

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

**VOLUME VI**

**SECOND REGULAR SESSION**

**House of Representatives**

January 3, 1996 to April 3, 1996

**Senate**

January 3, 1996 to March 13, 1996

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

In Senate Chamber  
Thursday  
January 4, 1996

Senate called to Order by the President, Jeffrey H. Butland, of Cumberland.

Prayer by Reverend Stuart Hilton of the South Gardiner Baptist Church.

**REVEREND STUART HILTON:** Good morning. I bring you greetings from all of the members of the South Gardiner Baptist Church. We appreciate you folks. We know that you put in a lot of work, and we really appreciate that. I want you to know that. Let's bow our heads in prayer at this time.

Heavenly Father, we thank You for the gift of salvation. We thank You for this beautiful day in which we can serve Thee. We thank You for the word of God that is forever settled in heaven. Thank You for the opportunity to live and to enjoy this day that You have given to us. I pray that You will give us wisdom in the many decisions and conversations in which we will be involved today. May Your blessing be especially upon this Senate. We give You all the praise. Amen.

Reading of the Journal of Yesterday.

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

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 9, 1996, at 10:00 o'clock in the morning.

S.P. 631

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

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

Off Record Remarks

**PAPERS FROM THE HOUSE**  
**House Papers**

Bill "An Act to Amend the Laws Regarding the Taxation of Subdivisions"

H.P. 1192 L.D. 1636

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

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

Pursuant to Resolve

**STUDY COMMISSION ON PROPERTY RIGHTS AND THE PUBLIC HEALTH, SAFETY AND WELFARE**

The **STUDY COMMISSION ON PROPERTY RIGHTS AND THE PUBLIC HEALTH, SAFETY AND WELFARE**, pursuant to Resolve 1995, chapter 45 asked leave to submit its findings and report that the accompanying Bill "An Act to Implement the Recommendations of the Study

Commission on Property Rights and the Public Health, Safety and Welfare Establishing a Land Use Mediation Program and Providing for Further Review of Rules"

H.P. 1188 L.D. 1629

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

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

Which Report was **READ** and **ACCEPTED**, in concurrence, and the Bill referred to the Committee on **JUDICIARY**, in concurrence.

**COMMUNICATIONS**

The Following Communication:

**STATE OF MAINE**  
**OFFICE OF THE GOVERNOR**  
**1 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333**

January 2, 1996

The Honorable Jeffrey H. Butland  
President, Maine State Senate

#3 State House Station  
Augusta, Maine 04333

The Honorable Dan A. Gwadosky  
Speaker, Maine House of Representatives

#2 State House Station  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

This letter is to notify the Legislature that I have accepted and will implement the recommendations of the Productivity Realization Task Force relating to the Department of Economic & Community Development, with the exception of recommendations that require legislative approval.

The recommendations I am accepting today include the elimination of 6 positions, the reclassification of 6 positions and combining 2 positions as recommended by the Task Force. All aspects of the Department's reorganization plan will be implemented except for the merger of the Offices of Tourism and Community Development, the shift of the Office of Energy Conservation into the Office of Business Development, and the shift of the Office of Economic Conversion to the newly created Office of Tourism and Community Development. Other parts of the proposal requiring legislative approval include the transfer of two employees out of the Department, implementation of FY '97 "All Other" savings, and the elimination of two positions.

Consolidation of the Department's personnel and computer systems functions in the Department of Administrative and Financial Services has already received legislative approval.

The recommendations contained in the Department's reorganization plan will result in a savings to the General Fund of \$414,250 over the biennium. The Department of Economic & Community Development has met its goal of improving the delivery of services to the citizens of Maine while improving productivity. The enclosed letter from Commissioner McBrierty provides detailed information about the Productivity Realization Task Force recommendations for the Department. Commissioner McBrierty and his staff are available to provide additional information or respond to questions.

Thank you for your attention to this matter.

Sincerely,  
S/Angus S. King, Jr.  
Governor  
S.C. 416

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

January 2, 1996

The Honorable Jeffrey H. Butland  
President, Maine State Senate  
#3 State House Station  
Augusta, Maine 04333  
The Honorable Dan A. Gwadosky  
Speaker, Maine House of Representatives  
#2 State House Station  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

This letter is to notify the Legislature that I have accepted and will implement the recommendations of the Productivity Realization Task force relating to the Department of Environmental Protection, with the exception of two actions that will require legislative approval.

The recommendations affecting the Department of Environmental Protection that I am implementing today will result in a savings over the biennium of \$1,237,377 from all funds. This figure does not include general fund reductions of \$402,393 over the biennium, associated with DEP staff transferred to the previously approved Administrative Services Center. There is a likelihood that the Department may realize more than its estimated cost savings, through earlier implementation of Task Force recommendations and the potential for unemployment insurance and other separation costs to be lower than projected.

The Department of Environmental Protection has met its goal of improving the delivery of services to the citizens of Maine while improving its productivity. The enclosed letter from Commissioner Sullivan provides additional information about the Productivity Realization Task Force recommendations for the Department of Environmental Protection. Commissioner Sullivan and his staff are available to provide additional information or respond to questions.

Thank you for your attention to this matter.

Sincerely,  
S/Angus S. King, Jr.  
Governor  
S.C. 417

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

January 2, 1996

The Honorable Jeffrey H. Butland  
President, Maine State Senate  
#3 State House Station  
Augusta, Maine 04333

The Honorable Dan A. Gwadosky  
Speaker, Maine House of Representatives  
#2 State House Station  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

This letter is to notify the Legislature that I have accepted and will implement the recommendations of the Productivity Realization Task force relating to the State Planning Office. No statutory changes are required.

The recommendations I am accepting today include the elimination of three positions. These are in addition to a fourth position which was previously given up as part of the creation of an administrative cluster at the Department of Administrative and Financial Services, in which the State Planning Office is participating.

The recommendations will result in an additional savings of \$311,708, including \$138,795 in FY 96 and \$172,913 in FY 97. This will bring to 15.1% the reduction in the State Planning Office's general fund budget.

The State Planning Office has met its goal of maintaining a high level of services to the state and its decision-makers—in economic analysis and forecasting, in strategic planning and performance-based budgeting, and in land, water, and energy policy—while improving productivity. It has done so, in part, by moving out of a traditional organizational hierarchy—which depends upon earmarked supervisory personnel—and into a team structure, in which project personnel coordinate self-directed teams. This system has enabled the Office to absorb two programs sent to it by the Legislature in the last session (the community planning division of DECD and the remnant of the Waste Management Agency), plus a major new duty in the coordination of the state's strategic planning/performance budgeting, with fewer supervisory personnel.

Attached for your information are excerpts from the State Planning Office's presentation to the task force. Director Evan Richert and his staff are available to provide additional information or respond to questions.

Thank you for your attention to this matter.

Sincerely,  
S/Angus S. King, Jr.  
Governor  
S.C. 418

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333

December 6, 1995

Dan A. Gwadosky  
Speaker of the House  
117th Legislature  
Jeffrey H. Butland  
President of the Senate  
117th Legislature

Dear Mr. Speaker and Mr. President:

On December 6, 1995, eleven 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 6, 1995 as follows:

**Business and Economic Development**

Resolve, to Extend Deadlines Relating to the Task Force to Review the Beverage Container Deposit Laws (EMERGENCY) (H.P. 1175) (L.D. 1607) (Presented by Representative LIBBY of Kennebunk) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

**Human Resources**

Bill "An Act to Allow Physicians' Offices to Receive Discounts from Pharmaceutical Manufacturers" (H.P. 1169) (L.D. 1601) (Presented by Representative JOHNSON of South Portland) (Cosponsored by Representatives: FITZPATRICK of Durham, LOVETT of Scarborough, MARVIN of Cape Elizabeth, TRIPP of Topsham, WATSON of Farmingdale, Senators: PENDEXTER of Cumberland, PINGREE of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Requiring the Department of Human Services to Reimburse Nursing Home Facilities from Initial Medicaid Eligibility" (EMERGENCY) (H.P. 1172) (L.D. 1604) (Presented by Representative BIRNEY of Paris) (Cosponsored by Senator HANLEY of Oxford and Representatives: CAMPBELL of Holden, DiPIETRO of South Portland, DORE of Auburn, JOY of Crystal, JOYNER of Hollis, LIBBY of Buxton, POULIOT of Lewiston, WATERHOUSE of Bridgton, Senators: CARPENTER of York, CIANCHETTE of Somerset) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

**Labor**

Bill "An Act to Amend the Overtime Laws as They Pertain to Bonuses" (EMERGENCY) (H.P. 1174) (L.D. 1606) (Presented by Representative WINSOR of Norway) (Cosponsored by Senator MILLS of Somerset and Representatives: DUNN of Gray, STONE of Bangor, UNDERWOOD of Oxford, VIGUE of Winslow) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Provide a Retirement Benefit Option for Forest Rangers Equal to That Option Available to Game Wardens and Marine Patrol Officers" (EMERGENCY) (H.P. 1177) (L.D. 1609) (Presented by Representative CHASE of China) (Cosponsored by Representatives: HATCH of Skowhegan, JONES of Bar Harbor, LEMAIRE of Lewiston, SAMSON of Jay, WINSOR of Norway) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

**Natural Resources**

Bill "An Act to Enhance Used Oil Recycling Capabilities" (H.P. 1178) (L.D. 1610) (Presented by Representative SAXL of Bangor) (Cosponsored by Representative ETNIER of Harpswell and Representatives: ADAMS of Portland, DAGGETT of Augusta, DAVIDSON of Brunswick, DESMOND of Mapleton, DORE of Auburn, GOULD of Greenville, HARTNETT of Freeport, MITCHELL of Portland, MORRISON of Bangor, O'NEAL of Limestone, SAXL of Portland, STEVENS of Orono, STONE of Bangor, TOWNSEND of Portland, TREAT of Gardiner, WATSON of Farmingdale, Senators: AMERO of Cumberland, HARRIMAN of Cumberland, RAND of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

**Taxation**

Bill "An Act to Establish a Higher Education Tax Credit for Middle-class Families" (H.P. 1171) (L.D. 1603) (Presented by Representative DAVIDSON of Brunswick) (Cosponsored by Representative JACQUES of Waterville and Representatives: ADAMS of Portland, AHEARNE of Madawaska, BENEDIKT of Brunswick, BERRY of

Livermore, BRENNAN of Portland, BUNKER of Kossuth Township, CAMERON of Rumford, CAMPBELL of Holden, CHARTRAND of Rockland, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUTIER of South Portland, CROSS of Dover-Foxcroft, DAGGETT of Augusta, DESMOND of Mapleton, DRISCOLL of Calais, ETNIER of Harpswell, FITZPATRICK of Durham, GERRY of Auburn, GREEN of Monmouth, GWADOSKY of Fairfield, HARTNETT of Freeport, JONES of Bar Harbor, KILKELLY of Wiscasset, KONTOS of Windham, LaFOUNTAIN of Biddeford, LAYTON of Cherryfield, LIBBY of Buxton, MARTIN of Eagle Lake, MAYO of Bath, McELROY of Unity, MITCHELL of Vassalboro, MITCHELL of Portland, NASS of Acton, O'GARA of Westbrook, O'NEAL of Limestone, PAUL of Sanford, POVICH of Ellsworth, REED of Dexter, RICHARDSON of Portland, ROSEBUSH of East Millinocket, ROWE of Portland, SAMSON of Jay, SAXL of Bangor, SAXL of Portland, SHIAH of Bowdoinham, SIROIS of Caribou, STEVENS of Orono, TREAT of Gardiner, TUFTS of Stockton Springs, TUTTLE of Sanford, VOLENIK of Sedgwick, WATSON of Farmingdale, WHEELER of Bridgewater, Senators: ABROMSON of Cumberland, FAIRCLOTH of Penobscot, GOLDTHWAIT of Hancock, O'DEA of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

**Utilities and Energy**

Bill "An Act to Amend the Charter of Milbridge Water District" (H.P. 1168) (L.D. 1600) (Presented by Representative LAYTON of Cherryfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend the Bowdoinham Water District Charter to Remove the Debt Limit" (EMERGENCY) (H.P. 1170) (L.D. 1602) (Presented by Representative SHIAH of Bowdoinham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend the Charter of the East Pittston Water District" (H.P. 1173) (L.D. 1605) (Presented by Representative GUERRETTE of Pittston) (Cosponsored by Senator BEGLEY of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Authorizing the Town of Mount Vernon to Withdraw from the Cobbossee Watershed District" (H.P. 1176) (L.D. 1608) (Presented by Representative DAMREN of Belgrade) (Cosponsored by Senator CAREY of Kennebec and Representative: AULT of Wayne) (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/May M. Ross  
Secretary of the Senate  
H.P. 1179

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

The Following Communication:  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333

December 7, 1995

Dan A. Gwadosky  
Speaker of the House  
117th Legislature

Jeffrey H. Butland  
President of the Senate  
117th Legislature

Dear Mr. Speaker and Mr. President:

On December 7, 1995, 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 7, 1995 as follows:

**Legal and Veterans Affairs**

Bill "An Act to Amend the Campaign Finance Laws" (H.P. 1182) (L.D. 1621) (Presented by Speaker GWADOSKY of Fairfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

**Utilities and Energy**

Bill "An Act to Amend the Charter of the East Boothbay Water District" (EMERGENCY) (H.P. 1181) (L.D. 1620) (Presented by Representative HEINO of Boothbay) (Cosponsored by Representative: KONTOS of Windham, Senator: BEGLEY of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Sincerely,  
S/Joseph W. Mayo  
Clerk of the House  
S/May M. Ross  
Secretary of the Senate  
H.P. 1183

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

The Following Communication:  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333

December 18, 1995

Dan A. Gwadosky  
Speaker of the House  
117th Legislature  
Jeffrey H. Butland  
President of the Senate  
117th Legislature

Dear Mr. Speaker and Mr. President:

On December 18, 1995, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this Bill was referred to the Joint Standing Committee on December 18, 1995 as follows:

**Banking and Insurance**

Bill "An Act to Promote Parity Between State and Federally Chartered Credit Unions" (H.P. 1184) (L.D. 1622) (Presented by Representative VIGUE of Winslow) (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/May M. Ross  
Secretary of the Senate  
H.P. 1185

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

The Following Communication:  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333

December 20, 1995

Dan A. Gwadosky  
Speaker of the House  
117th Legislature  
Jeffrey H. Butland  
President of the Senate  
117th Legislature

Dear Mr. Speaker and Mr. President:

On December 20, 1995, 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 20, 1995 as follows:

**Education and Cultural Affairs**

Bill "An Act to Change the Name of the Maine Youth Apprenticeship Program to the Maine Career Advantage" (H.P. 1186) (L.D. 1627) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Senator: BUTLAND of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

**Legal and Veterans Affairs**

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Municipal Certification of Direct Initiative Petitions (H.P. 1187) (L.D. 1628) (Presented by Representative NADEAU of Saco) (Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.)

Sincerely,  
S/Joseph W. Mayo  
Clerk of the House  
S/May M. Ross  
Secretary of the Senate  
H.P. 1189

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

The Following Communication:  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333

December 21, 1995

Dan A. Gwadosky  
Speaker of the House  
117th Legislature  
Jeffrey H. Butland  
President of the Senate  
117th Legislature

Dear Mr. Speaker and Mr. President:

On December 21, 1995, one bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on December 21, 1995 as follows:

**Utilities and Energy**

Bill "An Act to Increase the Borrowing Capacity of the Ashland Water and Sewer District" (EMERGENCY) (H.P. 1190) (L.D. 1631) (Presented by Representative DESMOND of Mapleton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Sincerely,  
S/Joseph W. Mayo  
Clerk of the House  
S/May M. Ross  
Secretary of the Senate  
H.P. 1191

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

**SENATE PAPERS**

Bill "An Act to Amend the Laws Regarding the Apportionment of Costs of the Mount Desert Island Regional School District among Member Towns"

S.P. 632 L.D. 1640

Presented by Senator **GOLDTHMAIT** of Hancock  
Cosponsored by Representatives: **BRENNAN** of  
Portland, **JONES** of Bar Harbor, **POVICH** of Ellsworth  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on **EDUCATION AND  
CULTURAL AFFAIRS** suggested and **ORDERED PRINTED.**

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

Sent down for concurrence.

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Bill "An Act to Amend the Maine Sanitary District Enabling Act"

S.P. 633 L.D. 1641

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

Reference to the Committee on **UTILITIES AND  
ENERGY** suggested and **ORDERED PRINTED.**

Which was referred to the Committee on **UTILITIES  
AND ENERGY** and **ORDERED PRINTED.**

Sent down for concurrence.

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**Off Record Remarks**

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Senate at Ease

Senate called to order by the President.

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The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **BUSTIN** of Kennebec, **ADJOURNED** until Tuesday, January 9, 1996, at 10:00 o'clock in the morning.