

# 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  
February 7, 1991

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

Prayer by the Reverend Bruce Felt of the Augusta  
Baptist Church.

REVEREND BRUCE FELT: Let us pray. Our Father in  
Heaven, we recognize You as our Creator, and as the  
God who does His will in heaven and on earth. Today,  
we pray for our troubled war torn world. Give its  
leaders the desire, wisdom, and skill to stop this  
present conflict. Give Service men and women, and  
their loved ones, personal peace and security in  
knowing that You love and care for them. We ask that  
our Senators will this day have the right prospective  
on the work before them, and the ability to provide  
solutions to the economic situations in which people  
suffer in our State of Maine. Guide their thoughts  
and the work of their hands today. We pray in the  
name of our Redeemer, the Lord Jesus Christ. Amen.

Reading of the Journal of Wednesday, February 6, 1991.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Increase the Period of Suspension  
for Persons Convicted of Operating under the  
Influence"

S.P. 156 L.D. 368

In Senate, February 5, 1991, referred to the  
Committee on JUDICIARY and ORDERED PRINTED.

Comes from the House referred to the Committee on  
LEGAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Prohibit Coerced and Connected  
Sales in Insurance"

H.P. 273 L.D. 393

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 to Establish the State of Maine  
Credit Card"

H.P. 248 L.D. 339

Committee on TAXATION 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 to Amend the Charitable  
Solicitations Act"

H.P. 274 L.D. 394

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 Concerning Transferral of Cumulative  
Grade Point Averages of University of Maine System  
Students"

H.P. 266 L.D. 386

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 Concerning the Board of  
Environmental Protection" (Emergency)

H.P. 265 L.D. 385

Bill "An Act to Amend the Site Location of  
Development Laws"

H.P. 269 L.D. 389

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.

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Bill "An Act Giving Preference for Antlerless Deer Permits to Property Owners that Allow Hunting on their Lands"

H.P. 272 L.D. 392

Comes from the House referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

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

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Bill "An Act to Promote Affordable Housing and Comprehensive Planning"

H.P. 206 L.D. 297

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

Comes from the House referred to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Which was referred to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Provide Mental Health Services to the Elderly"

H.P. 261 L.D. 381

Bill "An Act to Increase the Availability of Funding for Health Care"

H.P. 281 L.D. 401

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.

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Bill "An Act to Allow a Limit on Fees for Service of Disclosure Subpoenas"

H.P. 262 L.D. 382

Bill "An Act Regarding Judgment Notices in Small Claims Proceedings"

H.P. 263 L.D. 383

Bill "An Act to Amend the Juvenile Code Regarding Detention in Homicide Cases"

H.P. 264 L.D. 384

Bill "An Act to Provide Payment of Restitution to the Offices of the District Attorneys"

H.P. 268 L.D. 388

Bill "An Act to Clarify Ownership of Public Ways"

H.P. 275 L.D. 395

Bill "An Act to Establish a Victims' Bill of Rights"

H.P. 276 L.D. 396

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.

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Bill "An Act to Amend Employment Practices Regarding Employee Personnel Files"

H.P. 267 L.D. 387

Bill "An Act to Amend Child Labor Laws"

H.P. 277 L.D. 397

Bill "An Act to Effect Cost Savings and Ensure Worker Safety by Implementing Sexual Harassment Education and Training in the Workplace"

H.P. 279 L.D. 399

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.

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Bill "An Act to Restructure Environmental Tax Credits"

H.P. 278 L.D. 398

Bill "An Act to Balance the State Budget by Raising Additional Revenue" (Emergency)

H.P. 280 L.D. 400

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 Prohibit the Installation of Electric Heating Systems"

H.P. 271 L.D. 391

Comes 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.

**Pursuant to Public Law  
COMMISSION TO STUDY  
THE HARNESS RACING INDUSTRY**

The **COMMISSION TO STUDY THE HARNESS RACING INDUSTRY**, pursuant to Public Law 1989, Chapter 787, ask leave to submit its findings and to report that the accompanying Bill "An Act to Revise the Harness Racing Laws"

H.P. 282 L.D. 402

Be referred to the Joint Standing Committee on **AGRICULTURE** 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 **AGRICULTURE** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

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

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

**COMMUNICATIONS**

The Following Communication:

**STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS**

February 5, 1991

The Honorable Charles P. Pray  
President of the Senate  
115th Maine State Legislature  
State House Station #3  
Augusta, Maine 04333

Dear President Pray:

Please find attached the final report of the Joint Standing Committee on Appropriations and Financial Affairs studying Federal and Other Special Revenue Funds in Maine State Government. Legislation to implement our statutory recommendations has been submitted to the Revisor of Statutes.

We have also submitted a two-page summary of our recommendations for the review of all legislators.

We would be pleased to answer any questions you may have regarding our recommendations.

Respectfully submitted,

S/Michael D. Pearson  
Senate Chair

S/Lorraine N. Chonko  
House Chair

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

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON STATE & LOCAL GOVERNMENT**

February 6, 1991

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on State & Local Government has had under consideration the nomination of Lai Orenduff of Farmington, for appointment as the Chair of the Cultural Affairs Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2  
Representatives 8

NAYS: 0

ABSENT: 3 Sen. Emerson of Penobscot, Rep. Larrivee of Gorham, Rep. Look of Jonesboro

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Lai Orenduff of Farmington, for appointment as the Chair of the Cultural Affairs Council be confirmed.

Sincerely,

S/Senator Georgette B. Berube Senate Chair  
S/Rep. Ruth Joseph House Chair

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

On motion by Senator **CLARK** of Cumberland, the Nomination Tabled 1 Legislative Day, pending **CONSIDERATION**.

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**SENATE PAPERS**

Bill "An Act to Prohibit Commercial Hazardous Waste Disposal Facilities" (Emergency)  
S.P. 173 L.D. 428

Presented by Senator **KANY** of Kennebec  
Cosponsored by Representative **JACQUES** of Waterville, Representative **TRACY** of Rome and Senator **TITCOMB** of Cumberland

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

Sent down for concurrence.

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Bill "An Act to Require Local Development Corporations to Hold Open Meetings"  
S.P. 170 L.D. 425

Presented by Senator **BUSTIN** of Kennebec  
Cosponsored by Representative **MELENDY** of Rockland

Which was referred to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

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Bill "An Act Relating to Discrimination in Membership in Golf and Country Clubs"  
S.P. 172 L.D. 427

Presented by Senator **GAUVREAU** of Androscoggin  
Cosponsored by Senator **CLARK** of Cumberland, Representative **TREAT** of Gardiner and Representative **KETTERER** of Madison

Bill "An Act to Prevent Discrimination"  
S.P. 175 L.D. 430

Presented by Senator **CONLEY** of Cumberland  
Cosponsored by Representative **STEVENS** of Bangor, Senator **GILL** of Cumberland and Representative **O'GARA** of Westbrook

Bill "An Act Regarding Harassment by Telephone"  
S.P. 176 L.D. 431

Presented by Senator **ESTES** of York  
Cosponsored by Representative **ADAMS** of Portland, Senator **CARPENTER** of York and Representative **CARLETON** of Wells

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

Sent down for concurrence.

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Bill "An Act to Amend the Definition of Aquaculture"  
S.P. 178 L.D. 433

Presented by Senator **FOSTER** of Hancock  
Cosponsored by Senator **ESTES** of York, Representative **TOWNSEND** of Eastport and Representative **HEINO** of Boothbay

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

Sent down for concurrence.

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Bill "An Act Requiring Property Tax Bills to Indicate the Fiscal Year of the Municipality for Which the Tax Applies"  
S.P. 174 L.D. 429

Presented by Senator **KANY** of Kennebec  
Cosponsored by Representative **NADEAU** of Saco, Representative **POULIN** of Oakland and Representative **DORE** of Auburn

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

Sent down for concurrence.

Resolve, to Increase the State's Funding Share for the Augusta Capitol Street and Armory Street Project

S.P. 177 L.D. 432

Presented by Senator **BUSTIN** of Kennebec  
Cosponsored by Representative **PARADIS** of Augusta,  
Representative **DAGGETT** of Augusta and Senator  
**THERIAULT** of Aroostook

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

Sent down for concurrence.

Bill "An Act to Regulate Water Utility Contingency Reserve Funds"

S.P. 171 L.D. 426

Presented by Senator **VOSE** of Washington  
Cosponsored by Senator **CARPENTER** of York,  
Representative **CLARK** of Millinocket and  
Representative **MORRISON** of Bangor

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

Sent down for concurrence.

#### ORDERS OF THE DAY

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

Bill "An Act to Provide Advocacy for Children Involved with Abuse Investigations"

S.P. 148 L.D. 360

Tabled - February 6, 1991, by Senator **CLARK** of Cumberland

Pending - **REFERENCE**

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

Which was **REFERRED** to the Committee on **HUMAN RESOURCES**.

Sent down for concurrence.

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

Senator **WEBSTER** of Franklin 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.

Senate at Ease

Senate called to order by the President Pro Tem.

Off Record Remarks

On motion by Senator **MATTHEWS** of Kennebec, **ADJOURNED** until Friday, February 8, 1991, at 11:00 in the morning.