

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and 18 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Test an Experimental Season on Moose for a One-year Period (S. P. 42) (L. D. 28) (S. "A" S-32 to C. "A" S-26)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. Mr. Kelleher of Bangor requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, I would like to pair my vote with the gentleman from Sanford, Mr. Wood. If Mr. Wood were here, he would be voting no and I would be voting yes.

The SPEAKER: The pending question before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Barry, Beaulieu, Berube, Birt, Blodgett, Boudreau, Bowden, Brannigan, Brodeur, Brown, A.; Brown, K.C.; Carter, D.; Churchill, Conary, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Diamond, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gray, Gwadosky, Hall, Hobbins, Hutchings, Immonen, Jacques, E.; Jacques, P.; Kane, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lougee, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Morton, Nadeau, Nelson, A.; Nelson, M.; Paradis, Paul, Payne, Peterson, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Smith, Stetson, Studley, Theriault, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore.

NAY — Aloupis, Bachrach, Baker, Benoit, Berry, Bordeaux, Brennerman, Brown, D.; Bunker, Call, Carroll, Carter, F.; Chonko, Cloutier, Connolly, Dexter, Dudley, Gowen, Hansen, Hickey, Higgins, Howe, Huber, Hughes, Hunter, Jackson, Joyce, Kany, Kelleher, Laffin, Lewis, Lowe, Masterton, Nelson, N.; Norris, Pearson, Post, Prescott, Reeves, P.; Silsby, Small, Soulas, Sprowl, Stover, Tarbell, Tierney, Wyman.

ABSENT — Brown, K. L.; Carrier, Doukas, Jalbert, Lizotte, Locke, Peltier, Simon, Strout, Torrey.

PAIRED — Mitchell, Wood.

Yes, 91; No, 47; Absent, 10; Paired, 2.

The SPEAKER: Ninety-one having voted in the affirmative and forty-seven in the negative, with ten being absent and two paired, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Remove Overlapping Causes of Action, to Limit Municipal Liabilities for Highway Defects and to Remove the Sunset Provision on the Tort Claims Act (S. P. 119) (L. D. 228) (C. "A" S-38)

An Act Relating to Appropriation of Funds for Assistant District Attorneys (S. P. 128) (L. D. 306) (C. "A" S-37)

An Act Relating to Self Employee Workers' Compensation Insurance Coverage (S. P. 148) (L. D. 325)

Were reported by the Committee on En-

grossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Establish the Minimum Wage at \$2.50 Per Hour and to Set a \$4 Per Hour Ceiling (H. P. 26) (L. D. 43) (S. "A" S-29)

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

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I move this Bill and all its accompanying papers be indefinitely postponed.

Mr. Wyman of Pittsfield requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the good gentleman from Westbrook, Mr. Laffin, or perhaps Mr. Wyman could tell us as the chairman of the committee. Is there a state cap now on the minimum wage? This is necessary, as I understand it, to allow that cap to rise so the State of Maine could follow the federal guidelines forever. So, we do need this legislation if we are going to go above \$2.90, is that correct?

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to anyone who may care to answer if they so desire.

The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to that question, the answer is yes. If we fail to pass this particular legislation, then when the federal minimum wage goes up on January 1 to \$3.10 an hour, the state minimum wage, under current state law, cannot rise above \$3 an hour unless we enact this bill.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: This is just decoy. Don't let anyone in this House fool you. There are two bills in the Labor Committee that will be coming to change this and don't let anyone here fool you on this. This is just a decoy, and I ask the members to vote with me today. You will see that this will come along and fall right into place.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Westbrook, Mr. Laffin, to indefinitely postpone this bill and all its accompanying papers. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Carter, F., Connolly, Curtis, Hall, Immonen, Laffin, Reeves, P.

NAY—Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K. C.; Bunker, Call, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Conary, Cox, Cunningham, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis,

Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peterson, Post, Prescott, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wyman.

ABSENT—Brown, K. L.; Carrier, Jalbert, Lizotte, Peltier, Simon, Strout, Wood.

Yes, 7; No, 135; Absent, 8.

The SPEAKER: Seven voting in the affirmative and one hundred and thirty five in the negative, with eight being absent, the motion does not prevail.

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

An Act Relating to Abatement Proceedings (H. P. 181) (L. D. 209) (C. "A" H-92)

An Act to Clarify the Definition of Employer under the Workers' Compensation Act (H. P. 248) (L. D. 293)

An Act Concerning Reissue of Inactive Snowmobile Registration Numbers (H. P. 297) (L. D. 392)

An Act Concerning Reissuance of Inactive Boat Registration Numbers (H. P. 298) (L. D. 396)

An Act to Provide that the Adoption of Rules by the State Controller are Consistent with the Maine Administrative Procedure Act (H. P. 323) (L. D. 424) (C. "A" H-90)

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

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

HOUSE DIVIDED REPORT — Majority (8) "Ought to Pass" as Amended by Committee Amendment "A" (H-104)

—Minority (5) "Ought Not to Pass" — Committee on Labor on Bill "An Act to Adjust Unemployment Benefits for Employees on Layoff who are Temporarily Recalled to Work by their Regular Employer" (H. P. 219) (L. D. 267)

Tabled—March 20, 1979 by Mr. Wyman of Pittsfield.

Pending—Acceptance of either Report.

On motion of Mr. Wyman of Pittsfield, the Bill and all its accompanying papers were re-committed to the Committee on Labor and sent up for concurrence.

The Chair laid before the House the second tabled and today assigned matter:

Bill, "An Act Relating to Fatal Motor Vehicle Accidents" (H. P. 459) (L. D. 572)

Tabled—March 21, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

Mr. Hobbins of Saco offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-107) was read by the Clerk.

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to state for the record and to tell everyone here that, believe it or not, this is a unanimous committee report from the Committee on Judiciary, and this amendment is basically to clarify some language of the existing bill. Hopefully, it will be a non-controversial item. It is sponsored by the good gentleman from Westbrook, Mr. Laffin.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent