

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 2, 1992 to May 13, 1993

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 Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Mr. Speaker, Men and Women of the House: Just a short trip around the wonderful world of utilities, we rarely come upstairs with any kind of Divided Report so I would just like you to understand quickly what this one involves.

The Public Utilities Commission is not paid for out of your tax dollars and mine, it is paid for out of an assessment upon each of the utilities, great or small, in the entire State of Maine. It amounts to about \$1.5 billion a year. In a sense, of course, since the utilities don't have any money unless we give it to them, it is our money, so these are our employees and they are public employees.

The Public Utilities Commission, however, because it is subject to the same kind of furlough days to date means that they lose about 10 percent of all their time due to the furlough days. That would mean, should they get it restored, that they have done as good as hiring six new employees without costing the public a cent. Now you might have thought the utilities themselves would have been against this idea and against this bill but to the contrary they all supported it because, if the shop isn't open, they can't get their work done either. All the greatest utilities in the state and the small ones too came in favor of this bill before the Committee. The MSEA favored the bill before the Committee even though it is asking for an exemption for a few of their own employees. The Governor's Office requested certain notifications and those were made. There has been no further difficulties since and the Public Utilities Commission errs themselves of whom there are now three who are not subject to the bill, have always and will continue to work whether they are getting paid or not, even if they are on furlough or not. It simply plugs a hole, everybody was pleased with it, it came upstairs in that posture and I urge you to vote for it.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the enactment of this bill and I want to share briefly with you my reasons.

Representative Adams has made an eloquent argument and I will not address his argument because I think mine is more fundamental.

There is in each budget bill that we enact some language at the beginning called the preamble, probably read only by members of the Appropriations Committee and those who are students of the arcane. It is however there and applies to every expenditure. I would call your attention to the preamble of this year's budget, it is similar to the one under which we are now operating and one section of it says, "Salary and employee benefit savings may not be used to fund recurring personal services actions." That language exists in every budget bill and I would call your attention to the amendment on

this issue which is now the bill, the fiscal note of which says, "Accumulated salary savings for fiscal year 1992-93 will be used for a current allocation and will be adequate to cover these costs." I submit that the use of salary savings is contradictory to the requirements of the preamble for the budget and, therefore, should not be passed and we should not enact this bill.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the elected membership is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 86

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Coles, Constantine, Cote, Daggett, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Gwadosky, Hatch, Heesch, Hichborn, Hoglunde, Holt, Jacques, Johnson, Joseph, Kontos, Larrivee, Lemke, Martin, H.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pineau, Pinette, Plourde, Rand, Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Skoglund, Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bruno, Cameron, Carleton, Caron, Carr, Clukey, Coffman, Cross, Dexter, Farnum, Farren, Foss, Greenlaw, Heino, Hussey, Joy, Kerr, Kneeland, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Murphy, Nash, Nickerson, Ott, Pendexter, Pendleton, Pfeiffer, Plowman, Pouliot, Quint, Reed, G.; Reed, W.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Tardy, Taylor, Thompson, True, Tufts, Zirkilton.

ABSENT - Campbell, Cloutier, Hale, Hillock, Jalbert, Ketterer, Kilkelly, Kutasi, Michael, Poulin, Vigue, Whitcomb, Young.

Yes, 80; No, 58; Absent, 13; Paired, 0; Excused, 0.

80 having voted in the affirmative and 58 in the negative with 13 being absent, L.D. 357 failed of enactment. Sent up for concurrence.

BILL HELD

Bill "An Act Concerning the Mandatory Use of Car Safety Seat Belts" (S.P. 155) (L.D. 486)

- In Senate, Majority "Ought to Pass" as amended Report of the Committee on Transportation read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-88) on May 6, 1993.

- In House, Minority "Ought Not to Pass" Report of the Committee on Transportation read and accepted in non-concurrence.

HELD at the Request of Representative PARADIS of Augusta.

Representative Paradis of Augusta, having voted on the prevailing side, moved that the House

reconsider its action whereby the House accepted the Minority "Ought Not to Pass" Report.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I urge this body to reconsider its action. Due to the lateness of the hour yesterday afternoon, several members of this body wanted to speak on the debate on the motion before the House and did not have that opportunity, the matter went very quickly. I hope that you will vote to let this body reconsider its action whereby the "Ought to Pass" failed and the "Ought Not to Pass" Report was accepted, thereby giving members of this body an opportunity, perhaps later on this week, to fully participate in the debate. I think that is all that we are asking for. I am a strong supporter of the measure and I urge this body to please reconsider its action.

Representative Strout of Corinth requested a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Augusta, Representative Paradis, that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 61 in the negative, the motion did prevail.

Representative Paradis of Augusta moved that the House reconsider its action whereby the Majority "Ought to Pass" Report failed acceptance.

On further motion of the same Representative, tabled pending his motion that the House reconsider its action whereby the Majority "Ought to Pass" Report failed acceptance and specially assigned for Thursday, May 13, 1993.

(Off Record Remarks)

On motion of Representative Aliberti of Lewiston,
Adjourned at 1:20 p.m. until Thursday, May 13,
1993, at nine-thirty in the morning.
