

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
Friday
February 1, 1991

Senate called to Order by the President.

Prayer by the Honorable Linda Curtis Brawn of Knox.

SENATOR LINDA CURTIS BRAWN: Let us pray.
Keep us, O God, from pettiness; Let us be large
in thought, in word, in deed.
Let us be done with fault finding, and leave off
self-seeking.
May we put away all pretense and meet each other
face to face without self-pity and without prejudice.
May we never be hasty in judgement and always
generous.
Let us take time for all things; make us to grow
calm, serene, gentle.
Teach us to put into action our better impulses,
straightforward and unafraid.
Grant that we may realize it is the little things
that create differences; that in the big things of
life, we are at one.
And may we strive to touch and to know the great
common human heart of us all, and O Lord God, let us
forget not to be kind. Amen.

Reading of the Journal of Wednesday, January 30, 1991.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Continue Milk Pool Payments to
Dairy Farmers Affected by the Newport Plant Closure"
(Emergency)
H.P. 130 L.D. 186

Bill "An Act to Amend the Laws Governing
Superintendents of Pulling Events" (Emergency)
H.P. 137 L.D. 197

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

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

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by the **PRESIDENT** of the Senate,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Bill "An Act to Regulate Fees Imposed for the Use
of Automated Teller Machines"
H.P. 121 L.D. 166

Bill "An Act Establishing a Procedure for
Calculating Actual Cash Value under Automobile
Insurance Physical Damage Coverage in the Event of
Total Loss"
H.P. 138 L.D. 198

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

Bill "An Act Concerning Employee Benefits for
Workers' Compensation Recipients"
H.P. 145 L.D. 215

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

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

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

Bill "An Act Concerning Nighttime Business
Operation"
H.P. 142 L.D. 212

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.

Bill "An Act to Require a State Police Station to Be Located within Five Miles of a State Maximum Security Prison"

H.P. 102 L.D. 145

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

Which was referred to the **Joint Select Committee on CORRECTIONS** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Expand the Blaine House Scholars Program to Assist in Teacher Certification"

H.P. 136 L.D. 196

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 Require Deposits on Large Oil Containers"

H.P. 116 L.D. 161

Bill "An Act to Permit Larger Docks Within the Saco River Corridor"

H.P. 133 L.D. 193

Bill "An Act Regarding Zoning Variances"

H.P. 135 L.D. 195

Bill "An Act Regarding the State's Environmental Policy on Low-density Subdivisions"

H.P. 144 L.D. 214

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

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

Bill "An Act to Amend the Penalty Provisions for Theft of Motor Vehicles"

H.P. 115 L.D. 160

Bill "An Act to Strengthen the State's Role in Drug-related Prosecution"

H.P. 126 L.D. 171

Resolve, to Review the Probate System of Maine (Emergency)

H.P. 129 L.D. 174

Comes 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 Require the Expeditious Resolution of Workers' Compensation Claims"

H.P. 117 L.D. 162

Bill "An Act to Increase the Death Benefits under the Workers' Compensation Act"

H.P. 125 L.D. 170

Bill "An Act to Encourage Family Unity"

H.P. 127 L.D. 172

Bill "An Act to Impose Mandatory Fines for Failure to Comply with Workers' Compensation Decisions"

H.P. 128 L.D. 173

Bill "An Act Concerning the State Minimum Wage"

H.P. 140 L.D. 200

Resolve, to Establish the Commission to Study the Use of Professional Strikebreakers (Emergency)

H.P. 139 L.D. 199

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

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

Bill "An Act to Require Landlords to Pay Interest Earned on Security Deposits to Tenants"

H.P. 134 L.D. 194

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 Amend the Shellfish Licensing Laws" (Emergency)
H.P. 118 L.D. 163

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 Amend the Freedom of Access Laws to Include the 7 Campuses of the University of Maine System as Part of State Government" (Emergency)
H.P. 119 L.D. 164

Bill "An Act to Preserve Maine's Part-time Citizen Legislature by Making the Legislative Process More Efficient and Less Costly to Maine Taxpayers"
H.P. 124 L.D. 169

Bill "An Act to Permit the Amendment of Municipal Ordinances at Town Meetings"
H.P. 141 L.D. 201

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

Bill "An Act to Make Low-cost Land Available for Affordable Housing"
H.P. 120 L.D. 165

Bill "An Act Concerning Access to Tax Records"
H.P. 131 L.D. 187

Bill "An Act Concerning Taxation of Video Tape and Equipment"
H.P. 143 L.D. 213

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

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

Bill "An Act to Require the Use of Headlights During Inclement Weather While Windshield Wipers are in Use"
H.P. 114 L.D. 159

Bill "An Act to Amend the Law Governing Abandoned Vehicles"
H.P. 122 L.D. 167

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

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

Bill "An Act Dealing with the Public Utilities Commission's Involvement in Contract Settlements" (Emergency)
H.P. 132 L.D. 192

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

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

COMMUNICATIONS

The Following Communication: S.P. 119

115TH MAINE LEGISLATURE

January 31, 1991

Senator Zachary E. Matthews
Rep. Dorothy A. Rotondi
Chairpersons
Joint Standing Committee on Fisheries and Wildlife
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Alanson B. Noble of Oxford for reappointment and Duane R. Lander of Greenville for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 3, MRSA Section 151, these nominations will require review by the Joint Standing Committee on Fisheries and Wildlife and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

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

Sent down for concurrence.

Which was **READ** and **REFERRED** to the Committee on
FISHERIES AND WILDLIFE.

Sent down for concurrence.

Bill "An Act Regulating Maine Land Use Regulation
Commission Zoning Practices" S.P. 124 L.D. 226

Presented by Senator **BRAWN** of Knox
Cosponsored by Senator **RICH** of Cumberland and
Representative **GOULD** of Greenville

The Following Communication:

**MAINE STATE LEGISLATURE
COMMISSION ON MAINE LAKES
AUGUSTA, MAINE 04333**

January 30, 1991

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

Dear President Pray:

In accordance with 1989 Resolves, chapter 100,
the Commission on Maine Lakes has submitted its
report to the Joint Standing Committee on Energy and
Natural Resources. We are pleased to transmit a copy
of the report to you.

Sincerely,

S/Sen. Judy C. Kany S/Rep. P. Kelley Simpson

Which was **READ** and **REFERRED** to the Committee on
ENERGY AND NATURAL RESOURCES.

Bill "An Act to Provide Equity in the Natural
Resources Protection Laws" S.P. 125 L.D. 227

Presented by Senator **BRAWN** of Knox

Which were referred to the Committee on **ENERGY
AND NATURAL RESOURCES** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Prohibit Jet Skis on Small Inland
Lakes" S.P. 127 L.D. 229

Presented by Senator **TWITCHELL** of Oxford (By
Request)

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

Sent down for concurrence.

SENATE PAPERS

Bill "An Act Regarding Court Security in
Androscoggin County" (Emergency) S.P. 123 L.D. 225

Presented by Senator **BERUBE** of Androscoggin
Submitted by the Judicial Department pursuant to
Joint Rule 24.

Bill "An Act to Meet the Increased Need for
Crisis Intervention and Community Education Services
Provided by Rape Crisis Centers in the State"
(Emergency) S.P. 126 L.D. 228

Presented by Senator **BRANNIGAN** of Cumberland
Cosponsored by Representative **RYDELL** of Brunswick
and Senator **CLARK** of Cumberland

Bill "An Act to Amend the Provisions Regarding
the Uniform Traffic Ticket and Complaint" S.P. 131 L.D. 233

Presented by Senator **HOLLOWAY** of Lincoln
Submitted by the Judicial Department pursuant to
Joint Rule 24.

Bill "An Act to Replace Certain Criminal Fines
with Community Service" S.P. 133 L.D. 271

Presented by Senator **CONLEY** of Cumberland

Bill "An Act to Revise the Small Claims Laws"
S.P. 134 L.D. 272

Presented by Senator **GAUVREAU** of Androscoggin
Submitted by the Judicial Department pursuant to
Joint Rule 24.

Bill "An Act Regarding the Collection of Fines"
S.P. 135 L.D. 273

Presented by Senator **GAUVREAU** of Androscoggin
Submitted by the Judicial Department pursuant to
Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Restrict the Use of the Term
"Reelect" in Election Campaigns"
S.P. 128 L.D. 230

Presented by Senator **CARPENTER** of York
Cosponsored by Representative **NORTON** of Winthrop
and Representative **PLOURDE** of Biddeford

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

Sent down for concurrence.

Bill "An Act to Delay the Minimum Lobster Gauge
Increases" (Emergency)
S.P. 132 L.D. 234

Presented by Senator **ESTES** of York
Cosponsored by Representative **MITCHELL** of
Freeport, Representative **LOOK** of Jonesboro and
Senator **HOLLOWAY** of Lincoln

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

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

Bill "An Act to Amend the Unclaimed Property Act"
S.P. 117 L.D. 216

Presented by Senator **BRANNIGAN** of Cumberland
Cosponsored by Senator **BALDACCI** of Penobscot and
Representative **SHELTRA** of Biddeford

Bill "An Act to Create Citizen Councils on
Unorganized Islands"
S.P. 118 L.D. 217

Presented by Senator **BRAWN** of Knox

Bill "An Act to Amend Revenue Sharing"
S.P. 121 L.D. 223

Presented by President **PRAY** of Penobscot
Cosponsored by Representative **GOULD** of
Greenville, Representative **HUSSEY** of Milo and
Senator **BOST** of Penobscot

RESOLUTION, Proposing an Amendment to the
Constitution of Maine to Protect the Assets of State
Retirement Plans

S.P. 122 L.D. 224

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **MITCHELL** of
Vassalboro, Representative **PARADIS** of Augusta and
Senator **PEARSON** of Penobscot

Which were referred to the Committee on **STATE AND**
LOCAL GOVERNMENT and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Require That Income Losses Be
Taken into Consideration in Determining Eligibility
for the Property Tax Circuit Breaker Program"
S.P. 129 L.D. 231

Presented by Senator **BRAWN** of Knox

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

Sent down for concurrence.

Bill "An Act Concerning Road Kills"
S.P. 130 L.D. 232

Presented by Senator **BRAWN** of Knox

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

Sent down for concurrence.

Pursuant to Resolves
COMMISSION TO STUDY
THE LEVEL OF SERVICES FOR MAINE'S ELDERLY CITIZENS

Senator **CLARK** for 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 Ensure That the State
Supplemental Income Benefit Is Not Diminished by
Inflation"

S.P. 120 L.D. 222

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

Which Report was **READ** and **ACCEPTED**.

Senate at Ease

Senate called to order by the President.

On motion by Senator **PEARSON** of Penobscot, referred to the Committee on **HUMAN RESOURCES** pursuant to Joint Rule 18.

Sent down for concurrence.

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby it **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**:

Bill "An Act Regarding Court Security in Androscoggin County" (Emergency)
S.P. 123 L.D. 225

On further motion by same Senator, referred to the Committee on **JUDICIARY**.

Sent down for concurrence.

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby it **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**:

Bill "An Act to Meet the Increased Need for Crisis Intervention and Community Education Services Provided by Rape Crisis Centers in the State" (Emergency)
S.P. 126 L.D. 228

On further motion by same Senator, referred to the Committee on **ENERGY AND HUMAN RESOURCES**.

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Facilitate Workers' Compensation Payments to Injured Workers"
S.P. 108 L.D. 205

Tabled - January 30, 1991, by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

(Committee on **BANKING AND INSURANCE** suggested and **ORDERED PRINTED**.)

On motion by Senator **CLARK** of Cumberland, referred to the Committee on **LABOR**.

Sent down for concurrence.

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

Bill "An Act Concerning Manure Spreading"
S.P. 99 L.D. 184

Tabled - January 30, 1991, by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

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

On motion by Senator **CLARK** of Cumberland, referred to the Committee on **AGRICULTURE**.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

ORDERS

Joint Order

On motion by Senator **DUTREMBLE** of York the following Joint Order:

S.P. 139

ORDERED, the House concurring, that when the Senate adjourns it do so until Tuesday, February 5, 1991 at 4:00 in the afternoon and when the House adjourns it do so until the Call of the Speaker on Saturday, February 2, 1991.

Which was **READ**.

Senate at Ease

Senate called to order by the President.

Which was **PASSED**.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Reduce the Number of Full-time Legislative Staff Employees" H.P. 123 L.D. 168

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.

Off Record Remarks

The President appointed the Senator from York, Senator **DUTREMBLE**, to serve as President Pro Tem.

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **ESTES** of York, **ADJOURNED** in memory of Representative Frank R. Kauffman, of Kittery, until Tuesday, February 5, 1991, at 4:00 in the afternoon.