

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 20, 1991 to July 10, 1991

(The Committee on Reference of Bills had suggested reference to the Committee on Transportation.)

Under suspension of the rules and without reference to a Committee, the bill was read once and assigned for second reading Thursday, May 30, 1991.

Unanimous Ought Not To Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Regulate Cash Flow Balances in State Government Accounts" (S.P. 648) (L.D. 1693)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Standardize the Excise Tax on Large Trucks" (S.P. 555) (L.D. 1459)

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

Ought to Pass as Amended

Report of the Committee on Legal Affairs reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-192) on Bill "An Act to Continue Authority for Seasonal Agency Liquor Stores" (EMERGENCY) (S.P. 566) (L.D. 1486)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-192).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-192) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, May 30, 1991.

Ought to Pass as Amended

Report of the Committee on Business Legislation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-176) on Bill "An Act to Amend Various Provisions of the Electricians' Examining Board Laws" (S.P. 503) (L.D. 1341)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-176).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-176) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, May 30, 1991.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill

"An Act to Protect Riders of Snowmobiles" (S.P. 488) (L.D. 1326)

Signed:

Senators: TWITCHELL of Oxford
SUMMERS of Cumberland

Representatives: TRACY of Rome
CLARK of Millinocket
PAUL of Sanford
GREENLAW of Standish
SWAZEY of Bucksport
JACQUES of Waterville
ROTONDI of Athens
FARREN of Cherryfield
DUFFY of Bangor
CARROLL of Southwest Harbor

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-206) on same Bill.

Signed:

Senator: MATTHEWS of Kennebec

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

Reports were read.

On motion of Representative Clark of Millinocket, the House accepted the Majority "Ought Not to Pass" Report in concurrence.

Non-Concurrent Matter

Bill "An Act to Prevent Striking Workers from Being Permanently Replaced by Strikebreakers" (H.P. 615) (L.D. 875) on which the Majority "Ought to Pass" as amended Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-324) in the House on May 22, 1991.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

Representative Pineau of Jay moved that the House recede and concur.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry. Representative MCHENRY: Mr. Speaker, I move that the House insist.

The SPEAKER: The Chair would advise the Representative that the motion to insist is out of order.

The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you do not recede and concur because if you do, you are killing this bill.

I, therefore, ask for a division and hope that you vote against the motion to recede and concur.

The SPEAKER: The Chair will order a vote. The

pending question before the House is the motion of Representative Pineau of Jay that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative McHenry of Madawaska 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 Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I want to make clear that if you are voting yes on this, you are killing this bill, the strikebreaker bill. I really hope that you are going to vote no, vote red.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: This bill is extremely important to the people of Jay and the people of Mexico and to the people of Rumford. Let me tell you something, the good Representative from Jay, I promise you a primary next time, you can bet on it, you are going to have a primary next time. You are not unbeatable in Jay....

The SPEAKER: The Chair would ask the Representative from Mexico, Representative Luther, to please refrain herself to the issue at hand and not to the personality of any member of this body.

Representative LUTHER: The issue at hand is the strikebreaker bill and everybody in here ought to know what it means to hourly paid people.

Mr. Speaker, I really would like to see your vote up on the wall on this one.

The SPEAKER: The Chair would ask the Representative from Mexico, Representative Luther, to please control her interest in this particular piece of legislation.

The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: The part of this bill — I think you all know where I stand on strikebreaker legislation — the part of this bill that I am uncomfortable with is the part on the non-binding referendum. For the last three months, we have been fighting on state costs and to put out a non-binding referendum I feel is an expense to the state which isn't warranted.

The Resolution we passed memorializing Congress on the federal legislation going through is probably the most important thing we have done in this body because that is where this bill has to go to face the preemption change. That is why I have moved to recede and concur.

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

ROLL CALL NO. 86

YEA - Aikman, Anderson, Bailey, H.; Bailey, R.; Bennett, Bowers, Butland, Carleton, Carroll, J.; Constantine, Donnelly, Farnum, Farren, Foss, Garland, Greenlaw, Hastings, Heino, Hepburn, Hichens, Kerr, Kutasi, Libby, Look, Lord, MacBride, Marsano, Merrill, Murphy, Nadeau, Nash, Nutting, Parent, Pendexter, Pineau, Pines, Plourde, Poulin, Pouliot, Reed, W.; Saint Onge, Savage, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Tupper, Vigue, Waterman, Whitcomb.

NAY - Adams, Aliberti, Anthony, Bell, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Cote, Crowley, Dutremble, L.; Erwin, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Heesch, Hichborn, Hognlund, Holt, Hussey, Jalbert, Joseph, Ketover, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Norton, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Rand, Ricker, Rotondi, Rydell, Salisbury, Sheltra, Simpson, Skoglund, Stevens, P.; Swazey, Townsend, Tracy, Treat, Wentworth, The Speaker.

ABSENT - Ault, Barth, Boutilier, Cahill, M.; Coles, Daggett, DiPietro, Dore, Duffy, Duplessis, Farnsworth, Gurney, Hanley, Jacques, Ketterer, Kil Kelly, Lebowitz, Lipman, Mahany, Marsh, O'Dea, Ott, Pendleton, Powers, Reed, G.; Richards, Richardson, Ruhlin, Simonds, Small, Tardy.

Yes, 51; No, 69; Absent, 31; Paired, 0; Excused, 0.

51 having voted in the affirmative and 69 in the negative with 31 being absent, the motion to recede and concur did not prevail.

Subsequently, the House voted to Insist.

Non-Concurrent Matter

Bill "An Act to Implement the Recommendations of the Maine Commission on Legal Needs" (H.P. 837) (L.D. 1203) which was passed to be engrossed as amended by Committee Amendment "A" (H-287) in the House on May 16, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-287) as amended by Senate Amendment "A" (S-217) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Concerning the Franklin County Budget" (H.P. 15) (L.D. 18) which was passed to be engrossed as amended by Committee Amendment "A" (H-225) in the House on May 7, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-225) as amended by Senate Amendment "A" (S-212) thereto in non-concurrence.

The House voted to recede and concur.