

# 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 16, 1992

Senate called to Order by the President.

Prayer by Pastor Allan Kipp of the Dresden Community Church.

**PASTOR ALLAN KIPP:** As we open this meeting, Father God, we ask that you would be with each and everyone here. We take accounting of the days of Noah when decisions were being made and many people had many things to say and were scoffers.

We pray, Father God, for your strength, your wisdom for this meeting, and these Representatives, Father, that you would just take and overshadow them, cause them to be strong, and abide amongst us. We thank you in Jesus name. Amen.

Reading of the Journal of Wednesday, January 15, 1992.

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

S.P. 853

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 21, 1992, at four o'clock in the afternoon.

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

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

Senate at Ease

Senate called to order by the President.

**PAPERS FROM THE HOUSE**  
House Papers

Bill "An Act to Maintain the Functioning of the Uniform Commercial Code and Corporate Sections of the Department of the Secretary of State" (Emergency)

H.P. 1531 L.D. 2160

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

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

**SENATE PAPERS**

Bill "An Act to Authorize Forest Rangers to Enforce the Rules and Laws Pertaining to the Bureau of Public Lands"

S.P. 852 L.D. 2165

Presented by Senator **LUDWIG** of Aroostook  
Cosponsored by Representative **ANDERSON** of Woodland, Representative **GOULD** of Greenville and Representative **JACQUES** of Waterville

Submitted by the Department of Conservation pursuant to Joint Rule 24.  
Which was referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**.  
Sent down for concurrence.

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency)  
S.P. 849 L.D. 2162

Presented by Senator **GAUVREAU** of Androscoggin  
Cosponsored by Representative **PARADIS** of Augusta  
Submitted pursuant to the Maine Revised Statutes, Title 1, section 94.  
Which was referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.  
Sent down for concurrence.

Bill "An Act to Continue Modified Rate Regulation for Small Consumer-owned Electric Utilities"

S.P. 851 L.D. 2164

Presented by Senator **CLEVELAND** of Androscoggin  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Which was referred to the Committee on **UTILITIES** and **ORDERED PRINTED**.  
Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith 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 **UTILITIES** Bill "An Act to Promote the Access of Cable Television to Maine Citizens"

H.P. 1124 L.D. 1649

From the Committee on **UTILITIES** Bill "An Act to Encourage the Development of Alternative Energy Sources"

H.P. 1282 L.D. 1852

**Change of Reference**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Eliminate or Modify Certain Environmental Licensing and Permitting Requirements of the Department of Environmental Protection" (Emergency)

H.P. 1530 L.D. 2161

Reported that the same be **REFERRED** to the Committee on **ENERGY AND NATURAL RESOURCES** pursuant to Joint Order (H.P. 1508).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY AND NATURAL RESOURCES**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **REFERRED** to the Committee on **ENERGY AND NATURAL RESOURCES**, in concurrence.

**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 **BRANNIGAN** for the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** Bill "An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers"

S.P. 58 L.D. 107

Reported by Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** Bill "An Act Pertaining to Community Corrections Programs" (Emergency)

S.P. 207 L.D. 534

Reported by Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** Resolve, to Provide Additional Funding and an Extension of Time to Allow Phase 2 of the New Capitol Area Master Plan to Be Completed (Emergency)

S.P. 507 L.D. 1345

Reported by Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** Bill "An Act to Provide Fully Paid Health Insurance Benefits to Retired Teachers"

S.P. 571 L.D. 1525

Reported by Senator **KANY** for the Committee on **BANKING & INSURANCE** Bill "An Act to Require Insurers to Provide Insurance Coverage for Newborn Hospital Care"

S.P. 235 L.D. 626

Reported by Senator **MCCORMICK** for the Committee on **BANKING & INSURANCE** Bill "An Act Concerning Insurance Coverage for the Diagnosis and Treatment of the Disease of Infertility"

S.P. 678 L.D. 1800

Reported by Senator **MCCORMICK** for the Committee on **EDUCATION** Bill "An Act Concerning Federal Impact Aid for Education"

S.P. 72 L.D. 128

Reported by Senator **MCCORMICK** for the Committee on **EDUCATION** Bill "An Act Regarding Reimbursement for Out-of-District Special Education Placements"

S.P. 671 L.D. 1785

Reported by Senator **GAUVREAU** for the Committee on **JUDICIARY** Bill "An Act to Replace Certain Criminal Fines with Community Service"

S.P. 133 L.D. 271

**Change of Reference**

Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Establish a Seasonal Permit for the Sale of Deer Hides"

S.P. 519 L.D. 1397

Reported that the same be **REFERRED** to the Committee on **FISHERIES & WILDLIFE**.

Which Report was **READ** and **ACCEPTED**.

The Bill **REFERRED** to the Committee on **FISHERIES & WILDLIFE**.

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

**Senate at Ease**

Senate called to order by the President.

**ORDERS OF THE DAY  
Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Specially (1/15/92) 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 until Later in Today's Session, pending **REFERENCE**.

**Senate at Ease**

Senate called to order by the President.

On motion by Senator **DUTREMBLE** of York, **RECESSED** until 4:30 in the afternoon.

After Recess

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act Concerning the Operation of the Maine Automobile Insurance Plan"

H.P. 1534 L.D. 2167

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

Which was 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 Regarding Fees Collected by the Allagash Wilderness Waterway"

H.P. 1538 L.D. 2171

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 Clarify and Make Technical Changes in the Hospital Care Financing System"

H.P. 1535 L.D. 2168

Bill "An Act to Clarify and Improve the Procedures of the Maine Health Care Finance Commission"

H.P. 1537 L.D. 2170

Come from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.  
Which were referred to the Committee on **HUMAN 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 Clarify and Amend the Laws Regarding Independent Medical Examiners"  
H.P. 1533 L.D. 2166

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

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

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

**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 **AGING, RETIREMENT & VETERANS** Bill "An Act to Permit Portability of Teacher Retirement Credits"  
H.P. 374 L.D. 528

From the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** Bill "An Act to Share Proportionately the Public Safety Costs for the Capitol Area"  
H.P. 411 L.D. 594

From the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** Bill "An Act to Provide Funds for the Montpelier Museum in Thomaston"  
H.P. 521 L.D. 749

From the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** Bill "An Act to Implement the Recommendations of the Maine Commission on Legal Needs"  
H.P. 837 L.D. 1203

From the Committee on **BANKING & INSURANCE** Bill "An Act to Ensure that Health Care Insurance Policies Offer Discounts to Nonsmoking Consumers"  
H.P. 651 L.D. 925

From the Committee on **BANKING & INSURANCE** Bill "An Act to Provide for Increased Coverage of Mental Illness by Group Health Insurance"  
H.P. 710 L.D. 1015

From the Committee on **BANKING & INSURANCE** Bill "An Act to Amend the Banking Laws to Allow Nonprofit Groups to Develop Affordable Housing"  
H.P. 1294 L.D. 1871

From the Committee on **EDUCATION** Bill "An Act to Provide for Direct Reimbursement of Special Education Costs"  
H.P. 1292 L.D. 1867

From the Committee on **JUDICIARY** Bill "An Act to Provide Funding for Sexual Abuse Victims and Offenders"  
H.P. 660 L.D. 939

From the Committee on **LEGAL AFFAIRS** Bill "An Act Concerning Liquor Licenses for Small Stores"  
H.P. 166 L.D. 251

From the Committee on **STATE & LOCAL GOVERNMENT** Bill "An Act to Clarify the Definition of State Employee in the State Employee Labor Relations Laws"  
H.P. 574 L.D. 825

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

**PAPERS FROM THE HOUSE**

**Pursuant to Public Law**

**COMMISSION TO STUDY**

**MAINE'S OIL SPILL CLEAN-UP PREPAREDNESS**

The **COMMISSION TO STUDY MAINE'S OIL SPILL CLEAN-UP PREPAREDNESS**, pursuant to Public Law 1991, chapter 530, ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the State's Oil Spill Prevention and Response Provisions"  
H.P. 1532 L.D. 2163

Be referred to the Committee on **ENERGY & NATURAL RESOURCES** for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.

**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 Ensure That Funds Collected from Restitution and Fines Are Deposited in Interest-bearing Accounts"  
H.P. 1536 L.D. 2169

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

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

**Senate at Ease**

Senate called to order by the President.

**ORDERS OF THE DAY**

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Later Today Assigned Table the following matter:

Bill "An Act to Reorganize the Bureau of Alcoholic Beverages" (Emergency).  
H.P. 1503 L.D. 2116

Tabled - January 16, 1992, by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

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

On further motion by same Senator, Tabled Unassigned, pending **REFERENCE**.

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

**COMMITTEE REPORTS**

**House**

**Change of Reference**

The Committee on **AGING, RETIREMENT & VETERANS** on Bill "An Act Relating to Distribution of Retirement Benefits in Divorce"

H.P. 711 L.D. 1016

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

Senate at Ease

Senate called to order by the President.

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

On motion by Senator **PEARSON** of Penobscot, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Reduce Administrative Costs of State Government and to Clarify Previous Legislative Reductions in State Government Administration" (Emergency)

H.P. 1539 L.D. 2172

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

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-865)**, without reference to a Committee and **ORDERED PRINTED**.

Senator **WEBSTER** of Franklin moved to **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

Senator **PEARSON** of Penobscot requested a Division.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **WEBSTER** of Franklin to **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

A Division has been requested.

Will all those in favor of the motion of Senator **WEBSTER** of Franklin to **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

14 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion of Senator **WEBSTER** of Franklin to **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**, **FAILED**.

The Chair moved to **SUSPEND THE RULES** for the purpose of giving the Bill its **FIRST READING**, without reference to a Committee.

Senator **WEBSTER** of Franklin objected to **SUSPENDING THE RULES**.

The Chair Ordered a Division.

On motion by Senator **MCCORMICK** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The pending question before the Senate is to **SUSPEND THE RULES** for the purpose of giving the Bill its **FIRST READING**, without reference to a Committee.

A vote of Yes will be in favor of **SUSPENDING THE RULES** for the purpose of giving the Bill its **FIRST READING**, without reference to a Committee.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators **BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, DUTREMBLE, ESTY, GAUVREAU, KANY, MCCORMICK, MILLS, PEARSON, VOSE, THE PRESIDENT - CHARLES P. PRAY**

**NAYS:** Senators **BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS, THERIAULT, WEBSTER**

**ABSENT:** Senators **BALDACCI, CONLEY, ESTES, MATTHEWS, TITCOMB, TWITCHELL**

15 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 6 Senators being absent, the motion to **SUSPEND THE RULES** for the purpose of giving the Bill its **FIRST READING**, without reference to a Committee, **FAILED**.

On motion by Senator **CLARK** of Cumberland **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**, in **NON-CONCURRENCE**.

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

Senate at Ease

Senate called to order by the President.

**THE PRESIDENT:** The Chair would advise the members, during the last several months the question of Sexual Harassment, obviously has been put to the forefront of discussion. As you may recall, we passed a law last June, Chapter 474 Public Law to require all employees of the State to undertake various steps to insure a work place free of sexual harassment. The Legislative Council has just adopted a policy. The Chair would ask the members to pay attention:

Pursuant to the statutes that we passed. The Legislative Council has adopted a policy regarding sexual harassment this week. The policy is designed to help employees understand what sexual harassment is and provide guidance for anyone who has questions or feel that they are being harassed. We are distributing copies of this policy to each of you as part of the notification process in that law. I would ask you to read the policy carefully. As you know sexual harassment has recently been the focus of national attention as well.

Sexual harassment is defined as unwelcome sexual advances. Requests for sexual favors or other verbal or physical conduct of a sexual nature. Defining specific offensive behavior that falls within the definition of sexual harassment can be difficult. Many times people can behave in a way that they think is acceptable, but at the same time another person feels very uncomfortable. The key to that is it is unwelcome. Some examples of unacceptable behavior is offensive sexual flirtation, verbal or physical abuse of a sexual nature, sexual suggestive gestures, a display of sexual suggestive objects, pictures, written materials or sexual practical jokes.

Let me stress that sexual harassment is illegal. Each one of us bears a responsibility to ensure that all legislative employees are treated with dignity and able to work in an environment that is free of sexual insulting or degrading remarks, intimidation or retaliation. I think the policy is clear but I would encourage each of the members to read the policy and to see myself or other members of leadership if you have a question.

The policy will be distributed to each and everyone of you. I need to remind you of this situation in your committee work, with the non partisan staff, the partisan staff, and with your colleagues.

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Senate at Ease  
Senate called to order by the President.

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The President appointed the Senator from Cumberland, Senator **CLARK** to serve as President Pro Tem the week of January 20, 1992.

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The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **GILL** of Cumberland, **ADJOURNED** until Tuesday, January 21, 1992, at 4:00 in the afternoon.