

MAINE STATE LEGISLATURE

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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

Thursday

January 9, 1992

Senate called to Order by the President.

Prayer by Reverend Edgar Jones of the Winthrop Congregational Church.

REVEREND EDGAR JONES: Let us be in the spirit of prayer. Oh God, of hope and love, we pray for this Senate this afternoon. During these difficult times in this state when the needs seem to be so great and the revenues so low, we ask that you would grant each person the spirit of wisdom that teaches us how to make difficult decisions. We pray Oh God, that the spirit of truth and hope will be honored in these proceedings and the values for the good of all will be observed. Once again, Oh God, we pray the spirit of wisdom that would enable all of us to cooperate in serving you.

Reading of the Journal of Wednesday, January 8, 1992.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning the Shared Use of Crop-handling Equipment by Seed Potato Growers"

H.P. 1432 L.D. 2044

Bill "An Act Concerning the Management of the Potato Marketing Improvement Fund"

H.P. 1454 L.D. 2066

Bill "An Act to Allow the Maine Harness Racing Community to Adopt a Controlled Medication Program"

H.P. 1475 L.D. 2087

Bill "An Act to Replace Criminal Penalties with Civil Penalties for Violations of Weights and Measures Laws"

H.P. 1483 L.D. 2095

Bill "An Act to Revise the Maine Horticultural Laws"

H.P. 1498 L.D. 2110

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

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

Bill "An Act to Protect Low-income Households from Hardships Due to Delays in the Receipt of Home Energy Assistance Program Funds from the Federal Government"

H.P. 1496 L.D. 2108

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for the Purchase of Recycling Equipment and Facilities and for the Closure and Remediation of Municipal Solid Waste Landfills"

H.P. 1499 L.D. 2111

Come from the House referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

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

Bill "An Act to Clarify the Laws Related to Credit Cards"

H.P. 1410 L.D. 2022

Bill "An Act to Amend the Automobile Assigned Risk Laws of Maine"

H.P. 1411 L.D. 2023

Bill "An Act to Amend the Maine High-Risk Insurance Organization Laws"

H.P. 1417 L.D. 2029

Bill "An Act to Ensure Continuity of Health Insurance Coverage"

H.P. 1422 L.D. 2034

Bill "An Act to Achieve Parity between the Authority of Loan Officers of State-chartered Credit Unions and the Authority of Loan Officers of Federally Chartered Credit Unions"

H.P. 1441 L.D. 2053

Bill "An Act to Allow Elementary and Secondary Schools to Obtain Insurance Coverage through the Risk Management Division"

H.P. 1449 L.D. 2061

Bill "An Act to Amend the Laws Governing Placement of Insurance in the Surplus Lines Market"

H.P. 1473 L.D. 2085

Bill "An Act to Clarify the Rights of Persons to Recover Insurance Proceeds When They Are Injured by an Underinsured Motorist"

H.P. 1476 L.D. 2088

Bill "An Act to Amend the Group Health Insurance Conversion Laws"

H.P. 1484 L.D. 2096

Bill "An Act to Authorize the Establishment of Non-depository Trust Companies"

H.P. 1489 L.D. 2101

Bill "An Act to Prohibit Unfair Rating Practices in Small Group Health Insurance"

H.P. 1490 L.D. 2102

Bill "An Act Regarding Loans to Stockholders, Directors, Corporators or Officers of Financial Institutions"

H.P. 1493 L.D. 2105

Bill "An Act to Repeal the Laws Creating the Mandated Benefits Advisory Commission"

H.P. 1504 L.D. 2117

Bill "An Act Relating to Returned Check Charges"

H.P. 1505 L.D. 2119

Come from the House referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.

Which were referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**, in concurrence.

Out of order and under suspension of the Rules, on motion by Senator **DUTREMBLE** of York, the following Joint Order:

S.P. 84

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until January 14, 1992, at 4:00 in the afternoon.

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

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

Bill "An Act to Repeal the Provisions of the Uniform Commercial Code Relating to Bulk Transfers"
H.P. 1420 L.D. 2032

Bill "An Act to Amend the Laws Governing Emergency Medical Technicians"
H.P. 1491 L.D. 2103

Bill "An Act to Clarify and Improve the Regulation of Home Food Service Plans"
H.P. 1501 L.D. 2113

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 Prevent Insurers from Mandating the Use of Specific Parts, Products or Businesses"
H.P. 1413 L.D. 2025

Committee on **BANKING & INSURANCE** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **BUSINESS LEGISLATION**.

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

Bill "An Act to Clarify Municipal Approval of Payments of Public School Funds"
H.P. 1416 L.D. 2028

Bill "An Act to Amend the Secret Voting Provision Governing School Administrative District Budget Proceedings"
H.P. 1440 L.D. 2052

Resolve, to Assist High-risk Students
H.P. 1457 L.D. 2069

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 Clarify the Water Quality Definitions for Impoundments"
H.P. 1409 L.D. 2021

Bill "An Act to Clarify the Status of Wood Yard Debris"
H.P. 1427 L.D. 2039

Bill "An Act to Extend the Deadline for Closure of Municipal Landfills by 18 Months"
H.P. 1435 L.D. 2047

Bill "An Act to Establish Ambient Air Quality Standards for Toluene and Perchloroethylene"
H.P. 1448 L.D. 2060

Bill "An Act to Simplify and Reduce the Cost of State Mapping Efforts"
H.P. 1455 L.D. 2067

Bill "An Act to Amend the Laws Regarding Licensing of Gravel Pits"
H.P. 1459 L.D. 2071

Bill "An Act to Prohibit the Dismantling of Products That Contain Hazardous Material near Water Supplies"
H.P. 1463 L.D. 2075

Bill "An Act to Promote the Beneficial Use of Industrial Residuals"
H.P. 1468 L.D. 2080

Bill "An Act Exempting Zoning Changes Related to the Implementation of an Approved Growth Management Plan and Shoreland Zoning from Certain Notice Requirements"
H.P. 1474 L.D. 2086

Bill "An Act to Implement a Toxic Control Strategy for Maine Waters"
H.P. 1485 L.D. 2097

Bill "An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection's Bureau of Hazardous Materials and Solid Waste Control"
H.P. 1502 L.D. 2114

Come from the House referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**.

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

Bill "An Act to Amend the Fire Permit Laws"
H.P. 1460 L.D. 2072

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

Comes from the House referred to the Committee on **ENERGY & NATURAL RESOURCES**.

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

Bill "An Act to Alter the Fishing Season in a Certain Area in Northern Maine"
H.P. 1429 L.D. 2041

Bill "An Act to Require That People Who Must Wear Corrective Lenses for Driving a Motor Vehicle Wear Corrective Lenses While Hunting"
H.P. 1456 L.D. 2068

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

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

Resolve, Directing the Department of Human Services to Maintain Long-term Care Services
H.P. 1444 L.D. 2056

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 Amend the Distribution of Money and Property Seized in Drug Busts"
H.P. 1408 L.D. 2020

Bill "An Act to Clarify the Obligations of Emergency Medical Personnel"
H.P. 1418 L.D. 2030

Bill "An Act Authorizing Court Clerks to Sign Abstracts of Certain Proceedings Involving Real Estate"
H.P. 1425 L.D. 2037

Bill "An Act to Increase the Penalties for Committing Repeated Assault"
H.P. 1428 L.D. 2040

Bill "An Act Concerning Funding of Indian Schools under the Act to Implement the Maine Indian Claims Settlement"
H.P. 1433 L.D. 2045

Bill "An Act to Amend the Laws Regarding Dismissal of Paternity Proceedings"
H.P. 1467 L.D. 2079

Bill "An Act Concerning Passamaquoddy Indian Territory"
H.P. 1469 L.D. 2081

Bill "An Act Concerning Penobscot Nation Trust Land Designation"

H.P. 1472 L.D. 2084

Bill "An Act to Establish a Forest Service Bureau in Each Division of the District Court"

H.P. 1482 L.D. 2094

Bill "An Act to Clarify the Scope of the Laws Governing Administrative Correction of Statutory Errors"

H.P. 1492 L.D. 2104

Bill "An Act Concerning Tribal Courts"

H.P. 1494 L.D. 2106

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 Make Electronic Monitoring and Substance Testing Programs Economically Feasible"

H.P. 1451 L.D. 2063

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

On motion by Senator **GAUVREAU** of Androscoggin, referred to the Joint Select Committee on **CORRECTIONS** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

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

Bill "An Act to Ensure the Retention of Utility Easements in Foreclosure Proceedings"

H.P. 1419 L.D. 2031

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

Comes from the House referred to the Committee on **JUDICIARY**

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

Bill "An Act to Clarify the Conduct of Proceedings in Child Protection Cases"

H.P. 1421 L.D. 2033

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

Comes from the House referred to the Committee on **JUDICIARY**.

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

Bill "An Act to Require a Right-to-cure Notice in Residential Mortgages"

H.P. 1466 L.D. 2078

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

Comes from the House referred to the Committee on **JUDICIARY**.

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

Bill "An Act to Amend the Laws Governing Student Work Hours"

H.P. 1431 L.D. 2043

Bill "An Act to Correct an Inconsistency Between the Maine Employment Security Law and the Federal Unemployment Tax Act"

H.P. 1465 L.D. 2077

Bill "An Act to Reform Unemployment Compensation Guidelines in Maine"

H.P. 1486 L.D. 2098

Bill "An Act to Make Revisions in Workers' Compensation Employment Rehabilitation"

H.P. 1488 L.D. 2100

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.

Bill "An Act to Clarify the Law Governing Contracts of Adhesion"

H.P. 1412 L.D. 2024

Bill "An Act to Expand the Definition of "Tenant" in the Laws Pertaining to Mobile Home Parks"

H.P. 1415 L.D. 2027

Bill "An Act to Encourage Lawful Rental Practices"

H.P. 1423 L.D. 2035

Bill "An Act to Clarify the Law Concerning the Safety Course Necessary to Obtain a Concealed Firearms Permit"

H.P. 1424 L.D. 2036

Bill "An Act to Permit the State Lottery Commission to Approve Promotions Involving the Use of Lottery Tickets"

H.P. 1434 L.D. 2046

Resolve, Authorizing Elizabeth Penney to Sue the State

H.P. 1442 L.D. 2054

Bill "An Act Concerning the Renewal of Agency Liquor Store Licenses"

H.P. 1443 L.D. 2055

Bill "An Act to Preserve Public Trust in the State Police"

H.P. 1445 L.D. 2057

Resolve, Authorizing Fred Bubar, Thomas Bubar, Clifford Bubar, Galen Helstrom, Gary Helstrom and Gene Helstrom to Sue the State

H.P. 1446 L.D. 2058

Bill "An Act to Prevent Intoxication-related Injuries, Deaths and Damages"

H.P. 1453 L.D. 2065

Bill "An Act to Amend the Financial Responsibility Laws"

H.P. 1462 L.D. 2074

Bill "An Act Amending the Laws Governing Concealed Weapons Permits to Allow County Sheriffs to be Designated Issuing Authorities"

H.P. 1495 L.D. 2107

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 Reorganize the Bureau of Alcoholic Beverages"

H.P. 1503 L.D. 2116

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

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

Bill "An Act to Allow Sheriffs' Deputies to Seek Certain Nonpartisan Offices"

H.P. 1439 L.D. 2051

Committee on **STATE & LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Allow Transfer of Commercial Moorings"

H.P. 1450 L.D. 2062

Bill "An Act to Provide an Exemption to the Sunday Fishing Ban When a Storm Advisory or Storm Warning Is in Effect"

H.P. 1452 L.D. 2064

Bill "An Act to Make Revisions in Marine Resource Laws"

H.P. 1464 L.D. 2076

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.

Resolve, Concerning the Transfer of Property to Bigelow Laboratory

H.P. 1426 L.D. 2038

Committee on **STATE & LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **MARINE RESOURCES**.

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

Bill "An Act Concerning the Stocking of Atlantic Salmon in Maine Rivers"

H.P. 1471 L.D. 2083

Committee on **FISHERIES & WILDLIFE** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **MARINE RESOURCES**.

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

Bill "An Act to Allow Counties to Blanket Bond Part-time Deputy Sheriffs"

H.P. 1436 L.D. 2048

Bill "An Act to Allow the Towns of Castle Hill, Chapman and Mapleton to Enter into an Interlocal Agreement"

H.P. 1438 L.D. 2050

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify Succession to the Positions of Treasurer of State and Secretary of State

H.P. 1478 L.D. 2090

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

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

Resolve, to Rename Certain Bodies of Water Located within the State

H.P. 1506 L.D. 2120

Committee on **FISHERIES & WILDLIFE** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **STATE & LOCAL GOVERNMENT**.

Which was referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Conform the Maine Income Tax Law for 1991 with the United States Internal Revenue Code"

H.P. 1461 L.D. 2073

Bill "An Act to Clarify the Administrative Practices of the State Tax Assessor Pertaining to State-issued Licenses"

H.P. 1497 L.D. 2109

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 Charter of the Casco Bay Island Transit District"

H.P. 1414 L.D. 2026

(See Action Later Today)

Bill "An Act Concerning Highway Traffic Laws"

H.P. 1430 L.D. 2042

Bill "An Act to Repeal the Laws Authorizing Special Veterans License Plates"

H.P. 1437 L.D. 2049

Bill "An Act to Amend Certain Motor Vehicle Laws"

H.P. 1477 L.D. 2089

Bill "An Act Making Revisions to the Laws Concerning Special Veterans' Registration Plates and Emblems"

H.P. 1487 L.D. 2099

Bill "An Act to Amend the Motor Vehicle Salvage Laws"

H.P. 1500 L.D. 2112

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 Require Reporting of Daily Routine Releases of Radioactive Materials"

H.P. 1447 L.D. 2059

Bill "An Act to Ensure the Retention of Utility Lines Crossing Railroad Property"

H.P. 1458 L.D. 2070

Bill "An Act Pertaining to Pole Attachment Rate Disputes"

H.P. 1470 L.D. 2082

Bill "An Act to Revise the Charter of the Boothbay Harbor Sewer District"

H.P. 1479 L.D. 2091

Bill "An Act to Increase the Debt Limit of the South Berwick Sewer District"

H.P. 1480 L.D. 2092

Bill "An Act Concerning the Norridgewock Water District"

H.P. 1481 L.D. 2093

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

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

Joint Orders

The Following Joint Order: H.P. 1507

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as it sees fit to revise the salaries of county officers and lay the county taxes for the year 1992.

Comes from the House **READ** and **PASSED**.
Which was **READ** and **PASSED**, in concurrence.

The Following Joint Order: H.P. 1508

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out 2 bills, "An Act to Eliminate or Modify Certain Environmental Licensing, and Permitting Requirements of the Department of Environmental Protection" and "An Act to Abolish the Second Injury Fund and The Employment Rehabilitation Fund" to the House.

Comes from the House **READ** and **PASSED**.
Which was **READ** and **PASSED**, in concurrence.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Fund an Additional Child Protective Services Caseworker Position" (Emergency)
S.P. 835 L.D. 2139

Presented by Senator **CAHILL** of Sagadahoc
Cosponsored by Representative **SMALL** of Bath,
Representative **CHONKO** of Topsham and
Representative **HOLT** of Bath
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**.

Under suspension of the Rules, sent forthwith for
concurrence.

Bill "An Act to Amend the Law Pursuant to the
Medicare Supplement Insurance Minimum Standards Model
Act " (Emergency)

S.P. 840 L.D. 2144

Presented by Senator **BRAWN** of Knox
Cosponsored by Representative **ERWIN** of Rumford
and Senator **KANY** of Kennebec
Submitted by the Department of Professional and
Financial Regulation pursuant to Joint Rule 24.

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

Under suspension of the Rules, sent forthwith for
concurrence.

Bill "An Act to Amend the Laws Concerning High
School Equivalency Certificates"

S.P. 828 L.D. 2132

Presented by Senator **BRAWN** of Knox
Cosponsored by Senator **ESTES** of York,
Representative **NORTON** of Winthrop and
Representative **OLIVER** of Portland
Submitted by the Department of Education pursuant
to Joint Rule 24.

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

Under suspension of the Rules, sent forthwith for
concurrence.

Bill "An Act Pertaining to the Assessment of Fees
on Nuclear Power Plants"

S.P. 829 L.D. 2133

Presented by Senator **TITCOMB** of Cumberland
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Bill "An Act to Provide Increased Local
Participation in Comprehensive Land Use Planning"

S.P. 836 L.D. 2140

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Representative **LORD** of Waterboro
and Representative **JACQUES** of Waterville
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Bill "An Act to Amend Maine's Underground Oil
Storage Tank Laws" (Emergency)

S.P. 837 L.D. 2141

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Representative **ANDERSON** of Woodland
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Which were referred to the Committee on **ENERGY &
NATURAL RESOURCES** and **ORDERED PRINTED**.

Under suspension of the Rules, sent forthwith for
concurrence.

Bill "An Act to Amend the Definition of
Ambulatory Surgical Facilities"

S.P. 833 L.D. 2137

Presented by Senator **GILL** of Cumberland
Cosponsored by Senator **GAUVREAU** of Androscoggin,
Representative **PENDLETON** of Scarborough and
Representative **BOUTILIER** of Lewiston
Submitted by the Department of Human Services
pursuant to Joint Rule 24.

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

Under suspension of the Rules, sent forthwith for
concurrence.

Bill "An Act to Amend the Laws Concerning the
Maine Court Facilities Authority"

S.P. 831 L.D. 2135

Presented by Senator **CONLEY** of Cumberland
Submitted by the Judicial Department pursuant to
Joint Rule 24.

Bill "An Act to Update and Revise the Exemptions
under the Maine Bankruptcy Code"

S.P. 834 L.D. 2138

Presented by Senator **CLARK** of Cumberland
Cosponsored by Representative **FARNSWORTH** of
Hallowell, Representative **HASTINGS** of Fryeburg
and Representative **MARSANO** of Belfast
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**.

Under suspension of the Rules, sent forthwith for
concurrence.

Bill "An Act to Provide Certain Exemptions to the
Limitations on Students Hours of Work" (Emergency)

S.P. 832 L.D. 2136

Presented by Senator **DUTREMBLE** of York

Cosponsored by Representative RICHARDS of Hampden, Senator GOULD of Waldo and Senator BOST of Penobscot

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.

Under suspension of the Rules, sent forthwith for concurrence.

Bill "An Act to Amend the Laws Governing Solicitations by Police Officers"

S.P. 830 L.D. 2134

Presented by Senator DUTREMBLE of York

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

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

Under suspension of the Rules, sent forthwith for concurrence.

Bill "An Act to Create the Cushings Island Village Corporation"

S.P. 838 L.D. 2142

Presented by Senator CONLEY of Cumberland

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

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

Under suspension of the Rules, sent forthwith for concurrence.

Bill "An Act to Reestablish the Rangeley Water District"

S.P. 839 L.D. 2143

Presented by Senator MILLS of Oxford

Cosponsored by Representative POWERS of Coplin Plantation and Representative BARTH of Bethel Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

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

Under suspension of the Rules, sent forthwith for concurrence.

ORDERS

Joint Orders

On motion by President PRAY of Penobscot the following Joint Order:

S.P. 841

ORDERED, the House concurring, that a Joint Select Committee on Governmental Restructuring be established. The select committee consists of 5 members from the Senate, appointed by the President of the Senate, and 14 members from the House of Representatives, appointed by the Speaker of the House of Representatives. The select committee shall review the legislation referred to it relating to restructuring of State Government and report its recommendations to the Legislature.

Off Record Remarks

Which was READ and PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you, Mr. President. Ladies and Gentlemen of the Senate. In reference to the Legislative Sentiment recognizing:

George Wentworth, of Millinocket, who is considered by many as Maine's all-time greatest coach. He coached basketball for 31 years at Stearns High School and was an inspirational leader whose organizational skills and dedication were nearly as legendary as his record. During his coaching career, his teams won 6 Eastern Maine titles, 4 state titles and one New England crown:

I am pleased they have seen fit to recognize my cousin.

Senate at Ease

Senate called to order by the President.

The President requested the Sergeant-at-Arms escort the Senator from Penobscot, Senator PEARSON to the Rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the Floor of the Senate.

The Senate called to Order by the President Pro Tem.

COMMITTEE REPORTS

House

Ought Not to Pass

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

From the Committee on HUMAN RESOURCES Bill "An Act to Give Legal Effect to General Assistance Decisions Made by the Administrative Hearings Unit of the Department of Human Services"

H.P. 871 L.D. 1257

From the Committee on JUDICIARY Bill "An Act to Increase the Penalties for Trafficking in or Furnishing Scheduled Drugs"

H.P. 1198 L.D. 1754

From the Committee on JUDICIARY Bill "An Act to Allow Admissible Evidence Concerning the Physical or Sexual Assault or Abuse of a Minor"

H.P. 1254 L.D. 1822

From the Committee on JUDICIARY Bill "An Act Amending the Definition of Murder in the First Degree to Include Homicide by Pattern or Practice of Assault or Torture of a Child under the Age of 16"

H.P. 1267 L.D. 1838

ORDERS OF THE DAY

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

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

S.P. 813 L.D. 2012

Tabled - January 8, 1992, by Senator CLARK of Cumberland.

Pending - Motion by same Senator to REFER to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** (Committee on **STATE & LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.)

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**.

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

PAPERS FROM THE HOUSE
House Papers

Resolve, Instructing the State Tax Assessor to Refrain from Certain Actions Affecting a Parcel of Land in Argyle Township (Emergency)

H.P. 1520 L.D. 2145

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

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee and **ORDERED PRINTED**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

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

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 **TRANSPORTATION**:

Bill "An Act to Amend the Charter of the Casco Bay Island Transit District"

H.P. 1414 L.D. 2026

On further motion by same Senator, **REFERRED** to the Committee on **UTILITIES** in **NON-CONCURRENCE**.

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

Senator DUTREMBLE of York was granted unanimous consent to address the Senate on the Record.

Senator DUTREMBLE: Thank you, Mr. President. Ladies and Gentlemen of the Senate. If you recall, when we were in our last Special Session before our one day Special Session, I had attached an amendment to the budget which would have done away with the Waste Management Agency. At that time I explained to you the difficulties we were having in our home area, the Arundel, Biddeford area with Site #9 and what we felt was an unfair process. I wanted to report to you today that Site #9 was dropped from the selection process and is no longer a site in consideration for the Toxic Land Fill that was required by the Bill we passed a couple of years ago. While I am pleased and the people in our area are pleased, I still want to point out we are not pleased with the fact that we have to spend thousands of dollar to have to prove that. I don't think it was our intention that the burden of proof be left up to the municipalities and I think we should take a look at that in this session, if we have the opportunity.

Off Record Remarks

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Provide a Private Remedy for Violation of the Lead Poisoning Control Act"

H.P. 1515 L.D. 2127

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.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Require Insurance Companies Doing Business in Maine to Waive All Antitrust Immunities"

H.P. 1513 L.D. 2125

Bill "An Act to Amend the Maine Insurance Code"

H.P. 1517 L.D. 2129

Come from the House referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.

Which were referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**, in concurrence.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act Relating to Unredeemed Deposits"

H.P. 1519 L.D. 2131

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

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, to Develop a Plan for a Coordinated System of Sanctions and Services for Convicted Sex Offenders (Emergency)

H.P. 1518 L.D. 2130

Comes 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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Subdivision Laws within the Jurisdiction of the Maine Land Use Regulation Commission"

H.P. 1514 L.D. 2126

Comes from the House referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Authorize Transfer of Venue for Multiple Cases by the Chief Justice of the Superior Court"

H.P. 1511 L.D. 2123

Bill "An Act Regarding Recording Requirements for Proceedings Involving Real Estate"

H.P. 1512 L.D. 2124

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.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Authorizing David Boone to Bring a Civil Action against the Town of Princeton

H.P. 1510 L.D. 2122

Bill "An Act to Allow for the Eviction of Migrant Farm Workers"

H.P. 1516 L.D. 2128

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding the Parking Violations that Occur on State Controlled Property within the Capitol Area"

H.P. 1509 L.D. 2121

Comes from the House referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Which was referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

(1-1) Bill "An Act to Provide Community Mental Health Services to Persons with Severe and Persistent Mental Illnesses"

S.P. 808 L.D. 2007

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

In Senate, January 8, 1992, referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

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

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

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Resolve

Resolve, Instructing the State Tax Assessor to Refrain from Certain Actions Affecting a Parcel of Land in Argyle Township

H.P. 1520 L.D. 2145

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with 0 Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Institute Conformity to the Low-cost Drug Program"

H.P. 1521 L.D. 2146

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.

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

Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

Senator **PEARSON**: Thank you, Mr. President. Ladies and Gentlemen of the Senate. Because I do deeply believe in process, I think I need to explain something to you. When I was up on the rostrum, the Bill on the Cemetery in Argyle came up and there were a couple of questions.

What has happened is there is a cemetery in Argyle that was being sold by the Department of Taxation and the bids were going to be opened next Wednesday. Apparently there was someone who was bidding on the cemetery and the land that surrounded it. Obviously, we could not allow that to happen and it took Legislation. While the vote was being held, I was called back by Fiscal Affairs Committee, and told this Bill should have had a Fiscal note on it. The note would have said it would have a potential loss of revenue to the unorganized territory fund. I said the train has left the station and it is going past now, and I am not going to stop it. I do think I owe you an explanation. I don't think it is more than dimes. A Fiscal note was not attached to this, normally it should have been.

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **CONLEY** of Cumberland, **ADJOURNED** until Tuesday, January 14, 1992, at 4:00 in the afternoon.