

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

March 3, 1992

Senate called to Order by the President.

Prayer by Reverend David Rinas of the Prince of Peace Lutheran Church in Augusta.

REVEREND DAVID RINAS: The Lord be with you. Let us pray. Oh Lord, our Heavenly Father, the Author of Wisdom and the Prince of Peace. I pray today with thanks in my heart for the men and women of the Senate. It is a time, Lord, of tremendous change in our lives and in our world. We are not used to the events where in Moscow and Berlin decisions and actions that are taken affect us in Bath and the decisions that are made in this Assembly. It is easy, Lord, to be discouraged during these times. The old ways of doing things don't seem quite adequate. Lord, I pray for wisdom, strength, and courage for these men and women as they deliberate today on many different issues. Guide them and give them the strength to carry out the tasks which they are here for. The tasks which every one of us believes in from whatever political persuasion they are. They are here for the good of all the people of Maine. I pray for them and their work, in Jesus name. Amen.

Reading of the Journal of Monday, March 2, 1992.

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 Authorizing the Risk Management Division to Provide Insurance to Certain Group Homes for Children and for Persons with Mental Retardation"

H.P. 1542 L.D. 2175

From the Committee on **BANKING & INSURANCE** Bill "An Act to Protect Consumers"

H.P. 1585 L.D. 2239

From the Committee on **EDUCATION** Bill "An Act to Change the School Subsidy from a Valuation to a Per Pupil Formula"

H.P. 1575 L.D. 2222

From the Committee on **ENERGY & NATURAL RESOURCES** Bill "An Act to Implement a Toxic Control Strategy for Maine Waters"

H.P. 1485 L.D. 2097

From the Committee on **ENERGY & NATURAL RESOURCES** Bill "An Act to Allow Municipalities to Operate Stump Dumps"

H.P. 1613 L.D. 2274

From the Committee on **ENERGY & NATURAL RESOURCES** Bill "An Act to Encourage the Wise Use and Management of Maine's Water Resources"

H.P. 1646 L.D. 2309

From the Committee on **ENERGY & NATURAL RESOURCES** Bill "An Act to Improve the Environmental Permitting Process"

H.P. 1675 L.D. 2351

From the Committee on **ENERGY & NATURAL RESOURCES** Bill "An Act to Establish a Technical and Environmental Compliance Assistance Program for Businesses and Municipalities" (Emergency)

H.P. 1678 L.D. 2355

From the Committee on **FISHERIES & WILDLIFE** Bill "An Act to Amend the Laws Regulating Bear Hunting"

H.P. 1590 L.D. 2244

From the Committee on **JUDICIARY** Bill "An Act to Strengthen the State's Role in Drug-related Prosecution"

H.P. 126 L.D. 171

From the Committee on **JUDICIARY** Bill "An Act to Amend the Laws Regarding Dismissal of Paternity Proceedings"

H.P. 1467 L.D. 2079

From the Committee on **JUDICIARY** Bill "An Act to Prevent Foreclosures on Residential Mortgages" (Emergency)

H.P. 1576 L.D. 2223

From the Committee on **JUDICIARY** Bill "An Act to Consider All Sources of Income When Issuing Small Claims Judgments"

H.P. 1599 L.D. 2261

From the Committee on **LEGAL AFFAIRS** Bill "An Act to Allow for the Eviction of Migrant Farm Workers"

H.P. 1516 L.D. 2128

Ought to Pass

The Committee on **BANKING & INSURANCE** on Bill "An Act to Prohibit Unfair Rating Practices in Small Group Health Insurance"

H.P. 1490 L.D. 2102

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1005)**.

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

The Bill **READ ONCE**.

House Amendment "A" (H-1005) **READ** and **ADOPTED**, in concurrence.

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

Ought to Pass As Amended

The Committee on **BANKING & INSURANCE** on Bill "An Act to Amend the Maine Insurance Code"

H.P. 1517 L.D. 2129

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-988)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-988)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-988) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Clarify and Improve the Regulation of Home Food Service Plans"

H.P. 1501 L.D. 2113

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-987)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-987) AS AMENDED BY HOUSE AMENDMENT "A" (H-1006)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-987) **READ**.

House Amendment "A" (H-1006) to Committee Amendment "A" (H-987) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-987) as Amended by House Amendment "A" (H-1006) thereto, **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Repeal the Laws Authorizing Special Veterans License Plates" (Emergency)

H.P. 1437 L.D. 2049

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-980)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-980)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-980) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act Regarding the Time and Temperature Sign Located in Portland"

H.P. 1606 L.D. 2268

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-951)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-951)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-951) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Joint Select Committee on **CORRECTIONS** on Bill "An Act Transferring County Jail Operations to the State"

H.P. 998 L.D. 1447

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-979)**.

Signed:

Senators:

BUSTIN of Kennebec
GAUVREAU of Androscoggin
GILL of Cumberland

Representatives:

ANTHONY of South Portland
MANNING of Portland
OLIVER of Portland
LARRIVEE of Gorham
LIBBY of Kennebunk
MCKEEN of Windham

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

Signed:

Representatives:

GREENLAW of Standish
HEPBURN of Skowhegan
PENDLETON of Scarborough

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

Which Reports were **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I haven't had a chance to look at this but I think by the title of the legislation, it implies a departure from what we have been doing in the past. I'd like to have someone on the committee, even though it is a unanimous committee report, to tell us a couple of words about this legislation. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. What this Bill does is set up a Commission on Transferring County Jails to look at what the feasibility is in making that transfer. In order for anything to happen with County jails, it would come back to the Legislature in January 1994. How they would be transferred would be up to the Commission in reporting that. Thank you.

The Majority **UGHT TO PASS AS AMENDED** Report **ACCEPTED** in **NON-CONCURRENCE**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-979) **READ** and **ADOPTED** in **NON-CONCURRENCE**.

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

SECOND READERS

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

House

Bill "An Act to Define Conflict of Interest for Probate Judges"

H.P. 1552 L.D. 2190

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

Bill "An Act to Create an Independent Office of Advocacy for the Purpose of Administrative Efficiency"

H.P. 1709 L.D. 2390

Which was **READ A SECOND TIME**.

On motion by Senator **BRANNIGAN** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee in **NON-CONCURRENCE**.

Bill "An Act to Tighten Eligibility for the Maine Residents Property Tax Program"
H.P. 1710 L.D. 2394

Which was **READ A SECOND TIME**.

On motion by Senator **BOST** of Penobscot, Bill and Papers **COMMITTED** to the Committee on **TAXATION**, in concurrence.

House As Amended

Bill "An Act Concerning Authorization to Consent to Powers of Attorney"

H.P. 1287 L.D. 1857
(C "A" H-964)

Bill "An Act to Prevent Certain Restraint of Trade Practices"

H.P. 1291 L.D. 1866
(H "A" H-975 to C "A" H-919)

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

H.P. 1434 L.D. 2046
(C "A" H-936)

Bill "An Act to Simplify and Reduce the Cost of State Mapping Efforts"

H.P. 1455 L.D. 2067
(C "A" H-955)

Bill "An Act to Prohibit the Dismantling of Products That Contain Hazardous Material near Water Supplies"

H.P. 1463 L.D. 2075
(C "A" H-972)

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

H.P. 1471 L.D. 2083
(C "A" H-969)

Bill "An Act to Amend the Laws Governing Emergency Medical Technicians"

H.P. 1491 L.D. 2103
(C "A" H-961)

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

H.P. 1500 L.D. 2112
(C "A" H-928)

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
(C "A" H-952)

Bill "An Act to Amend the State's Oil Spill Prevention and Response Provisions"

H.P. 1532 L.D. 2163
(C "A" H-971)

Bill "An Act to Improve Disclosures of Automated Teller Machine Transactions"

H.P. 1559 L.D. 2197
(C "A" H-958)

Bill "An Act to Discourage Illegal Dumping of Waste"

H.P. 1560 L.D. 2198
(C "A" H-962)

Bill "An Act to Strengthen Compliance with Land Use Laws in the Unorganized Territories"

H.P. 1563 L.D. 2201
(C "A" H-954)

Bill "An Act to Create the Waterboro Water District" (Emergency)

H.P. 1593 L.D. 2247
(C "A" H-959)

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

Bill "An Act Creating the Victims' Compensation Board"

H.P. 1265 L.D. 1834
(H "A" H-984; H "B" H-989 to C "A" H-965)

Which was **READ A SECOND TIME**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED, As Amended**, in concurrence.

Bill "An Act to Amend the Maine Health Security Act"

H.P. 1093 L.D. 1593
(C "B" H-967)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.
(See action later today)

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

H.P. 1479 L.D. 2091
(S "A" S-567 to C "A" H-953)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.
Sent down for concurrence.

Bill "An Act to Protect School Students from Potential Harm"

H.P. 1541 L.D. 2174
(S "A" S-568 to C "A" H-968)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.
Sent down for concurrence.

Senate

Bill "An Act to Provide for the Annual Apportionment of the Kennebec Sanitary Treatment District's Operation Costs on a 3-year Average"

S.P. 881 L.D. 2253

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**.
Sent down for concurrence.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds to Initiate Economic Development Activities"

S.P. 933 L.D. 2391

Which was **READ A SECOND TIME**.

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

Bill "An Act to Repeal the Community Corrections Act"

S.P. 934 L.D. 2392

Which was **READ A SECOND TIME**.

On motion by Senator **BRANNIGAN** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

Bill "An Act to Promote Economic Recovery" (Emergency)

S.P. 935 L.D. 2393

Which was **READ A SECOND TIME**.

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "A" (S-570) **READ** and **ADOPTED**.

On motion by Senator **MATTHEWS** of Kennebec, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**, **As Amended** without reference to a Committee.

Bill "An Act Regarding Industrial Electrical Rates" (Emergency)

S.P. 936 L.D. 2395

Which was **READ A SECOND TIME**.

On motion by Senator **BRANNIGAN** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

Bill "An Act to Clarify the Maine Juvenile Code"

S.P. 937 L.D. 2396

Which was **READ A SECOND TIME**.

On motion by Senator **BRANNIGAN** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENGROSSED**, **As Amended** in **NON-CONCURRENCE**:

Bill "An Act to Amend the Maine Health Security Act"

H.P. 1093 L.D. 1593
(C "B" H-967)

On further motion by same Senator, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, **As Amended** in **NON-CONCURRENCE**.

Senate As Amended

"An Act to Reestablish the Rangeley Water District"

S.P. 839 L.D. 2143
(C "A" S-566)

Bill "An Act Concerning the Degree Granting Authority of Husson College"

S.P. 875 L.D. 2236
(C "A" S-565)

Bill "An Act to Change the Term Secondary Vocational Education to Applied Technology and Adult Learning"

S.P. 888 L.D. 2281
(C "A" S-564)

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

ENACTORS

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

An Act to Promote Child Safety
H.P. 1025 L.D. 1498
(C "A" H-925)
(See action later today)

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

H.P. 1415 L.D. 2027
(C "A" H-920)

An Act to Encourage Lawful Rental Practices
H.P. 1423 L.D. 2035
(C "A" H-903)

An Act to Amend the Group Health Insurance Conversion Laws

H.P. 1484 L.D. 2096
(C "A" H-926)

An Act to Authorize the Establishment of Nondepository Trust Companies

H.P. 1489 L.D. 2101
(C "A" H-905)

An Act Concerning the Operation of the Maine Automobile Insurance Plan

H.P. 1534 L.D. 2167
(C "A" H-923)

An Act to Revise the Basis for Semiannual Assessment on Financial Institutions

H.P. 1557 L.D. 2195
(C "A" H-927)

Which were **PASSED TO BE ENACTED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend and Improve the Laws Relating to Education

S.P. 469 L.D. 1252
(H "B" H-918; S "A" S-552)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

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

H.P. 1480 L.D. 2092
(C "A" H-914)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED**

TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

An Act to Enable the Department of Human Services to Have a Presence in Every County through Enhanced Administrative Flexibility

H.P. 620 L.D. 890
(C "A" H-884)

Tabled - March 2, 1992, by Senator **CLARK** of Cumberland.

Pending - **ENACTMENT**
(In Senate, February 27, 1992, **RECONSIDERED ENACTMENT.**)

(In House, February 20, 1992, **PASSED TO BE ENACTED.**)

On motion by Senator **GOULD** of Waldo, Tabled until Later in Today's Session, pending **ENACTMENT**, in concurrence.

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENACTED**, in concurrence:

An Act to Promote Child Safety
H.P. 1025 L.D. 1498
(C "A" H-925)

On further motion by same Senator, Tabled 1 Legislative Day, pending **ENACTMENT**.

Senate at Ease
Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act Creating the Victims' Compensation Board"

H.P. 1265 L.D. 1834
(H "A" H-984; H "B" H-989 to C "A" H-965)

Tabled - March 3, 1992, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED, AS AMENDED**, in concurrence

(In Senate, March 3, 1992, **READ A SECOND TIME.**)
(In House, February 27, 1992, **PASSED TO BE ENGROSSED, As Amended.**)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

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

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

On motion by Senator **CONLEY** of Cumberland, **RECESSED** until the sound of the bell.

After Recess
Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Amend the Maine Health Security Act"

H.P. 1093 L.D. 1593
(C "B" H-967)

Tabled - March 3, 1992, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**

(In Senate, March 3, 1992, **RECONSIDERED PASSAGE TO BE ENGROSSED, AS AMENDED** in **NON-CONCURRENCE.**)

(In House, February 27, 1992, **PASSED TO BE ENGROSSED, AS AMENDED.**)

Which was **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE.**

Sent down for concurrence.

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

An Act to Enable the Department of Human Services to Have a Presence in Every County through Enhanced Administrative Flexibility

H.P. 620 L.D. 890
(C "A" H-884)

Tabled - March 3, 1992, by Senator **GOULD** of Waldo.

Pending - **ENACTMENT**
(In Senate, February 27, 1992, **RECONSIDERED ENACTMENT.**)

(In House, February 20, 1992, **PASSED TO BE ENACTED.**)

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

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

COMMITTEE REPORTS
House
Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Facilitate Criminal Enforcement of the Environmental Laws"

H.P. 1129 L.D. 1654

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-945).**

Signed:
Senator:
GAUVREAU of Androscoggin

Representatives:
CATHCART of Orono
ANTHONY of South Portland
FARNSWORTH of Hallowell
PARADIS of Augusta
KETTERER of Madison
COTE of Auburn

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

Signed:
Senators:
BERUBE of Androscoggin
HOLLOWAY of Lincoln

Representatives:

RICHARDS of Hampden
HANLEY of Paris
STEVENS of Bangor
OTT of York

Comes from the House with the Reports **READ** and the Bill and Accompanying Papers **RECOMMITTED** to the Committee on **JUDICIARY**.

Which Reports were **READ**.

On motion by Senator **GAUVREAU** of Androscoggin, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **JUDICIARY**, in concurrence.

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

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

On motion by Senator **GAUVREAU** of Androscoggin, **ADJOURNED** until Wednesday, March 4, 1992, at 9:00 in the morning.