

# 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

House Papers

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

In Senate Chamber  
Thursday  
February 3, 1994

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

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Prayer by Pastor Ronald A. McLaughlin of the Getchell Street United Baptist Church in Waterville.

**PASTOR RONALD A. MCLAUGHLIN:** Let us pray. Dear Lord you have entrusted us with the men, women, and children of Maine, with their lives and with who and what they are as they reside in this State. May the work of this body, may the work that we all do for these people be done with your presence within us, done because not only we care, but because there is a God present in the midst of our politics, in the midst of our lives. So it is to this God that we look for this day, for this hour, for this moment. It is to this God that we look for the people of Maine. May you Lord, the Lord of the universe who cares about every color and every person, help us this very day for we truly look to you not only in our hour of need but when we struggle and when we disagree. For we pray this in your name Lord. Amen.

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Reading of the Journal of Tuesday, February 1, 1994.

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

S.P. 666

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 8, 1994, at ten o'clock in the morning.

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

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

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PAPERS FROM THE HOUSE

Bill "An Act to Provide an Appropriation for a Federally Funded Hazard Mitigation Program within the Maine Emergency Management Agency" (Emergency)  
H.P. 1350 L.D. 1816

Comes from the House referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

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

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Bill "An Act to Strengthen the Maine Bottle Deposit Laws"  
H.P. 1343 L.D. 1810

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.

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Bill "An Act to Ensure that Wastewater Disposal Systems Comply with New Rules Developed by the Department of Human Services"  
H.P. 1347 L.D. 1813

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.

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Bill "An Act to Encourage Effective Use of State Resources"  
H.P. 1354 L.D. 1820

Bill "An Act to Develop Standards for the Licensure of Hospice Programs"  
H.P. 1355 L.D. 1821

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 Imposing a Mandatory Arrest Period in Cases of Domestic Violence" H.P. 1341 L.D. 1808

Bill "An Act Amending the Discovery Rule for Damage Resulting from the Placement of Foreign Objects in the Human Body" H.P. 1345 L.D. 1812

Bill "An Act to Establish the Right of Grandparents to Act as Foster Parents for Their Grandchildren" H.P. 1352 L.D. 1818

Bill "An Act to Clarify the Sentencing Laws in Maine" H.P. 1353 L.D. 1819

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

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

Bill "An Act to Promote the Continued Use of Private Lands for Recreation" H.P. 1342 L.D. 1809

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

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

Bill "An Act to Extend the Sagadahoc County Budget Advisory Committee" H.P. 1348 L.D. 1814

Bill "An Act Creating the York County Budget Advisory Committee" H.P. 1351 L.D. 1817

Come from the House referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**.

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

Bill "An Act to Amend the Tree Growth Tax and Open Space Voluntary Withdrawal Laws" H.P. 1349 L.D. 1815

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

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

Off Record Remarks

**COMMUNICATIONS**

The Following Communication: S.P. 664

**116TH MAINE LEGISLATURE**

February 2, 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 Joyce A. Wheeler of Portland for appointment as an Associate Judge of the Administrative Court and the Honorable Roland Beaudoin of Falmouth for appointment as Chief Judge of the Administrative Court.

Pursuant to Title 4, MRSA Section 1151, these nominations 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. 665

**STATE OF MAINE  
DEPARTMENT OF STATE  
AUGUSTA, MAINE 04333**

June 18, 1993

Honorable Dennis L. Dutremble  
President of the Senate  
116th Maine State Legislature  
State House Station 3  
Augusta, Maine 04333-0003

Dear Mr. President,

I am herewith transmitting the proposed Knox County Budget Committee districts for approval as required by Chapter 345 of the Public Laws of 1993.

Respectfully,

S/ Bill Diamond  
Secretary of State

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

Sent down for concurrence.

The Following Communication:

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

January 31, 1994

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

Dear Secretary O'Brien:

Pursuant to my authority under M.R.S.A. 12 §7367, I have, once again, appointed Ned McCann of South Portland to the Whitewater Safety Committee, as he did not qualify within the time allotted from the last appointment date.

Please let me know if you have any questions.

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

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

**SENATE PAPERS**

Bill "An Act Regarding Maine's Comprehensive Early Intervention System for Infants and Children, Ages Zero to Five" (Emergency)

S.P. 663 L.D. 1831

Presented by Senator **AMERO** of Cumberland  
Cosponsored by Senator: **O'DEA** of Penobscot,  
Representatives: **AULT** of Wayne, **MITCHELL** of  
Vassalboro, **NORTON** of Winthrop  
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 Authorizing the Commissioner of Inland Fisheries and Wildlife to Award 5 Moose Hunting Permits through Public Auction to Fund Youth Conservation Education Programs"  
S.P. 661 L.D. 1829

Presented by Senator **HALL** of Piscataquis  
(GOVERNOR'S BILL)  
Cosponsored by Representatives: **HEINO** of  
Boothbay, **ROTONDI** of Athens

Which was referred to the Committee on **FISHERIES & WILDLIFE** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act Concerning Authorization to Grow Certain Marine Species in Aquaculture"  
S.P. 659 L.D. 1827

Presented by Senator **VOSE** of Washington  
Cosponsored by Representatives: **LOOK** of  
Jonesboro, **SKOGLUND** of St. George, **TOWNSEND** of  
Eastport  
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 Provide for Uniform Fees Paid to Registers of Deeds for the Filing of Secured Transactions"  
S.P. 660 L.D. 1828

Presented by Senator **CAREY** of Kennebec  
Cosponsored by Representative: **LOOK** of Jonesboro  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

Bill "An Act to Amend the Charter of the Canton Water District" (Emergency)

S.P. 662 L.D. 1830

Presented by Senator LUTHER of Oxford  
Cosponsored by Senator: VOSE of Washington  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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.

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator GOULD for the Committee on MARINE RESOURCES on Bill "An Act Concerning the Mahogany Quahog Tax"

S.P. 571 L.D. 1619

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-388).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-388) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BRANNIGAN for the Committee on TRANSPORTATION on Bill "An Act Concerning the Hauling of Mobile Homes on the Roads and Highways of the State"

S.P. 564 L.D. 1599

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-389).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-389) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on UTILITIES on Bill "An Act to Exempt Employees of the Public Utilities Commission from Furlough and Shutdown Days" (Emergency)

S.P. 119 L.D. 357

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-390).

Signed:

Senators:

VOSE of Washington  
CLEVELAND of Androscoggin  
CARPENTER of York

Representatives:

CLARK of Millinocket  
HOLT of Bath  
ADAMS of Portland  
KONTOS of Windham  
CASHMAN of Old Town  
DONNELLY of Presque Isle  
MORRISON of Bangor

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representatives:

COFFMAN of Old Town  
AIKMAN of Poland  
TAYLOR of Cumberland

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report ACCEPTED.

The Bill READ ONCE.

Committee Amendment "B" (S-390) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Resolve, to Extend the Reporting Date of the Study to Identify the Extent of Violence among Children (Emergency)

H.P. 1271 L.D. 1715

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

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

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

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

**Senate As Amended**

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  
(C "B" S-387)

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

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

**COMMUNICATIONS**

The Following Communication:

**COMMITTEE TO STUDY THE RETIREMENT SYSTEM  
MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333**

February 1, 1994

**ORDERS OF THE DAY**

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

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

S.P. 649 L.D. 1811

Tabled - February 1, 1994, by Senator **ESTY** of Cumberland.

Pending - **REFERENCE**

(Committee on **AGING, RETIREMENT AND VETERANS** suggested and **ORDERED PRINTED**.)

On motion by Senator **ESTY** of Cumberland, referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Sent down for concurrence.

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

Dear President Dutremble and Speaker Martin:

The Committee to Study the Retirement System has completed its work and is submitting its final report to the Governor and to the Joint Standing Committee on Aging, Retirement and Veterans pursuant to Public Law 1993, Chapter 410, Part SSS. A copy of our report is also being provided to each member of the Legislature. The Committee's suggested legislation has been submitted to the Revisor's Office.

Sincerely,

S/Robert A. G. Monks, Chair

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

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

Bill "An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State"

S.P. 655 L.D. 1824

Tabled - February 1, 1994, by Senator **ESTY** of Cumberland.

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.)

Senator **CAREY** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

Senator **VOSE** of Washington was granted unanimous consent to address the Senate off the Record.

Senator **BUSTIN** of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

After Recess

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The Following Joint Resolution: H.P. 1356

**JOINT RESOLUTION RECOGNIZING THE BICENTENNIAL OF THE TOWN OF ALFRED**

WHEREAS, within the splendor of York County lies the picturesque Town of Alfred; and

WHEREAS, the first permanent settlements to this area were made about 1770 and eventually incorporated as the Town of Alfred in 1794, the name honoring Alfred the Great, England's Saxon King of the 9th century; and

WHEREAS, history indicates that the Town of Alfred has the oldest organized government in the nation; and

WHEREAS, Alfred became a shire town after 1803 and its courthouse contains the oldest continuous court records in the nation, dating back to 1635; and

WHEREAS, Alfred continues to flourish as a community to this day and its residents reflect the longstanding attributes of honesty, stability, perseverance and helpfulness that are so characteristic of the citizens of the State; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize the bicentennial anniversary year of the Town of Alfred and to extend best wishes for continued success; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, to Conduct a Study on Improving Access to the Maine Technical College System  
H.P. 1357 L.D. 1832

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

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

Bill "An Act to Reinstitute Stipends for Professional Staff at State Mental Health Institutions"  
H.P. 1358 L.D. 1833

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

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



Bill "An Act Regarding Real Estate Transfer Tax"  
H.P. 1359 L.D. 1834

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

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

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Off Record Remarks

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The **ADJOURNMENT ORDER** having been returned from  
the House **READ** and **PASSED**, in concurrence, on  
motion by Senator **SUMMERS** of Cumberland,  
**ADJOURNED** until Tuesday, February 8, 1994, at 10:00  
in the morning.