

MAINE STATE LEGISLATURE

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

VOLUME II

FIRST REGULAR SESSION

May 26, 1987 to June 30, 1987

Index

H.P. 1331 L.D. 1816

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Bill in NEW DRAFT READ TWICE and the NEW DRAFT PASSED TO BE ENGROSSED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

ORDERS OF THE DAY

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

Bill "An Act to Amend the State Retirement Laws" (S.P. 617 L.D. 1818)

Tabled - June 11, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, June 11, 1987, RECONSIDERED PASSAGE TO BE ENGROSSED.)

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED.

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

Bill "An Act to Amend the Maine Turnpike Authority Act"

H.P. 1323 L.D. 1806

Tabled - June 11, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, June 11, 1987, READ A SECOND TIME.)

(In House, June 10, 1987, PASSED TO BE ENGROSSED.)

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

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

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency)

S.P. 576 L.D. 1717

Tabled - June 11, 1987, by Senator BRANNIGAN of Cumberland.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (S-147) AS AMENDED

(In Senate, June 11, 1987, RECONSIDERED ADOPTION of Committee Amendment "A" (S-147). Senate Amendments "A" (S-152) and "C" (S-155) to Committee Amendment "A" (S-147) READ and ADOPTED.)

On motion by Senator BRANNIGAN of Cumberland, Senate Amendment "D" (S-164) to Committee Amendment "A" (S-147) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator BRANNIGAN: Thank you, Mr. President, men and women of the Senate. Continuing with three more amendments for the Errors Bill. This takes one item in the Aroostook County budget, three thousand dollars and moves it from capital expenditures, which was three thousand for contractual services, adding three thousand dollars by unanimous approval of the Aroostook County delegation.

On motion by Senator BRANNIGAN of Cumberland, Senate Amendment "D" (S-164) to Committee Amendment "A" (S-147) ADOPTED.

On further motion by same Senator, Senate Amendment "E" (S-167) to Committee Amendment "A" (S-147) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator BRANNIGAN: Thank you, Mr. President. This is Senate Amendment "A" (S-167). When there was a re-organization of the Department of Finance and the Department of Administration was set up, the Commissioner of Personnel was downgraded from range 91 to range 89. It was assumed that beginning in January, a new Commissioner of Personnel would be assigned. The Commissioner stayed on until this month. It was decided and he was told that he would be paid. The current administration said everything would be all right if he were paid at the range of 91. Now there needs to be an adjustment so he does not have to pay back the eight hundred dollars difference between range 89 and range 91. Everyone seems in total agreement that he should not have to do that.

On motion by Senator BRANNIGAN of Cumberland, Senate Amendment "E" (S-167) to Committee Amendment "A" (S-147) ADOPTED.

On further motion by same Senator, Senate Amendment "F" (S-168) to Committee Amendment "A" (S-147) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator BRANNIGAN: Thank you, Mr. President. We're going to have, as you know, the new plates coming out July 1. There has been an inconsistency here.

Many of our towns and cities offer us the convenience of getting our plates or our sticker when we register our vehicle at town halls and city halls. They get one dollar for that. If there is a new registration, they get two dollars because there is much more paper work. It has been judged that the new plate, although it will take as much paper work as a new registration, they would only receive under present law, one dollar. Some of them find that very difficult and some probably will not continue that service unless we allow them two dollars for this first time issue of the new plate. This would allow that to happen.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President. I would like to pose a question through the Chair. It appears to me that we're talking about raising some additional money for the municipalities and it also occurs to me that a Bill which we passed on the license plates also included additional revenue that each of us will have to pay in order to get a license plate. I would like to have some one explain the difference to me.

THE PRESIDENT: The Senator from Cumberland, Senator Gill has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Dow.

Senator DOW: Mr. President and members of the Senate. We took up this amendment today in our Committee hearing. It passed the Transportation Committee where it should be offered. She is correct in that the new plate issue, as far as the State is concerned, is one dollar for each plate, for this one issue. This first time, it will be twenty two dollars. If this amendment goes on, it will be twenty four dollars for the new registration. Two dollars going to the town and two to the State to pay for the plates. A total of twenty four dollars.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Mr. President. May I just clarify that. From my understanding, from the Municipal Association, from which this came, that the

extra cost would only be if you choose to get your plate in a convenient place of your town office, rather than going to the Office of Motor Vehicles. If you go to the Office of Motor Vehicles, there would be no one or two dollar charge. It would be as usual. That was my understanding.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President and members of the Senate. It just seems to me, and I have had complaints already, from people who have read it in the newspapers, that the plates would cost additional money. I don't want to do the municipalities out of a share of the revenues because they do put additional work into it. It just seems to me that if we're going to increase the price of the plates, the money could come out of that increase, and not additional money on top of it.

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

Senator DOW: Mr. President and members of the Senate. That two dollar increase for the new issue of the lobster plate, is to just cover the cost of the plate for this one issue, and then it will drop back to the twenty dollars. There hasn't been an increase in the registration plate for a number of years. That is the reason why we went to this to pay for the material and the cost of handling for this one time. It will not come out with any increase in revenue to the Transportation Department.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator THERIAULT: Thank you, Mr. President and members of the Senate. The communities today, presently collect two dollars for that service. All it is is a maintenance of the same fee that they've been paying all along, with the new issue of plates.

On motion by Senator BRANNIGAN of Cumberland, Senate Amendment "F" (S-168) to Committee Amendment "A" (S-147) ADOPTED.

Committee Amendment "A" (S-147) as Amended by Senate Amendments "A" (S-152), "C" (S-155), "D" (S-164), "E" (S-167) and "F" (S-168), thereto ADOPTED.

Under suspension of the Rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

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

Bill "An Act to Require Maintenance of Financial Responsibility by All Motorists"

S.P. 608 L.D. 1798

Tabled - June 11, 1987, by Senator THERIAULT of Aroostook.

Pending - Motion by same Senator to RECEDE and CONCUR

(In Senate, June 9, 1987, PASSED TO BE ENGROSSED.)

(In House, June 11, 1987, PASSED TO BE ENGROSSED BY HOUSE AMENDMENT "B" (H-317) in NON-CONCURRENCE.)

Senator THERIAULT of Aroostook requested and received Leave of the Senate to withdraw his motion to RECEDE and CONCUR.

On further motion by same Senator, the Senate RECEDED.

House Amendment "B" (H-317) READ.

On further motion by same Senator, House Amendment "B" ((H-317) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-185) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator THERIAULT: Thank you, Mr. President. Members of the Senate. What the House Amendment did, was it took out two provisions of the Bill that really was very dear to the heart of all the members of that Committee, and especially me. I looked into it and determined that what was causing the problem was really only one phrase. The only reason that phrase was wrong is because we had made a strategic error. We had by-passed the general and went directly to the worker.

By that, I mean we had gone directly to the Office of Policy and Legal Analysis, which comes under the Legislative Council. Our error was to go directly to that office without going to the Legislative Council first. What my amendment does, it strictly removes the phrase of "Office of Policy and Legal Analysis" and adds the phrase of "Legislative Council". By doing that, we're staying within the tradition.

In addition to this, the amendment adds an effective date of January 1, 1988. Thank you.

On motion by Senator BUSTIN of Kennebec, supported by a Division of at least one-fifth of the Members present and voting a Roll Call was ordered.

Senate at Ease

Senate called to order by the President.

Subsequently, Senator BUSTIN of Kennebec, requested and received Leave of the Senate to withdraw her motion for a Roll Call.

On motion by Senator THERIAULT of Aroostook, Senate Amendment "A" (S-185) ADOPTED.

Senator BUSTIN of Kennebec requested a Roll Call.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Mr. President. I may be that the hour is late, but could somebody please explain to me what is going on?

THE PRESIDENT: The Chair would advise the Senator that we are in the midst of a Roll Call on Passage to Be Engrossed, as Amended.

A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of the Members present and voting.

Will all those in favor of ordering a Roll Call, please rise in their places and remain standing until counted.

Obviously, more than one-fifth having risen, a Roll Call is ordered.

The Chair recognizes that same Senator.

Senator TUTTLE: Mr. President. Would it be in order to ask another question? I would like to pose a question through the Chair. What does this Amendment actually do?

THE PRESIDENT: The Senator from York, Senator Tuttle has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator THERIAULT: Thank you, Mr. President. In answer to the question by Senator Tuttle of York, the amendment changes one phrase twice. It changes the phrase "Office of Policy and Legal Analysis" to "Legislative Council". This happens twice.

In addition to that, it adds an effective date of January 1, 1988. The reason that this was done, as I said previously, is we had by-passed the headquarters, or the boss, and went directly to those people who were doing the work. That is contrary to