

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

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HOUSE

Monday, June 10, 1985

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

Prayer by Reverend Robert E. Stuart, Winter Street Baptist Church, Gardiner.

Pledge of Allegiance.

Quorum called; was held.

The Journal of Friday, June 7, 1985 was read and approved.

Papers from the Senate**Unanimous Leave to Withdraw**

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Require Deeds to Contain Mailing Addresses of Grantees" (S.P. 206) (L.D. 554)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Divided Report

Majority Report of the Committee on Utilities reporting "Ought Not to Pass" on Bill "An Act to Require Public Utilities Commission Approval of Significant Agreements and Contracts by Public Utilities" (S.P. 436) (L.D. 1203)

Signed:

Senators:

BALDACCI of Penobscot

WEBSTER of Franklin

Representative:

VOSE of Eastport

NICHOLSON of South Portland

RICHARD of Madison

WILEY of Hampden

CLARK of Millinocket

PARADIS of Old Town

WEYMOUTH of West Gardiner

WESTER of Cape Elizabeth

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-212) on same Bill.

Signed:

Senator:

ANDREWS of Cumberland

Representatives:

BAKER of Portland

McHENRY of Madawaska

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted. Reports were read.

On motion of Representative Vose of Eastport, the Majority "Ought Not to Pass" Report was accepted in concurrence.

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act to Include the Term 'Sexual Orientation' in the Maine Human Rights Act" (S.P. 446) (L.D. 1249) on which the Bill and accompanying papers were indefinitely postponed in the House on June 7, 1985.

Came from the Senate with that Body having insisted on its former action whereby the Minority "Ought to Pass" as amended Report of the Committee on Judiciary was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-221) and asked for a Committee of Conference in non-concurrence.

Representative Paradis of Augusta moved that the House insist and ask for a Committee of Conference.

The same Representative moved that this be tabled until later in today's session.

Representative Carrier of Westbrook requested a Division.

Representative Connolly of Portland requested a roll call.

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 Paradis of Augusta that L.D. 1249 be tabled until later in today's session. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 158

YEAS:—Allen, Baker, H.R.; Beaulieu, Bost, Boutilier, Brannigan, Brodeur, Carroll, Chonko, Coles, Connolly, Cooper, Cote, Crowley, Descoteaux, Diamond, Erwin, Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Joseph, Kimball, Lacroix, Lawrence, Lebowitz, Lisnik, MacBride, Manning, Mayo, McCollister, McGowan, Melendy, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Priest, Reeves, Richard, Rolde, Ruhlman, Rydell, Simpson, Stevens, P.; Tardy, Taylor, Theriault, Vose, Walker, Warren

NAYS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carter, Clark, Connors, Daggett, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Hilllock, Ingraham, Jackson, Jacques, Jalbert, Lander, Law, Lord, Macomber, Martin, H.C.; Masterman, Matthews, McHenry, McPherson, McSweeney, Michaud, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Perry, Pines, Rice, Ridley, Rioux, Roberts, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Tammara, Telow, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Cashman, Crouse, Duffy, Higgins, L.M.; Holloway, Kane, Michael, Pouliot, Racine, Randall, The Speaker

60 having voted in the affirmative and 80 in the negative with 11 being absent, the motion did not prevail.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Carrier.

Representative CARRIER: Mr. Speaker, Members of the House: I suggest that you vote against that motion.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker, Members of the House: We had a fairly extensive and best debate last Friday in all the years that this issue has been before the legislature so it is not my intention to dwell on the issue. I would just hope that this body might vote today with Representative Paradis to allow this bill to go to a Committee of Conference.

It is obvious that the legislation, both in the form in which it was presented in past years and also when the amended version that came out of the Judiciary Committee this year, still doesn't quite have the support that it needs to be enacted but I think everybody, at least everybody who listened to the debate that occurred last Friday, would agree that there is a problem, a serious problem, of discrimination. While attending the state's human rights act may not be the vehicle at this point that we would use to deal with that problem, it seems to me that there must be some things that might be possible to try to deal with the problem of discrimination against homosexuals.

Last Friday, after we defeated the bill, the other body insisted and asked for a Committee of Conference. The idea is if we can get the bill into a Committee of Conference, perhaps there is something that would be acceptable to both sides. The idea being kicked around is at this point would be if there was an acceptable amendment from the committee of Conference that a special commission would be appointed to determine, not only the problem,

but the extent of the problem, and to report back to the legislature next January with specific proposals that would be reasonable and acceptable to this body. It would seem to me that given the serious nature of the problem that it would be premature for us to kill the bill at this point — at least, and I plead with you, allow the bill to get into a Committee of Conference. If they come out with a recommendation or proposal that can't get our support, then we would have the opportunity at that point, particularly the opponents to vote that down but I would ask you to please vote for the motion to join in a Committee of Conference so that we can see if there isn't something that might be possible to deal with the issue.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I won't attempt to repeat what Representative Connolly has said. Obviously, I agree with what he has said and I would just simply say to all of you in this House, the comments that were made to me following the testimony last Friday, with all the sincerity that I can muster in this body, in my body, and to you, I ask you to please to support this motion.

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 insist and ask for a Committee of Conference. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 85 in the negative, the motion did not prevail.

Representative Allen of Washington moved that the House adhere.

Representative Connolly of Portland moved that the House recede.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: The reason that I made that motion is, not only to keep the bill alive, but it would allow me the opportunity to draft an amendment so rather than go into a Committee of Conference, we could have the amendment on the floor before us and vote that up or down. I would appreciate it if some member of this body would table this until later so I could have the opportunity to have the amendment prepared.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative McHENRY: Mr. Speaker, a parliamentary question? If the motion to insist and ask for a Committee of Conference, which was defeated, has not the motion to recede been defeated also?

The SPEAKER: The Chair would advise the Representative that the motion to recede is the highest motion before the body and can be made at this time.

Representative Paradis of Augusta moved that this bill be tabled until later in the day's session.

Representative Carrier of Westbrook 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 this matter be tabled until later in today's session. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 85 in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker,

Members of the House: I guess we don't have any moves left to us at this point to try to keep the issue alive unless by some chance those last two or three votes get turned around and you do accept the motion to recede and then we would still have an opportunity to present the amendment.

I just want to say to everybody here that I have been involved with this legislation since the time it was first introduced by Jerry Talbot back during the 108th Legislature. It is an issue that, while we are not going to be able to come to some conclusion on it this year, it will be back before us every session that this legislature sits until, at some point, we have the political courage to deal with discrimination. Anybody who knows, either from the testimony that has been presented in the legislature or from your own personal experience, friends and people that you know, has to realize that there is very real discrimination that occurs and results sometimes in violence such as the death of the fellow in Bangor last year because of these screwed up attitudes that we have in our heads about people who are gay. I think, because of the oath of office that we take down here, we have a responsibility at some point to do something about it. Time after time, when we vote on this issue, I hear people say to me, in my heart, I believe that what you are trying to do is right, but it won't sell well with my folks back home and I just think that that is a mistake and, at some point, some legislature, will go down in history for having supported an amendment to the human rights act because it is the right thing to do.

I would request a roll call.

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 the Representative from Portland, Representative Connolly, that the House recede from indefinite postponement. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 163

YEAS:—Baker, H.R.; Beaulieu, Boutillier, Brannigan, Brodeur, Carroll, Chonko, Coles, Connolly, Cooper, Cote, Descoteaux, Diamond, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Joseph, Lacroix, Manning, Melendy, Mills, Mitchell, Murray, Nadeau, G.G.; Nelson, O'Gara, Paradis, P.E.; Priest, Reeves, Rioux, Rolde, Ruhlin, Rydell, Simpson, Stevens, P.; Warren

NAYS:—Aliberti, Allen, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bost, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carter, Clark, Conners, Crowley, Daggett, Davis, Dellert, Dexter, Dillenback, Drinkwater, Erwin, Farnum, Foss, Greenlaw, Gwadosky, Hale, Harper, Hepburn, Hichborn, Hillcock, Holloway, Ingraham, Jackson, Jacques, Jalbert, Kimball, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Martin, H.C.; Masterman, Matthews, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Nadeau, G.R.; Nicholson, Nickerson, Paradis, E.J.; Parent, Paul, Perry, Pines, Rice, Richard, Ridley, Roberts, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Tamaro, Tardy, Taylor, Telow, Theriault, Vose, Walker, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirknilton

ABSENT:—Cashman, Crouse, Duffy, Higgins, L.M.; Kane, Michael, Pouliot, Racine, Randall,

The Speaker

38 having voted in the affirmative and 103 in the negative with 10 being absent, the motion to recede from indefinite postponement did not prevail.

Subsequently, the House voted to adhere.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Carrier.

Representative CARRIER: Mr. Speaker, having voted on the prevailing side, I now move that the House reconsider its action whereby the House voted to adhere.

The SPEAKER: Representative Carrier of Westbrook, having voted on the prevailing side now moves that the House reconsider its action whereby the House voted to adhere. Those in favor will vote yes; those opposed will vote no.

A viva voce vote being taken, the motion did not prevail.

Messages and Documents

The following Communication:

State of Maine

One Hundred and Twelfth Legislature

Committee on Labor

June 7, 1985

The Honorable John L. Martin

Speaker of the House

112th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Labor during the first regular session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	59
Unanimous reports	55
Leave to Withdraw	18
Ought to Pass	2
Ought Not to Pass	21
Ought to Pass as Amended	9
Ought to Pass in New Draft	5
Divided reports	1
Carry Over Bills	
(Approved by the Legislative Council)	3

Respectfully submitted,
S/ DENNIS L. DUTREMBLE
Senate Chair

S/ EDITH S. BEAULIEU

House Chair

Was read and ordered placed on file.

Reports of Committees

Unanimous Leave to Withdraw

Representative McGOWAN from the Committee on Appropriations and Financial Affairs on the RESOLVE, Appropriating Funds for the Chester Dental Clinic" (H.P. 553) (L.D. 825) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Consent Calendar

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 773) (L.D. 1094) Bill "An Act to Regulate Membership Camping" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-356)

There being no objections, the above item was ordered to appear on the Consent Calendar of later in today's session under the listing of Second Day.

Passed to Be Engrossed

Later Today Assigned

Bill "An Act to Amend the Reapportionment Law" (S.P. 619) (L.D. 1630)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and later today assigned.

As Amended

Later Today Assigned

Bill "An Act to Amend the Code of Fair Practices and Affirmative Action as the Equal Opportunity Standard for State Financed Agencies" (S.P. 166) (L.D. 453) (C. "A" S-222)

Was reported by the Committee on Bills in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Bell.

Representative BELL: Mr. Speaker, a question through the Chair. Could someone explain what Committee Amendment "A" does to the bill?

The SPEAKER: The Representative from Paris, Representative Bell, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair would request if anyone is here from the Judiciary Committee who was present when this bill was heard or knows anything about the Committee Amendment, if they would kindly respond to the question posed by the Representative from Paris, Representative Bell. We are talking about Bill "An Act to Amend the Code of Fair Practices and Affirmative Action as the Equal Opportunity Standard for State Financed Agencies. We are talking about Committee Amendment "A" (S-222).

On motion of Representative Allen of Washington, tabled pending passage to be engrossed and later today assigned.

Orders of the Day

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

SENATE DIVIDED REPORT—Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-214)—Minority (5) "Ought to Pass" as amended by Committee Amendment "B" (S-215)—Committee on Appropriations and Financial Affairs on Bill "An Act to Implement the Recommendations of the State Compensation Commission" (Emergency) (S.P. 91) (L.D. 289)

—In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-214)

TABLED—June 7, 1985, by Representative CARTER of Winslow.

PENDING—Motion of same Representative to accept the Majority "Ought to Pass" as Amended Report.

On motion of Representative Carter of Winslow, the Bill was indefinitely postponed in non-concurrence sent up for concurrence.

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

Bill "An Act Concerning Coverage of Certain Trials by the Electronic Media" (H.P. 820) (L.D. 1161) (C. "A" H-275)

—In House, Indefinitely Postponed on June 5, 1985.

—In Senate, Passed to be Enacted in non-concurrence.

TABLED—June 7, 1985 by Representative HAYDEN of Durham.

PENDING—Motion of Representative PARADIS of Augusta to Recede and Concur

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Carrier.

Representative CARRIER: Mr. Speaker, Members of the House: This is a bad bill that we voted down last week, that we indefinitely postponed and I would suggest to you that you vote against the motion to recede and concur so we can adhere and kill the bill.

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

Representative PARADIS: Mr. Speaker, Men