

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I am having an amendment prepared and it is not ready, and I would hope that somebody would table this until later.

Thereupon, on motion of Mr. Diamond of Bangor, tabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the third tabled and today assigned matter:

An Act Concerning Confidential Records and State Certification of Educational Personnel (Emergency) (S. P. 583) (L. D. 1691)

Tabled—June 3, 1983 by Representative Locke of Sebec.

Pending—Passage to be Enacted.

On motion of Mrs. Locke of Sebec, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the fourth tabled and today assigned matter:

HOUSE DIVIDED REPORT—Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-317) — Minority (3) "Ought Not to Pass" — Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Municipal Property Tax Loss Reimbursement Formula, to Change the Penalty for the Withdrawal of Land from Current Use Valuation and to Require a Two-thirds Vote for the Expenditure of Funds from the Mining Excise Tax Trust Fund (H. P. 502) (L. D. 652)

Tabled—June 3, 1983 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report and wish to speak to my motion.

The SPEAKER: The gentleman from Portland, Mr. Higgins, moves that the Majority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: While both the Senate Chair and myself signed the Minority "Ought Not to Pass" Report, I have moved the Majority "Ought to Pass" Report so that we may have first and second readings and send the bill on to engrossment.

Since this L.D. proposes an amendment to the Constitution of Maine and therefore requires a two-thirds vote, I would fully expect to detail our reasons for opposing this measure at enactment.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Resolution read once. Committee Amendment "A" (H-317) was read by the Clerk.

Mr. Kane of South Portland offered House Amendment "A" to Committee Amendment "A" (H-331) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker, I would request that Representative Kane explain the amendment.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Kane.

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: All this amendment did, the gentledady from Houlton will be familiar—there was a problem with the Attorney General's opinion that said we couldn't reimburse in any event more than 50 percent, so we all agreed on the committee a couple of years ago that we would change that and there was an inadvertent mistake made and the words "not less than" were left out. This just amends what was previously agreed to.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" was amended by House Amendment "A" thereto was adopted.

Under suspension of the rules, the Resolution was read the second time, passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the fifth tabled and today assigned matter:

An Act Establishing a Commission to Study the Issue of the Custody of Children in Domestic Relations Cases (Emergency) (H. P. 1244) (L. D. 1658)

Tabled—June 3, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, I move that L.D. 1658 be indefinitely postponed.

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves the indefinite postponement of L.D. 1658.

The gentleman may proceed.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: As you probably know, the issue of joint custody, the issue of custody of children in domestic relations cases, is an issue of fundamental importance that affects this state and this country. Our committee had numerous bills presented to it addressing this particular area. Fortunately, our committee made a minor change which I think is significant which I discussed last week in the area of joint custody and when both parties agree to joint custody. That particular bill also incorporated a study commission which is outlined in this particular bill. Because of the fact that all of this area has been addressed in the previous legislation which was enacted last week, this particular bill, L.D. 1658, is not needed.

I would like to commend all of the sponsors and cosponsors who dealt with the area of joint custody and the area of custody of children in domestic relations cases. I think they all had a sincere interest and an effort in this regard and it is my hope that the commission, which is outlined in the previous bill, will come up with some excellent recommendations which will affect this particular area and which we can address during the next session.

Thereupon, the Bill and all its accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

The Chair laid before the House the sixth tabled and today assigned matter:

Bill, "An Act to Amend the Motor Vehicle Salvage Laws of the State" (H. P. 910) (L. D. 1189) (C. "A" H-318)

Tabled—June 3, 1983 by Representative Carroll of Limerick.

Pending—Passage to be Engrossed.

On motion of Mr. Carroll of Limerick, retabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the seventh tabled and today assigned matter:

An Act to Require Interdepartmental Coordination of Social Services Planning (H. P. 1255) (L. D. 1668)

Tabled—June 3, 1983 by Representative Brodeur of Auburn.

Pending—Motion of same gentleman to Reconsider Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker and Members of the House: This is a bill that I sponsored as a result of a study last summer. It has been a unanimous committee report and it appeared that a compromise was reached with two commissioners and the director of community services. The problem, as I understand it, is still that they would like to change the form of the

agreement, so this bill needs to be amended and I hope we can back this up so we can do that.

On motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. Brodeur of Auburn to reconsider enactment and later today assigned.

The Chair laid before the House the eighth tabled and today assigned matter:

An Act to Provide Workers' Compensation Coverage to Emergency Medical Services' Persons (S. P. 563) (L. D. 1637) (C. "A" S-160)

Tabled—June 3, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted later today assigned.

The Chair laid before the House the ninth tabled and today assigned matter:

An Act to Clarify and Make Corrections in the Inland Fisheries and Wildlife Laws (S. P. 548) (L. D. 1599) (C. "A" S-151)

Tabled—June 3, 1983 by Representative Carter of Winslow.

Pending—Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I have been assured by several people on the Fish and Wildlife Committee that there is nothing in this bill that would adversely affect several items on the Kennebec, so I therefore move enactment.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the tenth tabled and today assigned matter:

An Act to Encourage Prompt Resolution of Public Employee Labor Disputes (H. P. 1267) (L. D. 1678)

Tabled—June 3, 1983 by Representative Norton of Biddeford.

Pending—Passage to be Enacted. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I move the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the rules be suspended for the purpose of reconsideration. Is there objection? The Chair hears objection and the Chair will order a vote.

Whereupon, Mr. Kelleher of Bangor requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the rules be suspended for the purpose of reconsideration. This requires a two-thirds vote of all those present and voting. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Conners, Cooper, Cote, Cox, Crowley, Curtis, Daggett, Davis, Day, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, L.M.; Hobbins, Ingraham,