

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 14, 1991

Senate called to Order by the President.

Prayer by The Honorable John J. Cleveland of Androscoggin.

SENATOR JOHN J. CLEVELAND: Dear Lord, grant us the courage to change what can be changed, the serenity to accept what cannot be changed, and the wisdom to know one from the other. Amen.

Reading of the Journal of Wednesday, February 13, 1991.

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

ORDERS

Joint Orders

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

S.P. 244

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is need to conduct legislative business.

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

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

On motion by Senator **BUSTIN** of Kennebec the following Joint Order:

S.P. 243

ORDERED, the House concurring, that a Joint Select Committee on Families is established. The select committee consists of 3 members from the Senate, to be appointed by the President of the Senate and 10 members from the House of Representatives, to be appointed by the Speaker of the House of Representatives. Of these members, 2

must also serve on the Joint Standing Committee on Appropriations and Financial Affairs; 2 must also serve on the Joint Standing Committee on Education; 2 must also serve on the Joint Standing Committee on Human Resources; 2 must also serve on the Joint Select Committee on Corrections; and 2 must also serve on the Joint Standing Committee on State and Local Government.

The select committee has jurisdiction over those matters pertaining to children and families. The select committee shall work with representatives of the Executive Department on developing and monitoring a plan to restructure and improve services to children and families. The committee shall receive and review information from interested parties and report to the Legislature its findings, recommendations and any appropriate legislation concerning services for the general welfare and safety of children and families of the State or any other matters that are referred to the committee.

Which was **READ**.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Fair Credit Reporting Laws"

S.P. 203 L.D. 530

In Senate, February 12, 1991, referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act Prohibiting the Driving or Parking of Vehicles on Ice-covered Bodies of Water"

S.P. 216 L.D. 543

In Senate, February 12, 1991, referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

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

The Senate **RECEDED** and **CONCURRED**.

Non-concurrent Matter

Bill "An Act to Clarify the Legislature's Intent Regarding Quitclaim Deeds"

S.P. 223 L.D. 550

In Senate, February 12, 1991, referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

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

The Senate **RECEDED** and **CONCURRED**.

House Papers

Bill "An Act to Provide Administrative Oversight of Organic Food Certification in Maine"

H.P. 422 L.D. 605

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 Authorize a General Fund Bond Issue in the Amount of \$50,000,000 for Land for Maine's Future"

H.P. 435 L.D. 618

Comes from the House referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

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

Bill "An Act Restricting the Use of the Names of Maine Banks on Credit Cards"

H.P. 408 L.D. 591

Bill "An Act to Amend Maine's Commercial Lines Cancellation Laws"

H.P. 427 L.D. 610

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 Regarding the Licensing of Nurses"

H.P. 436 L.D. 619

Bill "An Act to Improve the Regulatory Operations of the Board of Licensing of Auctioneers" (Emergency)

H.P. 440 L.D. 623

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 Amend the Laws Concerning Postgraduate Education in the Field of Medicine" (Emergency)

H.P. 430 L.D. 613

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 Amend the Exemption of Certain Divisions from the Definition of Subdivision"

H.P. 407 L.D. 590

Bill "An Act to Allow Coastal Towns and Cities to Dump Snow into Intertidal Waters" (Emergency)

H.P. 417 L.D. 600

Bill "An Act Relating to the Use of Material-separated, Refuse-derived Fuel" (Emergency)

H.P. 439 L.D. 622

Bill "An Act to Establish a Harbor Management Fund and Deal with Abandoned Watercraft"

H.P. 441 L.D. 624

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 Facilitate Economic Growth Compatible with the Maine Environment"
H.P. 434 L.D. 617

Committee on **HOUSING AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

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 Liability for Licenses, Permits or Registration Forms Lost by Agents of the Department of Inland Fisheries and Wildlife"
H.P. 428 L.D. 611

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.

Bill "An Act to Increase Support for Affordable Housing"
H.P. 404 L.D. 587

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 Appropriate Funds to the Aroostook Alcohol and Drug Abuse Council"
H.P. 409 L.D. 592

Bill "An Act to Continue Support for the Maine Hospice Council and to Change Certain Provisions of the Law Necessary to the Proper Operations of the Maine Hospice Council"
H.P. 412 L.D. 595

Bill "An Act Concerning Payment of Services for Mentally Disadvantaged Minors"
H.P. 415 L.D. 598

Bill "An Act to Amend the Laws Concerning Smoking in Restaurants"
H.P. 420 L.D. 603

Bill "An Act Concerning Deafness" (Emergency)
H.P. 426 L.D. 609

Bill "An Act to Require the State to Administer and Finance the General Assistance Program"
H.P. 437 L.D. 620

Bill "An Act Concerning the Administration of the General Assistance Program for Migrant Workers"
H.P. 438 L.D. 621

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 Establish a Crime and Penalty for Killing a Person While Hunting"
H.P. 406 L.D. 589

Bill "An Act to Improve the Collection of Data by the State Bureau of Identification"
H.P. 429 L.D. 612

Bill "An Act to Clarify Provisions Relating to Pharmacies"
H.P. 432 L.D. 615

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 Repeal the Student Minimum Wage"
H.P. 413 L.D. 596

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

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

Bill "An Act to Amend the Public Drinking Laws"
H.P. 405 L.D. 588

Bill "An Act Authorizing Sale of Liquor Outside of Exclusive Territory"
H.P. 410 L.D. 593

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 Share Proportionately the Public Safety Costs for the Capitol Area"
H.P. 411 L.D. 594

Bill "An Act to Provide for Local Control in the Selection of Artists and Writers for Funding"
H.P. 418 L.D. 601

(See Action Later Today)

Bill "An Act to Establish a Budget Advisory Committee in Oxford County"
H.P. 433 L.D. 616

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.

Senate at Ease

Senate called to order by the President.

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

Bill "An Act to Provide for Local Control in the Selection of Artists and Writers for Funding"
H.P. 418 L.D. 601

On further motion by same Senator, Tabled 1 Legislative Day, pending **REFERENCE**.

Bill "An Act to Redefine the Term "Committee" in the Maine Sunset Act"
H.P. 421 L.D. 604

Committee on **AUDIT AND PROGRAM REVIEW** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Raise the Property Tax Exemption for Churches"
H.P. 416 L.D. 599

Bill "An Act to Amend the Sales and Use Tax for Installations of Data Communications Equipment"
H.P. 419 L.D. 602

Bill "An Act to Permit Counties to Promote Economic Development and Property Tax Relief Through a Dedicated Local Tax on Meals and Lodging"
H.P. 431 L.D. 614

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 Requiring Motor Vehicle Operators to Furnish Their Date of Birth upon the Request of a Law Enforcement Officer"
H.P. 414 L.D. 597

Bill "An Act Regarding Amber Lights on Snowplows and Sanding Equipment"
H.P. 424 L.D. 607

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.

Joint Resolution

The Following Joint Resolution: H.P. 455

DEPARTMENT OF
ECONOMIC AND COMMUNITY DEVELOPMENT
STATE HOUSE STATION 59
AUGUSTA, MAINE 04333

February 7, 1991

**JOINT RESOLUTION SUPPORTING THE MEN AND WOMEN
OF OUR ARMED FORCES**

WHEREAS, the President of the United States, with the authorization of the Congress of the United States, has ordered military action against Iraq in an effort to force Iraqi armed forces from occupied Kuwait; and

WHEREAS, 415,000 men and women of the United States Armed Forces are now involved in armed conflict; and

WHEREAS, 158,000 members of the Reserves and National Guard, including many men and women from Maine, have been called to active duty since August 22, 1990 and may become involved in armed conflict; and

WHEREAS, the members of the Legislature and the people of Maine have the greatest pride in the men and women of the United States Armed Forces and support them in their efforts; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine now assembled in the First Regular Session support the swift resolution of this conflict, with a minimum of damage and loss of life; and be it further

RESOLVED: That we unequivocally support the men and women of our Armed Forces who are carrying out their missions with professional excellence, dedicated patriotism and exemplary bravery; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; to the Secretary of Defense; to the Honorable John R. McKernan, Jr., Governor of the State of Maine; and to Major General Ernest C. Park.

Comes from the House, under suspension of the Rules, **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ**.

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

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

Dear Senator Pray:

Pursuant to MRSA Title 5, Chapter 383, §13075, I hereby submit the Annual Report on the Economic Corridor Action Grant Program.

Sincerely,

S/Lynn Wachtel

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

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES**

February 11, 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 Energy and Natural Resources has had under consideration the nomination of Eugene L. Gendron, Jr. of South Portland, for reappointment to the Board of Environmental Protection.

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	9
NAYS:		0
ABSENT:	2 Rep. Simpson of Casco, Sen. Ludwig of Aroostook	

COMMUNICATIONS

The Following Communication:

Eleven 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 Eugene L. Gendron, Jr. of South Portland, for reappointment to the Board of Environmental Protection be confirmed.

Sincerely,

S/Sen. Bonnie L. Titcomb Senate Chair S/Rep. Paul F. Jacques House Chair

Which was READ and ORDERED PLACED ON FILE.

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

The Following Communication:

COMMITTEE ON STATE AND LOCAL GOVERNMENT ONE HUNDRED AND FIFTEENTH LEGISLATURE

February 13, 1991

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

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

Dear President Pray and Speaker Martin:

We are pleased to inform you that all county delegations to the 115th Legislature have organized with choice of chairpersons.

County delegation chairpersons are as follows:

- ANDROSCOGGIN Representative Constance Cote
AROOSTOOK Representative John L. Martin
CUMBERLAND Representative Donnell Carroll
FRANKLIN Representative Richard Tracy
HANCOCK Senator Ruth Foster
KENNEBEC Representative Paul F. Jacques
KNOX Representative Elmer Savage
LINCOLN Representative Marge Kilkelly
OXFORD Representative Phyllis Erwin
PENOBSCOT Representative Thomas Duffy
PISCATAQUIS Senator Charles Pray
SAGADAHOC Representative James Reed Coles
SOMERSET Representative Dorothy Rotondi
WALDO Senator Robert Gould
WASHINGTON Representative Theone Look
YORK Representative Charles Plourde

Sincerely,

S/Georgette B. Berube Senate Chair

S/Ruth Joseph House Chair

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Require Insurers to Provide Insurance Coverage for Newborn Hospital Care" S.P. 235 L.D. 626

Presented by Senator CAHILL of Sagadahoc

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

Sent down for concurrence.

Bill "An Act to Ease Municipal Solid Waste Costs" (Emergency) S.P. 240 L.D. 631

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

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

Sent down for concurrence.

Bill "An Act to Clarify the Role of Law Enforcement Officers in the Investigation of Medical Examiner Cases" S.P. 236 L.D. 627

Presented by Senator MILLS of Oxford Cosponsored by Representative PARADIS of Augusta, Senator GAUVREAU of Androscoggin and Representative MAYO of Thomaston Submitted by the Department of the Attorney General pursuant to Joint Rule 24.

Bill "An Act Requiring the Governor to Proclaim a Vacancy When a Candidate for Nomination to Legislative Office Fails to Receive the Minimum Required Votes" S.P. 238 L.D. 629

Presented by Senator GAUVREAU of Androscoggin Cosponsored by Representative MARTIN of Eagle Lake and Representative LARRIVEE of Gorham

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

Sent down for concurrence.

Bill "An Act to Require Establishments That Sell Alcohol to Post Health Messages Concerning the Misuse of Alcohol"

S.P. 234 L.D. 625

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **CLARK** of Brunswick,
Representative **PENDLETON** of Scarborough, Senator
CARPENTER of York and Senator **MATTHEWS** of Kennebec

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

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

Sent down for concurrence.

Bill "An Act to Ensure Community Participation in Substance Abuse Programs and Planning"

S.P. 237 L.D. 628

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **MARTIN** of Eagle Lake and Senator **BRANNIGAN** of Cumberland

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

Sent down for concurrence.

Bill "An Act to Provide a Sales Tax Exemption for Nonprofit Corporations Designed to Assist Handicapped Persons"

S.P. 239 L.D. 630

Presented by Senator **CONLEY** of Cumberland
Cosponsored by Representative **CASHMAN** of Old Town and Representative **MAHANY** of Easton

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

Sent down for concurrence.

COMMITTEE REPORTS

House

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:

From the Committee on **AGRICULTURE** Bill "An Act Authorizing Certified Breeders of Domestic Animals to Administer Rabies Vaccinations"

H.P. 61 L.D. 89

From the Committee on **AGRICULTURE** Bill "An Act to Facilitate the Reimbursement of Deposits on Pesticide Containers"

H.P. 83 L.D. 111

From the Committee on **TRANSPORTATION** Bill "An Act Concerning the Use of Headlights"

H.P. 92 L.D. 133

ORDERS OF THE DAY

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

Bill "An Act to Establish a Center for Nonprofit Development" (Emergency)

H.P. 357 L.D. 487

Tabled - February 13, 1991, by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

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

(In House, February 12, 1991, referred to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.)

(In Senate, February 13, 1991, referred to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**, in concurrence. Subsequently, **RECONSIDERED**.)

On motion by Senator **CLARK** of Cumberland, referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Bill "An Act to Amend the Spent Fuel and High-level Radioactive Waste Requirements"

H.P. 369 L.D. 523

Tabled - February 13, 1991, by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

(In House, February 12, 1991, referred to the Committee on **UTILITIES** and **ORDERED PRINTED.**)

On motion by Senator **CLEVELAND** of Androscoggin, referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

Sent down in concurrence.

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

Bill "An Act to Appropriate Funds for At-risk Youths and Families"

S.P. 225 L.D. 579

Tabled - February 13, 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** and **ORDERED PRINTED.**

Sent down for concurrence.

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

Bill "An Act to Provide the Legislature with Revenue Forecasting Capabilities" (Emergency)

S.P. 232 L.D. 586

Tabled - February 13, 1991, by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

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

On motion by Senator **CLARK** of Cumberland, referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED.**

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **BUSTIN** of Kennebec, **ADJOURNED** until the call of the President of the Senate and the Speaker of the House, respectively, when there is a need to conduct legislative business.