

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

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

In Senate Chamber
Tuesday
January 25, 1994

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

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

Sent down for concurrence.

The Following Communication:

116TH MAINE LEGISLATURE

December 31, 1993

Prayer by Reverend Elizabeth Bachelder of the United Methodist Church in Gardiner.

REVEREND ELIZABETH BACHELDER: Would you be joined with me in the spirit of prayer. Oh mighty God we do not seek your presence as we come and gather this afternoon because we are confident of your promise always to be with us, but oh gracious Lord we would seek wisdom and compassion in the hearts and minds of the Senators this day. Allow the actions that they take to reflect your justice and your mercy for the people of the State of Maine. We gather in the name of our Saviour and our Lord Jesus Christ. Amen.

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

Dear Secretary O'Brien:

This is to notify you that, pursuant to our authority, we have appointed the following:

Pursuant to 3 MRSA, Section 901-A - State House and Capitol Park Commission:

Don Cyr of Lille for reappointment
Merle Nelson of Falmouth for reappointment

Pursuant to Public Laws 1991, Chapter 780 - Cancer Prevention and Control Advisory Committee:

Evelyne Kieltyka of Augusta for reappointment
Jan Hitchcock of Damariscotta for reappointment

Pursuant to Public Laws 1993, Chapter 297 - Task Force to Study the Safe Mobility of Maine's Aging Population:

Frank Morong of South Portland to represent the American Association of Retired Persons
Katherine Freund of Portland as a Public Member
Nancy Lobley of Bradley to represent the Area Agencies on Aging
Ellen Kornetsky of Portland to represent the American Automobile Association
Tracy Perez of Woolwich to represent the Maine Transit Association

Pursuant to Public Laws 1993, Chapter 387 - Teacher Retirement Advisory Committee:

Senator Bonnie Titcomb of Cumberland as Chair
Rep. Marc Vigue of Winslow
Rep. Omar Norton of Winthrop
Simone Utley of Harpswell to represent the Maine Teachers Association
Paul Brunelle of Freeport to represent the Maine School Management Association

Pursuant to Public Laws 1993, Chapter 410 - Board of Directors of the Maine Science and Technology Foundation:

Senator Rochelle Pingree of Knox
Rep. Rita Melendy of Rockland

Reading of the Journal of Thursday, January 20, 1994.

COMMUNICATIONS

The Following Communication: S.P. 633

116TH MAINE LEGISLATURE

January 20, 1994

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

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Jean K. Gulliver of Falmouth, Andrew E. Ayer of Caribou and Shirley D. Oliver of Orono for appointments to the State Board of Education.

Pursuant to Title 20A, MRSA Section 401, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

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

Pursuant to Resolves 1993 - Chapter 33 - Academy for Public Service Study Committee:
Bennett D. Katz of Augusta as the Public Member

Pursuant to Resolves 1993, Chapter 36 - Health and Human Services Transition Team:

- Senator Jane Amero of Cumberland
- Senator John E. Baldacci of Penobscot
- Rep. Birger Johnson of South Portland
- Rep. Hugh Morrison of Bangor
- Rep. James Oliver of Portland
- Ronald Thurston of Winthrop as provider representative
- Bonnie Post of Owl's Head as a constituency or advocacy group representative
- Jane Weil of Steuben as a constituency or advocacy group representative

Pursuant to Resolves 1993, Chapter 41 - Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals:

- Senator John E. Baldacci of Penobscot
- Rep. Robert J. Tardy of Newport
- Rep. Guy R. Nadeau of Saco
- Toby Hall of Dover Foxcroft
- Michael L. Austin of Brunswick
- Stephen F. Holt of Manchester
- F. Paul Frinsko of Gorham
- Roland D. Martin of Caribou
- Elbridge Cleaves of Old Town

Pursuant to Resolves 1993, Chapter 42 - Commission to Study Nonregulatory and Market Solutions to Environmental Issues:

- Beth Nagusky of Litchfield to represent the environmental advocacy groups
- Todd Burrows of New Gloucester to represent the environmental advocacy groups
- Kevin Boyle of Hamden to represent the academic community
- A. Myrick Freeman of Bath to represent the academic community
- Thomas H. Tietenberg of Sidney to represent the academic community
- Brian Stetson of Millinocket to represent private industry
- Scott Semlee of Hollis to represent private industry
- Sarah Verville of Freeport to represent private industry
- Senator Mark W. Lawrence of York
- Rep. Richard A. Gould of Greenville
- Rep. Willis A. Lord of Waterboro

Pursuant to Private and Special Laws 1993, Chapter 48 - Administrative Costs Task Force:
Rep. Donald Gean of Alfred as Chair

Pursuant to 30-A MRSA, Section 5041 - Interagency Task Force on Homelessness & Housing Opportunities:

- John Pottle of Portland to represent community action agencies. He will be replacing Tom Nelson.
- Joel Rekas of Portland as representative of non-profit agencies
- Mary Ann Chalilia of Bangor as representative of municipalities

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

The Following Communication:

116TH MAINE LEGISLATURE

December 31, 1993

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

Dear Secretary O'Brien:

This is to notify you that, pursuant to our authority, we have appointed the following:

Pursuant to Resolves 1993, Chapter 36 - Health and Human Services Transition Team:

Rep. Kathleen Stevens of Orono. She is replacing Rep. James Oliver who is unable to serve.

Pursuant to Public Laws 1993, Chapter 297 - Task Force to Study the Safe Mobility of Maine's Aging Population:

Ernest Marriner of North Monmouth as representative of the American Association of Retired Persons. He is replacing Frank Morong who is unable to serve.

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:

116TH MAINE LEGISLATURE

December 31, 1993

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

Dear Secretary O'Brien:

This is to notify you that, pursuant to our authority, we have appointed the following:

Pursuant to Resolves 1993, Chapter 36 - Health and Human Services Transition Team:

Rep. Elizabeth Mitchell of Vassalboro. She is replacing Rep. Kathleen Stevens who is unable to serve.

Pursuant to Public Laws, Chapter 297 - Task Force to Study the Safe Mobility of Maine's Aging Population: Roxanne Andrews of Gardiner, representing the Area Agencies on Aging, replacing Nancy Lobley

January 18, 1994

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

Hon. Dennis L. Dutremble
President of the Senate
State House Station #3
Augusta, ME 04333

Hon. John L. Martin
Speaker of the House
State House Station #2
Augusta, ME 04333

Re: Petroleum Market Share Act/Annual Report to the Legislature

Dear Senator Dutremble and Speaker Martin:

Enclosed, in accordance with the provisions of 10 M.R.S.A. section 1677, is the Attorney General's Annual Report to the Legislature concerning levels of concentration in Maine's retail petroleum markets. A recommendation for further legislative action is also provided.

Thank you for your consideration of these materials; please do not hesitate to call if you should have any question in this regard.

With best wishes for the New Year,

Sincerely,

S/Francis E. Ackerman
Ass't Attorney General

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

The Following Communication:

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

January 19, 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 20-A MRSA, Section 11002, I have reappointed Senator John J. O'Dea of Penobscot to the New England Board of Higher Education.

Pursuant to the Resolves of 1991, Chapter 34, I have appointed Senator Mark W. Lawrence of York to the Maine Committee for Global Education.

Pursuant to 10 MRSA, Chapter 308, Section 1678, I have appointed Senator Alton E. Cianchette of Somerset to the Petroleum Advisory Committee.

If you have any questions regarding these appointments, please let me know.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

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

The Following Communication:

**STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
STATE HOUSE STATION 6
AUGUSTA, MAINE 04333**

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

The Following Communication:

**ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES**

January 19, 1994

The Honorable Dennis L. Dutremble
President of the Senate of Maine
116th Maine Legislature
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Edward Bradley of Hiram, for reappointment to the Facility Siting Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Sen. 1 Ludwig of Aroostook
 Rep. 9 Jacques of Waterville, Mitchell of Freeport, Coles of Harpswell, Gould of Greenville, Constantine of Bar Harbor, Wentworth of Arundel, Lord of Waterboro, Anderson of Woodland, Marsh of West Gardiner

NAYS: 0

ABSENT: 3 Sen. Lawrence of York, Sen. Cianchette of Somerset, Rep. Poulin of Oakland

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Edward Bradley of Hiram, for reappointment to the Facility Siting Board be confirmed.

Signed:

S/Mark W. Lawrence
 Senate Chair

S/Paul F. Jacques
 House Chair

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

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Edward Bradley of Hiram be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BEGLEY, BERUBE, BRANNIGAN, BUTLAND, CAHILL, CARPENTER, CIANCHETTE, CLEVELAND, 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

ABSENT: Senators BALDACCI, BUSTIN, CAREY

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Edward Bradley, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**ONE HUNDRED AND SIXTEENTH LEGISLATURE
 COMMITTEE ON ENERGY AND NATURAL RESOURCES**

January 19, 1994

The Honorable Dennis L. Dutremble
 President of the Senate of Maine
 116th Maine Legislature
 State House
 Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Ronald I. Blum, M.D. of Patten, for reappointment to the Facility Siting Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Sen. 1 Ludwig of Aroostook
 Rep. 9 Jacques of Waterville, Mitchell of Freeport, Coles of Harpswell, Gould of Greenville, Constantine of Bar Harbor, Wentworth of Arundel, Lord of Waterboro, Anderson of Woodland, Marsh of West Gardiner

NAYS: 0

ABSENT: 3 Sen. Lawrence of York, Sen. Cianchette of Somerset, Rep. Poulin of Oakland

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ronald I. Blum, M.D. of Patten, for reappointment to the Facility Siting Board be confirmed.

Signed:

S/Mark W. Lawrence
 Senate Chair

S/Paul F. Jacques
 House Chair

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

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Ronald I. Blum, M.D. of Patten be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BEGLEY, BERUBE, BRANNIGAN, BUTLAND, CAHILL, CARPENTER, CIANCHETTE, CLEVELAND, 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

ABSENT: Senators BALDACCI, BUSTIN, CAREY

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Ronald I. Blum, M.D., was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Allow State-chartered Credit Unions to Make Loans to Service Corporations and to Share Branch Offices"
S.P. 642 L.D. 1789

Presented by Senator **CONLEY** of Cumberland
Cosponsored by Representative: **RAND** of Portland
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 Develop a Voluntary Firearm Safety Program for Use in Schools in the State"
S.P. 634 L.D. 1768

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Senators: **HALL** of Piscataquis, **LUDWIG** of Aroostook, **LUTHER** of Oxford, **O'DEA** of Penobscot, **VOSE** of Washington,
Representatives: **AIKMAN** of Poland, **CHONKO** of Topsham, **GEAN** of Alfred, **GREENLAW** of Standish, **HATCH** of Skowhegan, **JACQUES** of Waterville, **LARRIVEE** of Gorham, **MORRISON** of Bangor, **SPEAR** of Nobleboro
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

Bill "An Act to Protect Maine's Lakes and Ponds"
S.P. 635 L.D. 1769

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **JACQUES** of Waterville and
Representative: **CHASE** of China
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 Establish Terms of Appointments for Members of the Maine Education Training and Export Partnership"
S.P. 637 L.D. 1771

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

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

Sent down for concurrence.

Bill "An Act to Reinstate Involuntary Commitment for Chronic and Life-threatening Substance Abuse"
S.P. 639 L.D. 1773

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Senators: **CONLEY** of Cumberland,
PARADIS of Aroostook, Representatives: **MARTIN**
of Eagle Lake, **PARADIS** of Augusta
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

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

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Encourage Economic Development
Through Investment Incentives for Aquaculture"
H.P. 1304 L.D. 1759

Tabled - January 20, 1994, by Senator **BUSTIN** of
Kennebec.

Pending - **REFERENCE**

(In House, January 20, 1994, referred to the
Committee on **HOUSING & ECONOMIC DEVELOPMENT** and
ORDERED PRINTED.)

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

Sent down for concurrence.

Bill "An Act to Attain Minimum Occupational
Safety and Health Standards in Buildings and on
Properties Owned or Leased by the State"
S.P. 638 L.D. 1772

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

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

Sent down for concurrence.

Bill "An Act to Create the Maine Office
Development Authority"
S.P. 640 L.D. 1774

Presented by Senator **FOSTER** of Hancock
Cosponsored by Senator: **CLEVELAND** of
Androscoggin
Submitted by the Department of Administrative and
Financial Services pursuant to Joint Rule 24.

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

Bill "An Act Regarding the Discharge of
Mortgages"
H.P. 1299 L.D. 1754

Tabled - January 20, 1994, by Senator **BUSTIN** of
Kennebec.

Pending - **REFERENCE**

(In Senate, January 20, 1994, referred to the
Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**,
in concurrence. Subsequently, **RECONSIDERED**.)

(In House, January 20, 1994, referred to the
Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.)

On motion by Senator **ESTY** of Cumberland,
referred to the Committee on **JUDICIARY** and **ORDERED**
PRINTED in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Reduce the Property Tax Burden in
Androscoggin County"
S.P. 641 L.D. 1788

Presented by Senator **BERUBE** of Androscoggin
Cosponsored by Representative: **JALBERT** of Lisbon
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

Bill "An Act to Increase Reimbursement Amounts to
Municipalities Collecting Excise Taxes for
Unorganized Townships"
S.P. 636 L.D. 1770

Presented by Senator **PARADIS** of Aroostook
Cosponsored by Representatives: **AHEARNE** of
Madawaska, **PINETTE** of Fort Kent, **POULIOT** of
Lewiston
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Senator **HARRIMAN** of Cumberland was granted unanimous consent to address the Senate off the Record.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1326

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill or bills concerning supplemental appropriations in fiscal year 1993-94 for the Maine Residents Property Tax Program.

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

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

Off Record Remarks

Senator **CARPENTER** of York was granted unanimous consent to address the Senate off the Record.

On motion by Senator **CIANCHETTE** of Somerset, **ADJOURNED** until Thursday, January 27, 1994, at 4:00 in the afternoon.