

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
Wednesday
February 6, 1991

Senate called to Order by the President Pro Tem,
Dennis L. Dutremble of York.

Prayer by the Honorable Pamela L. Cahill of Sagadahoc.

SENATOR PAMELA L. CAHILL: This prayer was originally offered by Cardinal Cushing. Dear God, help us be good sports in this game of life. We don't ask for an easy place in the lineup. Put us anywhere You need. We only ask that we can give You 100% of everything we have. If all the hard drives seem to come our way, thank You for the compliment. Help us remember that You never send players more trouble than they can handle.

And help us, Lord, to accept the bad breaks as part of the game. May we always play on the square, no matter what the others do. Help us study the Book so we'll know the rules.

Finally, God, if the natural turn of events goes against us and we're benched for sickness or old age, help us to accept that as part of the game, too. Keep us from whimpering that we were framed, or that we got a raw deal. And when we finish the final inning, we ask for no laurels. All we want is to believe in our hearts we played as well as we could, and that we didn't let You down. Amen.

Reading of the Journal of Tuesday, February 5, 1991.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Extend the Right to Purchase Service Credits to State Employees Who Had Military Service in Grenada or Panama"

H.P. 212 L.D. 303

Comes from the House referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**.

Which was referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Amend the Laws Pertaining to Horsemen's Purse Accounts and Racetrack Improvements"
H.P. 246 L.D. 337

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 Amend Qualifying Standards Applicable to Reinsurance Transactions"
H.P. 255 L.D. 346

Bill "An Act to Amend Certain Provisions of the Laws Relating to Health Insurance"
H.P. 257 L.D. 348

Bill "An Act to Require Insurance Coverage for Reconstructive Breast Surgery for Women Who Have Had Mastectomies"
H.P. 230 L.D. 321

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 to Prohibit Telephone Solicitation in Maine"
H.P. 231 L.D. 322

Bill "An Act to Amend the Laws Pertaining to Car Dealerships"
H.P. 247 L.D. 338

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

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

Bill "An Act to Develop Additional Resources for Juvenile Corrections Clients"
H.P. 242 L.D. 333

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 Increase the Minimum Age to Enter School"

H.P. 215 L.D. 306

Bill "An Act to Enhance the Effectiveness of the Quality Incentive Adjustment Allocation"

H.P. 195 L.D. 286

Bill "An Act to Amend the Student Incentive Scholarship Program"

H.P. 200 L.D. 291

Bill "An Act to Allow Spouses of School Board Members to Work for the Same School District"

H.P. 235 L.D. 326

Bill "An Act to Revise the Composition of the Board of Trustees of the University of Maine System"

H.P. 251 L.D. 342

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 Certain Definitions in the Laws Governing Solid Waste"

H.P. 204 L.D. 295

Bill "An Act to Allow Persons with Medical Problems to Purchase Beverages in Aseptic Containers" (Emergency)

H.P. 205 L.D. 296

Bill "An Act Regarding Clear-cutting of Wood"

H.P. 211 L.D. 302

Bill "An Act to Discourage the Improper Disposal of Tires"

H.P. 240 L.D. 331

Bill "An Act to Amend the Subdivision Laws within the Jurisdiction of the Maine Land Use Regulation Commission"

H.P. 244 L.D. 335

Bill "An Act Concerning Commercial Landfill Facilities"

H.P. 249 L.D. 340

Bill "An Act to Facilitate Municipal Road Reconstruction"

H.P. 252 L.D. 343

Come 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 Provide Funding for Certain Dual Diagnosis Treatment Services"

H.P. 197 L.D. 288

Bill "An Act Concerning Postsecondary Student Immunization Requirements"

H.P. 198 L.D. 289

Bill "An Act to Repeal the Law Relating to Monosodium Glutamate"

H.P. 220 L.D. 311

Bill "An Act to Facilitate the Participation of Community Hospitals in the Development of Mental Health Services"

H.P. 223 L.D. 314

Bill "An Act to Facilitate Physician Access to Ambulatory Surgical Facilities"

H.P. 233 L.D. 324

Bill "An Act to Increase Funding to Programs Dealing with Domestic Violence"

H.P. 239 L.D. 330

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

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

Bill "An Act to Amend the Domestic Relations Law"

H.P. 194 L.D. 285

Bill "An Act to Amend the Law Concerning the Court Appointed Special Advocate Advisory Panel"

H.P. 196 L.D. 287

Bill "An Act to Increase Public Awareness of the Availability of Living Wills"

H.P. 201 L.D. 292

Bill "An Act Regarding District Court Location"
H.P. 207 L.D. 298

Bill "An Act Regarding the Filing of a Uniform
Traffic Ticket and Complaint by Law Enforcement
Officers"
H.P. 208 L.D. 299

Bill "An Act to Promote the Emotional Health of
Children During Periods of Stress"
H.P. 210 L.D. 301

Bill "An Act Concerning the Role of Guardians Ad
Litem and Other Children's Advocates"
H.P. 226 L.D. 317

Bill "An Act to Ensure Proper Funding for County
Jails"
H.P. 227 L.D. 318

(See Action Later Today)

Bill "An Act to Permit Jury Duty Exemptions for
Primary Caregivers of Children Under the Age of 15"
H.P. 229 L.D. 320

Bill "An Act to Modify Joint and Several
Liability in Medical Malpractice Actions"
H.P. 243 L.D. 334

Bill "An Act to Establish a Limit on Noneconomic
Damages in Medical Liability Actions"
H.P. 253 L.D. 344

Bill "An Act Relating to Surrogate Parenting"
H.P. 254 L.D. 345

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 Ensure the Equitable Payment of
Costs Associated with Unemployment Compensation
during a Strike"
H.P. 209 L.D. 300

Bill "An Act to Clarify the Definition of
"Average Weekly Wages, Earnings or Salary" in the
Workers' Compensation Act"
H.P. 217 L.D. 308

Bill "An Act to Protect the Public from Unsafe
Industrial and Commercial Facilities"
H.P. 258 L.D. 349

Bill "An Act Concerning Teacher Collective
Bargaining Agreements"
H.P. 259 L.D. 350

Bill "An Act to Regulate Employee Dismissals"
H.P. 260 L.D. 351

Come 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 Establish September Primary
Elections"
H.P. 219 L.D. 310

Bill "An Act to Amend the Election Laws Dealing
with Local Elections"
H.P. 224 L.D. 315

Bill "An Act to Authorize Law Enforcement
Officers of the University of Maine System to Enforce
Municipal Parking Ordinances"
H.P. 236 L.D. 327

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

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

Bill "An Act to Conform Seasonal Restrictions on
Mussel Dragging to Those Governing Scallop
Harvesting"
H.P. 225 L.D. 316

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 Improve Transportation Energy
Efficiency"
H.P. 203 L.D. 294

Bill "An Act to Clarify the Powers and Duties of
the Department of Administration, through the Bureau
of Purchases"
H.P. 221 L.D. 312

Bill "An Act to Establish Notary Renewal Fees"
H.P. 222 L.D. 313

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

Bill "An Act to Ensure That Towns Do Not Have to
Pay for Ambulance or Emergency Vehicle Responses on
Controlled Access Highways within Their Town Lines"
H.P. 232 L.D. 323

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

RESOLUTION, Proposing an Amendment to the
Constitution of Maine to Provide for 4-year Terms for
Senators and Members of the House of Representatives
H.P. 256 L.D. 347

Bill "An Act to Increase Eligibility for the
Elderly Low-cost Drug Program"
H.P. 214 L.D. 305

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

Committee on **HUMAN RESOURCES** suggested and
ORDERED PRINTED.

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

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

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

Bill "An Act to Place the Deferred Compensation
Plan Under the Direction of the Maine State
Retirement System"
H.P. 202 L.D. 293

Bill "An Act Concerning the Requirement of
Notification of Municipal Tax Liens to Mortgagees of
Record"
H.P. 241 L.D. 332

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

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

On motion by Senator **CLARK** of Cumberland,
referred to the Committee on **AGING, RETIREMENT AND**
VETERANS and ORDERED PRINTED in NON-CONCURRENCE.

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

(See Action Later Today)

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

Bill "An Act to Require Registration of Temporary
Renters of Retail Space"
H.P. 228 L.D. 319

Bill "An Act to Promote Traffic Safety by
Requiring Traffic-hindering Vehicles to Yield"
H.P. 213 L.D. 304

Bill "An Act to Ensure the Full Benefit of
Veterans' Property Tax Exemptions"
H.P. 234 L.D. 325

Bill "An Act to Require Seat Belts in School
Buses"
H.P. 199 L.D. 290

Bill "An Act to Exempt Heating Fuel Storage
Structures from Property Tax"
H.P. 237 L.D. 328

Bill "An Act to Amend the School Bus Inspection
Laws"
H.P. 216 L.D. 307

Bill "An Act to Create a Local Option Sales Tax"
H.P. 245 L.D. 336

Bill "An Act Regarding Truck Weights for Sand and
Gravel Hauling"
H.P. 218 L.D. 309

Bill "An Act to Increase the Sales Tax"
(Emergency)
H.P. 250 L.D. 341

Bill "An Act to Provide Greater Safety for School Children Crossing Public Ways" H.P. 238 L.D. 329

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.

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby it **REFERRED** to the Committee on **AGING, RETIREMENT AND VETERANS**:

Bill "An Act to Place the Deferred Compensation Plan Under the Direction of the Maine State Retirement System" H.P. 202 L.D. 293

On further motion by same Senator, referred to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

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

Bill "An Act to Ensure Proper Funding for County Jails" H.P. 227 L.D. 318

On further motion by same Senator, referred to the Joint Select Committee on **CORRECTIONS** in **NON-CONCURRENCE**.

Sent down for concurrence.

COMMUNICATIONS

The Following Communication:

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

February 1, 1991

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

Dear President Pray:

Pursuant to Chapter 875 of the Public Laws of 1990, I am submitting to the Standing Committee on Appropriations and Financial Affairs a report on funding alternatives for the reconstruction of Churchill Dam in the Allagash Wilderness Waterway. I am pleased to transmit a copy of the report to you.

Sincerely,
S/Herb Hartman
Director

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

The Following Communication:

**DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF INSURANCE
STATE HOUSE STATION 34
AUGUSTA, MAINE 04333**

February 1, 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 final report of the Health Insurance Continuity Task Force.

Sincerely yours,
S/Joseph A. Edwards
Superintendent

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

The Following Communication:

**MAINE STATE LEGISLATURE
SELECT COMMITTEE ON COMPREHENSIVE TAX REFORM
AUGUSTA, MAINE**

January 30, 1991

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

Dear President Pray:

In compliance with the new policy regarding distribution of Committee reports, the SELECT COMMITTEE ON COMPREHENSIVE TAX REFORM hereby submits a summary listing of its recommendations. Should you have any questions or concerns, please contact any member of the Committee, especially the following Legislative members:

- Senator John E. Baldacci, Chair
- Rep. Guy R. Nadeau, Vice-chair
- Sen. Stephen C. Estes
- Rep. Walter E. Whitcomb
- Rep. Clyde A. Hichborn

Copies of the complete report are available in the Law Library for further research of reference.

Sincerely,

S/John E. Baldacci
Committee Chair

S/Rep. Guy R. Nadeau
Committee Vice-Chair

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

SENATE PAPERS

Bill "An Act to Increase the Funding Level for Congregate Housing"

S.P. 167 L.D. 379

Presented by Senator **MCCORMICK** of Kennebec
Cosponsored by Representative **AULT** of Wayne,
Representative **KILKELLY** of Wiscasset and
Representative **NORTON** of Winthrop

Committee on **AGING, RETIREMENT AND VETERANS** suggested and **ORDERED PRINTED.**

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

Sent down for concurrence.

Bill "An Act to Authorize the State, Counties and Municipalities to Buy Employee-deferred Compensation Plans from Financial Institutions"

S.P. 164 L.D. 376

Presented by Senator **BRANNIGAN** of Cumberland
Cosponsored by Representative **RYDELL** of Brunswick, Representative **GARLAND** of Bangor and Senator **BRAWN** of Knox

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

Sent down for concurrence.

Bill "An Act Related to Licensing Requirements for Landscape Architects"

S.P. 162 L.D. 374

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **ERWIN** of Rumford, Representative **TRACY** of Rome and Senator **BALDACC** of Penobscot

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

Sent down for concurrence.

Bill "An Act to Prevent Ongoing Erosion Damage to the Environment by Allowing Preventative Repair"

S.P. 161 L.D. 373

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Representative **JACQUES** of Waterville, Representative **SIMPSON** of Casco and Representative **LORD** of Waterboro

Bill "An Act Relating to Solid Waste Management"

S.P. 165 L.D. 377

Presented by Senator **KANY** of Kennebec
Cosponsored by Representative **SIMPSON** of Casco, Representative **TREAT** of Gardiner and Senator **TITCOMB** of Cumberland

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

Sent down for concurrence.

Bill "An Act to Prohibit the Use of All-terrain Vehicles in State Parks"

S.P. 166 L.D. 378

Presented by Senator **MILLS** of Oxford
Cosponsored by Representative **HEESCHEN** of Wilton, Representative **AULT** of Wayne and Representative **MITCHELL** of Freeport

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

Sent down for concurrence.

Bill "An Act to Establish a Crisis Intervention System for Children and Families" (Emergency)
S.P. 163 L.D. 375

Presented by Senator **BRANNIGAN** of Cumberland
Cosponsored by Representative **CARROLL** of Gray,
Senator **CLARK** of Cumberland and Senator **GILL** of
Cumberland

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

Sent down for concurrence.

Bill "An Act to Amend the Appointment Process for the Panel of Mediators"
S.P. 168 L.D. 380

Presented by Senator **GILL** of Cumberland
Cosponsored by Senator **ESTY** of Cumberland,
Representative **HASTINGS** of Fryeburg and
Representative **RUHLIN** of Brewer
Submitted by the Department of Labor pursuant to
Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Provide Advocacy for Children Involved with Abuse Investigations"
S.P. 148 L.D. 360

Tabled - February 5, 1991, by Senator **CLARK** of Cumberland

Pending - **REFERENCE**

(Committee on **HUMAN RESOURCES** suggested and **ORDERED PRINTED**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **REFERENCE**.

Senate at Ease

Senate called to order by the President Pro Tem.

Off Record Remarks

On motion by Senator **KANY** of Kennebec, **ADJOURNED** until Thursday, February 7, 1991, at 11:00 in the morning.

**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 Enhance Medical and Social Services for Maine's Long-term Care Consumers"
S.P. 169 L.D. 403

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

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

The Bill referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

Sent down for concurrence.

ORDERS OF THE DAY

The President Pro Tem laid before the Senate the Tabled and Specially Assigned matter: