

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

## **One Hundred And Fifteenth Legislature**

OF THE

## **State Of Maine**

### **VOLUME VII**

#### **SECOND REGULAR SESSION**

Senate

March 10, 1992 to March 31, 1992

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#### **HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

December 5, 1990 to December 1, 1992

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
SECOND REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber

Thursday

March 12, 1992

Senate called to Order by the President.

Prayer by the Honorable David L. Carpenter of York.

**SENATOR DAVID L. CARPENTER:** Let us pray. Keep us, Oh God, from pettiness. Let us be large in thought, word and deed. Let us be done with fault finding and leave off self seeking. May we put away all pretense and meet each other face to face without self pity and without prejudice. May we never be hasty in judgement and always generous. Let us take time for all things. Make us to grow calm, serene, and gentle. Teach us to put into action our better impulses, straight forward and unafraid. Help us to realize it is the little things that create differences. In the big things of life, we are one. May we strive to touch and know the great common human heart of us all. Oh Lord, God let us not forget to be kind. Amen.

Reading of the Journal of Wednesday, March 11, 1992.

Senate at Ease

Senate called to order by the President.

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

S.P. 951

ORDERED, the House concurring that when the House and Senate adjourn, they do so until Monday, March 16, 1992, at three o'clock in the afternoon.

Which was READ and PASSED.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Relating to Distribution of Retirement Benefits in Divorce"

H.P. 711 L.D. 1016

(C "A" H-924)

In Senate, February 25, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924) AS AMENDED BY HOUSE AMENDMENT "A" (H-1091) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Revise the Maine Horticultural Laws"

H.P. 1498 L.D. 2110

(C "A" H-986)

In Senate, March 5, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986) AS AMENDED BY HOUSE AMENDMENT "A" (H-1092) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Amend the Subdivision Laws within the Jurisdiction of the Maine Land Use Regulation Commission"

H.P. 1514 L.D. 2126

(C "A" H-957)

In Senate, March 5, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-957), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-957) AS AMENDED BY HOUSE AMENDMENT "A" (H-1077) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

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)

In House, February 27, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-968).

In Senate, March 3, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-968) AS AMENDED BY SENATE AMENDMENT "A" (S-568) thereto, in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-968) AS AMENDED BY HOUSE AMENDMENT "A" (H-1087) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Repeal the Laws Governing State Investments in Companies Doing Business in South Africa"

S.P. 868 L.D. 2215

(C "A" S-585)

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-585).

In Senate, March 9, 1992, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-585).

Comes from the House the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.  
The Senate **RECEDED** and **CONCURRED**.

Off Record Remarks

The Following Communication:  
.P. 950

**115TH MAINE LEGISLATURE**  
March 11, 1992

Senator Stephen C. Estes  
Rep. Nathaniel J. Crowley, Sr.  
Chairpersons  
Joint Standing Committee on Education  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Margaret C. Duncan of Presque Isle and Kathie Leonard of Mechanic Falls for appointments to the Maine Technical College System Board of Trustees.

Pursuant to Title 20-A, M.R.S.A. Section 12705, these nominations will require review by the Joint Standing Committee on Education 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 **EDUCATION**.

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

The Following Communication:  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**  
**COMMITTEE ON ENERGY AND NATURAL RESOURCES**  
March 10, 1992

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of the Honorable Orland McPherson of Eliot, for appointment to the Low-Level Radioactive Waste Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2  
Representatives 6

NAYS: 1

ABSENT: 4 Sen. Baldacci of Penobscot, Rep. Jacques of Waterville, Rep. Hoglund of Portland, Rep. Simpson of Casco

Eight members of the Committee having voted in the affirmative and One in the negative, it was the

vote of the Committee that the nomination of the Honorable Orland McPherson of Eliot, for appointment to the Low-Level Radioactive Waste Authority be confirmed.

Sincerely,

S/Senator Bonnie L. Titcomb S/Rep. Paul F. Jacques  
Senate Chair House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

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

**COMMITTEE REPORTS**  
House

**Ought to Pass**

The Committee on **STATE & LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1992 (Emergency)

H.P. 1724 L.D. 2413

Reported that the same **Ought to Pass**, pursuant to Joint Order H.P. 1507.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

Which was under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

The Committee on **TAXATION** on Bill "An Act to Conform the Maine Income Tax Law for 1991 with the United States Internal Revenue Code" (Emergency)

H.P. 1461 L.D. 2073

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

Which was under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Senate at Ease

Senate called to order by the President.

**Ought to Pass As Amended**

The Committee on **BANKING & INSURANCE** on Bill "An Act to Clarify the Definition of Certain Vehicles for Insurance Purposes"

H.P. 1644 L.D. 2307

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1070)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1070) AS AMENDED BY HOUSE AMENDMENT "A" (H-1088)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1070) **READ**.

House Amendment "A" (H-1088) to Committee Amendment "A" (H-1070) **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of House Amendment "A" (H-1088) to Committee Amendment "A" (H-1070), in concurrence.

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Concerning Landfill Operation on Certain Islands and to Correct an Error in the Landfill Operation Laws"

H.P. 1622 L.D. 2285

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-1076)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1076)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1076) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Clarify the Requirements for Providing Accessible Housing"

H.P. 1540 L.D. 2173

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-1071)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1071)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1071) **READ** and **ADOPTED**, in concurrence.

Which was under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Senate at Ease

Senate called to order by the President.

The Committee on **MARINE RESOURCES** on Bill "An Act to Make Revisions in Marine Resource Laws"

H.P. 1464 L.D. 2076

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-1079)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1079)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1079) **READ** and **ADOPTED**, in concurrence.

Which was under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Amend the State's Unclaimed Property Act"

H.P. 1569 L.D. 2211

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-1073)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1073)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1073) **READ** and **ADOPTED**, in concurrence.

Which was under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Address Periodic Crises in the Preparation and Mailing of Checks to Clients of the Department of Human Services and to Ensure Priority Payment of Foster Care Expenses"

H.P. 1605 L.D. 2267

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-1080)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1080)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1080) **READ** and **ADOPTED**, in concurrence.

Which was under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

The Committee on **TAXATION** on Bill "An Act Concerning the Registration of Truck Campers"

H.P. 1598 L.D. 2260

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-1072)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1072)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1072) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** 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 **Ought to Pass as Amended** by **Committee Amendment "A" (H-1066)**.

Signed:

Senators:

GAUVREAU of Androscoggin  
BERUBE of Androscoggin  
HOLLOWAY of Lincoln

Representatives:

KETTERER of Madison  
CATHCART of Orono  
RICHARDS of Hampden  
STEVENS of Bangor  
FARNSWORTH of Hallowell  
PARADIS of Augusta  
ANTHONY of South Portland  
COTE of Auburn

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

Signed:

Representatives:

HANLEY of Paris  
OTT of York

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1066)**.

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

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

Which was under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

**Divided Report**

Members of the Committee on **BANKING & INSURANCE** on Bill "An Act to Authorize More Accessible and Affordable Medical Insurance for Small Employers"

H.P. 1546 L.D. 2179

Report in Report A that the same **Ought Not to Pass**.

Signed:

Senator:

MCCORMICK of Kennebec

Representatives:

MITCHELL of Vassalboro

TRACY of Rome

KETOVER of Portland

JOSEPH of Waterville

RAND of Portland

PINEAU of Jay

ERWIN of Rumford

Four Members of the Same Committee on the same subject report in Report B that the same **Ought to Pass**.

Signed:

Senator:

BRAWN of Knox

Representatives:

CARLETON of Wells

GARLAND of Bangor

HASTINGS of Fryeburg

One Member of the Same Committee on the same subject reported in Report C that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1069)**.

Signed:

Senator:

KANY of Kennebec

Comes from the House Report A, **OUGHT NOT TO PASS** **READ** and **ACCEPTED**.

Which Reports were **READ**.

Senator KANY of Kennebec moved that the Senate **ACCEPT** Report A **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator KANY of Kennebec to **ACCEPT** Report A **OUGHT NOT TO PASS** Report, in concurrence.

**Senate**

**Ought to Pass As Amended**

Senator CONLEY for the Committee on **HUMAN RESOURCES** on Bill "An Act to Ensure Adequate Resources for Energy Assistance Programs for Low-income Households" (Emergency)

S.P. 319 L.D. 857

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-616)**.

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

The Bill **READ ONCE**.

Committee Amendment "B" (S-616) **READ** and **ADOPTED**. Which was under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

Senator CONLEY for the Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the Definition of Ambulatory Surgical Facilities"

S.P. 833 L.D. 2137

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-615)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-615) **READ** and **ADOPTED**. Which was under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

Senator MILLS for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Election Laws"

S.P. 820 L.D. 2019

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-617)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-617) **READ** and **ADOPTED**. Which was under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act Concerning Long-term Care Recipients"

S.P. 793 L.D. 1992

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-614)**.

Signed:

Senators:

CONLEY of Cumberland

BOST of Penobscot

GILL of Cumberland

Representatives:

MANNING of Portland

CLARK of Brunswick

GEAN of Alfred

WENTWORTH of Arundel

SIMONDS of Cape Elizabeth

GOODRIDGE of Cornville

DUPLESSIS of Old Town

TREAT of Gardiner

PENDLETON of Scarborough

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

Signed:

Representative:

PENDEXTER of Scarborough

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-614) **READ** and **ADOPTED**.

Which was under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended.**  
Sent down for concurrence.

**SECOND READERS**

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

**House**

Bill "An Act to Allow Counties to Blanket Bond Part-time Deputy Sheriffs"  
H.P. 1436 L.D. 2048

Bill "An Act to Extend the Reporting Date of the Commission to Study State Permitting and Reporting Requirements" (Emergency)  
H.P. 1550 L.D. 2188

Bill "An Act to Establish a Boundary between the Town of Skowhegan and the Town of Madison"  
H.P. 1612 L.D. 2273

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

**House As Amended**

Bill "An Act to Increase the Penalties for Committing Repeated Assault"  
H.P. 1428 L.D. 2040  
(C "A" H-1068)

Bill "An Act to Clarify Responsibility for Workers' Compensation Coverage for Town Forest Fire Wardens and Laborers Hired for Forest Fire-fighting Activities" (Emergency)  
H.P. 1561 L.D. 2199  
(C "A" H-1060)

Resolve, to Authorize the Director of the Bureau of Public Improvements to Condemn in the Name of the State Certain State-owned Land in the Town of Warren and the Town of Cushing and Exchange Boundary Line Agreements with Abutting Land Owners  
H.P. 1611 L.D. 2272  
(C "A" H-1064)

Bill "An Act to Strengthen Maine's Governmental Ethics Laws" (Emergency)  
H.P. 1618 L.D. 2279  
(C "A" H-1061)

Bill "An Act to Authorize a Bond Issue of \$300,000 to Expand the Sagadahoc County Courthouse to Include Detention Facilities" (Emergency)  
H.P. 1619 L.D. 2280  
(C "A" H-1063)

Bill "An Act Relating to the Arthur R. Gould School"  
H.P. 1695 L.D. 2375  
(C "A" H-1067)

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

Bill "An Act Concerning Tribal Courts"  
H.P. 1494 L.D. 2106  
(C "A" H-1065)

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.

**Senate As Amended**

Bill "An Act to Amend Maine's Underground Oil Storage Tank Laws" (Emergency)  
S.P. 837 L.D. 2141  
(C "A" S-613)

Which was **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 Regarding the Time and Temperature Sign Located in Portland  
H.P. 1606 L.D. 2268  
(C "A" H-951)

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator CLEVELAND.

**Senator CLEVELAND:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to ask a question through the Chair if I may. I believe there hasn't been much debate on this particular issue. Since we have discussed issues regarding signs and exceptions to the sign ordinance, I would like to pose a question to any member who will answer it. What circumstances may exist in regards to this particular request for an exemption that may not be particular to other requests for an exemption? I would appreciate it if someone would respond. Thank you.

**THE PRESIDENT:** The Senator from Androscoggin, Senator CLEVELAND has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator CONLEY.

**Senator CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from Androscoggin, Senator CLEVELAND has posed a general question regarding the Time and Temperature Sign located in Portland. Basically, this Bill, which has had no debate in this Body, was brought before the Transportation Committee and the House Chair is the chief sponsor of that particular measure. This Bill was thought to be necessary, actually there is debate as to whether or not it is necessary. The Time and Temperature Sign which for many of you may be the only thing you know about Portland. It is probably the only useful purpose which Portland sometimes serves for many people as they travel through it to get the time and temperature by reading one of the three faces. One of those faces happens to face Interstate 295.

This Bill became necessary when the people that own the sign, affectionately known as The Bank, have gone out of business. They occupied that building and because they have gone out of business, they no longer can put their name up there. There may be a necessity, in order to raise funds to keep the sign going, to allow other businesses to put their name up there as long as it is done in a very specific fashion. It was thought that this Bill would be necessary because there is an argument that the sign may be adjacent to the highway. In any case, there has been a Committee in Portland which has been seeking out funds to keep this sign going. This has really been one issue which has solidified the downtown area in Portland. It is no secret to anyone who follows things in Portland that downtown is quickly turning into a ghost town. The lights on

this sign going out would actually symbolize the lights going out on downtown Portland. It is with that motto, that this group has gone forward and have been able to raise the funds necessary to keep this sign lit.

I happen to practice Law in the Monument Square area. I can't tell you how useful this particular clock is. I don't wear a watch. It helps me to know what time court is going to start. For my many criminal clients, I just say that I am down by the Time and Temperature building. That is all they really need to know. They can find me that way. I know that people feel strongly about signs and signs cluttering up the highways and byways of this State. We have had more than a little debate about farm signs. I would like to assure this Body that this Bill deals with only one sign. That is the sign which is on a skyscraper building. That building has been there for twenty eight years, long before Interstate 295 ever came in. If anything should move, perhaps it ought to be the interstate. This sign has three faces, one faces out to the islands, and the other sign faces out to the City Proper. This sign is a very important piece of the landscape in Portland. There is not a painting that has not been done of this City in the last twenty years that does not have this sign on it. It is approaching a landmark and for that reason I believe this Bill is necessary. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Pearson.

**Senator PEARSON:** Thank you Mr. President. Ladies and Gentlemen. One might wonder why I would rise on a sign Bill in Portland. I have a very close friend of mine, who is a constituent, who will be moving to Portland in the near future. She is almost always late for every appointment. It is vital that that sign be there. That is another reason why the good Senator from Cumberland, Senator Conley wants the Time Sign there. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

**Senator CLEVELAND:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Having heard such persuasive evidence that it would be a terrible and gross monetary hardship on the good Senator from Cumberland, Senator Conley to purchase a watch, I would think we have no other alternative but to pass this L.D. Thank you.

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

An Act to Create the Commission on Transferring County Jails to the State

H.P. 998 L.D. 1447  
(H "B" H-1037 to C "A"  
H-979)

On motion by Senator **BRANNIGAN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

**Emergency**

An Act to Amend the Charter of the Portland Water District

H.P. 1668 L.D. 2344  
(C "A" H-1002; H "A"  
H-1026)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in the negative, and 25 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.

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

**Senator CLEVELAND:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise today to bring your attention to a number of Water and Sewer District Bills that you have been enacting in recent time. Many of them are amendments or enactments of new charters for the Districts and as required they need to go to referendum in the local Districts and Towns. That posed somewhat of a problem because under the State's current mandate law, it would have been required that the State fund those referendums 100% because they would have been identified as a mandate. The Utility Committee, recognizing it's responsibility, has requested each one of those communities involved that if they had any particular objection or would they be willing to accept the cost of conducting the referendum. We have asked that from every single District. We have received from every District that they have no objection and they will accept the minimal cost. We have added an amendment to each one of those that says not withstanding the State Statute, the State will not pay for those particular referendums to avoid that problem.

I wanted to bring it to your attention for two reasons. One, I wanted to maintain the spirit of the Law which was that the State wouldn't pass on unfunded mandates even as small as they may be. We figured the way to do that is to work in cooperation with the communities who were willing to accept that. I wanted to bring that to your attention as a way that the two Committees have dealt with that particular issue, both to be of help to the process as well as to work cooperatively with local communities. Thank you Mr. President.

Senator **PEARSON** of Penobscot was granted unanimous consent to address the Senate on the Record.

**Senator PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate the remarks of the good Senator from Androscoggin, Senator Cleveland and the way in which that was worked out. You could put in a notwithstanding provision of the Statutes that they could accept that responsibility. I would ask a rhetorical question. What would you do when it was a Constitutional Amendment? Thank you.

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

**Senator CLEVELAND:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate the question from Senator Pearson of Penobscot and anticipated that he might have an inquiry in that regard. Under the proposed L.D. 66 which would be the Constitutional Mandate, we addressed that in two ways. First of all there is a provision which allows



that the minimal amount of expense would be exempted for that particular year. Clearly, these small referendums would easily come under those even if we accumulated every single one. Second, there is also a provision in that Statute which says that at the request of any local municipality the State is not required to pay. Under two provisions of that particular statute it wouldn't be encumbered, therefore, we have anticipated that. I appreciate the question so we could clarify that again. Thank you.

**Emergency Resolve**

Resolve, Concerning the Removal of Residential Underground Oil Tanks

H.P. 1614 L.D. 2275  
(C "A" H-1003)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify Succession to the Positions of Treasurer of State and Secretary of State  
H.P. 1478 L.D. 2090  
(H "A" H-1032 to C "A" H-932)

On motion by Senator **BRANNIGAN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**.

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass As Amended**

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Create a Budget Advisory Committee for Hancock County"

S.P. 814 L.D. 2013

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "B" (S-619)**.

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

The Bill **READ ONCE**.

Committee Amendment "B" (S-619) **READ** and **ADOPTED**.

Which was under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

On motion by Senator **CAHILL** of Sagadahoc, **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 Specially Assigned matter:

An Act to Prohibit Undocumented Insurance Trade Practices

S.P. 843 L.D. 2147  
(C "A" S-550)

Tabled - March 11, 1992, by Senator **CLARK** of Cumberland.

Pending - **ENACTMENT**

(In Senate, February 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-550)**.)

(In House, March 10, 1992, **PASSED TO BE ENACTED**.)

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

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

An Act Authorizing an Advisory Referendum on Whether the Congress of the United States Should Establish a National Health Insurance Program

H.P. 1656 L.D. 2333  
(C "A" H-1015)

Tabled - March 11, 1992, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 5, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1015)**, in concurrence.)

(In House, March 10, 1992, **PASSED TO BE ENACTED**.)

On motion by Senator **WEBSTER** of Franklin, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

**Emergency**

An Act to Amend the Laws Governing the Practice of Hairdressing

H.P. 1604 L.D. 2266

Tabled - March 11, 1992, by Senator **CLARK** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 5, 1992, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 10, 1992, **PASSED TO BE ENACTED**.)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in the negative, and 34 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.

**Senate at Ease**

Senate called to order by the President.

**Off Record Remarks**

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

An Act to Clarify the Laws Related to Credit Cards

H.P. 1410 L.D. 2022  
(C "A" H-895)

Tabled - March 11, 1992, by Senator CLARK of Cumberland.

Pending - **ENACTMENT**

(RECALLED from the Governor's Desk, pursuant to Joint Order S.P. 944, in concurrence.)

(In Senate, March 10, 1992, **RECONSIDERED ENACTMENT.**)

On motion by Senator KANY of Kennebec, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED.**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-895).

On further motion by same Senator, Senate Amendment "C" (S-618) to Committee Amendment "A" (H-895) **READ** and **ADOPTED.**

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am offering this amendment with the approval of the Banking & Insurance Committee to accommodate a request to allow smaller type on a credit card. Thank you.

Committee Amendment "A" (H-895) As Amended by Senate Amendment "C" (S-618) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

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

Bill "An Act to Amend the Law Regarding the Responsibilities of Code Enforcement Officers to Approve Plans or Technical Submissions by Architects" (Emergency)

S.P. 798 L.D. 1997

Tabled - March 11, 1992, by Senator CLARK of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (S-601)

(In Senate, March 10, 1992, Committee Amendment "A" (S-601) **READ.**)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (S-601).

Senate at Ease

Senate called to order by the President.

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

Bill "An Act Relating to Gambling" (Emergency)

H.P. 1685 L.D. 2365  
(C "A" H-1056)

Tabled - March 11, 1992, by Senator MILLS of Oxford.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, March 10, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1056),** in concurrence. Subsequently, **RECONSIDERED.**)

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

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

Bill "An Act to Repeal the Community Corrections Act"

S.P. 934 L.D. 2392

Tabled - March 11, 1992, by Senator CLARK of Cumberland.

Pending - **ADOPTION** of Senate Amendment "B" (S-600) (In Senate, March 10, 1992, Senate Amendment "B" (S-600) **READ.**)

Senate Amendment "B" (S-600) **ADOPTED.**

Which was **PASSED TO BE ENGROSSED, As Amended.**

Sent down for concurrence.

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

Bill "An Act to Clarify and Improve the Regulation of Home Food Service Plans"

H.P. 1501 L.D. 2113

(H "A" H-1006 to C "A" H-987)

Tabled - March 11, 1992, by Senator CLARK of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 4, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-987) AS AMENDED BY HOUSE AMENDMENT "A" (H-1006)** thereto, in concurrence.)

(In House, March 10, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-987) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1006) AND "B" (H-1048)** thereto, in **NON-CONCURRENCE.**)

The Senate **RECEDED** and **CONCURRED.**

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

**Emergency**

An Act to Facilitate Prompt Child Support Payments from the Department of Human Services

H.P. 1054 L.D. 1543

(C "A" H-892)

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

Pending - **ENACTMENT**

(In Senate, February 18, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-892),** in concurrence.)

(In House, February 25, 1992, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 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.

On motion by Senator **TWITCHELL** of Oxford, **RECESSED** until the sound of the bell.

After Recess  
Senate called to order by the President.

Off Record Remarks

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

On motion by Senator **MILLS** of Oxford, **RECESSED** until the sound of the bell.

After Recess  
Senate called to order by the President.

Off Record Remarks

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Allow the Separation of Certain Islands in Casco Bay from the City of Portland"

H.P. 1634 L.D. 2298

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-1095)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1095)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1095) **READ** and **ADOPTED**, in concurrence.

Which was under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

**SENATE REPORTS** - from the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Encourage Private Sector Investment in Tourism"

S.P. 911 L.D. 2331

(S "A" S-611)

Majority - **Ought Not to Pass**.

Minority - **Ought to Pass**.

In House, March 9, 1992, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

In Senate, March 10, 1992, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-611)** in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

On motion by Senator **MATTHEWS** of Kennebec, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE**.

The Chair appointed as conferees on the part of the Senate:

Senator **MATTHEWS** of Kennebec.  
Senator **CLARK** of Cumberland.  
Senator **HOLLOWAY** of Lincoln.

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

**COMMITTEE REPORTS**

**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 **BRANNIGAN** for the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** Bill "An Act to Establish a Public Solid Waste Facilities Loan and Grant Program"

S.P. 641 L.D. 1689

**Ought to Pass**

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Authorizing the Town of Rockport to Refinance Certain Temporary Bond Anticipation Notes Issued for Its Wastewater Project" (Emergency)

S.P. 942 L.D. 2405

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

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

Which was under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Regarding County Contingent Account Limits"

S.P. 884 L.D. 2256

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

**BERUBE** of Androscoggin

**BUSTIN** of Kennebec

Representatives:

**NASH** of Camden

**JOSEPH** of Waterville

**WATERMAN** of Buxton

**SAVAGE** of Union

**LOOK** of Jonesboro

**KERR** of Old Orchard Beach

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Senator:

**EMERSON** of Penobscot

Representatives:

**GRAY** of Sedgwick

**KILKELLY** of Wiscasset

**LARRIVEE** of Gorham

**HEESCHEN** of Wilton

Which Reports were **READ**.

Senator **BERUBE** of Androscoggin moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Legislation is a

piece of Legislation that I submitted along with members of the other Body relating to Sagadahoc County. Our Commissioners came to us about a month ago and said our County contingency, as are all County contingencies are, \$50,000. In this day and age when County budgets are so high, it would be a useful tool for counties to be able to have their contingency to be more money. This Bill would do one thing, it would raise all county contingencies from \$50,000 to \$100,000. I hope that you would vote no and I would request a Division so we can put these County contingencies out to a workable point. Thank you.

Senator **CAHILL** of Sagadahoc requested a Division.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill was put in because there was a local need of addressing this issue. It was a feeling there were valid reasons in that area of the State, however, it was the feeling of the majority of the members in the Committee that increasing the contingency account to \$100,000 by the other Counties of this State might cause a further drain on the local property taxes. Those monies would have to be raised in order to fund the Contingency Account. That was the main reason for the Majority Report. Thank you.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The County Commissioners group that met did send a letter to endorse that it was unanimous among the group to do this. It is not just Sagadahoc County's need to support. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator **EMERSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. There is one point I would like to make. This is not a requirement that a County raise \$100,000 for a Contingency fund. It allows them to raise up to that amount. Some of the County Commissioners have written and asked us to support this motion. I think Aroostook County Commissioners were interested in this. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. What the Senator from Penobscot, Senator Emerson says is true, however, the temptation would be very great by some counties to find expenditures to warrant their going to a Contingency account. The majority of the members felt we could not again give that discretionary authority to raise those monies through the property taxes. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

A Division has been requested.

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

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

13 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS** Report **ACCEPTED**.

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

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

**COMMUNICATIONS**

The Following Communication:

.P. 952

**115TH MAINE LEGISLATURE**

March 12, 1992

Senator N. Paul Gauvreau  
Rep. Patrick E. Paradis  
Chairpersons  
Joint Standing Committee on Judiciary  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Paul L. Rudman of Bangor for appointment as Justice of the Maine Supreme Judicial Court.

Pursuant to the Constitution, Article V, Part I, Section 8, this nomination is currently pending before the Joint Standing Committee on Judiciary.

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 **JUDICIARY**.

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

The Following Communication: S.P. 953

**115TH MAINE LEGISLATURE**

March 12, 1992

Senator N. Paul Gauvreau  
Rep. Patrick E. Paradis  
Chairpersons  
Joint Standing Committee on Judiciary  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Paul L. Rudman of Bangor for reappointment as Justice of the Maine Supreme Judicial Court.

Pursuant to the Constitution, Article V, Part I, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

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

**ORDERS OF THE DAY**

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

**NOMINATION** - of Orland McPherson of Eliot for appointment to the Low-Level Radioactive Waste Authority

Tabled - March 12, 1992, by Senator **CLARK** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, March 12, 1992, Communication from the Committee on **ENERGY AND NATURAL RESOURCES READ and ORDERED PLACED ON FILE.**)

**THE PRESIDENT:** The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of the Honorable Orland McPherson of Eliot be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators None

**NAYS:** Senators **BALDACCI, BERUBE, BOST, BRAUN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY**

**ABSENT:** Senators **BRANNIGAN, MILLS**

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable Orland McPherson, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

**HOUSE REPORTS** - from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Authorize More Accessible and Affordable Medical Insurance for Small Employers"

H.P. 1546 L.D. 2179

Report A - **Ought Not to Pass**

Report B - **Ought to Pass**

Report C - **Ought to Pass As Amended by Committee Amendment "A" (H-1069)**

Tabled - March 12, 1992, by Senator **CLARK** of Cumberland.

Pending - Motion by Senator **KANY** of Kennebec to **ACCEPT Report A, Ought Not to Pass**, in concurrence (In Senate, March 12, 1992, Reports **READ.**)

(In House, March 11, 1992, Report A, **OUGHT NOT TO PASS READ and ACCEPTED.**)

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator **Brawn**.

Senator **BRAWN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I ask you to vote against the pending motion from the good Senator from Kennebec, Senator **Kany** who was by the way on Amendment "C" but has gone Ought Not To Pass. In the Banking & Insurance Committee for the past two years, we have had over 55 Bills. Many of these Bills have been about Health Care and Health Insurance. In my opinion, this is the last vehicle to help small business. You see what we are doing again, we are ought not to pass. I would like to tell you, for the record, what this Bill does and what it is about. I have wondered all along what the objection is to allowing small businesses.

This Bill will mainly give authority or allow any employers who have less than 25 employees to offer a basic health plan to their employees. It is true. It is not a Cadillac. It doesn't have mandated benefits and it doesn't have a lot of the other things I will speak briefly about. It is a basic health care plan. It has cost saving provisions such as an annual limit on outpatient diagnostic and laboratory tests as well as disincentives for inappropriate use of hospital emergency rooms. It offers the employees a choice of deductibles, ranging from \$200 to \$1000. It offers 20% co-insurance limited by an annual cap on deductible on co-insurance.

Lastly I will tell you what it would offer because I have heard a lot of negatives about this. This is a no frills package. This package would be a choice. This would allow coverage for certain preventive care services such as a well baby care, childhood immunizations, mammograms, and a limited number of physician office visits. This emphasis on preventive care is another area where the basic care policy differs from a typical group health insurance plan. This basic care plan would help keep people well and obtain appropriate medical attention prior to an illness becoming more serious. The deductible would not apply to preventive care services. I want to end, for the record, saying that at this public hearing we had on this Bill, there were several people who spoke for the Bill. There were two who spoke against and two who spoke neither for or against. I think it is important to know that the Maine Chamber of Commerce spoke very strongly in support of this. They said it was a no frills insurance package for small employers. There are a lot of features they liked in this. For instance, the Managed Care is laudatory because Managed Care has proven to be one of the few successful strategies in containing health care costs. The focus on limiting mandate benefits is very critical because it is estimated that mandated benefits could add as much as \$600 to \$700 per year to the cost of the family health insurance policy. Finally, adoption of Legislation authorizing a policy of this type could be most helpful in stabilizing the cost of health insurance and encouraging small businesses to obtain coverage for employees to retain it. I am frustrated that we have had 55 Bills. We have passed other Bills that are supposedly going to help and I am really concerned that this last opportunity we are voting Ought Not To Pass on a basic health care plan. I would ask you to vote against this Ought Not To Pass so we can go on to accept the Ought To Pass and give our small businesses some plan they can offer to their employees. Thank you.

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

**Senator MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The reason why you see this Ought Not To Pass Report before you, is not because the majority members of the Banking & Insurance Committee did not want to help small business with their health insurance problem. That is not the case at all. The reason why there is an Ought Not To Pass Report before you, is because this Bill does nothing. There is nothing in this Bill that insurance companies cannot do now on the free market. They can offer Managed Care, they can offer wellness care, they can do higher co pays to keep down the premiums, and they can do higher deductibles to keep down the premiums.

Now we come to the issue of mandates. Currently, for the small business groups that are covered by this Bill, already the Substance Abuse mandate and the Mental Health mandate is not required. The only mandate that this Bill signals out is Chiropractic. If this Bill were to pass, Chiropractic mandate would be voided for this group of people. I would like to point out on statistic that I think, since the good Senator from Knox, Senator Brawn brought it up, is worthy of your consideration. I think that the good Senator from Knox, Senator Brawn mentioned that some estimates show that \$600 is added to an average policy because of mandates. That is not at all what the Committee heard from the Bureau of Insurance. The statistic we were given is that mandates account for 7% or less of insurance premium costs. That is no where near several hundred dollars. I urge you to vote yes on the Ought Not To Pass motion. There is no need to clutter up the books with a Law that allows insurance companies to do something they can already do. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Brawn.

**Senator BRAUN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I respect the opinions of the good Senator from Kennebec, Senator McCormick on her three reasons you should vote yes. I would like to, for the record, tell you my understanding. I don't believe for a minute we will be cluttering up the books. I would like to read the Statement of Fact. I don't believe a Bill would be put in of this important nature to clutter up the books. The Statement of Fact says, "this Bill permits insurers and non-profit health plans like Blue Cross/Blue Shield to develop a less costly managed care health plan, specifically for the small employer market." That is the reason this Bill is here. That is the reason we spent time on this. It is ok if she doesn't agree but I think it's important that you know why it is here.

The second issue of Chiropractic is true. I have other people in my own party voting against this. That is fine, I respect that. I think it is essential to point out to you that employers should at least have the choice if they want to give Chiropractic or not. You can choose where you work. To me I look at that as a matter of choice. I know all of us advocate choice in all matters. It is not a mandate in this Bill. As for the mandates costing \$600, I was mainly reading into the record from the Maine Chamber of Commerce and I am not sure where they got that statistic. The Bureau of Insurance was probably different. I wanted you to know that is what I was reading from. Thank you.

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

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

**Senator KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I urge you to vote in opposition to this Bill, L.D. 701, the Community Rating Bill. It calls for the Bureau of Insurance to develop the small employers health plans. We have that on the Appropriations Table and we have voted in favor of that in this Chamber. What we have before us is a beautiful title. I wish there were some substance of words within the Bill. The Bill as outlined by the Senator from Kennebec, Senator McCormick offers three things supposedly to save money for the small employers of the State. Those employers who have 25 or fewer employees. The first thing it offers is managed health care but the Law already allows small employers plans to have managed health care. In fact, they are encouraged. Second, a wonderful way to save money, co payment deductibles. The Law already allows co payment deductibles. Third, it seeks to eliminate three mandates from the small employers market.

Two of those mandates, on mental health and substance abuse, the Law currently already exempts small employers with 20 or fewer employees. It would only apply to a little window to those employers who have between 21 and 25 employees. Then the big mandate that would be eliminated would be Chiropractic care for the great savings, according to the Bureau of Insurance, of 1%. Even that is challenged by many, including me. We have learned a lot about Chiropractic care in our Committee in the last year or two. What I have learned has impressed me. Often it can be much cheaper care. There is no hospitalization and you don't have the complications of infections that could follow surgery. You don't have complications following medications. Yet, disallowing Chiropractic mandate would save 1%. I question that. What do you have left, nothing. For that very reason I strongly urge you to vote in opposition to this beautifully titled Bill. Thank you.

On motion by Senator **WEBSTER** of Franklin, Bill and Accompanying Papers, **INDEFINITELY POSTPONED.**

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

Bill "An Act Concerning Tribal Courts"  
H.P. 1494 L.D. 2106  
(C "A" H-1065)

Tabled - March 12, 1992, by Senator **CLARK** of Cumberland.

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

(In Senate, March 12, 1992, **READ A SECOND TIME.**)

(In House, March 10, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1065).**)

On motion by Senator **GAUVREAU** of Androscoggin, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-1065).

On further motion by same Senator, Senate Amendment "A" (S-622) to Committee Amendment "A" (H-1065) **READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is truly a technical amendment. It simply clarifies on this Bill, which would affect the jurisdiction of the Tribal Courts, that the Tribal Court only has jurisdiction over offenses which are committed by members of the tribe over which it has jurisdiction. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-622) to Committee Amendment "A" (H-1065) **ADOPTED**.

Committee Amendment "A" (H-1065) As Amended by Senate Amendment "A" (S-622) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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:

Bill "An Act to Clarify the Definition of Certain Vehicles for Insurance Purposes"

H.P. 1644 L.D. 2307

Tabled - March 12, 1992, by Senator CLARK of Cumberland.

Pending - **ADOPTION** of House Amendment "A" (H-1088) to Committee Amendment "A" (H-1070), in concurrence

(In Senate, March 12, 1992, House Amendment "A" (H-1088) to Committee Amendment "A" (H-1070) **READ**.)

(In House, March 11, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1070) AS AMENDED BY HOUSE AMENDMENT "A" (H-1088)** thereto.)

House Amendment "A" (H-1088) to Committee Amendment "A" (H-1070) **ADOPTED**, in concurrence.

On motion by Senator KANY of Kennebec, Senate Amendment "A" (S-623) to Committee Amendment "A" (H-1070) **READ**.

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment is before you because the Senate President wanted to save the Legislature some money. That is why it is being urged for adoption now. Representative Eleanor Murphy came to the Legislative Council yesterday seeking permission for a Bill which would make it clear that the automobile insurance that is required is liability insurance instead of some cheaper alternative type. The Council agreed with that recommendation. The President of the Senate asked to have this Bill tabled and then perhaps amend it because the title was sufficient to include this amendment. It is my understanding that the Majority Leaders, through Senator Clark of Cumberland, did speak with Representative Murphy so she is alerted to this. Basically we wanted to make it clearer that we are talking about automobile liability insurance in that requirement. I urge its adoption. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-623) to Committee Amendment "A" (H-1070) **ADOPTED**.

Committee Amendment "A" (H-1070) As Amended by Senate Amendment "A" (S-623) and House Amendment "A" (H-1088) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

**ENACTORS**

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

**Bond Issue**

An Act to Finance Rapid Employment Opportunities for the People of Maine

S.P. 946 L.D. 2410

(S "C" S-612)

This being a Bond Authorization Act and having received the affirmative vote of 20 Members of the Senate, with 12 Senators having voted in the negative, and 20 being less than two-thirds of the Membership present and voting **FAILED OF ENACTMENT** in **NON-CONCURRENCE**.

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

On motion by Senator DUTREMBLE of York, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

**ORDERS OF THE DAY**

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

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

S.P. 936 L.D. 2395

Tabled - March 5, 1992, by Senator CLARK of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**, without reference to a Committee

(Committee on **UTILITIES** suggested and **ORDERED PRINTED**.)

(In Senate, March 3, 1992, **READ A SECOND TIME**.)

On motion by Senator CLEVELAND of Androscoggin, Senate Amendment "B" (S-621) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator CLEVELAND: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to offer this amendment which would normally come as a Committee Amendment. Given the different procedure it is a Senate Amendment. This particular L.D. had a public meeting as opposed to a public hearing. The Committee discussed it and it unanimously concurred with the amendment I have just offered to you. At the public meeting there was no one who spoke in opposition to this LD as amended. Both the Public Utilities Commission and the Public Advocate spoke in favor of this LD as amended. Central Maine Power spoke neither for nor against. I would recommend the adoption of this amendment. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-621) **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended**, without reference to a Committee.

Sent down for concurrence.

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

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

An Act to Finance Rapid Employment Opportunities  
for the People of Maine

S.P. 946 L.D. 2410  
(S "C" S-612)

In House, March 12, 1992, **PASSED TO BE ENACTED.**

In Senate, March 12, 1992, **FAILED OF ENACTMENT** in  
**NON-CONCURRENCE.**

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

Senate **DUTREMBLE** of York moved that the Senate  
**RECEDE** and **CONCUR.**

On further motion by same Senator, 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 the motion of Senator **DUTREMBLE** of York to  
**RECEDE** and **CONCUR.**

A vote of Yes will be in favor of the motion to  
**RECEDE** and **CONCUR.**

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 **BALDACCI, BERUBE, BOST,**  
**BRANNIGAN, BUSTIN, CARPENTER, CLARK,**  
**CLEVELAND, CONLEY, DUTREMBLE, ESTES,**  
**ESTY, GAUVREAU, GOULD, KANY, MATTHEWS,**  
**MCCORMICK, MILLS, PEARSON, TITCOMB,**  
**TWITCHELL, VOSE, THE PRESIDENT -**  
**CHARLES P. PRAY**

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

**ABSENT:** Senators None

23 Senators having voted in the affirmative and  
12 Senators having voted in the negative, with No  
Senators being absent, the motion of Senator  
**DUTREMBLE** of York, to **RECEDE** and **CONCUR**, **FAILED.**

The **ADJOURNMENT ORDER** having been returned from  
the House **READ** and **PASSED**, in concurrence, on motion  
by Senator **DUTREMBLE** of York, **ADJOURNED** until Monday,  
March 16, 1992, at 3:00 in the afternoon.