

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
Thursday
January 17, 1991

Senate called to Order by the President.

Prayer by the Honorable Dale McCormick of Kennebec.

SENATOR DALE MCCORMICK: Eternal God, Shepherd of every hope. Refuge of every bewildered heart and fountain of forgiveness for every contrite one. Here we beseech Thee our prayer for peace in the Middle East. Help us to love our enemies, not by counting their sins, but by remembering our own. And may we never forget for a moment that they are fed by the same food, hurt by the same weapons, have children for whom they have the same high hopes as do we. Oh God, as Moslems, Jews, and Christians, we acknowledge that You have made us of one blood, all the nations of the earth. Thou has loved us as if we were all but one, and thus cares for each of us as if Thou has not else to care for. Remembering such love, we not weary in our efforts to fashion out of our failures today some great good for all Thy people tomorrow. And not unto us Oh, God, but not unto us, but unto Thy name be glory. Amen.

Reading of the Journal of Monday, January 14, 1991.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Offset Costs of Probation Services"
H.P. 37 L.D. 53

Committee on **JUDICIARY** suggested and **ORDERED PRINTED.**

Comes from the House referred to the Joint Select Committee on **CORRECTIONS** and **ORDERED PRINTED.**

On motion by Senator **GAUVREAU** of Androscoggin, Tabled 1 Legislative Day, pending **REFERENCE.**

Out of order and under suspension of the Rules, the President presented on behalf of Senator **DUTREMBLE** of York, the following Joint Order:
S.P. 77

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 22, 1991, at 4 o'clock in the afternoon.

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

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

Bill "An Act to Regulate Further Ozone-depleting Products"
H.P. 90 L.D. 131

Comes from the House referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED.**

Which was referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED,** in concurrence.

Bill "An Act Concerning Purchases of Alcohol from Agency Stores"
H.P. 91 L.D. 132

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

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

Bill "An Act to Provide for Community Service as an Alternative to Fines for Persons Convicted of Operating Under the Influence"
H.P. 94 L.D. 135

Committee on **JUDICIARY** suggested and **ORDERED PRINTED.**

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

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

Resolve, to Establish the Commission to Study Lobster Trap Limits (Emergency)
H.P. 93 L.D. 134

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

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

Bill "An Act to Enhance the Filing of Documents in the Registry of Deeds"
H.P. 95 L.D. 136

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

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

Bill "An Act Concerning the Use of Headlights"
H.P. 92 L.D. 133

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.

COMMUNICATIONS

The Following Communication:

**DEPARTMENT OF FINANCE
STATE CLAIMS COMMISSION
STATE HOUSE STATION 49
AUGUSTA, MAINE 04333**

January 9, 1991

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

RE: Report of Small Claims to Legislature

Dear Senator Pray:

Herewith is Report of Small Claims which were received in this office during 1990 and which is being submitted to you for your information and records in accordance with Title 5 M.R.S.A., Section 1510-A, Subsection 8.

A similar report is also being submitted to the Honorable John L. Martin, Speaker of the House, and if you or your staff should have any questions in

connection with this report, please communicate with this office.

Yours very truly,
S/Ronald M. Roy
Chief Counsel

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

The Following Communication:

**DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333**

January 9, 1991

The Honorable John R. McKernan, Jr.
Governor of the State of Maine
State House Station 1

The Honorable Charles P. Pray
President of the Senate
State House Station 3

The Honorable John L. Martin
Speaker of the House of Representatives
State House Station 2

Members of the Joint Standing Committee
on Energy and Natural Resources
State of Maine
State House Station 3
Augusta, Maine 04333

Dear Governor McKernan, President Pray, Speaker Martin, and Members of the Joint Standing Committee on Energy and Natural Resources:

I am pleased to transmit An Analysis of Inconsistencies in the Regulation of Forest Management. The report is a review of Titles 12, 36 and 38 and rules promulgated under those titles pursuant to P.L. 89 c. 555, the Forest Practices Act, and was carried out in coordination with the Citizen's Forestry Advisory Council.

The report clearly indicates that there is much that can be done to make regulations affecting forest management less cumbersome while still maintaining the current level of environmental protection. It is also clear that dealing with the inconsistencies will be a technical and time consuming process. With this in mind, the Departments of Conservation, Environmental Protection and Inland Fisheries and Wildlife have developed a Memorandum of Understanding to work together to reduce existing inconsistencies as identified in the report and to develop a method of preventing inconsistencies in the future.

While many of the inconsistencies can be dealt with administratively by the Departments, several of them would need to be addressed through the

Administrative Procedures Act, the Legislature or existing boards. The Departments have established a September 15, 1991 target to have specific recommendations for changes identified and to develop the process to carry out those changes.

Sincerely yours,
S/C. Edwin Meadows, Jr.
Commissioner

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

The Following Communication:

115TH MAINE LEGISLATURE

January 11, 1991

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 Chapter 581 of the Public Laws of 1989, we have today appointed Cheryl Wildes, of Bowdoinham, to serve as a representative of municipalities on the Interagency Task Force on Homelessness and Housing Opportunities. She will be replacing Peggy Dunn who is unable to serve.

Sincerely,

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

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

The Following Communication:

**EXECUTIVE DEPARTMENT
OFFICE OF SUBSTANCE ABUSE
STATE HOUSE STATION 159
AUGUSTA, MAINE 04333**

January 15, 1991

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear Senator Pray:

Enclosed is a copy of the State Plan for alcohol and other drug abuse services required to be submitted by the Office of Substance Abuse (OSA) to the Legislature on January 15, 1991.

The basic thrust of the Plan is to set forth a common philosophy and to outline what must be done to achieve OSA's potential and responsibility for bringing about a more coordinated, comprehensive, accountable, and ultimately more effective Statewide system of alcohol and other drug abuse services.

As mentioned in the Plan, with budgetary information unavailable earlier, it was not possible to include biennial departmental figures in this document. However, OSA intends to provide this information as an addendum as soon as possible. Rather than delay submission of this Plan, it was decided to submit it as is. The State Plan available for more general distribution will include this fiscal information.

The Office of Substance Abuse looks forward to working with you and the Legislature in dealing with the issues of alcohol and other drug abuse as they affect all of us in some way in the State of Maine.

Sincerely,
S/Ronald G. Speckmann
Acting Director
Office of Substance Abuse

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

The Following Communication:

**DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF BANKING
STATE HOUSE STATION 36
AUGUSTA, MAINE 04333**

January 15, 1991

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear President Pray:

In accordance with Title 9-B Maine Revised Statutes Annotated § 217, as amended, I am submitting "The Status of Maine's Financial Institutions."

This report contains information on the number, type and legal structure of all regulated financial institutions in the State of Maine, as well as the location of offices and total deposits held by these institutions. Nineteen-ninety was a challenging year for the State of Maine and its banking system. This year's report has sections dealing with new issues such as credit availability and regulatory concerns.

Copies of this report have been distributed to the Office of the Secretary of the Senate in order to provide one copy for each member of the Senate.

Very truly yours,
S/H. Donald DeMatteis
Superintendent

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

The Following Communication: S.P. 78

DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

January 15, 1991

Senator Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear Senator Pray:

Title 12 MRSA, Section 8906, Paragraph 2 requires the Maine Forest Service to notify the Legislature of any proposed changes to the Fire Tower system and reason for those changes. As part of the FY 1991 budget reduction submitted in December, we proposed to close 27 forest fire towers. While we realize that the Joint Standing Committee on Appropriations & Financial Affairs is currently discussing our proposed budget, we are submitting this notice in case any towers are closed.

We have done an extensive review of the Maine Forest Service budgets and responsibilities and have proposed the closing of these towers only after careful consideration.

We do not plan to dismantle any towers, but rather we will not have MFS employees in towers on a routine basis. We are working with municipalities and county governments to make arrangements for allowing their employees to staff towers at times they feel are appropriate.

Over the years the function of towers has changed significantly from detection to a major emphasis on communication. We know that the vast majority of fires are reported by the general public even where towers are now occupied. Municipalities and county governments do relay messages through MFS towers, though where towers do not exist, governments have developed their own networks quite successfully.

To replace the towers, we propose to contract for two additional aerial reconnaissance routes. This is the approach currently used in 75% of the State where towers are no longer in operation. The reconnaissance routes are predetermined flight paths established by the Maine Forest Service. The

decision to have a flight or flights on any given day is based on local fire danger conditions.

The average cost for an aerial reconnaissance flight is approximately \$10,000 per year per route, so the total additional cost of aerial detection would be \$20,000 to \$25,000 annually. In contrast, staffing the 27 towers costs the Maine Forest Service approximately \$500,000 per year. The significant savings of closing the towers allows us to keep several additional frontline forest rangers (12-15) in the field.

Enclosed is a list of each tower we propose to close, along with its location. I would be glad to discuss this matter more fully with you or other members of the Legislature.

Sincerely,
S/Thomas C. Doak
Acting Director
Maine Forest Service

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

Sent down for concurrence.

Off Record Remarks

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

Off Record Remarks

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

Senator MILLS of Oxford was granted unanimous consent to address the Senate off the Record.

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

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **MCCORMICK** of Kennebec, **ADJOURNED** until Tuesday, January 22, 1991, at 4:00 p.m. in the afternoon, and that we stand in Adjournment with respect and prayers to our troops in the Middle East and to the Governor's son.