

# 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  
Wednesday  
February 1, 1995

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

Prayer by Father Robert Jewett of St. Mark's Episcopal Church in Augusta.

**FATHER ROBERT JEWETT:** Gracious and Sovereign God, You are a shield of mercy for the widow and childless, and a sword of righteousness for the powerless and destitute. In Your graciousness You have set us in a natural garden of incredible beauty and sobering fragility. You have endowed each of us with both reason and compassion and have placed us in a human community where we seek both equity and justice. Of Your gracious and eternal power give to Your servants now gathered in this legislative session a full measure of both wisdom and compassion, that they may strive for the wholeness and welfare of all Your people in our State, that Your will may be done in our midst with both deliberation and dispatch. And may all enjoy a full measure of prosperity and peace in this, our generation, and through the ages to come. Amen.

Reading of the Journal of Yesterday.

Out of order and under suspension of the Rules, on motion by Senator KIEFFER of Aroostook, the following Senate Order:

S.O. 18

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention of both Branches in the Hall of the House at 6:45 o'clock in the evening for the purpose of extending to Governor Angus S. King, Jr., an invitation to attend the Convention and make such communication as pleases him.

Which was READ and PASSED

The Chair appointed the Senator from Aroostook, Senator KIEFFER, to deliver the message. The Sergeant-at-Arms escorted the Senator to the House of Representatives.

Subsequently, Senator KIEFFER of Aroostook reported he had delivered the message with which he was charged.

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

S.P. 135

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, February 6, 1995, at 1 o'clock in the afternoon.

Which was READ and PASSED.

Under suspension of the rules, ordered sent forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Adjust the Percentage of State Revenues Credited to the Local Government Fund to Replace the Loss of the Inventory Tax Reimbursement" H.P. 246 L.D. 348

Bill "An Act to Strengthen the General Fund's Unappropriated Surplus" (Emergency) H.P. 268 L.D. 370

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

Come from the House, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS, in concurrence.

Bill "An Act to Clarify the Law Relating to the Licensing of Accounting Firms" H.P. 232 L.D. 312

Bill "An Act to Modify Exemptions Regarding the Practice of Cosmetologists, Barbers, Manicurists and Aestheticians" H.P. 249 L.D. 351

Bill "An Act to Define a "Demonstrator" under the Board of Barbering and Cosmetology"  
H.P. 259 L.D. 361

Bill "An Act to Promote Industry in the State by Creating Industry Specialists"  
H.P. 265 L.D. 367

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

Come from the House, referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Which were referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in concurrence.

Bill "An Act to Limit Copayments for Participants in Medicaid Managed Care Demonstration Projects"  
H.P. 233 L.D. 313

Bill "An Act to Abolish the Maine Health Care Finance Commission"  
H.P. 269 L.D. 371

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

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

Which were referred to the Committee on **HUMAN RESOURCES**, in concurrence.

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Bill "An Act to Establish a Presumption That the Owner of a Motor Vehicle Is the Driver If That Vehicle Is Involved in a High-speed Chase"  
H.P. 266 L.D. 368

Bill "An Act to Require a Person to Serve the Complete Sentence That Was Issued"  
H.P. 267 L.D. 369

Reference to the Committee on **CRIMINAL JUSTICE** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **CRIMINAL JUSTICE** and **ORDERED PRINTED**.

Which were referred to the Committee on **CRIMINAL JUSTICE**, in concurrence.

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Bill "An Act to Require Bird Hunters to Wear 2 Articles of Blaze Orange"  
H.P. 254 L.D. 356

Bill "An Act to Set Aside a Number of Moose Hunting Permits for Former Prisoners of War"  
H.P. 255 L.D. 357

Reference to the Committee on **INLAND FISHERIES AND WILDLIFE** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **INLAND FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Which were referred to the Committee on **INLAND FISHERIES AND WILDLIFE**, in concurrence.

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Bill "An Act to Encourage Collaboration between Local School Units"  
H.P. 248 L.D. 350

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

Comes from the House, referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**.

Which was referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

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Bill "An Act to Clarify Professional Liability"  
H.P. 231 L.D. 311

Bill "An Act to Change the Maine Rule of Evidence That Currently Allows the Admission of Subsequent Remedial Measures as Evidence of Negligence"  
H.P. 244 L.D. 346

Bill "An Act to Authorize the Broadcasting of Information about Persons Who Are Delinquent with Child Support Payments"  
H.P. 250 L.D. 352

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

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

Which were referred to the Committee on JUDICIARY, in concurrence.

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At this point, a message was received from the House of Representatives, borne by Representative JACQUES of Waterville, informing the Senate that the House concurred in the proposition for a Joint Convention, to be held in the Hall of the House, at 6:45 o'clock, for the purpose of extending to the Honorable Angus S. King, Jr., an invitation to attend the Joint Convention and make such communication as pleases him.

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Bill "An Act to Allow Contract Employees of the Maine State Ferry Service to Buy Retirement Time"  
H.P. 234 L.D. 314

Bill "An Act to Forbid an Employer from Hiring Replacement Workers during a Strike"  
H.P. 236 L.D. 316

Bill "An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds"  
H.P. 262 L.D. 364

Bill "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Public Employees Who Have Been Employed Fewer Than 6 Months"  
H.P. 263 L.D. 365

Reference to the Committee on LABOR suggested and ORDERED PRINTED.

Come from the House, referred to the Committee on LABOR and ORDERED PRINTED.

Which were referred to the Committee on LABOR, in concurrence.

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Bill "An Act to Allow Restaurants to Sell Liquor on Sunday Mornings"  
H.P. 239 L.D. 341

Bill "An Act to Amend the Treatment of Security Deposits in Order to Provide a Remedy for Failure to Comply"  
H.P. 241 L.D. 343

Bill "An Act to Provide Equity in Services to Residents of Mobile Home Parks"  
H.P. 242 L.D. 344

Bill "An Act Concerning Tie Votes among Candidates in Municipal Secret Ballot Elections"  
H.P. 247 L.D. 349

Bill "An Act to Allow Election Officials to Request Identification from Prospective Voters"  
H.P. 251 L.D. 353

Bill "An Act to Require the Use of the Process of Forcible Entry and Detainer in Eviction of Mobile Home Owners and Tenants"  
H.P. 256 L.D. 358

Bill "An Act to Allow a Prevailing Tenant Reasonable Attorney's Fees in a Warranty of Habitability Case"  
H.P. 257 L.D. 359

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

Come from the House, referred to the Committee on LEGAL AND VETERANS AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on LEGAL AND VETERANS AFFAIRS, in concurrence.

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Bill "An Act to Change the State's Air Quality Standard for Ozone to the Federal Standard"  
H.P. 199 L.D. 258

Resolve, to Remove the Emissions Credit Problem in the State and Ensure Future Job Growth and Creation  
H.P. 252 L.D. 354

Reference to the Committee on NATURAL RESOURCES suggested and ORDERED PRINTED.

Come from the House, referred to the Committee on NATURAL RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on NATURAL RESOURCES, in concurrence.

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Resolve, Creating the Commission to Restructure State Government  
H.P. 237 L.D. 317

Bill "An Act to Create a Legislative Budget Office"  
H.P. 240 L.D. 342

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

Come from the House, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which were referred to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Come from the House, referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **TRANSPORTATION**, in concurrence.

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Bill "An Act to Amend the Provisions Relating to Access to Information for Candidates for Government Job Openings"

H.P. 264 L.D. 366

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

Comes from the House, referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.

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

Sent down for concurrence.

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Bill "An Act to Establish an Equitable Sales Tax Structure for Bottled Water"

H.P. 258 L.D. 360

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

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

Which was referred to the Committee on **TAXATION**, in concurrence.

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Bill "An Act to Clarify the Requirements for Truck Widths"

H.P. 245 L.D. 347

Bill "An Act to Expand Participation in the State's Conservation License Plate Program"

H.P. 253 L.D. 355

Bill "An Act to Allow the Issuance of Vanity Plates for Commercial Motor Vehicles and to Provide Special Registration Plates to Amateur Radio Operators"

H.P. 261 L.D. 363

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

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Bill "An Act to Allow Disclosure of Residential Natural Gas Costs"

H.P. 235 L.D. 315

Bill "An Act to Prohibit Regulatory Discrimination among Utilities"

H.P. 243 L.D. 345

Bill "An Act to Expand the Boundaries of the Presque Isle Water District and the Presque Isle Sewer District"

H.P. 260 L.D. 362

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

Come from the House, referred to the Committee on **UTILITIES AND ENERGY** and **ORDERED PRINTED**.

Which were referred to the Committee on **UTILITIES AND ENERGY**, in concurrence.

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#### COMMUNICATIONS

The Following Communication: H.P. 238

Bureau of Corporations, Elections, and Commissions  
Department of the Secretary of State  
State House Station #101  
Augusta, Maine 04333

January 26, 1995

Honorable Dan A. Gwadosky  
Speaker of the House  
State House Station #2  
Augusta, Maine 04333

Dear Speaker Gwadosky:

Please find enclosed a certified copy of the Secretary of State's certification of validity for the petitions circulated on behalf of initiative legislation entitled, "AN ACT to Limit Protected Classes Under Maine Law." The original certification has been delivered to the Clerk of the House for introduction.

SENATE PAPERS

Sincerely,

S/Rebecca Wyke  
Director of Corporations  
and Elections

Bill "An Act Amending the Charter of the Mutual  
Fire Insurance Company" (Emergency)  
S.P. 156 L.D. 379

Presented by Senator **BUTLAND** of Cumberland  
(GOVERNOR'S BILL)  
Cosponsored by Representative **NADEAU** of Saco and  
Senator: **PENDEXTER** of Cumberland,  
Representatives: **GWADOSKY** of Fairfield, **POIRIER**  
of Saco

State of Maine  
Department of State

I, the Secretary of State of Maine, certify that  
written petitions bearing signatures of 60,683  
electors of this State were addressed to the  
Legislature of the State of Maine and were filed in  
the office of the Secretary of State on August 22,  
1994, requesting that the Legislature consider an act  
entitled "AN ACT to Limit Protected Classes Under  
Maine Law."

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

Under suspension of the Rules, **READ TWICE** and  
**PASSED TO BE ENGROSSED**, without reference to a  
Committee.

I further certify that the number of signatures  
submitted is in excess of ten percent of the total  
vote cast in the last gubernatorial election  
preceding the filing of such petitions, as required  
by Article IV, Part Third, Section 18 of the  
Constitution of Maine, that number being 52,308.

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

I further certify this initiative petition to be  
valid and attach herewith the text of the legislation  
circulated on the petition's behalf.

**RESOLUTION**, Proposing an Amendment to the  
Constitution of Maine to Provide for 4-year Terms for  
Senators

S.P. 155 L.D. 378

In testimony whereof, I  
have caused the Great  
Seal of the State of  
Maine to be hereunto  
affixed. Given under my  
hand at Augusta on the  
twenty-fifth day of  
January in the year one  
thousand nine hundred  
and ninety-five.

Presented by Senator **HARRIMAN** of Cumberland

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

S/BILL DIAMOND  
Secretary of State

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

Sent down for concurrence.

Comes from the House **READ** and with Accompanying  
Papers **ORDERED PLACED ON FILE.**

Off Record Remarks

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

The accompanying Bill "An Act to Limit Protected  
Classes Under Maine Law " (I.B. 1) (L.D. 310) comes  
from the House referred to the Committee on **JUDICIARY**  
and **ORDERED PRINTED.**

Senate at Ease

Senate called to order by the President.

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

Senator **LAWRENCE** of York 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.

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

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After Recess

Senate called to order by the President.

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

**COMMUNICATIONS**

The Following Communication: S.P. 162

**117TH LEGISLATURE**

**Jeffrey H. Butland**  
President of the Senate

**Dan A. Gwadosky**  
Speaker of the House

February 1, 1995

Senator Mary E. Small  
Representative John L. Martin  
Chairpersons  
Joint Standing Committee on Education and Cultural Affairs  
117th Legislature  
Augusta, Maine 04333

Dear Senator Small and Representative Martin:

Please be advised that Governor Angus S. King, Jr. has nominated Wayne L. Mowatt of Caribou for appointment as Commissioner of the Department of Education.

Pursuant to Title 20A, MRSA Section 251, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs 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 **EDUCATION AND CULTURAL AFFAIRS**.

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Extend to Businesses the Laws Concerning Protection from Harassment"  
H.P. 275 L.D. 377

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

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

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

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Bill "An Act to Shift from Small Business Owners to the Department of Labor the Responsibility for Providing the Department of Human Services with Information on New Employees"  
H.P. 272 L.D. 374

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

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

Which was referred to the Committee on **HUMAN RESOURCES**, in concurrence.

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Bill "An Act to Exempt the State from the Mandatory Use of Reformulated Fuel" (Emergency)  
H.P. 274 L.D. 376

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



**Emergency**

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

Which was referred to the Committee on **NATURAL RESOURCES**, in concurrence.

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

S.P. 125 L.D. 308

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending **ENACTMENT**.

Bill "An Act to Create Special License Plates for Certain Civic Groups"

H.P. 273 L.D. 375

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

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

**ENACTORS**

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

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

Which was referred to the Committee on **TRANSPORTATION**, in concurrence.

**Emergency**

An Act Amending the Charter of the Mutual Fire Insurance Company

S.P. 156 L.D. 379

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

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.

**ENACTORS**

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

**Emergency**

An Act to Encourage Major Business Expansion in Maine

H.P. 230 L.D. 309  
H "A" H-8; H "B" H-9

**Off Record Remarks**

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **ENACTMENT**.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

**AFTER CONVENTION**

**IN SENATE**

Senate called to order by the President.

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:

**ORDERS OF THE DAY**

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

An Act to Encourage Major Business Expansion in  
Maine (Emergency)

H.P. 230 L.D. 309  
H "A" H-8; H "B" H-9

Tabled - earlier in the day by Senator KIEFFER of  
Aroostook

Pending - **ENACTMENT**

(In Senate, January 27, 1995, **PASSED TO BE  
ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-8)  
AND "B" (H-9) WITHOUT REFERENCE TO A COMMITTEE**, in  
concurrence.)

(In House, February 1, 1995, **PASSED TO BE  
ENACTED.**)

This being an Emergency Measure and having  
received the affirmative vote of 28 Members of the  
Senate, with No Senators having voted in the  
negative, and 28 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.

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The **ADJOURNMENT ORDER** having been returned from  
the House **READ** and **PASSED**, in concurrence, on motion  
by Senator **LAWRENCE** of York, **ADJOURNED** until Monday,  
February 6, 1995, at 1 o'clock in the afternoon.