

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 Fourteenth Legislature
OF THE
State Of Maine

VOLUME III

FIRST REGULAR SESSION
June 15, 1989 to July 1, 1989
Index

absolutely did not like it and when they see their taxes increase. I assure you that they do not like it and I would hope that this House would vote against the recede and concur so that we can go back to our former position and help the good gentleman, Representative Moholland, with the trucks, not the airplanes.

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 Cashman of Old Town that the House recede and concur.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Anthony of South Portland. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is the motion of Representative Cashman of Old Town that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 126

YEA - Cashman, Crowley, DiPietro, Duffy, Garland, Gould, R. A.; Hanley, Hepburn, Hickey, Jackson, Lebowitz, Lisnik, Martin, H.; McGowan, Merrill, Nadeau, G. G.; Paradis, J.; Parent, Pederson, Richard, Richards, Ruhlman, Seavey, Sheltra, Tammaro, Tardy.

NAY - Adams, Aikman, Aliberti, Allen, Anderson, Ault, Bailey, Begley, Bell, Boutillier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cathcart, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Curran, Daggett, Dellert, Dexter, Donald, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hastings, Heeschen, Hichborn, Higgins, Hoglund, Holt, Hussey, Hutchins, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Libby, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Marston, Mayo, McCormick, McHenry, McKeen, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paul, Pendleton, Pineau, Pines, Plourde, Priest, Rand, Reed, Ridley, Rolde, Rotondi, Rydell, Sherburne, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb.

ABSENT - Chonko, Jalbert, Pouliot, The Speaker.

PAIRED - Anthony, Paradis, P..

Yes, 26; No, 119; Absent, 4; Paired, 2; Excused, 0.

26 having voted in the affirmative, 119 in the negative, with 4 being absent and 2 having paired, the motion did not prevail.

Subsequently, the House voted to Adhere.

By unanimous consent, all matters having been acted upon requiring Senate concurrence, except those held, were ordered sent forthwith to the Senate.

(At Ease to the Gong)

The House was called to order by the Speaker.

Representative Smith of Island Falls was granted unanimous consent to address the House:

Representative SMITH: Mr. Speaker, point of inquiry? Under Rules of the House, Item 22, "No business shall be transacted in the House after 9:00 p.m. -- what does that mean, sir?"

The SPEAKER: The Chair has read it before as has the Representative from Island Falls, Representative Smith, and he is aware, the rule has been suspended by implication.

The following item appearing on Supplement No. 21 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 9)

Representative JOSEPH from the Committee on State and Local Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1989 (EMERGENCY) (H.P. 1279) (L.D. 1772) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 9)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read a second time, passed to be engrossed and sent up for concurrence.

The following item appearing on Supplement No. 19 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Ought to Pass as Amended

Report of the Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-344) on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 594) (L.D. 1671)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-344) as amended by Senate Amendments "A" (S-360), "B" (S-361), "C" (S-362), "D" (S-363), "E" (S-364), "F" (S-365), "G" (S-366), "H" (S-367), "I" (S-368), "J" (S-369), "K" (S-370), "L" (S-371), "M" (S-372), "N" (S-373), "O" (S-374), "P" (S-375), "Q" (S-376), "R" (S-377), and "S" (S-378) thereto.

Report was read and accepted, the Bill read once. Committee Amendment "A" was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "B" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "C" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "D" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "E" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "F" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "G" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "H" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "I" to Committee Amendment "A" was read by the Clerk and adopted.

Senate Amendment "J" to Committee Amendment "A" was read by the Clerk and adopted.
 Senate Amendment "K" to Committee Amendment "A" was read by the Clerk and adopted.
 Senate Amendment "L" to Committee Amendment "A" read by the Clerk and adopted.
 Senate Amendment "M" to Committee Amendment "A" read by the Clerk and adopted.
 Senate Amendment "N" to Committee Amendment "A" read by the Clerk and adopted.
 Senate Amendment "O" to Committee Amendment "A" read by the Clerk and adopted.
 Senate Amendment "P" to Committee Amendment "A" read by the Clerk and adopted.
 Senate Amendment "Q" to Committee Amendment "A" read by the Clerk and adopted.
 Senate Amendment "R" to Committee Amendment "A" read by the Clerk and adopted.
 Senate Amendment "S" to Committee Amendment "A" read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendments "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", "P", "Q", "R", and "S" thereto was adopted.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: On behalf of the Committee, I just wanted to explain that the Errors Bill has now been passed to be engrossed. The Senate Amendments that have come over are the substantive amendments to the Errors Bill, they received the unanimous consent of the Committee. However, since they were substantive amendments, it is the process that has been observed in the last dozen or so years that each of these amendments would have to face the light of day in this chamber and they would enjoy the scrutiny of each and every member of this body. For that reason, that is why each of them was brought forward as individual amendments and had to have the concurrence of this body for it to be engrossed. That has been the Committee on Judiciary's procedure that has been observed and we think it has worked very, very well.

There is one other Errors Bill that is yet to be finalized by this body, that is the Errors Bill that deals with boards and commissions and I am sure that we will be having it rather shortly.

Under suspension of the rules, the Bill was read the second time and passed to be engrossed as amended in concurrence.

The following item appearing on Supplement No. 18 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Non-Concurrent Matter

Bill "An Act Regarding State Forest Practice Laws" (H.P. 315) (L.D. 429) which was passed to be engrossed as amended by Committee Amendment "B" (H-635) in the House on June 20, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "B" (H-635) as amended by Senate Amendment "B" (S-379) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 22 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Non-Concurrent Matter

An Act to Strengthen an Injured Employee's Right to Rehabilitation and to Improve the Workers'

Compensation Rehabilitation System (H.P. 1176) (L.D. 1630) (C. "A" H-586) which was passed to be enacted in the House on June 19, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-586) as amended by Senate Amendment "B" (S-380) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 20 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Pursuant to Joint Rule 22

From the Committee on Labor on Bill "An Act to Allow 15-year-olds to be Employed in Kitchen and Common Areas in Bed and Breakfast Establishments and Inns with less than 20 Rooms" (EMERGENCY) (H.P. 293) (L.D. 405) (Received by the Clerk of the House on June 20, 1989 pursuant to Joint Rule 22.)

Representative McHenry of Madawaska moved that L.D. 405 and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I would request and ask you to please vote against the current motion in order to allow this bill to get to second reading so that I may put an amendment on it and discuss that amendment. I feel that the bill does have merit, it is very important to the people in my district and I think many of the areas in this state and I would ask your support.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been a great source of frustration both to Representative Kilkelly and to myself but for different reasons. When this bill came before the committee, I didn't like it. I didn't like it because I found out there is a law in the state that people who are under 19 years of age and in school can be paid three-fourths of the current minimum wage, which is about \$2.85 an hour. It didn't seem to me then to be a good idea to be opening up in this state hundreds of jobs at sub-minimum wage. That was my first reason not to like it.

Then we had the people from the labor bureau come down and discuss it and everything went down hill from there.

Ladies and gentlemen of the House, we have no laws in this state regarding minors working, we simply have none. There are five men in the state whose job it is to go throughout the state and make sure that laws are being obeyed. We asked them about it, if every place was inspected and they said yes, at least once a year they try to inspect every place that hires minors. We asked if there were laws as to how many hours a minor could work during the week, there are, but they admitted that they really were not enforced.

We decided that really the best thing to do would be to study the whole issue of working minors. This body passed a law this year to provide for that study. We then decided that we wouldn't pass any other laws out dealing with minors working because of the study, because we had a very good law before us that would have done away with the sub-minimum wage law. I certainly would have voted for that if we were not going to have the study.