

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 7, 1994 to April 27, 1995

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Tuesday
January 31, 1995

Senate called to Order by the President, Jeffrey H. Butland of Cumberland.

Prayer by Reverend Alan Witter of the Gardiner Free Methodist Church in Gardiner.

REVEREND ALAN WITTER: Good morning. First, I would like to thank you for the privilege of being here to offer a prayer this morning. Shall we pray?

Father God, we pledge our allegiance to You. To You belong all things; all power and all glory. Yet You have chosen to delegate the power of leadership to us, Your creations. In this nation You have given us the freedom to establish our own government and to oversee the welfare of our land and the many people that it supports. Today we pray for those who we, the people, have chosen to lead our State. It is not easy for them to lead such a diverse people whose many wants cannot all be satisfied. It is not easy to discern what action will produce the greatest good for the greatest number. It is not easy to withstand the huge personal temptations that come with power. It is not easy to bear the extraordinary pressures in this complex world of politics. Father God, we would ask that You would assist our elected leaders. Bless them with the stamina, the toughness and the integrity to fight for what is right and honorable in Your sight. Lord grant our State a succession of lawmakers and executives who have learned how to be just, to love mercy, and to walk humbly before You. Protect them from losing their wits, their nerve, or their souls in this atmosphere of national affairs, that we, the people, may flourish in a land blessed with liberty, peace and justice. Heavenly Father, protect our leaders from greedy partisanship. Grant our Senators and Representatives the will and character to work for good, for the good of our whole people, not simply for the benefit of those in a position to wrangle favors and force confessions. Help us Lord God, as citizens, to bear our share of the burden of this democratic government. Make us love peace and fair dealings. Moderate our political passions with calmness and self control. Allow us to see situations from the point of view of others, that we may discern what is for the common good. Heavenly Father, equip all the civil servants with sound understanding, farsighted planning and personal integrity. Enable them to rise above petty power games, that through their wise leadership the welfare of our people may be assured. In the name of Christ, our King of Kings and Lord of Lords. Amen.

Pledge of Allegiance led by **SENATOR GOLDTHWAIT** of Hancock.

Reading of the Journal of Friday, January 27, 1995.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Law Regarding the Use of Competitive Bidding by a School Board to Purchase Insurance"

H.P. 201 L.D. 260

Reference to the Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and **ORDERED PRINTED**.

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

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

COMMUNICATIONS

The Following Communication: S.P. 130

117th MAINE LEGISLATURE

Jeffrey H. Butland
President of the Senate

Dan A. Gwadosky
Speaker of the House

January 27, 1995

Senator Vinton E. Cassidy
Representative Marge L. Kilkelly
Chairpersons
Joint Standing Committee on Agriculture, Conservation and Forestry
117th Legislature
Augusta, Maine 04333

Dear Senator Cassidy and Representative Kilkelly:

Please be advised that Governor Angus S. King, Jr. has nominated Ronald B. Lovaglio of Augusta for appointment as Commissioner of the Department of Conservation.

Pursuant to Title 12, MRSA Section 5011, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry, and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

The Following Communication: S.P. 132

117th MAINE LEGISLATURE

Jeffrey H. Butland
President of the Senate

Dan A. Gwadosky
Speaker of the House

January 27, 1995

Which was READ and referred to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY.

Sent down for concurrence.

Senator Jeffrey H. Butland
Representative Peter A. Cloutier
Chairpersons
Joint Standing Committee on Marine Resources
117th Legislature
Augusta, Maine 04333

Dear Senator Butland and Representative Cloutier:

Please be advised that Governor Angus S. King, Jr. has nominated Louise P. Alden of Stonington for appointment as Commissioner of the Department of Marine Resources.

Pursuant to Title 12, MRSA Section 6022, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

The Following Communication: S.P. 131

117th MAINE LEGISLATURE

Jeffrey H. Butland
President of the Senate

Dan A. Gwadosky
Speaker of the House

January 27, 1995

Senator Jane A. Amero
Representative Beverly C. Daggett
Chairpersons
Joint Standing Committee on State and Local Government
117th Legislature
Augusta, Maine 04333

Dear Senator Amero and Representative Daggett:

Please be advised that Governor Angus S. King, Jr. has nominated Alfred R. Skolfield of East Corinth for appointment as Commissioner of the Department of Public Safety.

Pursuant to Title 25, MRSA Section 2901, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Which was READ and referred to the Committee on MARINE RESOURCES.

Sent down for concurrence.

The Following Communication: S.P. 133

117th MAINE LEGISLATURE

Jeffrey H. Butland
President of the Senate

Dan A. Gwadosky
Speaker of the House

January 27, 1995

Which was READ and referred to the Committee on STATE AND LOCAL GOVERNMENT.

Sent down for concurrence.

Senator Philip E. Harriman
Representative G. Steven Rowe
Chairpersons
Joint Standing Committee on Business and Economic
Development
117th Legislature
Augusta, Maine 04333

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House

Dear Senator Harriman and Representative Rowe:

Please be advised that Governor Angus S. King, Jr. has nominated S. Catherine Longley of Brunswick for appointment as Commissioner of the Department of Professional and Financial Regulation.

Pursuant to Title 10, MRSA Section 8002, this nomination will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House

Which was **READ** and referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

Which was **READ** and referred to the Committee on **LABOR**.

Sent down for concurrence.

The Following Communication: (S.C. 52)

**STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE**

January, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
Members of the 117th Maine Legislature

Re: Annual Oil Overcharge Funds Report

Dear President Butland, Speaker Gwadosky, and
Honorable Members of the 117th Legislature:

I am pleased to submit the 1994 Governor's Report to the Legislature on Maine's Use of Exxon, Stripper Well, and Diamond Shamrock Oil Overcharge Funds.

The PVE report is submitted to the Legislature pursuant to Section 6 of Chapter 818 of the Public Laws of 1986, Section 5 of Chapter 533 of the Public Laws of 1987, and Chapter 119 of the Private and Special Laws of 1989. A report to the Legislature was required of laws enacted for the spending of Exxon, Stripper Well, and Diamond Shamrock funds made available to the States from the courts in oil overcharge findings. Over the last several years, the spending of oil overcharge monies has been authorized by the legislature with the passage of the budget. This report is submitted to the Legislature to be consistent with the earlier laws.

Copies of the Report are being distributed to each member of the Legislature, agencies responsible for PVE-funded programs, and other interested parties.

Sincerely,
S/Evan D. Richert, AICP

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

The Following Communication: S.P. 134

117th MAINE LEGISLATURE

Jeffrey H. Butland
President of the Senate
Dan A. Gwadosky
Speaker of the House

January 27, 1995

Senator Charles M. Begley
Representative Pamela H. Hatch
Chairpersons
Joint Standing Committee on Labor
117th Legislature
Augusta, Maine 04333

Dear Senator Begley and Representative Hatch:

Please be advised that Governor Angus S. King, Jr. has nominated Valerie Landry of Ocean Park for appointment as Commissioner of the Department of Labor.

Pursuant to Title 26, MRSA Section 1401, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

The Following Communication: (S.C. 53)

**MAINE STATE LEGISLATURE
Augusta, Maine 04333**

January 26, 1995

Honorable Jeffrey H. Butland
President of the Senate
State House Station #3
Augusta, Maine 04333

Dear President Butland,

The Unorganized Territory Education and Services Fund Study Commission is pleased to provide the Legislative Council with the attached report of our study of the issues that affect the provision of services in the State's Unorganized Territory, pursuant to Private and Special Laws of 1994, c. 100. We hope that the recommendations in this report will have a positive impact on the residents and taxpayers in the U.T.

Thank you for the opportunity to serve on the Commission. We look forward to a thorough and vigorous discussion of our proposals.

Sincerely,

S/Richard Gould
Chair

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

SENATE PAPERS

Bill "An Act to Require the Governor's Biennial Budget to Include More Information"
S.P. 136 L.D. 322

Presented by Senator **MICHAUD** of Penobscot
Cosponsored by Representatives: **POULIOT** of
Lewiston, **TOWNSEND** of Portland

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for Landfill Closure and Remediation"
S.P. 147 L.D. 333

Presented by Senator **MICHAUD** of Penobscot
Cosponsored by Representatives: **POULIOT** of
Lewiston, **TOWNSEND** of Portland

Reference to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED.**

Which were referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Require Insurance Companies to Reenroll Individuals Who Return to an Insurance Group as Though No Break in Coverage Occurred"
S.P. 154 L.D. 340

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Senator: **MCCORMICK** of Kennebec

Reference to the Committee on **BANKING AND INSURANCE** suggested and **ORDERED PRINTED.**

Which was referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Amend the Laws Governing the Location of Mausoleums and Vaults"
S.P. 153 L.D. 339

Presented by Senator **GOLDTHWAIT** of Hancock
Cosponsored by Representative: **CAMERON** of Rumford

Reference to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED.**

Which was referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Implement the Recommendations of the Maine HIV Advisory Committee Concerning HIV Testing"
S.P. 129 L.D. 321

Presented by Senator **MCCORMICK** of Kennebec
Cosponsored by Senators: **BUSTIN** of Kennebec, **LONGLEY** of Waldo, **MILLS** of Somerset, **RAND** of Cumberland, Representatives: **CHASE** of China, **DAVIDSON** of Brunswick, **FITZPATRICK** of Durham, **SAXL** of Bangor, **TOWNSEND** of Portland, **TRUMAN** of Biddeford, **WATSON** of Farmingdale

Reference to the Committee on **HUMAN RESOURCES** suggested and **ORDERED PRINTED.**

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

Sent down for concurrence.

Bill "An Act to Clarify Immunity from Civil Suit for Volunteer Activities"

S.P. 128 L.D. 320

Presented by Senator **ABROMSON** of Cumberland
Cosponsored by Senators: **AMERO** of Cumberland,
LORD of York, **RAND** of Cumberland,
Representatives: **CAMPBELL** of Holden, **MAYO, III** of
Bath, **RICHARDSON** of Portland, **ROWE** of Portland,
STONE of Bangor, **TUTTLE, JR.** of Sanford

Bill "An Act to Provide Immunity from Civil Liability Regarding Emergency Care"

S.P. 142 L.D. 328

Presented by Senator **HATHAWAY** of York

Bill "An Act to Allow Liens on Claims Not Sounding in Tort"

S.P. 144 L.D. 330

Presented by Senator **ABROMSON** of Cumberland
Cosponsored by Senator: **MILLS** of Somerset

Reference to the Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

Which were referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Amend the Child Labor Laws to Allow Minors to Work in Hotels or Rooming Houses"

S.P. 146 L.D. 332

Presented by Senator **BENOIT** of Franklin

Reference to the Committee on **LABOR** suggested and **ORDERED PRINTED**.

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

Sent down for concurrence.

Bill "An Act to Extend the Hours for Sunday Sales of Liquor in Limited Circumstances"

S.P. 143 L.D. 329

Presented by Senator **BENOIT** of Franklin
Cosponsored by Senators: **BERUBE** of Androscoggin,
CIANCHETTE of Somerset, **LORD** of York,
Representatives: **BARTH, JR.** of Bethel, **DIPIETRO**
of South Portland, **MCALLEVEY** of Waterboro

Bill "An Act to Change the Date for Voter Registration"

S.P. 150 L.D. 336

Presented by Senator **BEGLEY** of Lincoln
Cosponsored by Senators: **CARPENTER** of York, **LORD**
of York, Representatives: **LEMONT** of Kittery, **RICE**
of South Bristol, **SAVAGE** of Union, **SPEAR** of
Nobleboro

Bill "An Act to Amend the Laws Pertaining to the Return of Security Deposits and Nonpayment of Rent or Utility Charges"

S.P. 152 L.D. 338

Presented by Senator **HANLEY** of Oxford
Cosponsored by Senator: **MILLS** of Somerset

Reference to the Committee on **LEGAL AND VETERANS AFFAIRS** suggested and **ORDERED PRINTED**.

Which were referred to the Committee on **LEGAL AND VETERANS AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Ban Spurs on Boats"

S.P. 145 L.D. 331

Presented by Senator **GOLDTHWAIT** of Hancock
Cosponsored by Senator: **CASSIDY** of Washington,
Representatives: **BAILEY** of Township 27, **LAYTON** of
Cherryfield, **LOOK** of Jonesboro, **VOLENIK** of
Sedgwick

Reference to the Committee on **MARINE RESOURCES** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require that Constitutional Officers Be Appointed by the Governor

S.P. 127 L.D. 319

Presented by Senator **HARRIMAN** of Cumberland
Cosponsored by Representative: **ROBICHAUD** of
Caribou

Bill "An Act to Change the Laws Pertaining to the
Issuance of Copies of Marriage Certificates by Towns"
S.P. 137 L.D. 323

Presented by Senator **MICHAUD** of Penobscot

Reference to the Committee on **STATE AND LOCAL
GOVERNMENT** suggested and **ORDERED PRINTED**.

Which were referred to the Committee on **STATE AND
LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Clarify the Tax Records Laws"
S.P. 140 L.D. 326

Presented by Senator **HARRIMAN** of Cumberland

Reference to the Committee on **TAXATION** suggested
and **ORDERED PRINTED**.

Which was referred to the Committee on **TAXATION**
and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Make Procedural Changes to the
Maine Turnpike Authority"
S.P. 138 L.D. 324

Presented by Senator **HARRIMAN** of Cumberland

Bill "An Act to Revise the Maine Turnpike
Authority's Powers with Respect to Commuter Tolls"
S.P. 139 L.D. 325

Presented by Senator **HARRIMAN** of Cumberland

Resolve, Requiring the Department of
Transportation to Account for Money Received from the
Sale of Loon Plates

S.P. 148 L.D. 334

Presented by Senator **HARRIMAN** of Cumberland
Cosponsored by Representative: **PLOWMAN** of Hampden

Reference to the Committee on **TRANSPORTATION**
suggested and **ORDERED PRINTED**.

Which were referred to the Committee on
TRANSPORTATION and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Clarify the Laws Regarding the
Extension of Municipal Sewer and Water Lines"
S.P. 126 L.D. 318

Presented by Senator **CIANCHETTE** of Somerset

Bill "An Act to Amend and Clarify the Powers and
Duties of the State Planning Office"
S.P. 141 L.D. 327

Presented by Senator **HARRIMAN** of Cumberland
Cosponsored by Representative: **ROBICHAUD** of
Caribou

Bill "An Act to Release the Public Utilities
Commission from Mandatory Participation in Welfare
Programs"

S.P. 149 L.D. 335

Presented by Senator **HARRIMAN** of Cumberland
Cosponsored by Representatives: **PLOWMAN** of
Hampden, **ROBICHAUD** of Caribou

Bill "An Act to Increase the Debt Limit of the
Richmond Utilities District" (Emergency)
S.P. 151 L.D. 337

Presented by Senator **MCCORMICK** of Kennebec
Cosponsored by Senator: **STEVENS, JR.** of
Androscoggin, Representative: **SHIAH** of Bowdoinham

Reference to the Committee on **UTILITIES AND
ENERGY** suggested and **ORDERED PRINTED**.

Which were referred to the Committee on **UTILITIES
AND ENERGY** and **ORDERED PRINTED**.

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Transfer Legislative Jurisdiction
over Loring Air Force Base from the United States to
the State."

S.P. 125 L.D. 308

Tabled - January 27, 1995, by Senator **KIEFFER** of
Aroosook.

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate January 27, 1995, under suspension of the rules, **READ TWICE.**)

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

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

Off Record Remarks

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

Senator **KIEFFER** of Aroostook was granted unanimous consent to address the Senate off the Record.

Senator **LAWRENCE** of York was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by **THE PRESIDENT**, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

On motion by Senator **CARPENTER** of York, **ADJOURNED** until 3:30 o'clock tomorrow afternoon.