

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

**House of Representatives**  
May 17, 1993 to July 14, 1993

G.; Reed, W.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Taylor, Thompson, True, Tufts, Vigue, Whitcomb, Zirnkilton.

ABSENT - Beam, Campbell, Gean, Hillock, Jacques, Kilkelly, Melendy, Mitchell, J.; Morrison, Murphy, Pendleton, Poulin, Saxl, Sullivan, Swazey, Young.

Yes, 86; No, 49; Absent, 16; Paired, 0; Excused, 0.

86 having voted in the affirmative and 49 in the negative with 16 being absent, L.D. 687 was passed to be enacted, signed by the Speaker and sent to the Senate.

**FINALLY PASSED**

Resolve, to Transfer the Responsibilities of the Bureau of Rehabilitation from the Department of Human Services to the Department of Education (S.P. 487) (L.D. 1498) (Governor's Bill) (S. "A" S-300 to C. "A" S-291)

Resolve, to Establish the Academy for Public Service Study Committee (H.P. 874) (L.D. 1188) (S. "A" S-290 to C. "A" H-362)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: An Act to Encourage Implementation of Total Quality Management Procedures in the Executive Branch of State Government (H.P. 1142) (L.D. 1542) (Governor's Bill) (C. "A" H-581) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Joseph of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 1542 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-637) and moved its adoption.

House Amendment "B" (H-637) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-581) and House Amendment "B" (H-637) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Resolve, Authorizing the Ellsworth School Department to Transact a Land Exchange to Avoid Wetlands and Ledge Discovered During Project Development of the New Ellsworth High School (S.P. 523) (L.D. 1545) (S. "A" S-273) which was tabled earlier in the day and later today assigned pending final passage.

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker

and sent to the Senate.

The Chair laid before the House the following matter: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Popular Election of the Secretary of State (H.P. 965) (L.D. 1296) (C. "A" H-434) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Ahearne of Madawaska, under suspension of the rules, the House reconsidered its action whereby L.D. 1296 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-475) and moved its adoption.

House Amendment "B" (H-475) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Mr. Speaker, Men and Women of the House: The reason why I have introduced House Amendment "B" is because I had a serious concern with a section of the bill that deals with the order of succession to the Governor. Currently when the office of Governor becomes vacant because of death or resignation or removal, the President of the Senate will fill the office of the Governor. In the bill, when the office of Governor becomes vacant, the Secretary of State will fill the vacancy. My objection is that the Office of Secretary of State does not presently include responsibilities in my opinion that qualify him or her to fulfill the vacancy. Unlike the President of the Senate, who is in the constant touch with day-to-day business of the state, the Secretary of State, at this time, is not in constant contact with businesses of the state. Therefore, I offer this amendment and I hope you will accept it.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: You have two choices before you today. Actually you have three choices. The first choice would be to popularly elect the Secretary of State. But, as far as the amendment before you is concerned, the original bill does say that the Secretary of State would succeed the Governor if a vacancy should occur. If you decide that the Secretary of State, now the only other person in State government that would in fact run a statewide campaign should succeed the governor, if a vacancy should occur, then you would defeat this motion.

This whole issue should be clarified by another amendment to make the title of the bill and the question going out to the people perfectly clear in a constitutional sense.

I will repeat for you, if you wish the Secretary of State, the only other person who by this measure would be popularly elected to succeed the Governor, if a vacancy should occur, you would vote against House Amendment "B". If you would simply want to elect the Secretary of State, you would vote for House Amendment "B" and not allow the Secretary of State to succeed the Governor if a vacancy should occur.

I would welcome any questions because it probably sounds confusing.

The SPEAKER: The Chair recognizes the

Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: It is true that in debating the bill of the popular election of the constitutional officers, the State and Local Government Committee did not attend much discussion time, if any indeed, to the issue of gubernatorial succession that was embodied in the original version of this bill and stayed with the bill as it now comes here for engrossment and enactment.

There are two important constitutional issues at stake, one is the popular election issue and the other is the issue that Representative Ahearne is dealing with and taking out of the bill which is the issue of gubernatorial succession.

My interest is to see the issue as clearly laid out before the voters as possible and, indeed, as clearly laid out before the legislature as possible. Therefore, despite the fact that this is the way the Revisor drafted the bill on my urging as the prime sponsor, I would encourage this body to deal with those issues separately. I encourage you to accept the pending motion to adopt House Amendment "B" and leave to future legislators in future years, once the people have adopted this amendment, the issue of gubernatorial succession.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Mr. Speaker, Men and Women of the House: I would ask that you support the amendment proposed by the Representative from Madawaska to adopt House Amendment "B" for the same reasons that he brought up. I just want to emphasize that the Secretary of State's statutory responsibilities are not terribly broad when compared with the Governor's. They encompass the corporations, elections, motor vehicle, archives and I think the Representative was correct when he said that on a day-to-day basis, the President of the Senate would be able to step in. That is not saying anything about any particular individuals, I am just speaking to the nature of the job and the responsibilities of the job. I would hope that you would support House Amendment "B."

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "B" (H-475). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 25 in the negative, House Amendment "B" (H-475) was adopted.

Representative Bennett of Norway requested a roll call vote on passage to be engrossed.

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 engrossed as amended. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 186

YEA - Ahearne, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Bowers,

Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Chase, Chonko, Clark, Clukey, Coffman, Constantine, Cross, Dexter, Donnelly, Dutremble, L.; Farnum, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Heino, Jalbert, Johnson, Joy, Kneeland, Kontos, Kutasi, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Martin, H.; Michael, Mitchell, J.; Murphy, Nash, Nickerson, Norton, Oliver, Ott, Paradis, P.; Pendexter, Plourde, Plowman, Reed, G.; Reed, W.; Robichaud, Rowe, Simonds, Simoneau, Small, Stevens, A.; Sullivan, Taylor, Thompson, Tracy, Treat, True, Tufts, Vigue, Whitcomb, Zirkilton.

NAY - Adams, Carroll, Cashman, Cathcart, Cloutier, Coles, Cote, Daggett, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hoglund, Holt, Hussey, Joseph, Kerr, Ketterer, Marsh, Michaud, Mitchell, E.; Morrison, Nadeau, O'Gara, Pfeiffer, Pinette, Pouliot, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Skoglund, Stevens, K.; Strout, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Walker, Wentworth, Winn, The Speaker.

ABSENT - Aliberti, Clement, DiPietro, Hillock, Jacques, Kilkelly, Melendy, Pendleton, Pineau, Poulin, Saxl, Spear, Young.

Yes, 83; No, 55; Absent, 13; Paired, 0; Excused, 0.

83 having voted in the affirmative and 55 in the negative with 13 being absent, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-434) and House Amendment "B" (H-475) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act Concerning Technical Changes to the Tax Laws (S.P. 182) (L.D. 596) (C. "A" S-277) which was retabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Simoneau of Thomaston, retabled pending passage to be enacted and later today assigned.

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-587) - Committee on Legal Affairs on Bill "An Act to Restrict Private Political Campaign Contributions in State Elections" (H.P. 1085) (L.D. 1451) which was tabled earlier in the day and later today assigned pending the motion of Representative Daggett of Augusta that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Men and Women of the House: I hope you will accept the Minority "Ought to Pass" Report and reject the Majority "Ought Not to Pass" Report on this bill.

It may seem a little bit strange to see a Republican who is generally not in favor of taxes to be supporting and indeed sponsoring a bill that would