

# 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

Wednesday

January 15, 1992

Senate called to Order by the President.

Prayer by the Honorable John J. Cleveland of Androscoggin.

**SENATOR JOHN J. CLEVELAND:** Would you please join me this evening, as we come together to do our work this Legislative Day, in prayer.

Let us remember the many gifts the Lord has given us. The brilliant sunrises that greet each morning, the rushing streams clear and clean to quench our thirst, majestic mountains to broaden our horizons and views, magnificent coastline to inspire, bountiful land which feed and clothe and shelter us. The inspiration of a child's smile each day. Not the least of which, is the privilege to serve in this Body.

Let us remember the most precious of all gifts. That is life itself. May we all recognize how limited it is in our time on earth and more limited is our time to serve in this Body. May we remember the many gifts and use them wisely. Most especially, may we use the gift of the time we are here to serve the people of Maine to the best of our ability. Amen.

Reading of the Journal of Tuesday, January 14, 1992.

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

**ORDERED**, that a message be sent to the House of Representatives proposing a Convention of both Branches in the Hall of the House at 6:30 p.m., for the purpose of extending to Governor John R. McKernan, Jr., an invitation to attend the Convention and make such communication as pleases him.

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

Subsequently, Senator **DUTREMBLE** of York reported he had delivered the message with which he was charged.

**PAPERS FROM THE HOUSE**  
**Non-concurrent Matter**

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

H.P. 1414 L.D. 2026

In House, January 7, 1992, referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

In Senate, January 9, 1992, referred to the Committee on **UTILITIES** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

The Senate **ADHERED**.

On motion by Senator **CLEVELAND** of Androscoggin, the Senate **RECONSIDERED** its action whereby it **ADHERED**

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

**House Papers**

Bill "An Act to Provide More Efficient and Cost Effective Insurance for Maine State Employees"

H.P. 1524 L.D. 2153

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

Comes from the House referred to the Committee on **BANKING & INSURANCE**.

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

Bill "An Act to Improve the Efficiency and Effectiveness of the State's Natural Resources Protection Programs"

H.P. 1528 L.D. 2157

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.

Bill "An Act to Fund the Crisis and Counseling Center's Residential Care Unit" (Emergency)

H.P. 1523 L.D. 2152

Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

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 Restore Home Health and Community Care Funding"

H.P. 1525 L.D. 2154

Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Amend the Laws Governing Resident-owned Cooperative Mobile Home Parks" (Emergency)

H.P. 1522 L.D. 2151

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 to Amend the Corporation Laws"

H.P. 1529 L.D. 2158

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.

Bill "An Act to Amend the Motor Vehicle Laws"

H.P. 1526 L.D. 2155

Bill "An Act to Clarify Permit Provisions for General Commodity Vehicles with a Maximum Gross Weight of 100,000 Pounds"

H.P. 1527 L.D. 2156

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: S.P. 850  
**115TH MAINE LEGISLATURE**  
January 14, 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 withdrawn his nomination of William J. Deering of Bangor for reappointment to the Maine State Retirement Board of Trustees.

Pursuant to Title 5, MRSA Section 17102, this nomination is currently pending before the Joint Standing Committee on Aging, Retirement and Veterans.

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:  
**DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**  
**BUREAU OF BANKING**  
**STATE HOUSE STATION 36**  
**AUGUSTA, MAINE 04333**  
January 13, 1992

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

In accordance with Title 9-B Maine Revised Statutes Annotated section 217, as amended, I am submitting "The Status of Maine's Financial Institutions."

This report contains information on the number, type and legal structure of all regulated financial institutions in the State of Maine, as well as the location of offices and total deposits held by these institutions. Nineteen-ninety-one was a challenging year for the State of Maine and its banking system. During the year, State and Federal regulators moved to effect resolutions at problem institutions and put the system on a path for recovery in 1992. This year's report details those actions and other items that we believe will be of public interest.

Copies of this report have been distributed to the Office of the Secretary of the Senate in order to provide one copy for each member of the Senate.

Very truly yours,  
S/H. Donald DeMatteis  
Superintendent

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

The Following Communication:  
**DEPARTMENT OF FINANCE**  
**STATE CLAIMS COMMISSION**  
**STATE HOUSE STATION 49**  
**AUGUSTA, MAINE 04333**

January 14, 1992

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

RE: Report of Small Claims to Legislature  
Dear Senator Pray:

Herewith is Report of Small Claims which were received in this office during 1991 and which is being submitted to you for your information and records in accordance with Title 5 M.R.S.A., Section 1510-A, Subsection 8.

A similar report is also being submitted to the Honorable John L. Martin, Speaker of the House, and if you or your staff should have any questions in connection with this report, please communicate with this office.

Yours very truly,  
S/Ronald M. Roy  
Chief Counsel

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

**SENATE PAPERS**

Bill "An Act Related to Hydropower Relicensing Standards"

S.P. 848 L.D. 2159

Presented by President **PRAY** of Penobscot  
Cosponsored by Representative **HOGLUND** of Portland, Senator **LUDWIG** of Aroostook and Representative **LORD** of Waterboro  
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.

**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 **BANKING & INSURANCE** Bill "An Act to Amend and to Clarify Confidentiality Provisions in the Maine Insurance Code"

H.P. 191 L.D. 284

From the Committee on **BANKING & INSURANCE** Bill "An Act to Facilitate the Purchase of Insurance by Purchasing Groups"

H.P. 1140 L.D. 1665

From the Committee on **ENERGY & NATURAL RESOURCES** Bill "An Act to Require the Department of Environmental Protection to Perform a Cost and Benefit Analysis of Permit Applications"

H.P. 747 L.D. 1051

From the Committee on **JUDICIARY** Bill "An Act Relating to Surrogate Parenting"

H.P. 254 L.D. 345

From the Committee on **LEGAL AFFAIRS** Bill "An Act to Allow State Employees to Donate Funds to a Political Cause Through a Payroll Deduction Program"  
H.P. 821 L.D. 1175

From the Committee on **STATE & LOCAL GOVERNMENT** Bill "An Act Relating to Staff of the Maine State Retirement System"  
H.P. 1279 L.D. 1849

From the Committee on **STATE & LOCAL GOVERNMENT** Resolve, to Override a Departmental Rule Imposing Certain ASHRAE Standards on Local School Districts (Emergency)  
H.P. 1305 L.D. 1887

From the Committee on **TRANSPORTATION** Bill "An Act to Amend the Farm Truck Registration Laws"  
H.P. 1033 L.D. 1506

From the Committee on **TRANSPORTATION** Bill "An Act to Establish Title for Snowmobiles and All-terrain Vehicles"  
H.P. 1066 L.D. 1555

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Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

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

Senator **GAUVREAU**: Thank you, Mr. President. Ladies and Gentlemen of the Senate. You may have noticed that on your Calendar this evening, there is a unanimous Committee Report from the Joint Standing Committee on Judiciary granting Ought Not to Pass status to L.D. 345, which was an act relating to surrogate parenting. This is not a matter of first impression with the committee on Judiciary.

In the 113th Legislature, there was legislation I offered which resulted in a study committee, analyzing the whole question of surrogate parenting in the state of Maine. This issue, speaking as it does, to assisted conception, implicates deeply felt emotional, ethical, and theological concerns. The 113th Legislature did not pass out legislation on surrogate parenting. It was the judgement on the Committee of Judiciary that the issue was so sensitive that the time had not come to pass out legislation this year either on this topic.

I rise to register my personal disappointment on the failure of the Committee on Judiciary to recommend legislation for your consideration in this regard. As you may or may not know, because there is no law in Maine on this point, surrogacy is allowed and is occurring. It quite often takes the tone of commercial surrogacy. That is to say, individuals engage in assisted conception for purposes of monetary consideration, that is for profit. That is a concern some members of the community have voiced. My concern speaks to an entirely different area. In every other area of humankind, when a child is born to parties not married, when there is a question of as to the declaration of parental rights and responsibilities for that child, the courts intervene and based upon the best interest of the child's standards articulate parental rights and responsibilities. That is not the case in matters of surrogacy. It remains a law today in Maine that parties by private contract will articulate the parental rights and responsibilities of children born through this means of assisted conception. I think

this is a significant failure of the policy in the state of Maine. We all are sensitive to the emotions this issue can engender, yet it is my frank concern, that the state of Maine will not take action until such time as there has ripened a dispute which has been tossed into the courts of the state of Maine. Our law is simply inadequate to address this very sensitive matter. What frustrates me the most is there have been, for the past several years, committees on a national wide basis organized by the American Bar Association, by the Uniform Commissioners on State Laws, which have proposed model legislation for the states. Although, there is available for us, comprehensive well thought out legislation we have declined the invitation to adopt legislation. I think it is a failure of public policy. For that purpose, I rise this evening. Thank you, Mr. President.

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At this point, a message was received from the House of Representatives, borne by Representative **GWADOSKY** of Fairfield, informing the Senate that the House concurred in the proposition for a Joint Convention, to be held in the Hall of the House, at 6:30 p.m. for the purpose of extending to Governor John R. McKernan, Jr. an invitation to attend the Joint Convention and make such communication as pleases him.

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At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

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Senate at Ease  
Senate called to order by the President.

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**AFTER CONVENTION  
IN SENATE**  
Senate called to order by the President.

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On motion by Senator **DUTREMBLE** of York, **ADJOURNED** until Thursday, January 16, 1992 at 4:00 in the afternoon.