

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 10, 1989 to June 14, 1989

question before the courts is still present, that issue not having been decided.

The pending question is indefinite postponement of House Amendment "A."

The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Representative Hastings of Fryeburg would make light of the question by indicating that it is very simple for me to kill this bill. I would like the good gentleman to know that I have been in this body for many years and it doesn't bother me to kill bad legislation but he should not try to make light of the issue before us, which is quite serious.

While I am on my feet, I would like to let this body know that the issue before us is quite serious and when I first came to serve in this body, and I do every two years when I take my oath of office I swear to uphold the Constitution of this State and of this nation and I will never knowingly vote for a piece of legislation that could be unconstitutional. I never have and I don't believe I ever will.

What we have before us deals with a constitutional question. Part of the majority amendment from the Judiciary Committee indicates that there will be neutral counseling for one thing -- I repeat the word neutral counseling -- I ask any member of this body, how can you have neutral counseling if you exclude half of the service organizations of this state and require only the other group to provide this counseling and they themselves would be in conflict? Both views are not helped equally by both groups. Obviously, there is a split right down the middle here and I am intent on doing something just as much as you are but whatever we do, let's do it right. The only way that we can do it right is by having the benefit of the Supreme Court to make our decision by and I would hope that you would not vote to indefinitely postpone this amendment but to support the amendment as suggested by Representative Hastings.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the Representative from Portland, Representative Conley, that House Amendment "A" (H-186) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 29

YEA - Adams, Aikman, Allen, Ault, Begley, Brewer, Burke, Butland, Carroll, D.; Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Cote, Daggett, Donald, Dore, Erwin, P.; Farnsworth, Foss, Foster, Garland, Greenlaw, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hogle, Holt, Joseph, Ketover, LaPointe, Larrivee, Lawrence, Libby, Lisnik, MacBride, Macomber, Mahany, Marsh, Marston, Mayo, McGowan, McKeen, McPherson, Melendy, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Dea, Oliver, Pederson, Pendleton, Priest, Rand, Reed, Richards, Rolde, Rydell, Sherburne, Simpson, Skoglund, Small, Smith, Stevens, P.; Strout, B.; Swazey, Tracy, Tupper, Webster, M.

NAY - Aliberti, Anderson, Anthony, Bailey, Bell, Boutilier, Carroll, J.; Carter, Cashman, Clark, H.; Crowley, Curran, Dellert, Dexter, Dipietro,

Dutremble, L.; Farnum, Farren, Gould, R. A.; Hepburn, Hichborn, Hickey, Higgins, Hussey, Hutchins, Jackson, Jacques, Jalbert, Lebowitz, Look, Lord, Luther, Manning, Martin, H.; McCormick, McHenry, McSweeney, Merrill, Michaud, Moholland, Murphy, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pineau, Pines, Plourde, Pouliot, Richard, Ridley, Rotondi, Seavey, Sheltra, Stevens, A.; Stevenson, Strout, D.; Tamaro, Tardy, Telow, Walker, Wentworth, The Speaker.

ABSENT - Duffy, Graham, Gurney, Kilkelly, Marsano, Ruhlin, Townsend, Whitcomb.

Yes, 76; No, 66; Absent, 8; Vacant, 1; Paired, 0; Excused, 0.

76 having voted in the affirmative and 66 in the negative with 8 being absent and 1 vacant, the motion did prevail.

Representative Anthony of South Portland requested a roll call on passage.

Representative Carter of Winslow withdrew House Order relative to Propounding Questions to the Justices of the Supreme Judicial Court.

The Chair laid before the House the following matter: An Act to Require Parental Consent to a Minor's Abortion (H.P. 457) (L.D. 622) (C. "A" H-127) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Since I would not want to go on record as voting for this bill, I would request a roll call on enactment.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is passage to be enacted.

The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Kilkelly of Wiscasset. If she were present and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 30

YEA - Adams, Aikman, Allen, Anthony, Ault, Begley, Boutilier, Brewer, Burke, Butland, Carroll, D.; Cathcart, Chonko, Clark, M.; Coles, Conley, Cote, Daggett, Dellert, Donald, Dore, Erwin, P.; Farnsworth, Foster, Garland, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hogle, Holt, Joseph, Ketover, Larrivee, Lawrence, Libby, Lisnik, MacBride, Macomber, Mahany, Manning, Marsh, Marston, Mayo, McKeen, McPherson, McSweeney, Melendy, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Dea, Oliver, Pederson, Priest, Rand, Richards, Rolde, Rydell, Simpson, Skoglund, Small, Smith, Stevens, P.; Stevenson, Swazey, Tracy, Tupper, Webster, M.

NAY - Aliberti, Anderson, Bailey, Bell, Carroll, J.; Carter, Cashman, Clark, H.; Constantine, Crowley, Curran, Dexter, Dipietro, Dutremble, L.; Farnum,

Farren, Foss, Gould, R. A.; Greenlaw, Hichborn, Hickey, Higgins, Hussey, Hutchins, Jackson, Jacques, Jalbert, LaPointe, Lebowitz, Look, Lord, Luther, Martin, H.; McCormick, McGowan, McHenry, Merrill, Michaud, Moholland, Murphy, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pendleton, Pineau, Pines, Plourde, Pouliot, Reed, Richard, Ridley, Rotondi, Seavey, Sheltra, Sherburne, Stevens, A.; Strout, B.; Strout, D.; Tamaro, Telow, Walker, Wentworth, The Speaker.

ABSENT - Duffy, Graham, Gurney, Marsano, Ruhlin, Townsend, Whitcomb.

PAIRED - Kilkelly, Tardy.

Yes, 74; No, 67; Absent, 7; Vacant, 1; Paired, 2; Excused, 0.

74 having voted in the affirmative and 67 in the negative with 7 being absent and 1 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: An Act to Make Changes to the Human Resource Development Council in Order to Conform with the United States Economic Dislocation and Worker Adjustment Assistance Act of 1988 (Emergency) (S.P. 101) (L.D. 120) (C. "A" S-84) (passed to be enacted in the House on May 11, 1989) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of the Representative from Madawaska, Representative McHenry, the House voted to recede from passage to be enacted.

The same Representative offered House Amendment "A" (H-187) and moved its adoption.

House Amendment "A" (H-187) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-84) and House Amendment "A" (H-187) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Improve the Cost-of-living Adjustment Under the Maine State Retirement System (H.P. 538) (L.D. 735) (C. "A" H-140) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Tuesday, May 16, 1989.

(Off Record Remarks)

On motion of Representative Manning of Portland, Adjourned until Tuesday, May 16, 1989, at twelve o'clock noon.

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

In Senate Chamber
Monday
May 15, 1989

Senate called to Order by the President.

Prayer by Pastor Nolan Leavitt of the Advent Christian Church in Auburn.

PASTOR LEAVITT: Let us pray. Heavenly Father, I come to You this morning as Your child, one You have redeemed to Yourself at great cost. And again, I give You thanksgiving and praise for a beautiful day. I thank You for life, Lord, and a hope and a promise of a much greater life to come. I praise You for your mercy extended, mercy undeserved and unexpected.

Father, I ask that You wash us clean this day as we stand before You. You have said, "come let us reason together, though your sins be as scarlet they shall be as white as snow." Wash our thoughts, our hearts, our hands this day with water that reaches the very depths of our soul.

Father, I would intercede this day for these men and women gathered. I ask for wisdom on their behalf, knowing that the beginning of wisdom begins with You. I would ask that Your hand would guide them this day. Protect them, Lord, from harm's way and lead them beside still waters and guide them in paths of righteousness. Lord, quiet their hearts and bear their burden with them and for them. Some here perhaps are pressed down by the weight of life and the weight of strife. Bless their families, Lord, and their loved ones and keep them safe and ease the heartache and headache alike. Make them a blessing, Lord, first to You and to themselves and their loved ones, then, Lord, make them a blessing to this land and all who look to them this day. In Jesus' name. Amen.

Reading of the Journal of Friday, May 12, 1989.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Clarify Laws Pertaining to the Enforcement of Forestry Fire Control Laws"

H.P. 88 L.D. 123

(C "B" H-135)

In Senate, May 8, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-135), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-135) AS AMENDED BY HOUSE AMENDMENT "B" (H-180), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Relating to Confidentiality of Investigative Records of Boards and Commissions"

H.P. 232 L.D. 316

(S "A" S-51 to C "A" H-51)

In House, April 18, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-51).

In Senate, April 24, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-51) AS