

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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with the Appropriations Committee made up of both political parties and somewhere along the line it is the job of our committee to find money where they can, it is going to hurt somebody sometime, but somewhere along the line if we are to fund and enact some bills that are going on and are still going on the Appropriations Table, we must somehow, as much as we can, find the money that is needed. That is what my opposition is to the amendment.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from York, Representative Rolde, brings up the point that no one is safe when the legislature is in session. I can't dispute that point. However, I try to be consistent. I guess it depends on who is being gored by the bull and how we react sometimes in this legislature.

It seems to me that just a day or two ago I was up on my feet speaking against a recommendation by the Performance and Audit Committee that would allow direct competition with private enterprise. They were upfront about what we want to do. But I really do try to be consistent.

I would also like to speak to a point that was brought up by the good gentleman from Saco, Representative Hobbins. You know, I have been around here a few years, we speak of public hearings, and I have never seen a law where a public hearing is required. I have complained before when public hearings were not being held on certain issues and I was told that it is a convenience that the legislature allows the citizens to partake in when and if they so desire.

I would like to remind this body that to date we have had 17 bills that have flown through these halls without any public hearing, and there are more on the way. I would urge you to support the motion to indefinitely postpone.

Mr. Speaker, I request a roll call vote.

A roll call has been requested.

More than one fifth of the members present expressed a desire for a roll call, which was ordered.

ROLL CALL NO. 480

YEA—Baker, Beaulieu, Bell, Bost, Brannigan, Brodeur, Carter, Cashman, Chonko, Connolly, Cote, Crouse, Diamond, Hall, Hayden, Higgins, H.C.; Jacques, Jalbert, Joyce, Kelleher, Kelly, Ketover, Lehoux, Lisnik, Locke, MacBride, Maceachern, Mahany, McCollister, McGowan, McHenry, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Reeves, J.W.; Rotondi, Smith, C.B.; Smith, C.W.; Soule, Strout, Tamarro, Vose, The Speaker.

NAY—Ainsworth, Allen, Anderson, Armstrong, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Clark, Conary, Conners, Cooper, Cox, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Handy, Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Joseph, Kisman, LaPlante, LeBowitz, Livesay, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Mayburg, Mayo, McPherson, McSweeney, Melendy, Michael, Michaud, Mills, Murphy, E.M.; Murphy, T.W.; Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Robinson, Roderick, Rolde, Salsbury, Scarpino, Seavey, Sherburne, Small, Soucy, Sproul, Stevens, Stevenson, Stover, Swazey, Theriault, Thompson, Tuttle, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Andrews, Benoit, Bonney, Hickey, Kane, Kilcoyne, Masterton, Paul, Telow.

45 having voted in the affirmative and 97 in the negative, with 9 being absent, the motion did not prevail.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "A" and House Amendment "A" in non-concurrence and sent up

for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: "An Act Concerning Menhaden Fishing in Casco Bay" (H. P. 928) (L. D. 1207) have had the same under consideration and ask leave to report that they are unable to agree.

Signed:

Representatives:

CROWLEY of Stockton Springs
VOSE of Eastport
LIVESAY of Brunswick

Senators:

DUTREMBLE of York
NAJARIAN of Cumberland
COLLINS of Knox

The Committee of Conference Report was read.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, I move that we accept the Committee of Conference Report.

The SPEAKER: The gentleman from Stockton Springs, Mr. Crowley, moves that the Committee of Conference Report be accepted.

The gentleman may proceed.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: The Committee of Conference on the Marine Resources bill, L. D. 1207, An Act Concerning Menhaden Fishing in Casco Bay, agreed to write a report to the Commissioner of the Department of Marine Resources expressing our interest and concerns over the possible ecological effects of the purse seining and the habitat of the marine organisms in shallow waters in the New Meadows River and other shallow portions of the rivers and bays north of Casco Bay. Hopefully, the Department of Marine Resources will address the concerns of the 778 petitioners and other concerned citizens in the Harpswell—Phippsburg area who feel there is an environmental impact from the large fishing vessels and the large fishing net seines that rake the ocean bottom in an area rich in natural marine resources.

Thereupon, the Committee of Conference Report was accepted and sent up for concurrence.

Ought to Pass in New Draft

Representative Locke from the Committee on Education on Bill "An Act to Clarify Certain Laws Relating to Education" (H. P. 1544) (L. D. 2034) reporting "Ought to Pass" in New Draft (H. P. 1862) (L. D. 2467).

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was passed to be engrossed and sent up for concurrence.

Passed to Be Enacted

An Act to Establish Standards and a Policy for the Compensation of Members of Boards, Commissions and Similar Organizations (H. P. 1807) (L. D. 2389) (S. "C" S-385).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, I would like to pose a question through the Chair. Is this the pay increase bill?

The SPEAKER: The gentleman from Farmington, Mr. Webster, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the question is no.

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

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 877) (L. D. 2382) reporting "Ought to Pass" in New Draft (Emergency) (S. P. 911) (L. D. 2462).

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft given its first reading and assigned for its second reading later today.

Divided Report

Later Today Assigned

Nine Members of the Committee on Energy and Natural Resources on Bill "An Act to Reduce Minimum Fees and Provide for Implementation of the Chemical Substance Identification Law" (Emergency) (S. P. 719) (L. D. 1977) report in Report "A" that the same "Ought to Pass" in New Draft (Emergency) (S. P. 915) (L. D. 2463).

Signed:

Senators:

PEARSON of Penobscot
KANY of Kennebec

Representatives:

MICHAEL of Auburn
HALL of Sangerville
MICHAUD of East Millinocket
MITCHELL of Freeport
McGowan of Pittsfield
JACQUES of Waterville
RIDLEY of Shapleigh

Three Members of the the same Committee on same Bill report in Report "B" That the same "Ought to Pass" in New Draft under New Title Bill "An Act to Remove Fees and Provide for Implementation of the Chemical Substance Identification Law" (Emergency) (S. P. 916) (L. D. 2464).

Signed:

Senator:

McBREAIRTY of Aroostook

Representatives:

BROWN of Livermore Falls
DEXTER of Kingfield

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Remove Fees and Provide for Implementation of the Chemical Substance Identification Law" (S. P. 917) (L. D. 2465).

Signed:

Representative:

KIESMAN of Fryeburg

Came from the Senate with Report "A" read and accepted and the New Draft (S.P. 915) (L. D. 2463) Passed to be Engrossed.

Reports were read.

On motion of Representative Hall of Sangerville, tabled pending acceptance of any Report and later today assigned.

Non-Concurrent Matter

RESOLVE, to Establish a Select Committee Concerning Forest Practices in the State (Emergency) (H. P. 1776) (L. D. 2354) which Failed of Final Passage in the House on April 11, 1984.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "C" (S-415) in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: My question is a brief explanation of Senate Amendment 415, please?

The SPEAKER: The gentlewoman from Woolwich, Mrs. Cahill, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, all the amendment does is remove the emergency