Scouts organization, and a great family man. I ask you to join me today in honoring the memory of Fred C. Scribner, Jr., one of Maine's outstanding citizens. I also respectfully request that when the Legislature adjourns today that we do so in memory of Fred C. Scribner, Jr. of Falmouth. Thank you.

Which was **ADOPTED**.

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Authorize the Maine State Prison and the Maine Correctional Institution - Warren to Combine Accounts"

S.P. 593 L.D. 1652

Tabled - January 11, 1994, by Senator **ESTY** of Cumberland.

Pending - **REFERENCE**

(Joint Select Committee on **CORRECTIONS** suggested and **ORDERED PRINTED**.)

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

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

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **AMERO** of Cumberland, **ADJOURNED**, in memory of Fred C. Scribner, Jr. of Falmouth, until Tuesday, January 18, 1994, at 4:00 in the afternoon.