

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD
OF THE
One Hundred And Fifteenth Legislature
OF THE
State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives
March 10, 1992 to March 31, 1992

Senate
January 8, 1992 to March 9, 1992

STATE OF MAINE
ONE HUNDRED AND FIFTEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber

Wednesday

January 8, 1992

Senate called to order by the President.

Prayer by the Honorable Barbara Gill of Cumberland.

SENATOR BARBARA GILL: Heavenly Father, here we are, back again, at another regular session of the Maine State Legislature. We have much work ahead of us to keep this ship of state on a solid course. Help us to work together, better than we have ever in the past. Keep in mind that we are just people, just human beings, that we need all the help you can give us. We need your strength, we need your wisdom, we need your understanding, so we can work to do the peoples work, the people who elected us to be here. Let us pray.

Our Father who art in heaven, hallowed be thy name, thy kingdom come, thy will be done, on earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. Amen.

CALLING OF THE ROLL

The Roll being called, the following Senators answered to their name:

Senators BALDACCI, BERUBE, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, EMERSON, ESTES, FOSTER, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

28 Senators having answered to the Roll, the President declared a quorum present.

At this point, a message was received from the House of Representatives borne by Representative GWADOSKY of Fairfield, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

The Chair noted the presence of Senator **MILLS** of Oxford.

Out of order and under suspension of the Rules, on motion by Senator **CLARK** of Cumberland, the following Senate Order:

ORDERED, that a message be conveyed to Governor John R. McKernan, Jr., informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

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

Subsequently, the Senator from Cumberland, Senator **CLARK** reported that she had delivered the message with which she was charged.

Out of order and under suspension of the Rules, on motion by Senator **PEARSON** of Penobscot, the following Senate Order:

ORDERED, that a message be conveyed to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

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

Subsequently, the Senator from Penobscot, Senator **PEARSON** reported that he had delivered the message with which he was charged.

COMMUNICATIONS

The Following Communication: S.P. 824

115TH MAINE LEGISLATURE

January 7, 1992

Senator Dale McCormick
Representative John Jalbert
Chairpersons
Joint Standing Committee on Aging, Retirement and Veterans
115th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated William J. Deering of Bangor for reappointment and William Bullock of Orrington for appointment to the Maine State Retirement Board of Trustees.

Pursuant to Title 5, MRSA Section 17102, these nominations will require review by the Joint Standing Committee on Aging, Retirement and Veterans and confirmation by the Senate.

Sincerely,

S/Charles P. Pray

President of the Senate
S/John L. Martin
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **AGING, RETIREMENT AND VETERANS**.
Sent down for concurrence.

The Following Communication: S.P. 825

115TH MAINE LEGISLATURE

January 3, 1992

Senator R. Donald Twitchell
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
115th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the following:

Pursuant to Title 22, MRSA Section 1471-B, Jeffery O. Smith of Presque Isle for appointment to the Board of Pesticides Control.

Pursuant to Title 7, MRSA Section 231, William H. Mook of Damariscotta for reappointment to the Commission on Biotechnology and Genetic Engineering.

Pursuant to Title 7, MRSA Section 2952, Charles F. Davis of Gouldsboro for reappointment to the Maine Milk Commission.

These nominations will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **AGRICULTURE**.
Sent down for concurrence.

The Following Communication: S.P. 826
115TH MAINE LEGISLATURE

January 7, 1992
Senator Michael D. Pearson
Rep. Dorothy A. Rotondi
Chairpersons
Joint Standing Committee on Fisheries and Wildlife
115th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Joseph P. Robbins of Machias for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA Section 7033-A, this nomination will require review by the Joint Standing Committee on Fisheries and Wildlife and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **FISHERIES AND WILDLIFE**.
Sent down for concurrence.

Senate at Ease
Senate called to order by the President.

The Following Communication:
THE SENATE OF MAINE
AUGUSTA, MAINE 04333
January 3, 1992

The Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333
Dear Madam Secretary:
Pursuant to my authority under 1 M.R.S.A., Section 1002, I am today appointing Richard L. Trafton, of Auburn, to the Commission on Governmental Ethics and Election Practices.
I would welcome an opportunity to be of service should you require further assistance regarding this appointment.

With warmest best wishes for the New Year, I am
Yours sincerely,
S/Nancy Randall Clark
Majority Leader

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

Pursuant to 1 M.R.S.A., Section 1002, this nomination requires the affirmative vote of two-thirds of the members present and voting for concurrence. 27 Senators having voted in the affirmative and No Senators having voted in the negative, and 27 being more than two-thirds of the members present and voting, the Senate concurred with the appointment.

The Following Communication:
THE SENATE OF MAINE
AUGUSTA, MAINE 04333
January 7, 1992

The Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333
Dear Madam Secretary:
Pursuant to my authority under 1 M.R.S.A., Section 1002, I have appointed Richard G. Morton of Farmington to serve as a member of the Commission on Governmental Ethics and Election Practices.
Please contact me if you have any questions. Thank you.

Sincerely,
S/Charles M. Webster
Senate Minority Leader

Which was **READ** and **ORDERED PLACED ON FILE**.
Pursuant to 1 M.R.S.A., Section 1002, this nomination requires the affirmative vote of two-thirds of the members present and voting for concurrence. 27 Senators having voted in the affirmative and No Senators having voted in the negative, and 27 being more than two-thirds of the members present and voting, the Senate concurred with the appointment.

The Following Communication:
115TH MAINE LEGISLATURE
January 6, 1992

The Honorable John R. McKernan, Jr.
Governor of Maine
State House Station 1
Augusta, Maine 04333
Dear Governor McKernan:
We are pleased to invite you to address the Second Regular Session of the 115th Legislature on the State of the State in the House of Representatives at 7:00 p.m. on January 15, 1992. We look forward to seeing you then. Best wishes.
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 to Restore Maine State Retirement Service Credit to Certain Part-time, Seasonal, Intermittent or Legislative Employees"
S.P. 809 L.D. 2008
Presented by Senator **MCCORMICK** of Kennebec
Cosponsored by Representative **JALBERT** of Lisbon,
Senator **CLARK** of Cumberland and Representative **WENTWORTH** of Arundel

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Which was referred to the Committee on **AGING, RETIREMENT & VETERANS** and **ORDERED PRINTED**. Sent down for concurrence.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 to Help Municipalities Pay for the Repair and Improvement of Publicly Owned Port Facilities"

S.P. 818 L.D. 2017
Presented by Senator **BRANNIGAN** of Cumberland
Cosponsored by Senator **VOSE** of Washington and Representative **TOWNSEND** of Eastport
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Which was referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** and **ORDERED PRINTED**. Sent down for concurrence.

Bill "An Act to Change the Legislative Reporting Requirements of the Mandated Benefits Advisory Commission"

S.P. 810 L.D. 2009
Presented by Senator **CLARK** of Cumberland
Cosponsored by Senator **GILL** of Cumberland, Senator **KANY** of Kennebec and Representative **ERWIN** of Rumford
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Which was referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**. Sent down for concurrence.

Bill "An Act to Amend the Law Regarding the Responsibilities of Code Enforcement Officers to Approve Plans or Technical Submissions by Architects" (Emergency)

S.P. 798 L.D. 1997
Presented by Senator **BALDACCI** of Penobscot
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Bill "An Act to Benefit Consumers by Clarifying Directory Advertising for Osteopathic and Allopathic Physicians"

S.P. 799 L.D. 1998
Presented by Senator **BALDACCI** of Penobscot
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Which were referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**. Sent down for concurrence.

Bill "An Act to Divert Juvenile Offenders from Secure Detention"

S.P. 805 L.D. 2004
Presented by Senator **BUSTIN** of Kennebec
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Which was referred to the Joint Select Committee on **CORRECTIONS** and **ORDERED PRINTED**. Sent down for concurrence.

Bill "An Act Regarding the Repayment of Blaine House Scholarships"

S.P. 795 L.D. 1994
Presented by Senator **CLEVELAND** of Androscoggin
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Bill "An Act to Amend the Laws Relating to Certification to Promote the Issuance of Professional Certificates to Experienced Out-of-state Teachers"

S.P. 801 L.D. 2000
Presented by Senator **BRANN** of Knox
Cosponsored by Representative **HANLEY** of Paris
Submitted by the Department of Education pursuant to Joint Rule 24.

Bill "An Act to Establish the School Construction Debt Service Limit for Fiscal Year 1994-95"

S.P. 821 L.D. 2115
Presented by Senator **BRANN** of Knox
Cosponsored by Senator **ESTES** of York, Representative **NORTON** of Winthrop and Representative **O'GARA** of Westbrook
Submitted by the Department of Education pursuant to Joint Rule 24.
Which were referred to the Committee on **EDUCATION** and **ORDERED PRINTED**. Sent down for concurrence.

Bill "An Act Concerning Continuous Emission Monitoring Devices"

S.P. 817 L.D. 2016
Presented by Senator **VOSE** of Washington
Cosponsored by Representative **ANDERSON** of Woodland
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Which was referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**. Sent down for concurrence.

Bill "An Act Concerning Long-term Care Recipients"

S.P. 793 L.D. 1992
Presented by Senator **CLARK** of Cumberland
Cosponsored by Representative **CONSTANTINE** of Bar Harbor and Representative **MORRISON** of Bangor
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Resolve, to Direct the Department of Mental Health and Mental Retardation to Develop a Proposal to Improve Staff Retention in Community-based Programs Serving Persons with Mental Retardation (Emergency)

S.P. 815 L.D. 2014
Presented by President **PRAY** of Penobscot
Cosponsored by Representative **CLARK** of Brunswick and Representative **GEAN** of Alfred
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Which were referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**. Sent down for concurrence.

Bill "An Act to Provide Community Mental Health Services to Persons with Severe and Persistent Mental Illnesses"

S.P. 808 L.D. 2007

Presented by Senator **BUSTIN** of Kennebec
 Cosponsored by Senator **MILLS** of Oxford,
 Representative **ERWIN** of Rumford and
 Representative **DAGGETT** of Augusta
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 26.
 Committee on **HUMAN RESOURCES** 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.

Bill "An Act Concerning the Freedom of Access
 Laws as They Relate to Disclosure of Public Employee
 Personnel Records"

S.P. 819 L.D. 2018

Presented by Senator **GAUVREAU** of Androscoggin
 Cosponsored by Representative **STEVENS** of Bangor,
 Representative **RICHARDS** of Hampden and
 Representative **PARADIS** of Augusta
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 26.

Bill "An Act to Ensure Prompt Referral of Alleged
 Juvenile Offenders"

S.P. 822 L.D. 2118

Presented by Senator **BUSTIN** of Kennebec
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

Bill "An Act to Amend the Child Labor Laws
 Related to Specified Hours of Employment" (Emergency)

S.P. 796 L.D. 1995

Presented by Senator **CLARK** of Cumberland
 Cosponsored by Representative **GARLAND** of Bangor,
 Representative **HASTINGS** of Fryeburg,
 Representative **PFEIFFER** of Brunswick,
 Representative **RICHARDS** of Hampden,
 Representative **LIPMAN** of Augusta, Representative
CLARK of Millinocket and Senator **GOULD** of Waldo
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

Resolve, Authorizing Zelma Rudge to Sue the State

S.P. 802 L.D. 2001

Presented by Senator **PEARSON** of Penobscot
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 26.

Bill "An Act to Develop a Statewide Voter
 Registration File"

S.P. 811 L.D. 2010

Presented by Senator **MILLS** of Oxford
 Cosponsored by Representative **LAWRENCE** of
 Kittery, Representative **STEVENS** of Sabattus and
 Representative **PLOURDE** of Biddeford
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 26.

Bill "An Act to Amend the Election Laws"

S.P. 820 L.D. 2019

Presented by Senator **MILLS** of Oxford
 Submitted by the Department of the Secretary of
 State pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Clarify the Definition of
 Resident as it Pertains to Marine Resource Licenses"
 S.P. 800 L.D. 1999

Presented by Senator **GOULD** of Waldo
 Cosponsored by Representative **TOWNSEND** of
 Eastport and Senator **VOSE** of Washington
 Submitted by the Department of Marine Resources
 pursuant to Joint Rule 24.

Bill "An Act Authorizing the Establishment of
 Fisheries Management Zones" (Emergency)

S.P. 816 L.D. 2015

Presented by Senator **VOSE** of Washington
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

Resolve, That the Reporting Deadline for the
 Commission on Comprehensive Energy Planning Be
 Extended (Emergency)

S.P. 794 L.D. 1993

Presented by Senator **CLEVELAND** of Androscoggin
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 26.

Bill "An Act to Extend the Reporting Date of the
 Commission to Study the Retirement Benefits Provided
 by the State" (Emergency)

S.P. 807 L.D. 2006

Presented by Senator **MCCORMICK** of Kennebec
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 27.
 Bill "An Act Authorizing the Town of Vanceboro to
 Issue Bonds and Notes for Construction of an
 Elementary School" (Emergency)

S.P. 812 L.D. 2011

Presented by Senator **VOSE** of Washington
 Cosponsored by Senator **LUDWIG** of Arostook and
 Representative **BAILEY** of Township 27

Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 26.

Bill "An Act to Create a Budget Advisory
 Committee for Hancock County"

S.P. 814 L.D. 2013

Presented by Senator **FOSTER** of Hancock
 Cosponsored by Representative **CONSTANTINE** of Bar
 Harbor, Representative **SALISBURY** of Ellsworth and
 Representative **GRAY** of Sedgwick

Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the
 Constitution of Maine to Allow the State to Refund
 Bonds

S.P. 813 L.D. 2012

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by President **PRAY** of Penobscot,
Representative **MAYO** of Thomaston and
Representative **CHONKO** of Topsham
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Committee on **STATE & LOCAL GOVERNMENT** suggested
and **ORDERED PRINTED**.
Senator **CLARK** of Cumberland moved to refer to the
Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Senate at Ease
Senate called to order by the President.

On motion by Senator **CLARK** of Cumberland, Tabled
1 Legislative Day, pending motion by same Senator to
refer to the Committee on **APPROPRIATIONS AND
FINANCIAL AFFAIRS**.

Resolve, to Exclude from State Taxes Certain
Federal Payments to Eji Suyama (Emergency)
S.P. 804 L.D. 2003
Presented by Senator **FOSTER** of Hancock
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Bill "An Act to Ensure that Certain Sales by Boy
Scouting and Girl Scouting Organizations Are Exempt
from the Sales Tax"

S.P. 806 L.D. 2005
Presented by Senator **BOST** of Penobscot
Cosponsored by Representative **RUHLIN** of Brewer
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Committee on **TAXATION** suggested and **ORDERED
PRINTED**.
Which were referred to the Committee on **TAXATION**
and **ORDERED PRINTED**.
Sent down for concurrence.

Bill "An Act to Amend the Laws Governing
Telecommunications Interexchange Carrier Selection"
(Emergency)

S.P. 797 L.D. 1996
Presented by Senator **VOSE** of Washington
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Bill "An Act to Amend the Law Governing the
Rumford-Mexico Sewerage District"

S.P. 803 L.D. 2002
Presented by Senator **MILLS** of Oxford
Cosponsored by Representative **LUTHER** of Mexico
and Representative **ERWIN** of Rumford
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Committee on **UTILITIES** suggested and **ORDERED
PRINTED**.
Which were referred to the Committee on **UTILITIES**
and **ORDERED PRINTED**.
Sent down for concurrence.

ORDERS

Joint Order

On motion by Senator **CLARK** of Cumberland the
following Joint Order:

S.P. 827

ORDERED, the House concurring, that there be
prepared, after adjournment of the present session,
by the Legislative Information Officer, a Register of
all the Bills and Resolves considered by both
branches of the Legislature, showing the history and
final disposition of each Bill and Resolve and that
there be printed 400 copies of the same. The
Legislative Information Officer shall mail a copy of
the Register to each member and Officer of the
Legislature and the State Law and Legislative
Reference Library shall receive such number of copies
as may be required.

Which was **READ** and **PASSED**.
Sent down for concurrence.

Off Record Remarks

COMMITTEE REPORTS

Senate

Ought Not to Pass

The following **Ought Not to Pass** Report shall be
placed in the Legislative Files without further
action pursuant to Rule 15 of the Joint Rules:

Reported by Senator **GAUVREAU** for the Committee on
JUDICIARY Bill "An Act to Discourage Motor Vehicle
Theft"

S.P. 684 L.D. 1812

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 **GAUVREAU** for the Committee on
JUDICIARY Bill "An Act to Clarify Implied or Legal
Malice for the Purpose of Awarding Punitive Damages"

S.P. 677 L.D. 1791

On motion by Senator **BERUBE** of Androscoggin,
ADJOURNED until Thursday, January 9, 1992, at 4:00 in
the afternoon.