

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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ordered.

The SPEAKER Pro Tem: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this be tabled for one legislative day pending the motion of Mr. Michael of Auburn to recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bost, Bott, Brodeur, Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dillenback, Erwin, Foster, Gauvreau, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Kilcoyne, LaPlante, Lehoux, Lisnik, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perkins, Perry, Pouliot, Racine, Randall, Richard, Ridley, Roberts, Rotondi, Small, Smith, C.W.; Soucy, Soule, Stevens, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose.

NAY—Anderson, Bell, Bonney, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Carroll, D.P.; Davis, Day, Drinkwater, Dudley, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, Locke, MacBride, Masterman, Masterton, Matthews, K.L.; McPherson, Michaud, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Pines, Reeves, J.W.; Reeves, P.; Roderick, Rolde, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Sproul, Stevenson, Walker, Wentworth, Weymouth, Willey, Zirnkilton.

ABSENT—Armstrong, Benoit, Brannigan, Callahan, Carrier, Connors, Connolly, Curtis, Dexter, Gwadosky, Handy, Jackson, Ketover, Mahany, Martin, A.C.; Maybury, Webster, The Speaker.

Yes, 85; No, 48; Absent, 18.

The SPEAKER Pro Tem: Eighty-five having voted in the affirmative and forty-eight in the negative, with eighteen being absent, the motion does prevail.

The Chair laid before the House the following matter:

Senate Divided Report—Majority (7) "Ought to Pass" in New Draft (S. P. 570) (L. D. 1646) — Minority (6) "Ought Not to Pass" — Committee on Judiciary on Bill "An Act to Provide Equal Access to Justice" (S. P. 203) (L. D. 625) — In Senate, Majority "Ought to Pass" Report accepted and the New Draft passed to be engrossed.

Which was tabled and later today assigned pending the motion of Mr. Joyce of Portland to accept the Minority "Ought Not to Pass" Report in non-concurrence.

On motion of Mr. Joyce of Portland, retabled pending his motion to accept the Minority Report in non-concurrence and tomorrow assigned.

The Chair laid before the House the following matter:

An Act to Require Interdepartmental Coordination of Social Services Planning (H. P. 1255) (L. D. 1668) which was tabled and later today assigned pending the motion of Mr. Brodeur of Auburn to reconsider whereby the Bill was passed to be enacted.

On motion of Mr. Brodeur of Auburn, tabled pending his motion to reconsider passage to be enacted and tomorrow assigned.

The Chair laid before the House the following matter:

Senate Report—"Ought to Pass" in New Draft (S. P. 592) (L. D. 1710) Committee on Local and County Government on Bill "An Act to Establish County Budget Committees" (S. P. 435) (L. D. 1347) which was tabled and later

today assigned pending acceptance of the Committee Report.

Thereupon, the Report was accepted in concurrence, the New Draft read once and assigned for second reading the next legislative day.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Statutes Relating to Fluoridation" (S. P. 595) (L. D. 1717) which was tabled and later today assigned pending passage to be engrossed.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: As the sponsor of the amendment has found that there is an error in the amendment and wishes a little more time to get a proper amendment up from Research, I would ask that this be tabled for one legislative day.

Whereupon, on motion of Mr. Diamond of Bangor, tabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the following matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Moneys Dedicated to the Highway Fund to be Used to Provide Operational Subsidies for Various Forms of Surface Passenger Transit (H. P. 968) (L. D. 1248) which was tabled and later today assigned pending further consideration. (In House, indefinitely postponed; in Senate, Minority "Ought to Pass" Report accepted and Resolution passed to be engrossed)

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: A few of you may remember this bill from the other day. This is the one that the gentleman from Bangor, Mr. Kelleher, jumped onto as it laid dead, bleeding and dying in the well of the House, but probably will be surprised at the support I have been able to engender over the last two days for this bill and probably the biggest selling point was that I told people I was going to amend it with a provision to put a four-foot fence around the milk pool, but anyway, as you know, this is a constitutional amendment, requires 101 votes in this House, two-thirds in the other house. Although I am sure I have got 102 blood-committed promises in here, I just wanted to say that consider yourselves all released and vote your conscience.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, I move that we adhere.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bangor, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, I move that we recede and concur.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, I request a roll call.

The SPEAKER Pro Tem: 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 Pro Tem: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Let's kill this bill. We did it before; let's do it now. Everybody vote no.

The SPEAKER Pro Tem: The pending question is on the motion of the gentleman from Bangor, Mr. Diamond, that the House recede and concur. All those in favor will vote yes;

those opposed will vote no.

ROLL CALL

YEA—Andrews, Baker, Beaulieu, Brodeur, Carroll, D.P.; Cashman, Connolly, Crouse, Diamond, Gauvreau, Hall, Hickey, Higgins, H.C.; Hobbins, Kane, Kelly, Kilcoyne, Macomber, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Reeves, P.; Rolde, Seavey, Thompson.

NAY—Ainsworth, Allen, Anderson, Bell, Bonney, Bost, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Chonko, Clark, Conary, Cooper, Cote, Cox, Crowley, Daggett, Davis, Day, Dillenback, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Handy, Hayden, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kiesman, LaPlante, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, MacBride, MacEachern, Manning, Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Paul, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Roderick, Rotondi, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Vose, Walker, Wentworth, Weymouth, Willey, Zirnkilton.

ABSENT—Armstrong, Benoit, Brannigan, Carrier, Carter, Connors, Curtis, Dexter, Gwadosky, Ketover, Locke, Mahany, Martin, A.C.; Perkins, Tuttle, Webster, The Speaker.

Yes, 30; No, 104; Absent, 17.

The SPEAKER Pro Tem: Thirty having voted in the affirmative and one hundred and four in the negative, with seventeen being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair thanks the gentleman from Fairfield, Mr. Gwadosky, for acting as Speaker Pro Tem.

Thereupon, Mr. Gwadosky returned to his seat on the floor and Speaker Martin resumed the Chair.

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

Bill "An Act to Increase the Excise Tax on Dessert Wine and to Permit the Sale of Dessert Wine at Retail Stores" (H. P. 1284) (L. D. 1701)

Tabled — May 26, 1983, by Representative Mitchell of Vassalboro

Pending — Reference.

Thereupon, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

The Chair laid before the House the following matter:

Bill "An Act to Provide the Licensing of Bottle Clubs" (S. P. 584) (L. D. 1694) which was tabled and later today assigned pending passage to be engrossed in concurrence.

Thereupon, the Bill was passed to be engrossed in concurrence.

(Off Record Remarks)

On motion of Mr. Joyce of Portland, Adjourned until twelve o'clock noon tomorrow.