

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of same and 8 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Mandate

Later Today Assigned

An Act to Ensure Compliance with Existing Energy Efficiency Building Standards (S.P. 241) (L.D. 734) (H. "A" H-323 to C. "A" S-102)

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

Representative Gwadosky of Fairfield requested a roll call vote.

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.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned. (Roll Call ordered)

ENACTOR

Mandate

(Failed of Enactment)

An Act to Increase Tenant Representation on Housing Authorities (H.P. 550) (L.D. 746) (C. "A" H-264)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 82 voted in favor of same and 44 against, and accordingly L.D. 746 failed of enactment.

PASSED TO BE ENACTED

An Act to Ensure Geographically Appropriate Placement for Nursing Home Residents (S.P. 87) (L.D. 241) (S. "A" S-143 to H. "A" H-171)

Was 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.

PASSED TO BE ENACTED

An Act Concerning the Mandatory Use of Car Safety Seat Belts (S.P. 155) (L.D. 486) (C. "A" S-88)

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

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: First, I want to make sure that I ask for a roll call.

The second thing, in the spirit of saving time, I would ask you Mr. Speaker, rather than someone who was a sponsor on the Committee, that where this bill is the mandatory use of car safety seat belts, would this in fact not be a mandate on municipal law enforcement officers and would you care to answer that?

The SPEAKER: The Chair would advise the Representative that the mandate requirement deals with the expenditure of funds. Since seat belts are already part of the vehicle and would probably lower the insurance rates, it would not be a violation of the mandate requirements.

Representative Libby of Buxton moved that the House suspend the rules for the purpose of reconsideration.

The SPEAKER: There is objection to suspending the rules for the purpose of reconsideration. The Chair will order a vote. The pending question before the House is suspension of the rules for the purpose of reconsideration. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 66 having voted in the affirmative and 33 in the negative, the rules were suspended.

On motion of Representative Libby of Buxton, under suspension of the rules, the House reconsidered its action whereby L.D. 486 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-330) and moved its adoption.

House Amendment "A" (H-330) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: I wish to speak briefly to my amendment. House Amendment "A" sends the question of the seat belt mandates to the people for referendum. Everybody seems to have an opinion about seat belts, but more importantly, I believe that people in Maine can weigh the issue of social responsibility versus individual rights and civil liberties just as well as we can. If we put it to referendum, it is the type of issue that will lend itself to a clean campaign and discussion of the issues and would actually help to educate the public on the seat belt debate.

I also agree with the importance of wearing seat belts, so I think that that would be a noble objective. The people of Maine want a say in this even though some editorial writers may not. I hope you will join with me and embrace this compromise amendment.

The SPEAKER: The Chair recognizes the

Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: Sending this issue to referendum, I feel, is doing a disservice to the people in the state. I think we have been elected to be leaders in implementing the public state policies regarding the public safety in the state. We should be leaders and we should have courage to dictate policy that makes sense.

Should the public be upset with the decisions we make, then the referendum process is there for them to use. I think that it has been demonstrated in the past that citizens of the state have no qualms about initiating referendum processes when they are really upset with what goes on.

I think we do a disservice to the people in this state because whenever we have a referendum, no matter what the issue is, there will always be misconceptions, mistruths and myths that always surface. I say to you the people of this state that have the resources to address those misconceptions and those mistruths and those myths are operating under a gag order from their boss on the second floor, the Department of Public Safety cannot defend this legislation in any way. I think it is unfair to the citizens of this state to put forth a referendum in their lap when we do not have the resources available to address the educational issues that would and should come out but will not be able to come out because the personnel in the Department of Public Safety are not allowed to do their job.

I refer to an editorial that was written in the Portland paper today and it says, "Why voters must ask, should we vote on safety belts that strap our bodies and not on state spending that straps our wallet? If legislators want to duck one issue, let them duck them all, send everything from spending and taxes to combining eliminated state services and agencies to the voters for decision, then lawmakers can shut out the lights and go home until November."

Passing laws that protect the public safety is the legislature's job. I urge you to defeat the motion to send this issue to referendum.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I hope you will not vote to add House Amendment "A" to this bill to send this to referendum. We all know how costly it is to send this. One item could cost up to \$80,000. The people want us to make the decisions.

Earlier this week, we won this vote by a majority of ten. I say we have made the decision, let us go ahead, vote against this motion so that we can pass this bill and send it on to the other body, then we can start concentrating on the real big issues that we have before us. We continue to pull these things back. I tell you, when you make a decision, let's stick by it.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, I would like to pose a question through the Chair.

If we send this out to referendum, would this not be a mandate because the individual municipalities would have one more item to count and it would cost them money?

The SPEAKER: The Chair would allow the members to make their own conclusions.

Representative Pendexter of Scarborough requested a roll call vote.

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 adoption of House Amendment "A" (H-330). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 109

YEA - Ahearne, Anderson, Bowers, Cameron, Caron, Carr, Clark, Clement, Coffman, Cross, Farren, Hale, Heino, Hichborn, Jacques, Jalbert, Joseph, Joy, Kneeland, Libby James, Look, Lord, Marshall, Martin, H.; Michael, Michaud, Murphy, Nash, Nickerson, Plowman, Pouliot, Reed, W.; Ricker, Tardy, Townsend, G.; True, Tufts, Whitcomb, Young, Zirkilton.

NAY - Adams, Aikman, Aliberti, Ault, Barth, Beam, Bennett, Birney, Brennan, Bruno, Campbell, Carroll, Cashman, Chase, Chonko, Cloutier, Clukey, Coles, Cote, Daggett, DiPietro, Donnelly, Driscoll, Dutremble, L.; Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hatch, Heesch, Hillock, Hoglund, Holt, Hussey, Johnson, Kerr, Ketterer, Kontas, Kutasi, Larrivee, Lemke, Lemont, Libby Jack, Lindahl, MacBride, Marsh, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Oliver, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pinette, Plourde, Poulin, Rand, Reed, G.; Richardson, Robichaud, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Taylor, Thompson, Townsend, E.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, The Speaker.

ABSENT - Bailey, H.; Bailey, R.; Carleton, Cathcart, Constantine, Dexter, Dore, Erwin, Kilkelly, Lipman, Nadeau, Norton, O'Gara, Ott, Pineau, Rotondi, Winn.

Yes, 40; No, 94; Absent, 17; Paired, 0; Excused, 0.

40 having voted in the affirmative and 94 in the negative with 17 being absent, House Amendment "A" was not adopted.

Subsequently, L.D. 486 was passed to be engrossed as amended by Committee Amendment "A" (S-88).

The SPEAKER: A roll call has been requested on enactment. 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 pending question before the House is passage to be enacted.

The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative SAXL: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Cathcart of Orono. If she were present and voting, she would be voting yea; I would

be voting nay.

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

Representative PARADIS: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Erwin of Rumford. If she were present and voting, she would be voting nay; I would be voting yea.

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

ROLL CALL NO. 110

YEA - Adams, Aliberti, Barth, Beam, Birney, Brennan, Bruno, Carroll, Chase, Cloutier, Daggett, DiPietro, Driscoll, Dutremble, L.; Faircloth, Farnsworth, Farnum, Fitzpatrick, Gamache, Gean, Gwadosky, Heesch, Hillock, Hogle, Holt, Johnson, Kerr, Ketterer, Kontos, Kutasi, Larrivee, Lemke, Lindahl, MacBride, Marsh, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Oliver, Pendexter, Pfeiffer, Pineau, Pinette, Plourde, Rand, Reed, G.; Reed, W.; Richardson, Rowe, Ruhlin, Rydell, Simonds, Simoneau, Stevens, A.; Stevens, K.; Sullivan, Taylor, Thompson, Townsend, E.; Townsend, L.; Treat, Vigue, Walker, Wentworth, Young, Zirkilton, The Speaker.

NAY - Ahearne, Aikman, Anderson, Ault, Bennett, Bowers, Cameron, Campbell, Caron, Carr, Cashman, Chonko, Clark, Clement, Clukey, Coffman, Coles, Cote, Cross, Donnelly, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Heino, Hichborn, Hussey, Jacques, Jalbert, Joseph, Joy, Kneeland, Lemont, Libby Jack, Libby James, Look, Lord, Marshall, Martin, H.; Michael, Michaud, Murphy, Nash, Nickerson, Pendleton, Plowman, Poulin, Pouliot, Ricker, Robichaud, Saint Onge, Skoglund, Small, Spear, Strout, Swazey, Tardy, Townsend, G.; Tracy, True, Tufts, Whitcomb.

ABSENT - Bailey, H.; Bailey, R.; Carleton, Constantine, Dexter, Dore, Kilkelly, Lipman, Nadeau, Norton, O'Gara, Ott, Rotondi, Winn.

PAIRED - Cathcart (Yea)/ Saxl (Nay); Paradis, (Yea)/ Erwin (Nay).

Yes, 68; No, 65; Absent, 14; Paired, 4; Excused, 0.

68 having voted in the affirmative and 65 in the negative with 14 being absent and 4 having paired, L.D. 486 was passed to be enacted, signed by the Speaker and sent to the Senate.

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

PASSED TO BE ENACTED

An Act to Clarify the Appointment, Powers and Duties of Building Committees (S.P. 178) (L.D. 592) (C. "A" S-119)

An Act to Provide Local Control for the Job-start Program (S.P. 246) (L.D. 765) (S. "A" S-128 to C. "A" S-126)

An Act to Amend the Maine Hunting Laws Relating to Hunting from Paved Ways and Discharges of Firearms across Paved Ways (S.P. 282) (L.D. 853) (C. "A" S-120)

An Act to Regulate Credit Insurance and to

Require Disclosure to Borrowers (S.P. 354) (L.D. 1068) (H. "A" H-296 to C. "A" S-115)

An Act to Amend the Selection Process for the Administration of the Mexico Water District (S.P. 430) (L.D. 1340)

An Act Concerning Teacher Certification (H.P. 316) (L.D. 404) (C. "A" H-266)

An Act to Amend the Sex Offender Registration Act (H.P. 357) (L.D. 460) (C. "A" H-263)

An Act to Promote Competition in Motor Vehicle Glass Replacement and Repair (H.P. 417) (L.D. 536)

An Act to Shorten the Appeal Procedure for the State Bidding Process and to Provide Consistent Administration of Appeal Hearings (H.P. 476) (L.D. 613) (C. "A" H-253)

An Act to Prevent Unauthorized Use of the Name Passamaquoddy (H.P. 584) (L.D. 788) (H. "A" H-292 to C. "A" H-210)

An Act to Protect Police Officers from Armor-piercing Ammunition (H.P. 643) (L.D. 874) (C. "A" H-267)

An Act Regarding Municipal Shellfish Licenses (H.P. 701) (L.D. 953) (C. "A" H-260)

An Act to Exempt Lawful Marine Harvesting Activities in Coastal Wetlands from the Natural Resource Protection Laws (H.P. 710) (L.D. 961) (H. "A" H-275 to C. "A" H-255)

An Act to Establish a Mechanism for Ensuring Adequate Preservation and Maintenance of the State House (H.P. 779) (L.D. 1052) (C. "A" H-258)

An Act Pertaining to the Appointment of Code Enforcement Officers (H.P. 855) (L.D. 1160)

An Act to Help Clarify the Application of the Maine Rules of Criminal Procedure to Probation Revocation Proceedings, Including the Appeal Process (H.P. 857) (L.D. 1162)

An Act Related to Unavoidable Equipment Malfunctions (H.P. 903) (L.D. 1218) (C. "A" H-261)

An Act to Amend the State Contribution to Pollution Abatement and Overboard Discharge Replacement Laws (H.P. 941) (L.D. 1270)

An Act to Prohibit the Board of Environmental Protection from Adopting a Numeric Water Quality Criterion Prior to January 1, 1994 (H.P. 1002) (L.D. 1348) (C. "A" H-254)

An Act to Amend the Liquor Laws Pertaining to the Retail Sale of Wine (S.P. 120) (L.D. 358) (C. "A" S-122 and S. "A" S-142)

An Act to Require That the Inspection and Investigation Responsibilities of the Electricians' Examining Board Receive Funding Priority (H.P. 490) (L.D. 648) (S. "A" S-140 to C. "A" H-176)