

MAINE STATE LEGISLATURE

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

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 24, 1995 to June 30, 1995

Clark, Cloutier, Cross, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heesch, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Libby JD; Look, Lovett, Luther, Madore, Martin, Mayo, McAlevey, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nickerson, O'Gara, O'Neal, Peavey, Pendleton, Perkins, Poulin, Reed, W.; Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Shiah, Sirois, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Volenik, Watson, Wheeler, Winn.

ABSENT - Chartrand, Dexter, Meres, Pouliot, Saxl, J.; Saxl, M.; True, Whitcomb, Yackobitz, The Speaker.
Yes, 57; No, 84; Absent, 10; Excused, 0.

57 having voted in the affirmative and 84 voted in the negative, with 10 being absent, the Minority "Ought Not to Pass" Report was not accepted.

Subsequently, the Majority "Ought to Pass" as amended Report was accepted. The Bill was read once. Committee Amendment "A" (S-211) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, June 13, 1995.

The following items were taken up out of order by unanimous consent:

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 353) (L.D. 981) Bill "An Act to Amend the Teacher Certification Laws Relating to Certification Waivers" (C. "A" S-225)

(H.P. 558) (L.D. 759) Bill "An Act to Encourage the Use of Tire-derived Fuel" (C. "A" H-409)

(H.P. 860) (L.D. 1191) Bill "An Act to Amend the Substance Abuse Testing Laws" (C. "A" H-415)

(H.P. 1066) (L.D. 1501) Bill "An Act to Include Child Care Centers in the Property Tax Exemptions and to Amend the Review Schedule for Property Tax Exemptions" (C. "A" H-406)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

**BILLS IN THE SECOND READING
As Amended**

Bill "An Act Relating to the Renewal of a Teacher Certificate That Has Lapsed for More Than 5 Years" (H.P. 759) (L.D. 1033) (C. "A" H-400)

Bill "An Act to Implement the Recommendations of the Commission to Study Potato Quality Issues" (H.P. 1060) (L.D. 1489) (C. "A" H-408)

Bill "An Act Concerning Potato Blight Eradication and the Disposal of Cull Potatoes" (EMERGENCY) (H.P. 1096) (L.D. 1540) (Governor's Bill) (C. "A" H-418)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was Passed to be Engrossed as Amended in non-concurrence and sent up for concurrence and the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

Bill "An Act to Connect Libraries and Communities Electronically" (S.P. 191) (L.D. 500) (C. "A" S-223)

Was reported by the Committee on Bills in the Second Reading, read the second time.

On motion of Representative MITCHELL of Vassalboro was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed and later today assigned.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (EMERGENCY) (H.P. 516) (L.D. 706) (Governor's Bill) on which the Majority "Ought to Pass" as amended Report of the Committee on Appropriations and Financial Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-386) as amended by House Amendment "A" (H-402) thereto in the House on June 8, 1995.

Came from the Senate with the Minority "Ought to Pass" as amended Report of the Committee on Appropriations and Financial Affairs read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-387) in non-concurrence.

Representative KERR of Old Orchard Beach moved that the House Adhere.

Representative CARLETON of Wells moved that the House Recede and Concur.

Representative JACQUES of Waterville requested a roll call on the motion to Recede and Concur.

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 members present and voting. All 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 Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: Nothing has changed from this document, Majority, Minority Report since we last voted. As we all know, this will not be the final budget document, negotiations are going to have to take place. We'd like to remind you that some of the items that are in the Minority Report, one is the repeal of the hospital tax in 1997, provides an additional 22 million dollars to the hospital to cover the impact of this tax. Also, cut state employees benefits by encouraging state employees to pay 20 percent of their individual health insurance plans, it also suspends the merit pay. It reduces the snack tax. It reduces the sales tax from 6 percent to 5 percent. The reason why I'm asking you to vote against the pending motion to Recede and Concur is because I thought we got away from putting costs into the future. The Minority Report put

approximately 550 million dollars into the next biennium, which I consider a future cost. I would urge you to vote against the pending motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to Recede and Concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 149

YEA - Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, Donnelly, Dunn, Farnum, Gieringer, Gooley, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Marshall, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Neal, Ott, Peavey, Perkins, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Taylor, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winsor.

NAY - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Gamache, Gates, Gerry, Gould, Green, Greenlaw, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Luther, Madore, Martin, Mitchell EH; Mitchell JE; Morrison, O'Gara, Paul, Pendleton, Poulin, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, The Speaker.

ABSENT - Chartrand, Dexter, Fitzpatrick, Meres, Nadeau, Pouliot, True, Yackobitz.

Yes, 68; No, 75; Absent, 8; Excused, 0.

68 having voted in the affirmative and 75 voted in the negative, with 8 being absent, the motion to Recede and Concur was not accepted.

Subsequently, the House voted to Adhere.

On motion of Representative ROBICHAUD of Caribou, the House reconsidered its action whereby the House voted to Adhere to L.D. 706.

Representative ROBICHAUD of Caribou requested a roll call on the motion to Adhere.

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 members present and voting. All 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 pending question before the House is the motion to Adhere. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 150

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Cameron, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Greenlaw, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Luther, Martin, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, Paul, Poulin, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson,

Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Campbell, Carleton, Chick, Clukey, Cross, Damren, Donnelly, Dunn, Farnum, Gieringer, Gooley, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Neal, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, Tufts, Underwood, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

ABSENT - Chartrand, Dexter, Meres, Pouliot, True, Yackobitz.

Yes, 74; No, 71; Absent, 6; Excused, 0.

74 having voted in the affirmative and 71 voted in the negative, with 6 being absent, the motion to Adhere prevailed.

The Chair laid before the House the following items which were tabled earlier in today's session:

An Act to Establish Municipal Cost Components for Unorganized Territory Services to Be Rendered in Fiscal Year 1995-96 (EMERGENCY) (H.P. 701) (L.D. 959) (H. "A" H-368 to C. "A" H-336) which was tabled by Representative TUTTLE of Sanford pending passage to be enacted.

On motion of Representative DORE of Auburn, under suspension of the rules, the House reconsidered its action whereby L.D. 959 was passed to be engrossed.

On further motion of the same Representative, under further suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-336) was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-368) to Committee Amendment "A" (H-336) was adopted.

On further motion of the same Representative, House Amendment "A" (H-368) to Committee Amendment "A" (H-336) was indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: Just to let you know, we are simply removing a one line amendment, it's because on further reconsideration we discovered it was redundant and that the matter was dealt with in the legislation. Thank you for your patience.

Committee Amendment "A" (H-336) was adopted. The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-336) in non-concurrence and sent up for concurrence.

Resolve, Prohibiting the Maine Court Facilities Authority from Locating Court Facilities upon Certain Property (H.P. 1124) (L.D. 1569) which was tabled by Representative KERR of Old Orchard Beach pending reference.

Subsequently, the Resolve was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.