

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 30, 1992

Senate called to Order by the President.

Prayer by Pastor Charles Johnson of the Christ Church in Gardiner.

PASTOR CHARLES JOHNSON: From our several traditions, let us offer our prayers, our thoughts, and our meditations for sound government.

God, our Creator and Governor of the Universe, bless the leaders of our land, that we may as a people be at peace among ourselves and a blessing to other nations of the earth. Blessings to the President, and members of the Cabinet, to Governor's of the States, and especially John, the Governor of Maine. Blessings to Mayor's of cities, Selectmen of communities, and to all in administrative authority, grant wisdom and grace in the exercise of their duties. Blessings to Senators and Representatives and those who make our laws in states, cities and towns, and especially the Senate of Maine here assembled. Give courage, wisdom and foresight to provide for the needs of all the people, to fulfill our obligations in the community of nations. To Judges and officers of our courts, give them understanding and integrity that human rights may be safeguarded and justice served. And finally, teach our people to rely on your strength, to accept their responsibilities to their fellow citizens that they may elect trustworthy leaders and make wise decisions for the well being of our society, that we may serve you faithfully in our generation and honor your holy name, for yours is the Kingdom of God and you are exalted as head of all. Amen.

Reading of the Journal of Tuesday, January 28, 1992.

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

S.P. 887

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 4, 1992, at four o'clock in the afternoon.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Protect Consumers"

H.P. 1585 L.D. 2239

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.

Bill "An Act to Modify Various Licensing and

Registration Laws and to Address Budgetary Constraints" (Emergency)

H.P. 1592 L.D. 2246

Bill "An Act to Clarify Maine's Rent-to-own Laws"

H.P. 1594 L.D. 2248

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 Reinstate a System of Parole"

H.P. 1577 L.D. 2224

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.

Bill "An Act to Change the School Subsidy from a Valuation to a Per Pupil Formula"

H.P. 1575 L.D. 2222

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

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

Bill "An Act to Establish Current Drinking Water Standards for Environmental Protection"

H.P. 1572 L.D. 2219

Bill "An Act to Clarify the Subdivision Definition under Maine Land Use Regulation Commission Laws"

H.P. 1588 L.D. 2242

Bill "An Act to Clarify the Zoning Provisions Administered by the Maine Land Use Regulation Commission" (Emergency)

H.P. 1589 L.D. 2243

Bill "An Act to Improve the Administration of Municipal Landfill Closure and Remediation Plans" (Emergency)

H.P. 1595 L.D. 2249

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 Laws Regulating Bear Hunting"

H.P. 1590 L.D. 2244

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

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

Bill "An Act to Make Further Distinctions between Types of Boarding Care Facilities"

H.P. 1578 L.D. 2225

Bill "An Act to Protect Children from Lead Poisoning" (Emergency)

H.P. 1584 L.D. 2234

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.

Bill "An Act Relating to Medicare Assignment"
H.P. 1580 L.D. 2230

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

On motion by Senator **BALDACCI** of Penobscot, referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

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

Bill "An Act to Limit to the District Court the Authority to Issue Orders in Domestic Abuse Cases" (Emergency)

H.P. 1574 L.D. 2221

Bill "An Act to Prevent Foreclosures on Residential Mortgages" (Emergency)

H.P. 1576 L.D. 2223

Bill "An Act to Prevent Procurement of Controlled Substances through Fraud"

H.P. 1582 L.D. 2232

Comes 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 Encourage Workers' Compensation Insurers to Undertake Employer Safety Programs"

H.P. 1587 L.D. 2241

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.

Bill "An Act to Clarify the Collective Bargaining Responsibility in Child Development Services and to Protect Employee Rights"

H.P. 1579 L.D. 2229

Bill "An Act to Strengthen the Public Disclosure of Lobbying Activities"

H.P. 1591 L.D. 2245

Comes 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 Establish A Unified Department of Children and Families (Emergency)

H.P. 1573 L.D. 2220

Committee on **HUMAN RESOURCES** 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 Exempt Certain Municipalities from Interest Imposed by the State"

H.P. 1581 L.D. 2231

Bill "An Act to Protect Taxpayer Rights by Amending the Taxpayer Bill of Rights and Making More Equitable Tax Penalty and Appeal Provisions"

H.P. 1583 L.D. 2233

Bill "An Act to Clarify the Sales and Use Tax Laws Regarding Items Purchased with General Assistance Vouchers or Food Stamps"

H.P. 1586 L.D. 2240

Comes 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 Create the Waterboro Water District" (Emergency)

H.P. 1593 L.D. 2247

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

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

COMMUNICATIONS

The Following Communication:

**DEPARTMENT OF FINANCE
STATE HOUSE STATION 14
AUGUSTA, MAINE 04333**

The Honorable John L. Martin

Speaker of the House

115th Legislature

The Honorable Charles P. Pray

President of the Senate

115th Legislature

Dear Mr. Speaker and Mr. President:

In accordance with Title 5, Maine Revised Statutes Annotated, Section 1547, the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1991.

The first section of the report consists of the General Purpose Financial Statements for all funds reported in accordance with generally accepted accounting principles. Generally accepted accounting principles for the Governmental Funds uses the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as current assets. Expenditures are generally recognized when the related fund liability is incurred. Exceptions to generally accepted accounting principles in these financial statements include accumulated unpaid vacation and sick leave which has not been recorded, and interest on general long-term debt which is recognized when due.

The second section is reported as it has been in the past, based upon the budgetary and legal requirements. Please refer to Note 7 of the General Notes to the Financial Statements for the reconciliation of the fund balances between the two sections. Comparative budgetary data and statistical information have also been included in this report to promote a better understanding of the State's finances.

Questions and comments about this report or any phase of State finances are always welcome.

Sincerely,

S/David A. Bourne
State Controller

S/Victor E. Fleury
Deputy State Controller

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

SENATE PAPERS

Bill "An Act Regarding the Terminally Ill"
S.P. 885 L.D. 2257

Presented by Senator **CAHILL** of Sagadahoc
Cosponsored by Representative **COLES** of Harpswell
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Which was referred to the Committee on **JUDICIARY**
and **ORDERED PRINTED**.
Sent down for concurrence.

Bill "An Act to Clarify Certain Classifications
under the Prevailing Wage Laws"

S.P. 883 L.D. 2255

Presented by Senator **BUSTIN** of Kennebec
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Which was referred to the Committee on **LABOR** and
ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Regarding Dragging for Scallops in
the Swan's Island Cable Area" (Emergency)

S.P. 886 L.D. 2271

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 **MARINE**
RESOURCES and **ORDERED PRINTED**.
Sent down for concurrence.

Bill "An Act Regarding County Contingent Account
Limits"

S.P. 884 L.D. 2256

Presented by Senator **CAHILL** of Sagadahoc
Cosponsored by Representative **CHONKO** of Topsham,
Representative **SMALL** of Bath and Representative
COLES of Harpswell
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.
Which was referred to the Committee on **STATE &**
LOCAL GOVERNMENT and **ORDERED PRINTED**.
Sent down for concurrence.

Under suspension of the Rules, all reference
papers thus acted upon, were ordered sent down
forthwith 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:

John Thompson, whose incredible courage and
overwhelming determination in seeking help after
sustaining a devastating injury while working on his
family's farm near Hurdsfield, North Dakota has
gained him the respect and admiration of the citizens
of Maine; and it is with genuine regard that we
extend our support in his efforts toward a successful
recovery;

Each and everyone of the members of the Senate,
with the exception of one person, has signed a letter
to John Thompson from Hurdsfield, North Dakota, whom
we have been reading about in papers for the last

week or so, about his heroic, tenacious struggle he
has had with the loss of both of his arms in a
farming accident in North Dakota. I think his
determination and his strength has captured the
imagination of all of America, certainly the people
of the State of Maine. There is a great deal of
pride that I sponsored this sentiment, along with the
Senator from Penobscot, Senator Emerson. This
sentiment will be sent to him in North Dakota.

It is seldom that we read in the paper or hear
reports of anybody who has quite the bravery and the
fortitude this young man demonstrated on the day he
was involved in the farming accident. As the story
goes, the young man lost both of his arms while doing
some chores at his home and got into his house by
using his teeth and his feet. He picked up a pen,
dialed the phone to his cousin, who called an
ambulance. After having completed that, he went into
the bathroom so he wouldn't bleed on his mother's
rug. I think he must know my mother too, I would
have felt the same way. The ambulance arrived, the
people that were in the ambulance crew were not very
well trained, but they had the presence of mind to
pack his arms in ice. They took his arms to a
Medical Center in Minnesota and reattached them. I
understand he is now gaining some feeling in his
arms, but probably will not have the use of them
soon, maybe never. Nevertheless, this is a real
dramatic story of an All American boy.

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 Encourage Medical Cost Containment
Measures by Enabling the Establishment of Preferred
Provider Arrangements"

H.P. 790 L.D. 1122

From the Committee on **BUSINESS LEGISLATION** Bill
"An Act to Provide for Better Regulation of
Commercial Driving Instruction Schools" (Emergency)

H.P. 1136 L.D. 1661

From the Committee on **JUDICIARY** Bill "An Act to
Establish the Maine Volunteer Service Act"

H.P. 1090 L.D. 1590

From the Committee on **LABOR** Bill "An Act to
Prevent Unsafe Operation of Trains"

H.P. 1278 L.D. 1848

From the Committee on **STATE & LOCAL GOVERNMENT**
Resolve, to Rename Certain Bodies of Water Located
within the State

H.P. 1506 L.D. 2120

From the Committee on **TAXATION** Bill "An Act to
Improve Collections of Sales Taxes on Mail Order
Sales"

H.P. 367 L.D. 521

From the Committee on **TAXATION** Bill "An Act to
Amend the Maine Sales and Use Tax Law"

H.P. 1119 L.D. 1644

From the Committee on **TAXATION** Bill "An Act to
Create the Maine Economic Recovery Trust" (Emergency)

H.P. 1320 L.D. 1906

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 **STATE & LOCAL GOVERNMENT** Bill "An Act to Amend the Corporation Laws" H.P. 1529 L.D. 2158

Change of Reference

The Committee on **AGRICULTURE** on Bill "An Act to Provide a Private Remedy for Violation of the Lead Poisoning Control Act"

H.P. 1515 L.D. 2127

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.

Ought to Pass As Amended

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Regulate Certain Warranty Practices for Repairs to Watercraft"

H.P. 1319 L.D. 1909

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-866)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-866)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-866) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Regarding Truck Weights for Sand and Gravel Hauling"

H.P. 218 L.D. 309

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-869)**.

Signed:

Senators:

TWITCHELL of Oxford
MILLS of Oxford
GOULD of Waldo

Representatives:

STROUT of Corinth
TAMMARO of Baileyville
RICKER of Lewiston
HALE of Sanford
MARTIN of Van Buren
BOUTILIER of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Representatives:

MACOMBER of South Portland
HUSSEY of Milo
SMALL of Bath
BAILEY of Farmington

Comes from the House with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

On motion by Senator **TWITCHELL** of Oxford, the Minority **OUGHT NOT TO PASS** Report was **ACCEPTED**, in concurrence.

**Senate
Ought Not to Pass**

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

Reported by Senator **EMERSON** for the Committee on **STATE & LOCAL GOVERNMENT** Bill "An Act Authorizing the Town of Vanceboro to Issue Bonds and Notes for Construction of an Elementary School" (Emergency)

S.P. 812 L.D. 2011

Change of Reference

Senator **GAUVREAU** for the Committee on **JUDICIARY** on Bill "An Act to Amend the Laws Concerning the Maine Court Facilities Authority"

S.P. 831 L.D. 2135

Reported that the same be **REFERRED** to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS**.

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

The Bill **REFERRED** to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS**.

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

Ought to Pass As Amended

Senator **GILL** for the Committee on **HUMAN RESOURCES** on Bill "An Act Providing Nursing and Boarding Home Residents with a Right of Action for Violations of Their Resident Rights"

S.P. 590 L.D. 1562

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-532)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-532) **READ** and **ADOPTED**.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

Senator **EMERSON** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Extend the Reporting Date of the Commission to Study the Retirement Benefits Provided by the State" (Emergency)

S.P. 807 L.D. 2006

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-531)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-531) **READ** and **ADOPTED**.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

SECOND READERS

The Committee on Bills in the Second Reading reports the following:

House As Amended

Bill "An Act to Establish a Special Housing Allowance for the Aid to Families with Dependent Children Program" (Emergency)

H.P. 977 L.D. 1420
(C "A" H-864)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Senate As Amended

Bill "An Act to Amend the Disability Laws Applicable to Members of the Maine Judicial Retirement System"

S.P. 742 L.D. 1937
(C "A" S-529)

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

S.P. 794 L.D. 1993
(C "A" S-530)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.
Sent down for concurrence.

ORDERS OF THE DAY

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

Resolve, to Revise the Charter of the Van Buren Hospital District (Emergency)

S.P. 858 L.D. 2182

Tabled - January 28, 1992 by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

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

On motion by Senator **CLARK** of Cumberland, referred to the Committee on **LEGAL AFFAIRS**.

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

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

SENATE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Create a State Municipalities Investment Pool"

S.P. 516 L.D. 1377

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-528)**

Minority - **Ought Not to Pass**

Tabled - January 28, 1992 by Senator **PRAY** of Penobscot.

Pending - Motion by Senator **CLARK** of Cumberland to **ACCEPT** the Majority **Ought to Pass as Amended** Report (Roll Call Ordered)

(In Senate, January 28, 1992, Motion to **ACCEPT** Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**. Subsequently, Motion to **ACCEPT** Minority **OUGHT NOT TO PASS** Report **FAILED**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending the motion of the same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Off Record Remarks

Senator **TITCOMB** of Cumberland was granted unanimous consent to address the Senate on the Record.

SENATOR TITCOMB: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have been asked to announce that the Gould-Michaud auction is scheduled for March 4, 1992. Would members please make a point of putting things aside that could be contributed and I do apologize if this is not the appropriate time to present it. I have been asked to make that announcement.

Senator **MILLS** of Oxford was granted unanimous consent to address the Senate on the Record.

Senator **MILLS**: Thank you Mr. President. Is the Senate still in possession of LD 2182?

THE PRESIDENT: The Chair would answer in the negative. The item has been sent forthwith to the other body for concurrence.

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