

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
February 11, 1991

Senate called to Order by the President.

Prayer by the Honorable Margaret G. Ludwig of
Aroostook.

SENATOR MARGARET G. LUDWIG: I would like to lead into the prayer today by sharing some words written by the poet, Denise Levertov. Each day's terror, almost a form of boredom, madmen at the wheel and stepping on the gas and the brakes no good, and each day one, sometimes two, morning glories, faultless, blue, blue sometimes flecked with magenta, each lit from within with the first sunlight.

Dear Lord, help us to survive the madness of these stressful times. Grant us the ability to receive the morning glories as a symbol of hope, and may they inspire us to work together for a better tomorrow. Amen.

Reading of the Journal of Friday, February 8, 1991.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Extend Coverage to Veterans' Stepchildren for Educational Assistance"
H.P. 335 L.D. 465

Bill "An Act to Allow Retirement Credit for Service in Out-of-state Postsecondary Educational Institutions"
H.P. 337 L.D. 467

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

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

Bill "An Act Setting Up the Office of Farmland Development Rights"
H.P. 339 L.D. 469

Come 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 Regulate Welding"
H.P. 356 L.D. 486

Come 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.

Resolve, Directing the Department of Corrections to Develop a Plan for the Employment of Correctional Facility Inmates
H.P. 336 L.D. 466

Come 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 Partially Fund Extraordinary Costs of Education in Island Communities"
H.P. 331 L.D. 461

Bill "An Act to Amend the Composition of the Board of Trustees of the Maine Technical College System"
H.P. 354 L.D. 484

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 Extend the Eligibility Period for Reimbursement of Municipalities for Landfill Closure"
H.P. 324 L.D. 454

Bill "An Act to Allow Horseback Riding in State Parks During the Off-season"
H.P. 330 L.D. 460

Resolve, to Establish a Maximum Water Level for Sebago Lake
H.P. 349 L.D. 479

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 Ensure That Wildlife Rehabilitators Are Reimbursed for Actual Costs"
H.P. 345 L.D. 475

Bill "An Act to Provide for Safer Hunting of Deer During the Firearms Season"
H.P. 347 L.D. 477

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

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

Bill "An Act to Repeal the Job Opportunity Zones Act"
H.P. 325 L.D. 455

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.

Bill "An Act to Exempt Substance Abuse and Psychiatric Patients from the Prohibition against Smoking in Hospitals"
H.P. 333 L.D. 463

Bill "An Act to Suspend Administratively Certain Licenses Granted by the Department of Human Services"
H.P. 348 L.D. 478

Bill "An Act to Improve Community Services to People with Mental Illness"
H.P. 351 L.D. 481

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 Protect Volunteers from Liability"
H.P. 340 L.D. 470

Bill "An Act to Amend the Maine Human Rights Act to Prohibit Educational Discrimination on the Basis of Race"
H.P. 341 L.D. 471

Bill "An Act to Quiet Title to Unused Ancient Rights-of-way"
H.P. 342 L.D. 472

Bill "An Act Concerning Destruction of Certain Court Records in Real Estate Matters"
H.P. 355 L.D. 485

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 Regulate the Working Hours of Minors"
H.P. 326 L.D. 456

Bill "An Act to Protect Retail Sales Employees"
H.P. 352 L.D. 482

Bill "An Act to Encourage Prompt Resolution of Workers' Compensation Cases"
H.P. 270 L.D. 390

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.

Off Record Remarks

Bill "An Act to Require Labeling of Maine Finfish Produced by Aquaculture"

H.P. 334 L.D. 464

Bill "An Act to Create the Aquaculture Leasing Board"

H.P. 344 L.D. 474

Bill "An Act Concerning the Lobster Harvesting License Fee for Persons 70 Years of Age or Older"

H.P. 346 L.D. 476

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

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

Bill "An Act to Require Legislators to File Their Own Travel Expenditures"

H.P. 332 L.D. 462

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 Relating to Income Taxation of Part-time Residents"

H.P. 323 L.D. 453

Bill "An Act to Require that Payment of Owed Taxes be First Applied to Penalty and Interest Due"

H.P. 329 L.D. 459

Bill "An Act to Provide a Sales Tax Exemption for Sales by Volunteer Fire Department Auxiliaries"

H.P. 343 L.D. 473

Bill "An Act Permitting Abatement of Property Tax under Catastrophic Circumstances"

H.P. 350 L.D. 480

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 Amend the Law Regarding Traffic Approaching a School Bus"

H.P. 327 L.D. 457

Bill "An Act to Require Out-of-state Recreational Vehicles to Purchase a Fuel Use Decal"

H.P. 338 L.D. 468

Bill "An Act to Decrease the Speed Limit to 55 Miles Per Hour"

H.P. 353 L.D. 483

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 to Provide Funds to the Maine Rural Water Association for Services to Water and Wastewater Systems" (Emergency)

H.P. 328 L.D. 458

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.

COMMUNICATIONS

The Following Communication:

**DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333**

February 5, 1991

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

Honorable John L. Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333

Gentlemen:

It is my privilege to present herewith the second annual report on the status of enhanced 9-1-1 emergency telephone service.

Many challenges lie ahead as the establishment of a statewide E-911 system in a large rural state requires the resolution of a series of special problems. Nevertheless, given the commitment of the E-911 Advisory Committee, your support and that of public safety agencies, I believe we will succeed.

Respectfully submitted,

S/John R. Atwood
Commissioner

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

The Following Communication:

115TH MAINE LEGISLATURE

February 7, 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 24-A M.R.S.A., Section 6072, and under Chapter 588 of the Public Laws of 1989, we have today reappointed Rep. Charlene B. Rydell, of Brunswick, to serve on the Special Select Commission on Access to Health Care and the Maine Health Care Program Advisory Committee, respectively.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

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

SENATE PAPERS

Bill "An Act Providing for Low-income Student Adjustment in Education Funding"
S.P. 190 L.D. 499

Presented by Senator **ESTES** of York
Cosponsored by Representative **OLIVER** of Portland
and Representative **HANDY** of Lewiston

Bill "An Act to Provide Funding for Asbestos Treatment, Underground Tank Removal and Replacement, Roof Repair and Other Costs Associated with Federal Mandates"

S.P. 191 L.D. 500

Presented by Senator **ESTES** of York
Cosponsored by Representative **NORTON** of Winthrop
and Representative **CROWLEY** of Stockton Springs

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

Resolve, to Study Public Access to Maine Lands (Emergency)

S.P. 198 L.D. 507

Presented by Senator **KANY** of Kennebec
Cosponsored by President **PRAY** of Penobscot

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

Sent down for concurrence.

Bill "An Act Concerning the Establishment of a Coal-fired Plant for Electrical Energy Production"

S.P. 199 L.D. 508

Presented by Senator **GOULD** of Waldo
Cosponsored by Representative **SWAZEY** of Bucksport

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

On motion by Senator **DUTREMBLE** of York, referred to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

Bill "An Act Related to Workers' Compensation Evaluations"

S.P. 194 L.D. 503

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **FARNSWORTH** of Hallowell, Senator **DUTREMBLE** of York and Representative **RAND** of Portland

Bill "An Act Concerning Illegally Employed Minors and Workers' Compensation"

S.P. 200 L.D. 509

Presented by Senator **ESTY** of Cumberland
Cosponsored by Senator **BUSTIN** of Kennebec

Bill "An Act to Retain Workers' Compensation Appeals to Correct Manifest Error or Injustice" (Emergency)

S.P. 201 L.D. 510

Presented by Senator **ESTY** of Cumberland
Cosponsored by Senator **CONLEY** of Cumberland

Bill "An Act to Ensure Safety in the Workplace"

S.P. 202 L.D. 511

Presented by Senator **MILLS** of Oxford
Cosponsored by Representative **PINEAU** of Jay, Senator **ESTY** of Cumberland and Representative **RAND** of Portland

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

Sent down for concurrence.

Bill "An Act Amending the Primary Election Law Requiring a Minimum Number of Votes"

S.P. 197 L.D. 506

Presented by Senator **COLLINS** of Aroostook
Cosponsored by Senator **THERIAULT** of Aroostook

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

Sent down for concurrence.

Bill "An Act Relating to Alcohol Licenses for Golf Clubs"

S.P. 195 L.D. 504

Presented by Senator **GAUVREAU** of Androscoggin
Cosponsored by Senator **CLARK** of Cumberland, Representative **STEVENS** of Bangor and Representative **LAWRENCE** of Kittery

Committee on **LEGAL AFFAIRS** suggested and **ORDERED PRINTED**.

On motion by Senator **GAUVREAU** of Androscoggin, Tabled until Later in Today's Session, pending **REFERENCE**.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Lower the Minimum Age Requirement for Senators and Members of the House of Representatives

S.P. 193 L.D. 502

Presented by Senator **BRAWN** of Knox
Cosponsored by Representative **DONNELLY** of Presque Isle and Representative **BENNETT** of Norway

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

Sent down for concurrence.

Bill "An Act to Exempt from Income Tax Certain Income of Persons Who Fish Commercially"

S.P. 192 L.D. 501

Presented by Senator **HOLLOWAY** of Lincoln
Cosponsored by Representative **MAYO** of Thomaston and Representative **DIPIETRO** of South Portland

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

Sent down for concurrence.

Bill "An Act to Modify Weight Limits for Farm Trucks"

S.P. 189 L.D. 498

Presented by Senator **THERIAULT** of Aroostook
Cosponsored by Representative **MARTIN** of Van Buren, Representative **PINES** of Limestone and Senator **COLLINS** of Aroostook

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

Sent down for concurrence.

Bill "An Act to Encourage Electric Utility Efficiency and Economical Electric Rates"

S.P. 196 L.D. 505

Presented by Senator **VOSE** of Washington
Cosponsored by Senator **CARPENTER** of York and Representative **AIKMAN** of Poland

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

Sent down for concurrence.

COMMITTEE REPORTS

Senate

Leave to Withdraw

The following **Leave to Withdraw** Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Senator **GOULD** for the Committee on **MARINE RESOURCES** on Bill "An Act to Revise the Lobster Measure" (Emergency)
S.P. 20 L.D. 9

Senator **KANY** for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Require Proof of Insurance to Register a Motor Vehicle"
S.P. 30 L.D. 40

Off Record Remarks

Senate at Ease

Senate called to order by the President.

On motion by Senator **CONLEY** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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.

On motion by Senator **THERIAULT** of Aroostook, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House As Amended

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 and to Change Certain Provisions of the Law" (Emergency)

H.P. 192 L.D. 274
(S "A" S-8; S "B" S-9; S "C" S-10 to H "D" H-14 & S "A" S-11; S "C" S-15 to H "F" H-16 & H "A" H-11 & H "B" H-12 & H "C" H-13)

Which was **READ A SECOND TIME.**

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **PASSAGE TO BE ENGROSSED, AS AMENDED** in **NON-CONCURRENCE.**

ORDERS OF THE DAY

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

NOMINATION - of Lai Orenduff of Farmington for appointment as the Chair of the Cultural Affairs Council

Tabled - February 8, 1991, by Senator **CLARK** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 7, 1991, Communication from the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ORDERED PLACED ON FILE.**)

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

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act Relating to Alcohol Licenses for Golf Clubs"

S.P. 195 L.D. 504

Tabled - February 11, 1991, by Senator **GAUVREAU** of Androscoggin.

Pending - **REFERENCE**

Committee on **LEGAL AFFAIRS** suggested and **ORDERED PRINTED.**

Which was **REFERRED** to **LEGAL AFFAIRS** and **ORDERED PRINTED.**

Sent down for concurrence.

On motion by Senator **MCCORMICK** of Kennebec, **ADJOURNED** until Tuesday, February 12, 1991, at 10:00 in the morning.