

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Fifteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**

**FIRST REGULAR SESSION**

House of Representatives  
December 5, 1990 to May 16, 1991

get seriously hurt, your child will not be covered by your insurance company although your neighbor's child will. I have never understood the logic of that but that is the law.

What this bill will do is reduce the potential for exposure to spouses by allowing spouses to recover for economic damages in a way that it is carefully crafted and I do hope that you will support this bill. I can promise you that I will continue to see whether or not I can convince this legislature to repeal the entire family exclusion section which is presently allowed. It is a disgraceful policy for insurance companies to have. Some, very few of them, don't have them and we ought to encourage them to act responsibly with respect to people who are hurt and especially children of the State of Maine.

Subsequently, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**PASSED TO BE ENACTED**

An Act to Correct Language in the Laws Governing Intensive Supervision (H.P. 545) (L.D. 782) (C. "A" H-139)

An Act to Amend the Power of Sale Foreclosure Laws (H.P. 555) (L.D. 798) (C. "A" H-142)

An Act to Permit Students to Take Tests for Credit for Certain Classes (H.P. 556) (L.D. 799) (C. "A" H-115)

An Act to Amend the Law Relating to Road Dust (H.P. 564) (L.D. 807) (C. "A" H-141)

An Act to Amend Maine's Antitrust Laws (H.P. 566) (L.D. 809) (C. "A" H-126)

An Act to Alter the Mandate of the Maine Low-level Radioactive Waste Authority to Include Reduction of Low-level Radioactive Waste (H.P. 722) (L.D. 1026) (C. "A" H-128)

Were 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.

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**ENACTOR**

**Later Today Assigned**

An Act to Amend and Add to Certain Provisions of Geographic-based Information Services (H.P. 743) (L.D. 1047)

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

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

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**PASSED TO BE ENACTED**

An Act to Require Casualty Insurers to Provide an Annual Valuation of Loss Reserves (H.P. 786) (L.D. 1118) (C. "A" H-138)

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.

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**ORDERS OF THE DAY**

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first matter of Unfinished Business:

An Act to Amend the Wrongful Death Laws (H.P. 572) (L.D. 823)  
 TABLED - April 29, 1991 (Till Later Today) by Representative MAYO of Thomaston.  
 PENDING - Passage to be Enacted.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.d. 823 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-199) and moved its adoption.

House Amendment "A" (H-199) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-199) in non-concurrence and sent up for concurrence.

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**TABLED AND TODAY ASSIGNED**

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

Bill "An Act to Amend the School Approval Standards" (H.P. 558) (L.D. 801) (C. "A" H-178)  
 TABLED - April 29, 1991 by Representative CROWLEY of Stockton Springs.  
 PENDING - Passage to be Engrossed.

On motion of Representative Crowley of Stockton Springs, retabled pending passage to be engrossed and later today assigned.

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The Chair laid before the House the following matter: Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Limit Certain Terms of Office" (S.P. 97) (L.D. 182) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-101) on same Bill ( Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted) which was tabled

earlier in the day and later today assigned pending the motion of the Representative from Waterville, Representative Joseph, that the House accept the Majority "Ought Not to Pass" Report.

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

Representative HANLEY: Mr. Speaker, Men and Women of the House: I would urge you to vote against the pending motion so we can go on and accept the Minority Report.

I don't think I could more ably state what was stated by former Governor Cross and past Speaker Childs regarding the tenure of leaders in both this body and the other body.

The amended version, the Committee Amendment of the Bill, and for those of you who have not had a chance to read this bill, what it would do is to provide from 1992 on, Presidents of the Senate and Speakers of the House to only serve 8 years, that would be four terms as leaders.

As you are all well aware, I am a firm proponent of term limitations and some people have come up to me and said, "You know Dana, I can't support term limitations. As a whole, you have a valid point regarding too much power being vested in those positions of leadership and that is where you should attack the problem." I would hope on this Welcome Back Day of the Legislature that we take a look at the policy issue involved, that we have a little bit more turnover in leadership positions. I think it would be good in all capacities to have new people and innovative ideas, especially in the position of leadership, which basically is what controls the schedule of both this body and the other body.

So in ending, I would hope that you would go against the pending motion and we could go on and accept the Minority Report.

Mr. Speaker, I ask for 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 Waterville, Representative Joseph, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 46

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Handy, Heeschen, Hichborn, Holt, Hussey, Jacques, Jalbert, Kerr, Ketover, Ketterer, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Lord, Luther, Macomber, Mahany, Manning, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau,

Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Skoglund, Stevens, P.; Strout, Swazey, Townsend, Tracy, Treat, Waterman, Wentworth.

NAY - Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bowers, Butland, Carleton, Carroll, J.; Donnelly, Duplessis, Farren, Foss, Garland, Hanley, Hastings, Heino, Hepburn, Kutasi, Lebowitz, Libby, Lipman, Look, MacBride, Marsano, Marsh, Merrill, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Aikman, Bennett, Hale, Hichens, Hoglund, Joseph, Kilkelly, Martin, H.; O'Gara, Simonds, Simpson, Tammaro, Tardy, Vigue, The Speaker.

Yes, 91; No, 45; Absent, 15; Paired, 0; Excused, 0.

91 having voted in the affirmative and 45 in the negative with 15 being absent, the Majority "Ought Not to Pass" Report was accepted in concurrence.

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

At this point, the House recessed for the purpose of joining in "Welcome Back Day" ceremonies.

(After Recess)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Establish a Grading System for Maple Syrup Produced in the State" (S.P. 663) (L.D. 1739)

Came from the Senate, referred to the Committee on Agriculture and Ordered Printed.

Was referred to the Committee on Agriculture in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Lower the Minimum Age Requirement for Senators and Members of the House of Representatives (S.P. 193) (L.D. 502)

Report of the Committee on State and Local