

# 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

Tuesday

January 14, 1992

Senate called to Order by the President.

Prayer by the Honorable Nancy Randall Clark of Cumberland.

**SENATOR NANCY RANDALL CLARK:** Let us be in the spirit of prayer. Oh God our Creator, we are your children whom you have sustained and who live by your power and grace. We bless and glorify you for your providential care and humbly pray that all our days may be filled with true devotion to your service. Amen.

Reading of the Journal of Thursday, January 9, 1992.

**COMMUNICATIONS**

The Following Communication: S.P. 847  
**115TH MAINE LEGISLATURE**

January 10, 1992

Senator R. Donald Twitchell  
Rep. Harold M. Macomber  
Chairpersons  
Joint Standing Committee on Transportation  
115th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Daniel J. Callahan of Mechanic Falls for appointment to the Maine Turnpike Authority.

Pursuant to Title 23, MRSA Section 1965, this nomination will require review by the Joint Standing Committee on Transportation 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 **TRANSPORTATION**.  
Sent down for concurrence.

The Following Communication:  
**DEPARTMENT OF EDUCATION  
STATE HOUSE STATION 23  
AUGUSTA, MAINE 04333**

To: Joy J. O'Brien, Secretary of the Senate  
From: S/Eve M. Bither, Commissioner

Date: December 31, 1991  
Re: Report on habitual truants for the 1988-89 school year

In accordance with 20-A MRSA Section 5051, I am hereby submitting our annual report of habitual truants identified by school superintendents during the school year 1990-91. An habitual truant is

defined under section 5051 as a student under age 17 who has attained the equivalent of 10 full days of nonexcused absences or 7 consecutive days of nonexcused absences during a school year.

The total number of identified habitual truants has decreased by 15% as compared to the previous school year. We believe this reduction is due to the increased attention being given to school attendance by school officials across the state and our Department's continuing efforts to provide assistance to schools in identifying students at risk and developing strategies to meet their needs. Additional information regarding this report can be obtained from Frank Antonucci, consultant for Truancy, Dropout and Alternative Education at 289-5110.

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

The Following Communication:  
**115TH MAINE LEGISLATURE**

January 8, 1992  
Honorable Joy J. O'Brien  
Secretary of the Senate  
State House Station 3  
Augusta, Maine 04333  
Dear Madam Secretary:

Please be advised that we have made the following appointments:

Pursuant to our authority under Chapter 53 of the Resolves of 1991, we have appointed Senator Donald Esty, Jr. to the Commission to Study the Use of Professional Strikebreakers.

Pursuant to our authority under Chapter 556 of the Public Laws of 1989, we have appointed Senator Dale McCormick to the Mandated Benefits Advisory Committee. She will replace Senator Theriault.

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

January 8, 1992  
Honorable Joy J. O'Brien  
Secretary of the Senate  
State House Station 3  
Augusta, Maine 04333  
Dear Madam Secretary:

Please be advised that I have made the following appointments:

Pursuant to my authority under M.R.S.A. 38, §1453 I have reappointed Mr. G. Douglas Whittier of Augusta to the Advisory Commission on Radioactive Waste.

Pursuant to my authority under M.R.S.A. 20-A, §11002 I have reappointed Senator Stephen Estes to the New England Board of Higher Education.

Pursuant to my authority under M.R.S.A. 3, §227 I have appointed myself to serve as a member of the Maine Canadian Legislative Advisory Committee. I will replace Senator Theriault.

Pursuant to my authority under M.R.S.A. 3, §227 I

have appointed Mr. Paul Violette of Portland to the Maine Canadian Legislative Advisory Committee. He will replace Annette Courtois, whose term has expired. Pursuant to my authority under M.R.S.A. 3, §231 I have appointed Mr. Paul Violette to the New England and Eastern Canada Legislative Commission. He will replace Senator Raynold Theriault. Pursuant to my authority under M.R.S.A. 23, §4501 I have appointed Senator R. Donald Twitchell to the Maine Transportation Capitol Improvement Planning Commission. He will replace Senator Theriault.

Sincerely,  
S/Charles P. Pray  
President of the Senate  
Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:  
**115TH MAINE LEGISLATURE**

January 10, 1992  
Honorable Joy J. O'Brien  
Secretary of the Senate  
State House Station 3  
Augusta, Maine 04333  
Dear Madam Secretary:  
Pursuant to our authority under Joint Rule 39, we are appointing Carol Carothers Partisan Staff Assistant for Nominations. Carol will fill the remaining term of Kathy Goodwin, who has retired.

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

January 10, 1992  
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. 1, § 1002, I have reappointed Mr. Paul Violette of Portland to the Commission on Governmental Ethics and Election Practices.

Sincerely,  
S/Charles P. Pray  
President of the Senate  
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. 25 Senators having voted in the affirmative and No Senators having voted in the negative, and 25 being more than two-thirds of the members present and voting, the Senate concurred with the appointment.

**SENATE PAPERS**

Bill "An Act to Prohibit Undocumented Insurance Trade Practices"  
S.P. 843 L.D. 2147

Presented by President **PRAY** of Penobscot  
Cosponsored by Senator **GILL** of Cumberland,  
Representative **MITCHELL** of Vassalboro and  
Representative **ERWIN** of Rumford  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.  
Committee on **BANKING & INSURANCE** suggested and  
**ORDERED PRINTED**.  
Which was referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.  
Sent down for concurrence.

Bill "An Act to Establish the Petroleum Market Share Act"

S.P. 844 L.D. 2148  
Presented by Senator **BALDACCI** of Penobscot  
Cosponsored by Representative **MARSANO** of Belfast,  
Representative **CONSTANTINE** of Bar Harbor and  
Senator **CLARK** of Cumberland  
Submitted by the Department of the Attorney  
General pursuant to Joint Rule 24.  
Committee on **BUSINESS LEGISLATION** suggested and  
**ORDERED PRINTED**.  
Which was referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**.  
Sent down for concurrence.

Bill "An Act to Repeal a Provision Concerning Low Sulfur Fuel"

S.P. 845 L.D. 2149  
Presented by Senator **LUDWIG** of Aroostook  
Cosponsored by Representative **ANDERSON** of  
Woodland and Representative **GOULD** of Greenville  
Submitted by the Department of Environmental  
Protection pursuant to Joint Rule 24.  
Committee on **ENERGY & NATURAL RESOURCES** suggested  
and **ORDERED PRINTED**.  
Which was referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**.  
Sent down for concurrence.

Bill "An Act to Provide Immunity to Nonprofit Institutions That Donate Surplus Food"

S.P. 846 L.D. 2150  
Presented by Senator **GILL** of Cumberland  
Cosponsored by Representative **PENDLETON** of  
Scarborough and Representative **O'DEA** of Orono  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.  
Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.  
On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **REFERENCE**.

**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 15 of the Joint Rules:  
From the Committee on **JUDICIARY** Bill "An Act to Limit the Liability of Nonprofit Food Providers Who Supply Meals and Other Food to Low-income and Homeless Persons"

H.P. 1041 L.D. 1514

**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:

From the Committee on **JUDICIARY** Bill "An Act to Authorize the Supreme Judicial Court to Provide a Record of Court Proceedings"

H.P. 1318 L.D. 1905

**Senate**

**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:

Reported by Senator **KANY** for the Committee on **BANKING & INSURANCE** Bill "An Act to Provide Coverage for Chiropractic Services under Health Maintenance Organization Plans"

S.P. 289 L.D. 771

Reported by Senator **KANY** for the Committee on **BANKING & INSURANCE** Bill "An Act to Reform Maine Motor Vehicle Insurance"

S.P. 609 L.D. 1613

Reported by Senator **TITCOMB** for the Committee on **ENERGY & NATURAL RESOURCES** Bill "An Act to Improve Coordination of Municipal and State Review of Environmental Permits"

S.P. 587 L.D. 1540

Reported by Senator **GILL** for the Committee on **HUMAN RESOURCES** Bill "An Act to Appropriate Funds for At-risk Youths and Families"

S.P. 225 L.D. 579

Reported by Senator **GILL** for the Committee on **HUMAN RESOURCES** Resolve, to Establish the Alternative Living Community Program (Emergency)

S.P. 720 L.D. 1910

Reported by Senator **GAUVREAU** for the Committee on **JUDICIARY** Bill "An Act to Promote Equity in Court Filing Fees"

S.P. 343 L.D. 933

Reported by Senator **GAUVREAU** for the Committee on **JUDICIARY** Bill "An Act to Require that Restrooms are Accessible to Persons with Disabilities"

S.P. 665 L.D. 1751

Reported by Senator **VOSE** for the Committee on **UTILITIES** Resolve, Directing the Public Utilities Commission to Analyze the Minimization of Electric Rates as an Integral Factor in the State's Least Cost Energy Plan

S.P. 713 L.D. 1896

**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 Concerning Limitations on Actions for Penalties"

S.P. 706 L.D. 1881

**ORDERS OF THE DAY**

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

Bill "An Act to Reorganize the Bureau of Alcoholic Beverages" (Emergency)

H.P. 1503 L.D. 2116

Tabled - January 9, 1992 by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

(In House, January 7, 1992 referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.)

Senator **KANY** of Kennebec, moved to Table 1 Legislative Day, pending **REFERENCE**.

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

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

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

H.P. 1439 L.D. 2051

Tabled - January 9, 1992 by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

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

(In House, January 8, 1992 referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.)

Senator **GILL** of Cumberland, moved to Table 1 Legislative Day, pending **REFERENCE**.

On motion by Senator **DUTREMBLE** of York, Tabled Until Later in Today's Session, pending **REFERENCE**.

The Chair 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 9, 1992 by Senator **CLARK** of Cumberland.

Pending - Motion of same Senator to refer to Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**

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

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

Sent down for concurrence.

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

Bill "An Act Relating to Unredeemed Deposits"

H.P. 1519 L.D. 2131

Tabled - January 9, 1992 by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

(In House, January 9, 1992 referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**.)

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

**Senate at Ease**

Senate called to order by the President.

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

Bill "An Act to Provide Immunity to Nonprofit Institutions That Donate Surplus Food"

S.P. 846 L.D. 2150

Tabled - January 14, 1992 by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**  
(Committee on **JUDICIARY** suggested and **ORDERED PRINTED**)

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

Sent down for concurrence.

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

Bill "An Act to Reorganize the Bureau of Alcoholic Beverages" (Emergency)

H.P. 1503 L.D. 2116

Tabled - January 14, 1992, by Senator **CLARK**, of Cumberland.

Pending - **REFERENCE**

(In House, January 7, 1992 referred to the Committee on **LEGAL AFFAIRS** 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 Later Today Assigned matter:

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

H.P. 1439 L.D. 2051

Tabled - January 14, 1992, by Senator **DUTREMBLE** of York.

Pending - **REFERENCE**

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

(In House, January 8, 1992 referred to the Committee on **LEGAL AFFAIRS**.)

Which was referred to Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

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

Off Record Remarks

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

Senator **MATTHEWS**: Thank you, Mr. President. Ladies and Gentlemen of the Senate. The local newspaper in my area, The Morning Sentinel called yesterday "Black Monday" for those who are being affected by the cuts at Scott Paper Company in Winslow and at S.D. Warren in Hinckley which I also represent. Fortunately, nothing happened yesterday, but I guess this will be Black Tuesday when I go home tonight. I will probably hear about a hundred or so people who live in Skowhegan, Fairfield, Winslow, and all through my area, that have been laid off at S.D. Warren and another 250 at Scott and Winslow.

I raise that because, as I sat with my family Sunday morning at the Parish at St. John's Church, our Priest said a prayer for those that are laid off. I certainly know what that is like. It is a troubling, sad time for all of us throughout the state. I know these days will be very troubling for those that are going to lose their jobs in my hometown and area. I hope we can find some answers or try to be the catalyst for keeping Industry and Business here in Maine.

I was conferring with Senator Bustin, and she has been very much involved with Durtherm in her district. Another company in Vasselboro may shut its doors, another 100 people losing their jobs. These are awful times. I guess I would leave the Senate and all my good friends in this Chamber with just one wish, as we go through this session and into the next year, we try to find a balance between environment and jobs. We keep jobs number one, because jobs are important for people. We have a work ethic in this state and in this country and I hope we can find ways to make the process of environmental laws easier and ways to keep Industry here.

I also learned, the other night from a good friend, that S.D. Warren in Westbrook may lose 1600 or 1700 people. These are scary times. Use the collective wisdom of this think tank to try to keep business here. Thank you, Mr. President.

Senator **KANY** of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator **KANY**: Thank you, Mr. President. Ladies and Gentlemen of the Senate. I share much of the sentiments of the Senator from Kennebec, Senator Matthews. Although S.D. Warren of Somerset and Scott Paper of Winslow are not located in my district many of the people that work at those two plants do live in the district. Even if they didn't I would feel very badly for any jobs lost in Maine or anyplace. I was notified there would be forty non production workers who would lose jobs today at S.D. Warren in Somerset. Fortunately, there are no plans for any loses of jobs of production workers at S.D. Warren in Somerset. I thought that was good news, because some of the rumors were worse than that.

I am also pleased they are down sizing at Scott Paper in Winslow and are able to save some of the jobs. It is not as bad as we originally thought. There are plans by Scott Paper Company to go back to keep that plant and there had been rumors it might even be offered for sale. Fortunately, things are not as bad as we had heard they could have been.

I wanted to comment, meeting with some of the Executives out of Philadelphia along with Senator Matthews of Kennebec, it was made very clear to us by the Vice President of Operations for Scott Paper Company that there were two basic reasons why there was a choice to down size at Scott in Winslow. The two reasons were siting and labor costs. That Vice President made it very clear on the environment we are neutral as far as competition with other similar plants. The environment was neutral. That was not a consideration at all. Siting had to do with transportation and there are heavy labor costs including Workmans Compensation. Thank you.

On motion by Senator **DUTREMBLE** of York, **ADJOURNED** until Wednesday, January 15, 1992, at 6:00 in the evening.