

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

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
58th Legislative Day
Wednesday, May 26, 1993

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Kenneth C. Woodhams, Wayne Community Church, United Methodist.

The Journal of Tuesday, May 25, 1993, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

May 25, 1993

Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its former action whereby it accepted the Majority Ought Not to Pass Report on the RESOLUTION, Proposing an Amendment to the Constitution of Maine to Create a Unicameral Legislature (H.P. 768 L.D. 1035)

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Non-Concurrent Matter

Bill "An Act Amending the Charter of the Brewer Water District" (EMERGENCY) (H.P. 615) (L.D. 830) which was passed to be engrossed as amended by Committee Amendment "A" (H-250) and House Amendment "A" (H-278) in the House on May 13, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-250) and Senate Amendment "A" (S-177) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide the Governor with a Line-item Veto (H.P. 948) (L.D. 1277) on which the Minority "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-338) as amended by House Amendment "A" (H-393) thereto in the House on May 24, 1993.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Appropriations and Financial Affairs read and accepted in non-concurrence.

Representative Zirnkilton of Mount Desert moved that the House Insist and ask for a Committee of Conference.

Representative Chonko of Topsham moved that the House recede and concur.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirnkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: This issue is the line-item veto issue which we debated at some length last week and is back to us in a non-concurrent posture today.

The objections which were raised by some of the members last week were that the Governor could possibly have the opportunity to take some money away from some lines that he had objection with and move them into some areas that he would like to see some increased funding. It was my intention if given the opportunity to come forward with an amendment which would make that not possible.

I hope that you will give us the opportunity to work together with the other body to bring us into conformity with 44 other states in this nation and let us have this effective tool to make our budget more efficient, more accountable, more open to all of us and to the public-at-large. I ask for your support on this issue.

Mr. Speaker, I ask that when the vote is taken, it be taken by the yeas and nays.

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 the motion of Representative Chonko of Topsham that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 140

YEA - Adams, Aliberti, Beam, Bowers, Brennan, Carroll, Chase, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Daggett, Erwin, Farnsworth, Fitzpatrick, Gamache, Gean, Gwadosky, Hale, Hatch, Heesch, Hichborn, Hوجلund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kilkelly, Kontos, Martin, H.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Oliver, Paradis, P.; Pfeiffer, Pinette, Pouliot, Rand, Rotondi, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Skوجلund, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Treat, Walker, Wentworth, The Speaker.

NAY - Ahearne, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Carleton, Caron, Carr, Cashman, Clukey, Cross, Dexter, DiPietro, Donnelly, Driscoll,

Dutremble, L.; Faircloth, Farnum, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Heino, Hillock, Joy, Kerr, Ketterer, Kneeland, Kutasi, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Michael, Murphy, Nash, Nickerson, Norton, O'Gara, Ott, Pendexter, Pendleton, Plourde, Plowman, Poulin, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rowe, Simoneau, Small, Spear, Stevens, A.; Tardy, Taylor, Thompson, Tracy, True, Tufts, Vigue, Whitcomb, Winn, Young, Zirkilton.

ABSENT - Campbell, Cathcart, Coffman, Dore, Larrivee, Lemke, Morrison, Pineau, Strout.

Yes, 63; No, 79; Absent, 9; Paired, 0; Excused, 0.

63 having voted in the affirmative and 79 in the negative with 9 being absent, the motion to recede and concur did not prevail.

Subsequently, the House voted to Insist and ask for a Committee of Conference.

COMMUNICATIONS

The following Communication:

DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333

May 24, 1993

Honorable John L. Martin
Speaker of the House
State House Station #2
Augusta, ME 04333

Dear Speaker Martin:

Pursuant to 24 M.R.S.A., Section 1544, it is my privilege to present you and the Legislature the seventeenth annual Crime in Maine report for the year 1991.

Although the release of this report has been delayed, due in part to budget constraints and a vacancy in the publication coordinator's position, we continue to place great value in the availability of crime data as a useful reference for public officials and Maine's citizens.

The Maine Department of Public Safety, which oversees this useful tool, and the Maine State Police, which produces it, continues their efforts to improve our sole crime data collection program and it's resulting publication.

In our desire to meet the needs of the many consumers of Crime in Maine, we are seeking your feedback as to suggestions for an improved report via the reader survey form located after page 108.

It is hoped that the release of the 1992 annual report will meet the more traditional June/July time frame.

Please feel free to contact Stephan M. Bunker of my staff should you have any questions as to the report or the Uniform Crime Reporting Program.

Respectfully,

S/John R. Atwood
Commissioner

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bill was received and, upon the recommendation of the Committee on Reference of Bills, was referred to the following Committee, Ordered Printed and Sent up for Concurrence:

Energy and Natural Resources

Bill "An Act Authorizing a Referendum to Ratify the Texas Low-Level Radioactive Waste Disposal Compact with Maine and Vermont and Approving the Compact's Terms" (EMERGENCY) (H.P. 1141) (L.D. 1541) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representatives: GWADOSKY of Fairfield, JACQUES of Waterville, LORD of Waterboro, PARADIS of Augusta, WHITCOMB of Waldo, ZIRNKILTON of Mount Desert, Senators: BUSTIN of Kennebec, CAHILL of Sagadahoc, CARPENTER of York, DUTREMBLE of York, ESTY of Cumberland, LAWRENCE of York, LUDWIG of Aroostook) (Governor's Bill)

Ordered Printed.
Sent up for Concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative TOWNSEND from the Committee on Human Resources on Bill "An Act to Improve Child Care Services in the State" (H.P. 565) (L.D. 762) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-435)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-435) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-435) and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

Divided Report

Later Today Assigned

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as