

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 5, 1990 to May 20, 1991

STATE OF MAINE
ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Monday
January 7, 1991

Senate called to Order by the President.

Prayer by the Honorable Barbara A. Gill of Cumberland.

SENATOR BARBARA A. GILL: Lord above, bestow Your wisdom on this Legislature so we may respond with intelligence, with reason, with wisdom, as we review, explore, analyze, and consider what the true needs of your people are. Amen.

Reading of the Journal of Thursday, January 3, 1991.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Promote Cranberry Cultivation in Maine" (Emergency)
H.P. 69 L.D. 97

Committee on **ENERGY AND NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Require That Phonics Be Taught from Kindergarten to Grade 3"
H.P. 63 L.D. 91

Bill "An Act to Require that Handwriting be Taught from Kindergarten to Grade 6"
H.P. 64 L.D. 92

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

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

Bill "An Act to Amend the Penalties for Habitual Offenders and Operating After Suspension"
H.P. 71 L.D. 99

Bill "An Act to Eliminate the Requirement of Mediation in Certain Domestic Cases"
H.P. 72 L.D. 100

Bill "An Act to Dispense with Final Hearings in Uncontested Divorces or Modifications to Decrees"
H.P. 74 L.D. 102

Bill "An Act to Include the Testator's Birth Date in Statutory Living Wills" (Emergency)
H.P. 77 L.D. 105

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 Authorize the Issuance of State Identification Cards to People Under the Age of 21"
H.P. 76 L.D. 104

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

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

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

Pursuant to Resolves
**COMMISSION TO STUDY
PUBLIC FINANCING OF STATE ELECTIONS**

The **COMMISSION TO STUDY PUBLIC FINANCING OF STATE ELECTIONS**, pursuant to Resolves 1989, Chapter 59, ask leave to submit its findings and to report that the accompanying Bill "An Act to Enhance the Capabilities of the Commission on Governmental Ethics and Election Practices"
H.P. 52 L.D. 73

Be referred to the Joint Standing Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

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

The Bill referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.

**Pursuant to Resolves
COMMISSION TO STUDY**

THE LEVEL OF SERVICES FOR MAINE'S ELDERLY CITIZENS

The **COMMISSION TO STUDY THE LEVEL OF SERVICES FOR MAINE'S ELDERLY CITIZENS**, pursuant to Resolves 1989, Chapter 58, ask leave to submit its findings and to report that the accompanying Bill "An Act to Protect Insurance Consumers and Encourage Long-range Financial Planning"

H.P. 54 L.D. 75

Be referred to the Joint Standing Committee on **BANKING AND INSURANCE** for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

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

The Bill referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.

**Pursuant to Public Law
COMMISSION TO STUDY
MAINE'S OIL SPILL CLEAN-UP PREPAREDNESS**

The **COMMISSION TO STUDY MAINE'S OIL SPILL CLEAN-UP PREPAREDNESS**, pursuant to Public Law 1989, Chapter 868, ask leave to submit its findings and to report that the accompanying Bill "An Act Regarding Liability for Persons Responding to Oil Spills"

H.P. 53 L.D. 74

Be referred to the Joint Standing Committee on **JUDICIARY** for Public Hearing and printed pursuant to Joint Rule 18.

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 18.

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

The Bill referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.

**Pursuant to Public Law
COMMISSION TO STUDY
MAINE'S OIL SPILL CLEAN-UP PREPAREDNESS**

The **COMMISSION TO STUDY MAINE'S OIL SPILL CLEAN-UP PREPAREDNESS**, pursuant to Public Law 1989, Chapter 868, ask leave to submit its findings and to report that the accompanying Bill "An Act to Extend the Commission to Study Maine's Oil Spill Clean-up Preparedness and to Improve Marine Oil Spill Prevention, Planning and Response" (Emergency)

H.P. 56 L.D. 77

Be referred to the Joint Standing Committee on **ENERGY AND NATURAL RESOURCES** for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

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

The Bill referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.

**Study Report
SUBCOMMITTEE TO STUDY
SALMON AQUACULTURE IN MAINE**

Report of the **SUBCOMMITTEE TO STUDY SALMON AQUACULTURE IN MAINE** to which was referred by the Legislative Council the Study Relative to the Aquaculture Industry in the State have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Regarding Aquaculture"

H.P. 55 L.D. 76

Be referred to the Joint Standing Committee on **MARINE RESOURCES** for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 19.

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

The Bill referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 19, in concurrence.

officials and employees of the various state departments, courts, counties and municipalities for their cooperation with this department.

Respectfully submitted,

S/Rodney L. Scribner, CPA
State Auditor

COMMUNICATIONS

The Following Communication:

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

**115TH MAINE LEGISLATURE
AUGUSTA, MAINE**

January 2, 1991

The Following Communication:

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

Honorable Vincent McKusick
Chief Justice
142 Federal Street
Portland, Maine 04101

January 4, 1991

Dear Mr. Chief Justice:

Honorable Joy J. O'Brien
State House Station 3
Augusta, Maine 04333

We would like to invite you to deliver your annual report to a Joint Convention of the Legislature on Thursday, January 24, 1991, at 10:00 a.m.

Dear Secretary O'Brien,

Please let us know if this is convenient for you.

Pursuant to Senate Rule 36, please be advised I have made the following Committee Appointments for the 115th Legislature:

Sincerely,

S/Charles P. Pray S/John L. Martin
President of the Senate Speaker of the House

Joint Standing Committee on Aging Retirement & Veterans

Senator Dale McCormick, Kennebec, Chair
Senator Nancy Randall Clark, Cumberland
Senator Charles M. Webster, Franklin

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

Joint Standing Committee on Agriculture

Senator R. Donald Twitchell, Oxford, Chair
Senator Bonnie L. Titcomb, Cumberland
Senator Jerome A. Emerson, Penobscot

The Following Communication:

**STATE OF MAINE
DEPARTMENT OF AUDIT
STATE HOUSE STATION 66
AUGUSTA, MAINE 04333**

January 3, 1991

Joint Standing Committee on Appropriations & Financial Affairs

Senator Michael D. Pearson, Penobscot, Chair
Senator Joseph C. Brannigan, Cumberland
Senator Ruth S. Foster, Hancock

Senator Charles P. Pray
President of the Senate
State House Station No. 3
Augusta, Maine 04333

Joint Standing Committee on Audit & Program Review

Senator Beverly Miner Bustin, Kennebec, Chair
Senator John J. Cleveland, Androscoggin
Senator Donald L. Rich, Cumberland

Dear President Pray:

I submit herewith the Seventieth Annual Report of the State Auditor for the fiscal year ended June 30 1989 as required by Title 5, Section 244 of the Maine Revised Statutes.

Joint Standing Committee on Banking & Insurance

Senator Judy C. Kany, Kennebec, Chair
Senator Raynold Theriault, Aroostook
Senator Linda Curtis Brawn, Knox

I would like to express my special appreciation to the managers and staff of the Department of Audit for their continued support of quality audits and to the

Joint Standing Committee on Business Legislation

Senator John E. Baldacci, Penobscot, Chair
Senator Zachary E. Matthews, Kennebec
Senator Donald L. Rich, Cumberland

Joint Standing Committee on Education

Senator Stephen C. Estes, York, Chair
Senator Dale McCormick, Kennebec
Senator Linda Curtis Brawn, Knox

Joint Standing Committee on Energy & Natural Resources

Senator Bonnie L. Titcomb, Cumberland, Chair
Senator John E. Baldacci, Penobscot
Senator Margaret G. Ludwig, Aroostook

Joint Standing Committee on Fisheries & Wildlife

Senator Zachary E. Matthews, Kennebec, Chair
Senator R. Donald Twitchell, Oxford
Senator Charles E. Summers, Cumberland

Joint Standing Committee on Housing & Economic Development

Senator Joseph C. Brannigan, Cumberland, Chair
Senator Dennis L. Dutremble, York
Senator Pamela L. Cahill, Sagadahoc

Joint Standing Committee on Human Resources

Senator Gerard P. Conley, Jr., Cumberland, Chair
Senator Stephen M. Bost, Penobscot
Senator Barbara A. Gill, Cumberland

Joint Standing Committee on Judiciary

Senator N. Paul Gauvreau, Androscoggin, Chair
Senator Georgette B. Berube, Androscoggin
Senator Muriel D. Holloway, Lincoln

Joint Standing Committee on Labor

Senator Donald Esty, Jr., Cumberland, Chair
Senator Gerard P. Conley, Jr., Cumberland
Senator David L. Carpenter, York

Joint Standing Committee on Legal Affairs

Senator Jeffery N. Mills, Oxford, Chair
Senator Judy C. Kany, Kennebec
Senator Charles E. Summers, Cumberland

Joint Standing Committee on Marine Resources

Senator Harry L. Vose, Washington, Chair
Senator Stephen C. Estes, York
Senator Robert R. Gould, Waldo

Joint Standing Committee on State & Local Government

Senator Georgette B. Berube, Androscoggin, Chair
Senator Beverly Miner Bustin, Kennebec
Senator Jerome A. Emerson, Penobscot

Joint Standing Committee on Taxation

Senator Stephen M. Bost, Penobscot, Chair
Senator Donald Esty, Jr., Cumberland
Senator Donald F. Collins, Aroostook

Joint Standing Committee on Transportation

Senator Raynold Theriault, Aroostook, Chair
Senator Jeffery N. Mills, Oxford
Senator Robert R. Gould, Waldo

Joint Standing Committee on Utilities

Senator John J. Cleveland, Androscoggin, Chair
Senator Harry L. Vose, Washington
Senator David L. Carpenter, York

If you have any questions about these appointments, please contact me.

Sincerely,

S/Charles P. Pray
President of the Senate

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

SENATE PAPERS

Bill "An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers"

S.P. 58 L.D. 107

Presented by President **PRAY** of Penobscot
Cosponsored by Speaker **MARTIN** of Eagle Lake,
Senator **BUSTIN** of Kennebec and Representative
MITCHELL of Vassalboro

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

Sent down for concurrence.

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 Making Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991" (Emergency)

H.P. 80 L.D. 108

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** and **ORDERED PRINTED**, in concurrence.

Off Record Remarks

On motion by Senator **BOST** of Penobscot, **ADJOURNED** until Tuesday, January 8, 1991, at 4:00 in the afternoon.