

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

The Following Communication: S.P. 650

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

116TH MAINE LEGISLATURE

January 27, 1994

In Senate Chamber
Tuesday
February 1, 1994

Senator Gerard P. Conley, Jr.
Rep. Constance D. Cote
Chairpersons
Joint Standing Committee on Judiciary
116th Legislature
Augusta, Maine 04333

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

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the Honorable Roland A. Cole of Wells for reappointment as a Justice of the Maine Superior Court.

Prayer by Reverend M. Lester Strout of the First Parish Congregational Church in Pownal.

Pursuant to Const, Article V, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

REVEREND M. LESTER STROUT: Let's pray. All mighty and eternal God, our heavenly Father, we thank you and praise you for the privilege of coming before your throne of grace and prayer. We might ask your direction and guidance on this legislative day. We pray for those who have the great responsibility of leading our State Government. We ask that you would grant wisdom to each and every one. Your word teaches us that if any man lack wisdom let him ask of God. We would ask wisdom from you heavenly Father for this day, for this session. We ask this in the wonderful name of our saviour, the Lord Jesus Christ, in whose name we pray. Amen.

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 **JUDICIARY**.

Sent down for concurrence.

Reading of the Journal of Thursday, January 27, 1994.

The Following Communication: S.P. 651

PAPERS FROM THE HOUSE

116TH MAINE LEGISLATURE

Joint Order

January 27, 1994

The following Joint Order: H.P. 1344

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as it sees fit to revise the salaries of county officers and lay the county taxes for the year 1994.

Senator Gerard P. Conley, Jr.
Rep. Constance D. Cote
Chairpersons
Joint Standing Committee on Judiciary
116th Legislature
Augusta, Maine 04333

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

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the Honorable David G. Roberts of Cumberland for reappointment as Associate Justice of the Maine Supreme Judicial Court.

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

Pursuant to Const, Article V, Part I, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

COMMUNICATIONS

Sincerely,
S/Dennis L. Dutremble
President of the Senate
S/John L. Martin
Speaker of the House

Senator James R. Handy
Rep. Richard P. Ruhlin
Chairpersons
Joint Standing Committee on Labor
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated George W. Lambertson of Readfield, Wayne W. Whitney of Brunswick and Gwendolyn Gatcomb of Winthrop for reappointments to the Maine Labor Relations Board.

Pursuant to Title 26, MRSA Section 968, these nominations will require review by the Joint Standing Committee on Labor 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 **LABOR**.

Sent down for concurrence.

The Following Communication:

116TH MAINE LEGISLATURE

January 25, 1994

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 under 3 MRSA, Sec. 901-A, we are appointing Rep. John L. Martin, of Eagle Lake, to serve on the State House and Capitol Park Commission.

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:

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

Sent down for concurrence.

The Following Communication: S.P. 652

116TH MAINE LEGISLATURE

January 27, 1994

Senator Gerard P. Conley, Jr.
Rep. Constance D. Cote
Chairpersons
Joint Standing Committee on Judiciary
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the Honorable James P. Archibald of Houlton for reappointment as Active Retired Justice of the Maine Supreme Judicial Court.

Pursuant to Title 4, MRSA Section 6, this nomination will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 658

116TH MAINE LEGISLATURE

January 7, 1994

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

January 27, 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 J. Mallett of Old Town, for reappointment to the Board of Environmental Protection.

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. 2	Cianchette of Somerset, Ludwig of Aroostook
	Rep. 7	Jacques of Waterville, Mitchell of Freeport, Gould of Greenville, Poulin of Oakland, Wentworth of Kennebunkport, Lord of Waterboro, Marsh of West Gardiner
NAYS:	0	
ABSENT:	4	Sen. Lawrence of York, Rep. Coles of Harpswell, Rep. Constantine of Bar Harbor, Rep. Anderson of Woodland

Nine 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 J. Mallett of Old Town, for reappointment to the Board of Environmental Protection 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 J. Mallett of Old Town 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, BALDACCI, BEGLEY,
BERUBE, BUSTIN, BUTLAND, CAHILL,
CARPENTER, CLEVELAND, ESTY, FOSTER,
GOULD, HALL, HANDY, HARRIMAN, KIEFFER,
LUDWIG, LUTHER, MARDEN, MCCORMICK,
PARADIS, PEARSON, PINGREE, SUMMERS,
TITCOMB, VOSE, WEBSTER, THE PRESIDENT -
DENNIS L. DUTREMBLE

ABSENT: Senators BRANNIGAN, CAREY, CIANCHETTE,
CONLEY, HANLEY, LAWRENCE, O'DEA

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 7 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 J. Mallett, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

January 27, 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 Norman A. Dean of Madison, for reappointment to the Board of Environmental Protection.

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. 2 Cianchette of Somerset,
Ludwig of Aroostook

Rep. 7 Jacques of Waterville,
Mitchell of Freeport, Gould
of Greenville, Poulin of
Oakland, Wentworth of
Kennebunkport, Lord of
Waterboro, Marsh of West
Gardiner

NAYS: 0

ABSENT: 4 Sen. Lawrence of York, Rep.
Coles of Harpswell, Rep.
Constantine of Bar Harbor,
Rep. Anderson of Woodland

Nine 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 Norman A. Dean of Madison, for reappointment to the Board of Environmental Protection 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 Norman A. Dean of Madison 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, BALDACCI, BEGLEY,
BERUBE, BUSTIN, BUTLAND, CAHILL,
CARPENTER, CLEVELAND, ESTY, FOSTER,
GOULD, HALL, HANDY, HARRIMAN, KIEFFER,
LUDWIG, LUTHER, MARDEN, MCCORMICK,
PARADIS, PEARSON, PINGREE, SUMMERS,
TITCOMB, VOSE, WEBSTER, THE PRESIDENT -
DENNIS L. DUTREMBLE

ABSENT: Senators BRANNIGAN, CAREY, CIANCHETTE,
CONLEY, HANLEY, LAWRENCE, O'DEA

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 7 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 Norman A. Dean, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

January 27, 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 Betty Lou Mitchell of Etna, for appointment to the Board of Environmental Protection.

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. 2 Cianchette of Somerset,
Ludwig of Aroostook

Rep. 8 Jacques of Waterville,
Mitchell of Freeport, Coles
of Harpswell, Gould of
Greenville, Poulin of
Oakland, Wentworth of
Kennebunkport, Lord of
Waterboro, Marsh of West
Gardiner

NAYS: 0

ABSENT: 3 Sen. Lawrence of York, Rep.
Constantine of Bar Harbor,
Rep. Anderson of Woodland

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 Betty Lou Mitchell of Etna, for appointment to the Board of Environmental Protection 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 Betty Lou Mitchell of Etna 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, BALDACCI, BEGLEY, BERUBE, BUSTIN, BUTLAND, CAHILL, CARPENTER, CLEVELAND, ESTY, FOSTER, GOULD, HALL, HANDY, HARRIMAN, KIEFFER, LUDWIG, LUTHER, MARDEN, MCCORMICK, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BRANNIGAN, CAREY, CIANCHETTE, CONLEY, HANLEY, LAWRENCE, O'DEA

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 7 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 Betty Lou Mitchell, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Provide for a Disaster Relief Fund" (Emergency)

S.P. 649 L.D. 1811

Presented by Senator **CAHILL** of Sagadahoc
 Cosponsored by Senators: **CARPENTER** of York, **CIANCHETTE** of Somerset, **LUDWIG** of Aroostook, **TITCOMB** of Cumberland, Representatives: CARROLL of Gray, CATHCART of Orono, DEXTER of Kingfield, JALBERT of Lisbon, JOSEPH of Waterville, JOY of Island Falls, KERR of Old Orchard Beach, TUFTS of Stockton Springs, WALKER of Blue Hill, YOUNG of Limestone
 Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24.

Committee on **AGING, RETIREMENT & VETERANS** suggested and **ORDERED PRINTED**.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System

S.P. 653 L.D. 1822

Presented by Senator **TITCOMB** of Cumberland
 Cosponsored by Senators: **BERUBE** of Androscoggin, **BUSTIN** of Kennebec, **DUTREMBLE** of York, **ESTY** of Cumberland, **HANDY** of Androscoggin, **LAWRENCE** of York, **MCCORMICK** of Kennebec, **O'DEA** of Penobscot, **PEARSON** of Penobscot, **VOSE** of Washington, Representatives: CARROLL of Gray, CASHMAN of Old Town, CATHCART of Orono, CLARK of Millinocket, CLOUTIER of South Portland, DAGGETT of Augusta, FAIRCLOTH of Bangor, GEAN of Alfred, GOULD of Greenville, HATCH of Skowhegan, JACQUES of Waterville, JALBERT of Lisbon, JOSEPH of Waterville, KONTOS of Windham, MORRISON of Bangor, NORTON of Winthrop, O'GARA of Westbrook, OLIVER of Portland, PARADIS of Augusta, PFEIFFER of Brunswick, POULIN of Oakland, TUFTS of Stockton Springs
 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

Bill "An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State"
 S.P. 655 L.D. 1824

Presented by Senator **HARRIMAN** of Cumberland
 Cosponsored by Senator: **FOSTER** of Hancock, Representatives: FITZPATRICK of Durham, GEAN of Alfred, PENDEXTER of Scarborough
 Submitted by the Office of Substance Abuse pursuant to Joint Rule 24.

Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

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

Bill "An Act to Provide Access to Postsecondary Education in York County"
 S.P. 657 L.D. 1826

COMMITTEE REPORTS

Presented by President **DUTREMBLE** of York
Cosponsored by Senators: **CARPENTER** of York,
ESTY of Cumberland, **HANDY** of Androscoggin,
LAWRENCE of York, **O'DEA** of Penobscot,
SUMMERS of Cumberland, **TITCOMB** of Cumberland,
Representatives: **CARLETON** of Wells, **CARON** of
Biddeford, **DUTREMBLE** of Biddeford, **FARNUM** of
South Berwick, **GEAN** of Alfred, **KERR** of Old
Orchard Beach, **LEMONT** of Kittery, **LIBBY** of
Buxton, **LIBBY** of Kennebunk, **LORD** of Waterboro,
MARSHALL of Eliot, **MURPHY** of Berwick, **NADEAU** of
Saco, **OTT** of York, **PENDLETON** of Scarborough,
PLOURDE of Biddeford, **TRUE** of Fryeburg, **WENTWORTH**
of Kennebunkport
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.

Resolve, to Create Regional Funds for
Self-employment
S.P. 656 L.D. 1825

Presented by Senator **HARRIMAN** of Cumberland
Cosponsored by Senators: **MCCORMICK** of Kennebec,
PINGREE of Knox, Representatives: **ADAMS** of
Portland, **LEMKE** of Westbrook
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.

Resolve, Directing the Department of
Transportation to Erect Signs Indicating the Bath,
Brunswick and Topsham Recreational Area
S.P. 654 L.D. 1823

Presented by Senator **CAHILL** of Sagadahoc
Cosponsored by Senator: **HARRIMAN** of Cumberland,
Representatives: **CHONKO** of Topsham, **COLES** of
Harpwell, **HOLT** of Bath, **PFEIFFER** of Brunswick,
RYDELL of Brunswick, **SMALL** of Bath
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

House

Ought to Pass

The Committee on **HUMAN RESOURCES** on Resolve, to
Extend the Reporting Date of the Study to Identify
the Extent of Violence among Children (Emergency)
H.P. 1271 L.D. 1715

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

Comes from the House with the Report **READ** and
ACCEPTED and the Resolve **PASSED TO BE ENGROSSED**.

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

The Resolve **READ ONCE**.

The Resolve **ASSIGNED FOR SECOND READING**.

The Committee on **HUMAN RESOURCES** on Resolve, to
Extend the Reporting Deadline of the Health and
Social Services Transition Team (Emergency)
H.P. 1272 L.D. 1716

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

Comes from the House with the Report **READ** and
ACCEPTED and the Resolve **PASSED TO BE ENGROSSED**.

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

The Resolve **READ ONCE**.

The Resolve **ASSIGNED FOR SECOND READING**.

Senate

Ought to Pass As Amended

Senator **VOSE** for the Committee on **UTILITIES**
on Bill "An Act to Require that All Interest on
Escrowed Assessments on Utilities Be Used for the
Benefit of the Public Utilities Commission and the
Office of the Public Advocate"
S.P. 417 L.D. 1326

Reported that the same **Ought to Pass as Amended**
by Committee Amendment "B" (S-387).

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

The Bill **READ ONCE**.

Committee Amendment "B" (S-387) **READ** and
ADOPTED.

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

SECOND READERS

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

Senate

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

Which was **READ A SECOND TIME.**

On motion by Senator **AMERO** of Cumberland, Senate Amendment "A" (S-386) **READ.**

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm pleased to introduce this amendment because it is a fiscal note and it is a fiscal note which has impact on the Judiciary, a positive impact in that there may be savings realized from passage of this Bill. So I would urge passage of this amendment and the Bill. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-386) **ADOPTED.**

Which was **PASSED TO BE ENGROSSED, as Amended.**

Sent down for concurrence.

Off Record Remarks

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

Off Record Remarks

On motion by Senator **ESTY** of Cumberland, **ADJOURNED** until Thursday, February 3, 1994, at 10:00 in the morning.