

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
Tuesday
February 19, 1991

Senate called to Order by the President.

Prayer by The Honorable Donald F. Collins of
Aroostook.

SENATOR DONALD F. COLLINS: O Lord, may we have
Thy mind and Thy spirit. Make us instruments of Thy
peace. Where there is hatred, let us so love. Where
injury, pardon. Where discord, union. Where doubt,
faith. Where despair, hope. Where darkness, light.
Where sadness, joy. Dear Lord, grant that we may not
so much seek to be consoled, as to console. To be
understood, as to understand. To be loved, as to
love. Amen.

Reading of the Journal of Thursday, February 14, 1991.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Relating to Eligibility for the
Elderly Low-cost Drug Program" S.P. 214 L.D. 541

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

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

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

House Papers

Bill "An Act to Authorize a General Fund Bond
Issue in the Amount of \$5,000,000 for the
Construction of Necessary Safe Drinking Water
Facilities"

H.P. 453 L.D. 643

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 to Clarify the Laws Relating to
Insurance Coverage for Mammograms" (Emergency)
H.P. 452 L.D. 642

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 Senior Citizens' Discount
When Using State Parks" H.P. 446 L.D. 636

Bill "An Act to Exempt Housing Developments of 6
Units or Less from the Natural Resource Protection
Laws in Certain Situations" H.P. 451 L.D. 641

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 Policies and
Procedures of the Driver Education Evaluation Program"
H.P. 425 L.D. 608

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

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

Bill "An Act to Provide for More Substantial Penalties for Assaults Against Certain Agents of the Department of Human Services"
H.P. 442 L.D. 632

Bill "An Act Regarding Proceedings of the Board of Overseers of the Bar"
H.P. 448 L.D. 638

Bill "An Act Concerning Disclosure of the Names of Criminal Suspects"
H.P. 449 L.D. 639

Bill "An Act to Require Convicted Felons to Contribute to the Cost of Rehabilitation Programs"
H.P. 454 L.D. 644

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 Limit Campaign Contributions to Candidates and Candidates' Political Committees"
H.P. 445 L.D. 635

Bill "An Act to Amend the Election Laws Relating to Ballot Counting"
H.P. 450 L.D. 640

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 Clarify Provisions Relating to the Bureau of Intergovernmental Drug Enforcement"
H.P. 423 L.D. 606

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

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 Relating to Violations Involving the Disregard of Red Flashing Lights on School Buses"
H.P. 443 L.D. 633

Bill "An Act to Exempt Municipal Vehicles from Overweight Penalties"
H.P. 444 L.D. 634

Bill "An Act Relating to the Restoration of Drivers' Licenses"
H.P. 447 L.D. 637

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.

COMMUNICATIONS

The Following Communication:

115TH MAINE LEGISLATURE

February 13, 1991

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to our authority under M.R.S.A. 24-A, section 6072, we have appointed Senator Judy C. Kany to the Special Select Commission on Access to Health Care.

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**.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333**

February 13, 1991

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under M.R.S.A. 3, Section 2-A, I have reappointed Philip Annis of Dover-Foxcroft to the State Compensation Commission.

Sincerely,

S/Charles P. Pray
President of the Senate

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

SENATE PAPERS

Bill "An Act to Provide for the Recovery of Overpayments by the Maine State Retirement System"
S.P. 242 L.D. 646

Presented by Senator **CLARK** of Cumberland
Cosponsored by Senator **EMERSON** of Penobscot,
Representative **HEINO** of Boothbay and
Representative **DUTREMBLE** of Biddeford

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

Sent down for concurrence.

Bill "An Act to Exempt Tree Farms from the Forest Practices Laws"
S.P. 241 L.D. 645

Presented by Senator **MILLS** of Oxford

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

Sent down for concurrence.

Bill "An Act to Prevent Immediate Fishing in Recently Stocked Streams, Brooks or Ponds"
S.P. 245 L.D. 654

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Representative **JACQUES** of Waterville,
Representative **TRACY** of Rome and
Representative **ROTONDI** of Athens

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

Sent down for concurrence.

Bill "An Act to Reduce Duplication at the Department of Human Services"
S.P. 247 L.D. 656

Presented by President **PRAY** of Penobscot
Cosponsored by Senator **BUSTIN** of Kennebec,
Representative **MANNING** of Portland and
Representative **DAGGETT** of Augusta

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

Sent down for concurrence.

Bill "An Act to Eliminate Mandatory Participation in the E-9-1-1 Program"
S.P. 246 L.D. 655

Presented by President **PRAY** of Penobscot
Cosponsored by Representative **LOOK** of Jonesboro,
Representative **CARROLL** of Gray and Senator **BERUBE**
of Androscoggin

Bill "An Act to Clarify the Voting Requirements for a Board Containing 3 or More Members"
S.P. 248 L.D. 657

Presented by Senator **GAUVREAU** of Androscoggin
Cosponsored by Senator **HOLLOWAY** of Lincoln,
Representative **KETTERER** of Madison and
Representative **STEVENS** of Bangor

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

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by President **PRAY** of Penobscot
(Cosponsored by: Representative **GWADOSKY** of
Fairfield, Senator **CAHILL** of Sagadahoc) the following
Joint Resolution:

S.P. 249

**JOINT RESOLUTION SUPPORTING THE UNITED STATES
ARMED SERVICES IN THE PERSIAN GULF**

WHEREAS, the President of the United States, with authorization of Congress, 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 this 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 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 we support the President, as Commander in Chief, in the Persian Gulf hostilities; 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.

Which was READ.

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

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 14 of the Joint Rules:

From the Committee on TAXATION Bill "An Act to Establish an Excise Tax Exemption for Veterans" H.P. 17 L.D. 20

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 TAXATION Bill "An Act to Modify the Sales Tax Exemption for Ambulance Corps" H.P. 23 L.D. 26

From the Committee on TAXATION Bill "An Act to Establish a Fund to Assist Elderly Victims of Fires" H.P. 88 L.D. 123

From the Committee on TRANSPORTATION Bill "An Act to Provide Identification for Persons Using Handicapped Parking Privileges" H.P. 28 L.D. 31

Senate

Leave to Withdraw

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

Reported by Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT Bill "An Act to Clarify the Powers and Duties of a Sheriff" S.P. 143 L.D. 355

ORDERS OF THE DAY

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

JOINT ORDER - Establishing the Joint Select Committee on Family and Children S.P. 243

Tabled - February 14, 1991, by Senator CLARK of Cumberland.

Pending - PASSAGE

(In Senate, February 14, 1991, READ.)

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just question the need of such a Committee, it is my understanding the State and Local Government Committee has dealt with this issue fully. It is also my understanding

that it is a very capable Committee, and that they could fully and completely handle those issues.

THE PRESIDENT: The Senator from Kennebec, Senator Kany, has posed a question through the Chair to anyone who would like to answer. The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It is a very important issue and it has been handled by State and Local Government Committee in the past, I hesitate to say, but I think it has been four years. What has come down from all of that process, is that both the Governor has set up a special Commission on Children and Families, and the Speaker and the President set up a Commission on Children and Families. Out of that has come the recommendations, in my opinion, should be handled by a the Joint Select Committee on Children and Families. The State and Local Government has done their work, has done their work very well, and as in Corrections, I think now is the time to focus so that we will, in fact, in the future, see something real happen with the Department of Children and Families. That is why I think that this Joint Order should pass. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The Bills that deal with families and children have generally come to the State and Local Government Committee. Establishing a new Joint Commission is not only costly, but also, I don't believe would serve the purpose which is intended. The State and Local Government Committee is very fortunate to have among its members, the Senator from Kennebec, Senator Bustin, who I am sure will look at the Bill very carefully, and she will certainly help the Committee to come up with some good solution. Is it proper for me at this point to do what? It is just a Joint Order. Is the only position to vote either for or against the Joint Resolution?

THE PRESIDENT: The Chair would advise the Senator that there are a number of options available to the Senator.

Senator **CAHILL** of Sagadahoc requested a Division.

On motion by Senator **BUSTIN** of Kennebec, Tabled 1 Legislative Day, pending **PASSAGE**. (Division Requested.)

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

Bill "An Act to Amend the Fair Credit Reporting Laws"
S.P. 203 L.D. 530

Tabled - February 14, 1991, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

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

(In House, February 13, 1991, referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED** in **NON-CONCURRENCE**.)

On motion by Senator **CLARK** of Cumberland, the Senate **INSISTED** in **NON-CONCURRENCE**.

(See Action Later Today)

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

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

Tabled - February 14, 1991, by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

(In Senate, February 14, 1991, referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**. Subsequently, **RECONSIDERED**.)

(In House, February 13, 1991, referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.)

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

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

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

Tabled - February 14, 1991, by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

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

(In House, February 13, 1991, referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED.**)

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

Sent down for concurrence.

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

JOINT RESOLUTION - Supporting the Men and Women of Our Armed Forces
H.P. 455

Tabled - February 14, 1991, by Senator **CLARK** of Cumberland.

Pending - **ADOPTION**

(In Senate, February 14, 1991, **READ.**)

(In House, February 13, 1991, **READ** and **ADOPTED.**)

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

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby it **INSISTED** on:

Bill "An Act to Amend the Fair Credit Reporting Laws"
S.P. 203 L.D. 530

(In Senate, February 12, 1991, referred to **BANKING AND INSURANCE** and **ORDERED PRINTED.**)

(In House, February 13, 1991, referred to **BUSINESS LEGISLATION** and **ORDERED PRINTED** in **NON-CONCURRENCE.**)

On further motion by same Senator, the Senate **RECEDED** and **CONCURRED**.

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

NOMINATION - of Eugene L. Gendron of South Portland for reappointment to the Board of Environmental Protection

Tabled - February 14, 1991, by Senator **CLARK** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 14, 1991, Communication from the Committee on **ENERGY AND NATURAL RESOURCES** **READ** and **ORDERED PLACED ON FILE.**)

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Eugene L. Gendron of South Portland be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A Vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Chair noted the absence of the Senator from Cumberland, Senator **GILL**, and further excused her from today's Roll Call votes.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators **BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY**

ABSENT: Senators **BRAWN, WEBSTER**

EXCUSED: Senator **GILL**

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator having been excused, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Eugene L. Gendron, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

Senator **MATTHEWS** of Kennebec was granted unanimous consent to address the Senate off the Record.

Senator **PEARSON** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **ESTY** of Cumberland, **ADJOURNED** until Wednesday, February 20, 1991, at 10:00 in the morning.