

# 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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#### **SECOND CONFIRMATION SESSION**

May 20, 1992

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#### **THIRD CONFIRMATION SESSION**

August 19, 1992

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#### **THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

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#### **FOURTH SPECIAL SESSION**

October 16, 1992

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#### **FOURTH CONFIRMATION SESSION**

November 19, 1992

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

December 5, 1990 to December 1, 1992

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: