

# 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 11, 1996

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

Prayer by the Reverend Jacob C. Fles, Christ Episcopal Church, Gardiner.

**REVEREND JACOB C. FLES:** It's a pleasure to be here this morning. I moved here just a year ago from Arlington, Texas. People told me, as I was down in that blessed big state, where everybody stands tall and smiles a lot, that I really ought not go to Maine; because they are not going to be friendly; and they certainly are not going to be interested in spirituality. After a year of being here I have found that my neighbors and friends in this area, and in this State, have been exceedingly friendly. Our church is prospering and folks are looking together for a sense of belonging, a sense of direction, of hopes and values. After we have our collection we sing the Doxology, and now we are adding the last verse of "America". The words go, "Our Father's God to Thee, author of liberty, to Thee we sing. Long may our land be bright with freedom's holy light. Protect us by Thy might, oh God, our King." Our hearts and our hopes are very much joined with you as you are doing your work here. We wish to share collaboratively in the efforts of bettering this State and our land. It's with a great sense of pride that I say this is my place of being and living. I thank you for the chance to offer prayer here today. Let us pray.

God, our Heavenly Father, I pray that You will bless all here with a sense of collaborative work, a sense of directness and honesty and kindness as we tackle difficult issues together. Thank You for surges of hope. I thank You for businesses entering our area, National Semi-Conductor. We pray that doors would continue to open for primary growth as we make tough choices on the use of our finances. Direct, guide and keep us working together as individuals, as a family. In Your name we pray. Amen.

Reading of the Journal of Tuesday, January 9, 1996.

Off Record Remarks

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 16, 1996, at 10:00 o'clock in the morning.

S.P. 644

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

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

COMMUNICATIONS

The Following Communication:  
**MAINE STATE LEGISLATURE**  
Augusta, Maine 04333  
**WORK GROUP ON ELECTRIC INDUSTRY RESTRUCTURING**  
January 5, 1996

The Honorable Jeffrey H. Butland  
The Honorable Dan A. Gwadosky  
Maine Legislature  
State House  
Augusta, ME 04333

Dear President Butland and Speaker Gwadosky:

This letter is to inform you that the Work Group on Electric Industry Restructuring has submitted the attached report of its study to the Legislature, The Joint Standing Committee on Utilities and Energy and the Public Utilities Commission, pursuant to Resolves 1995 chapter 48.

Sincerely,  
S/Rep. Carol A. Kontos  
Chair  
S.C. 423

Which was **READ** and, with Accompanying Report, referred to the Committee on **UTILITIES AND ENERGY**.

The Following Communication:  
**ZUCKERMAN, AVAUNT & DEVINE**  
ATTORNEYS AT LAW  
20 SHAKER ROAD \* P.O. BOX 617  
GRAY, MAINE 04039-0617

January 8, 1996

Ms. May Ross  
Secretary of the Senate  
State House  
Augusta, ME 04333

RE: Pineland Reuse Committee

Dear Ms. Ross:

This letter shall serve to formally convey the final report of the Governor's Task Force on Pineland Center reuse which is dated October, 1995 to the Senate. The report was prepared by the Task Force pursuant to the Executive Order dated December 9, 1994 signed by Governor John R. McKernan, Jr., Executive Order No. 4FY94/95, with the original deadline extended to the end of October, 1995 by Governor King by letter dated October 2, 1995.

It is my understanding that copies of the report have been forwarded to the Legislature by Governor King's office.

Should you require additional copies, there are a considerable number available through the Planner for the Task Force, Robert Faunce, whose telephone number is 784-2617.

Sincerely,  
S/Lawrence J. Zuckerman,  
Chairman of Task Force on  
Pineland Center Reuse

S.P. 645

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

Sent down for concurrence.

The Following Communication:  
**THE MAINE SENATE**  
OFFICE OF THE PRESIDENT  
STATE HOUSE STATION 3  
AUGUSTA, MAINE 04333  
January 1996

The Honorable May M. Ross  
Secretary of the Senate  
State House Station #3  
Augusta, ME 04333

Dear Madam Secretary:  
Please be advised that I have made the following appointments:

**Advisory Commission on Radioactive Waste;** Pursuant to Public Law 1993, Chapter 664:

Donaldson Koons of Oakland

**Productivity Realization Task Force;** Pursuant to Public Law 1995, Chapter 99:

John E. Purcell, Jr. of South Thomaston

Please let me know if you have any questions regarding these appointments.

Sincerely,  
S/Jeffrey H. Butland  
President of the Senate  
S.C. 424

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

David S. Loeb of Olympic Valley, California, for appointment as a member of the Maine Maritime Academy Board of Trustees, pursuant to Public Law 1975, Chapter 771, Section 428;

Ryan K. Witham of Bangor for appointment as the student trustee of the University of Maine Board of Trustees, pursuant to Public Law 1987, Chapter 735, Section 73;

These nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,  
S/Jeffrey H. Butland  
President of the Senate  
S/Dan A. Gwadosky  
Speaker of the House  
S.P. 653

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

Sent down for concurrence.

The Following Communication:

**117TH MAINE LEGISLATURE**

January 10, 1996

Senator Philip E. Harriman  
Representative G. Steven Rowe  
Chairpersons  
Joint Standing Committee on Business and Economic Development  
117th Legislature  
Augusta, Maine 04333

Dear Senator Harriman and Representative Rowe:

Please be advised that Governor Angus S. King, Jr. has nominated the following:

James T.X. Wellehan of Auburn for appointment as a member of the Finance Authority of Maine, pursuant to Title 10, MRSA Section 965;

Robert D. Umphrey of Presque Isle, Arthur H. Thompson of Limestone and Elizabeth B. Ruete of Vassalboro for reappointments, and Roland D. Martin of Caribou for appointment, as members of the Loring Development Authority, pursuant to Title 5, MRSA Section 13080-B;

These nominations will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,  
S/Jeffrey H. Butland  
President of the Senate  
S/Dan A. Gwadosky  
Speaker of the House  
S.P. 652

Which was **READ** and referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

The Following Communication:

**117TH MAINE LEGISLATURE**

January 10, 1996

Senator Mary E. Small  
Representative John L. Martin  
Chairpersons  
Joint Standing Committee on Education and Cultural Affairs  
117th Legislature  
Augusta, Maine 04333

Dear Senator Small and Representative Martin:

Please be advised that Governor Angus S. King, Jr. has nominated the following:

**SENATE PAPERS**

Bill "An Act to Remove the 50-foot Buffer Requirement When Cutting Trees"

S.P. 642 L.D. 1686

Presented by Senator **LORD** of York  
Cosponsored by Senators: **CASSIDY** of Washington, **FERGUSON, JR.** of Oxford, **KIEFFER** of Aroostook, Representatives: **BIGL** of Bucksport, **DEXTER** of Kingfield, **GOOLEY** of Farmington, **GOULD** of Greenville, **POIRIER** of Saco

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Bill "An Act to Amend the Law Allowing the Growth and Sale of Cultivated Ginseng in Maine" (Emergency)

S.P. 649 L.D. 1691

Presented by Senator **CASSIDY** of Washington  
Cosponsored by Representative **KILKELLY** of Wiscasset and Senators: **LORD** of York, **PARADIS** of Aroostook, Representatives: **DEXTER** of Kingfield, **HEESCHEN** of Wilton, **KNEELAND** of Easton, **SPEAR** of Nobleboro

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.

Reference to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and **ORDERED PRINTED**.

Which were referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Require Legislative Approval of Financial Obligations of the State beyond the Current Biennium"

S.P. 646 L.D. 1688

Presented by Senator **MICHAUD** of Penobscot  
Cosponsored by Senator: **HANLEY** of Oxford, Representative: **REED** of Falmouth

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Confirm That Nonprofit Health Care Providers May Achieve Cost Savings on Professional and General Liability Coverage"

S.P. 651 L.D. 1703

Presented by Senator **BUTLAND** of Cumberland  
Cosponsored by Representative: **GWADOSKY** of  
Fairfield

Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on **BANKING AND  
INSURANCE** suggested and **ORDERED PRINTED**.

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

Sent down for concurrence.

Resolve, Directing the Department of Human  
Services to Take Steps to Reduce the Regulation of  
Nurses Providing Care to Nursing Home Residents

S.P. 647 L.D. 1689

Presented by Senator **HARRIMAN** of Cumberland  
Cosponsored by Representative **HARTNETT** of  
Freeport and Senators: **BENOIT** of Franklin,  
**GOLDTHWAIT** of Hancock, **HANLEY** of Oxford, **O'DEA** of  
Penobscot, **PINGREE** of Knox, Representative: **BUCK**  
of Yarmouth

Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on **HUMAN RESOURCES**  
suggested and **ORDERED PRINTED**.

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

Sent down for concurrence.

Bill "An Act to Improve Local Control over Liquor  
Licensing"

S.P. 650 L.D. 1692

Presented by Senator **RAND** of Cumberland  
Cosponsored by Senators: **ABROMSON** of Cumberland,  
**AMERO** of Cumberland, Representatives: **BOUFFARD** of  
Lewiston, **DAGGETT** of Augusta, **MITCHELL** of  
Portland, **MURPHY** of Berwick, **POULIOT** of Lewiston,  
**RICKER** of Lewiston, **TOWNSEND** of Portland

Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on **LEGAL AND VETERANS  
AFFAIRS** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **LEGAL AND  
VETERANS AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Make Changes to the Motor Vehicle  
Laws"

S.P. 643 L.D. 1687

Presented by Senator **STEVENS, JR.** of Androscoggin  
Cosponsored by Senator: **CASSIDY** of Washington,  
Representatives: **BOUFFARD** of Lewiston, **DEXTER** of  
Kingfield, **DRISCOLL** of Calais, **FARNUM** of South  
Berwick, **HEINO** of Boothbay, **LINDAHL** of Northport,  
**O'GARA** of Westbrook, **PENDLETON, JR.** of  
Scarborough, **RICKER** of Lewiston

Submitted by the Department of Public Safety  
pursuant to Joint Rule 24.

Bill "An Act Relating to the Potential  
Improvement of the Maine Turnpike Authority"

S.P. 648 L.D. 1690

Presented by Senator **BUTLAND** of Cumberland  
Cosponsored by Senators: **ABROMSON** of Cumberland,  
**AMERO** of Cumberland, **BEGLEY** of Lincoln, **BENOIT** of  
Franklin, **CARPENTER** of York, **CASSIDY** of  
Washington, **FERGUSON, JR.** of Oxford, **HALL** of  
Piscataquis, **KIEFFER** of Aroostook, **LAWRENCE** of  
York, **LORD** of York, **HILLS** of Somerset, **STEVENS,  
JR.** of Androscoggin, Representatives: **BAILEY** of  
Township 27, **DIPIETRO** of South Portland, **FARNUM**  
of South Berwick, **JOYCE** of Biddeford, **JOYNER** of  
Hollis, **KERR** of Old Orchard Beach, **LEMONT** of  
Kittery, **LIBBY** of Buxton, **MARSHALL** of Eliot,  
**MURPHY** of Berwick, **PLOWMAN** of Hampden, **POIRIER** of  
Saco, **POULIOT** of Lewiston, **RICE** of South Bristol

Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on **TRANSPORTATION**  
suggested and **ORDERED PRINTED**.

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

**SECOND READERS**

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

**House**

Bill "An Act to Repeal the Sunset Provision for  
Distribution from the Maine Environmental Trust Fund"  
(Emergency)

H.P. 1180 L.D. 1619

Which was **READ A SECOND TIME** and **PASSED TO BE  
ENGGROSSED**, in concurrence.

Off Record Remarks

Under suspension of the Rules, all matters thus  
acted on were sent forthwith.

On motion by Senator **BUSTIN** of Kennebec, **RECESSED**  
until 11:30 o'clock this morning.

After Recess

Senate called to order by the President.

Off Record Remarks

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

Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Provide Equity in Payment for Substance Abuse Services Purchased by the State" (Emergency)

H.P. 1236 L.D. 1696

Reference to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

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

Which was referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

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Bill "An Act to Consolidate Insurer Billing Procedures and to Streamline the Licensing Process for Reinsurance Intermediaries"

H.P. 1231 L.D. 1684

Bill "An Act to Amend and Further Deregulate the Maine Consumer Credit Code"

H.P. 1239 L.D. 1699

Bill "An Act to Require That Diabetes Supplies and Self-management Training be Covered by Health Insurance Policies"

H.P. 1242 L.D. 1702

Reference to the Committee on **BANKING AND INSURANCE** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**.

Which were referred to the Committee on **BANKING AND INSURANCE**, in concurrence.

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Bill "An Act to Enhance Fireworks Safety"

H.P. 1233 L.D. 1693

Bill "An Act to Amend the Dispositional Alternatives for Juveniles Adjudicated to Have Committed Gross Sexual Assault upon 2 or More Child Victims"

H.P. 1234 L.D. 1694

Reference to the Committee on **CRIMINAL JUSTICE** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **CRIMINAL JUSTICE** and **ORDERED PRINTED**.

Which were referred to the Committee on **CRIMINAL JUSTICE**, in concurrence.

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Bill "An Act to Expedite the Decision-making Process for Disability Retirement under the Maine State Retirement System"

H.P. 1238 L.D. 1698

Reference to the Committee on **LABOR** suggested and **ORDERED PRINTED**.

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

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

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Bill "An Act to Amend the Laws Regarding Drag Limits in South Bay"

H.P. 1235 L.D. 1695

Reference to the Committee on **MARINE RESOURCES** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Establish the Town Boundary between the Town of Canaan and the Town of Cornville and between the Town of Canaan and the Town of Skowhegan Located in the County of Somerset"

H.P. 1230 L.D. 1683

Bill "An Act to Allow the Removal from Public Office of Certain Elected County Officials" (Emergency)

H.P. 1240 L.D. 1700

Bill "An Act to Reduce the Number of Legislative Confirmation Hearings"

H.P. 1241 L.D. 1701

Reference to the Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

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

Which were referred to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

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Bill "An Act to Amend the Unorganized Territory Tax Laws"

H.P. 1237 L.D. 1697

Reference to the Committee on **TAXATION** suggested and **ORDERED PRINTED**.

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

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

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Bill "An Act Concerning Portable Scale Tolerances on the Interstate Highway System"

H.P. 1227 L.D. 1680

Bill "An Act Pertaining to the Northern New England Passenger Rail Authority"

H.P. 1228 L.D. 1681

Bill "An Act to Transfer the Responsibility for Air Search and Rescue from the Commissioner of Transportation to the Chief of the State Police"

H.P. 1229 L.D. 1682

Reference to the Committee on **TRANSPORTATION** suggested and **ORDERED PRINTED**.

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

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

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**Pursuant to Resolve COMMISSION TO STUDY TRESPASS LAWS**

The **COMMISSION TO STUDY TRESPASS LAWS**, pursuant to Resolve 1995, chapter 53 asks leave to submit its findings and report, pursuant to Joint Rule 20, that the accompanying Bill "An Act to Provide Recovery for Motor Vehicle Damage to Forest Lands"

H.P. 1232 L.D. 1685

Be referred to the Committee on **CRIMINAL JUSTICE** for Public Hearing and ordered printed.

Come from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **CRIMINAL JUSTICE** and **ORDERED PRINTED**.

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

The Bill referred to the Committee on **CRIMINAL JUSTICE**, in concurrence.

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Senate at Ease  
Senate called to order by the President.

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

**COMMITTEE REPORT**

**House**

**Change of Reference**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Transfer Regulatory Control of Whitewater Rafting to the Department of Conservation's Bureau of Parks and Recreation"

H.P. 415 L.D. 572

Reported that the same be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

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

The Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in concurrence.

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

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The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **PARADIS** of Aroostook, **ADJOURNED** until Tuesday, January 16, 1996, at 10:00 o'clock in the morning.