

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME V

SECOND REGULAR SESSION

House of Representatives
January 5, 1994 to April 14, 1994

On motion of Representative JACQUES of Waterville, tabled pending passage and specially assigned for Tuesday, February 15, 1993.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

Resolve, Authorizing the Direct Purchase of the Desk, Chair and Credenza Used by John L. Martin as Speaker of the House of Representatives (S.P. 677) (L.D. 1857)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on **Appropriations and Financial Affairs.**)

Under suspension of the rules and without reference to a Committee, the Bill was read once. Bill assigned for second reading Tuesday, February 15, 1994.

Bill "An Act to Allow Police Officers to Prosecute Traffic Infractions" (EMERGENCY) (S.P. 679) (L.D. 1859)

Bill "An Act to Amend the Law Pertaining to the Appointment of a Guardian Ad Litem in Contested Proceedings" (EMERGENCY) (S.P. 680) (L.D. 1860)

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

Were referred to the Committee on **Judiciary** in concurrence.

SENATE PAPERS

Bill "An Act Concerning Registered Apprenticeship Programs" (S.P. 681) (L.D. 1861)

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

Was referred to the Committee on **Labor** in concurrence.

Bill "An Act to Streamline the Department of Transportation's Permitting Procedure for Aboveground Facilities" (S.P. 678) (L.D. 1858)

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

Was referred to the Committee on **Transportation** in concurrence.

SENATE PAPERS

Reported Pursuant to Statutes

Report of the Revisor of Statutes, pursuant to the Maine Revised Statutes, Title 1, section 94 ask leave to submit its findings and to report that the accompanying Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 676) (L.D. 1852) be referred to the Joint Standing Committee on **Judiciary** for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the Bill referred to the Committee on **Judiciary** and ordered printed.

Report was read and accepted and the Bill referred to the Committee on **Judiciary** and ordered printed in concurrence.

The Chair laid before the House the following items which were tabled earlier in today's session:

Senate Divided Report - Majority (10) "**Ought Not to Pass**" - Minority (3) "**Ought to Pass**" as amended by Committee Amendment "A" (S-391) - Committee on **State and Local Government** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Availability of Legislative Participation (S.P. 220) (L.D. 691) which was tabled by Representative JOSEPH of Waterville pending her motion to accept the Majority "**Ought Not to Pass**" Report.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph. Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: This piece of legislation was carried over by the State and Local Government Committee to see how the people of Maine were going to vote on term limits. This is a Constitutional Amendment or an amendment to the Constitution to establish term limits for State Legislators, the Attorney General, the Secretary of State, the Treasurer of the State and the State Auditor.

It is our feeling, the majority of the committee, that the people of Maine have spoken and, therefore, I would ask you to vote for the pending motion, the "**Ought Not to Pass**" Report.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: Indeed, the people have spoken. Last Fall, the voters of this state approved by overwhelming numbers the Citizens' Petition to impose in statute term limits on State Legislators and other state officials.

Prior to that, the voters had asked that this question be placed on the ballot with a record number of signatures on petitions.

The bill being considered today would provide a higher level of protection for the measure passed by the voters last year. The amended version of this bill, of this Constitutional Amendment, reflects precisely the language in the statutory measure approved by the voters.

We may recall that in 1983, the year after voters approved tax indexing, the same legislature that was elected by the voters who approved tax indexing, decided to amend it. Few measures go to the heart of legislative powers of term limits. I don't believe this legislature will change what the voters did but future legislatures may decide to tinker with it. By placing the provisions of this measure in Maine's Constitution, as the amended version of this bill allows, it will prohibit future legislatures from tinkering with or repealing term limits without voter approval.

There is another issue here — let us show by our vote today that we have heard the voters' message, that we will give them the option of deciding whether the statutory changes were enough or whether they would like the Constitution itself amended. In this new era of representative government in Maine that we have heard so much about, let us use this measure to reach out our hand to the people and tell them that we are hearing their voices, that we embrace the idea, at least their call for term limits, not as a solution to governmental reform, but as a solution, one of many, in bringing government back to the people.

I urge you to reject the "Ought Not to Pass" Report so we can consider the "Ought to Pass" as amended Report.

Mr. Speaker, I request the yeas and nays.

The SPEAKER: 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 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. 238

YEA - Adams, Aliberti, Ault, Beam, Bowers, Brennan, Bruno, Cameron, Caron, Carroll, Cashman, Chase, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kneeland, Kontos, Larrivee, Lemke, Look, MacBride, Marshall, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Reed, W.; Richardson, Ricker, Rotondi, Rowe, Ruhlin, Saint Onge, Saxl, Simonds, Skoglund, Spear, Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Walker, Wentworth, Winn, The Speaker.

NAY - Ahearne, Aikman, Anderson, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Campbell, Carr, Clukey, Coffman, Cross, Dexter, Donnelly, Foss, Greenlaw, Joy, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, Marsh, Michael, Nickerson, Ott, Pendexter, Plowman, Reed, G.; Robichaud,

Simoneau, Small, Stevens, A.; Taylor, Thompson, True, Tufts, Whitcomb, Young, Zirkilton.

ABSENT - Carleton, Cathcart, Fitzpatrick, Hillock, Kilkelly, Kutasi, Martin, H.; Martin, J.L.; Pendleton, Rydell, Stevens, K.; Tardy, Vigue.

Yes, 96; No, 42; Absent, 13; Paired, 0; Excused, 0.

96 having voted in the affirmative and 42 in the negative with 13 being absent, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Senate Divided Report - Majority (10) "Ought to Pass" - Minority (3) "Ought Not to Pass" - Committee on Utilities on Bill "An Act to Exempt Employees of the Public Utilities Commission from Furlough and Shutdown Days" (EMERGENCY) (S.P. 119) (L.D. 357) which was tabled by Representative CLARK of Millinocket pending his motion to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Aikman.

Representative AIKMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against the pending motion which is the "Ought to Pass" on exempting shutdown and furlough days for the employees at the PUC.

Please consider the following information concerning the status of the shutdown days for employees during FY93-94 and FY94-95. Pursuant to PL 1991, Chapter 65 and subsequent agreements with the bargaining agents representing state employees, the third year of a three year collective bargaining agreement was funded by shutdown and furlough days without pay. Subsequently, we entered into negotiations and agreed to new contracts for a two year period beginning July, 1993 and expiring on June 30, 1995. These new agreements were funded in part by shutdown days without pay. There was no agreement to exempt any employees during these negotiations and the days off without pay apply to all employees regardless of occupational work or funding source.

This agreement is consistent with PL 1993, Chapter 410, part J, which required that any cost saving measure achieved from negotiations be applied similarly and equitably to all employees regardless of funding source. The collective bargaining agreements covering employees working at the PUC during FY93-94 provided ten shutdown days of which six have already been taken. The total number of shutdown days for FY94-95 is only five. Any exemptions from shutdown days for the PUC employees could result in a lack of understanding and frustration by other employees as to why they should not also be exempted. Moreover, any exemptions such as this would likely result in pressure from other departments to exempt other dedicated general or federally funded employees.

As I am sure you are all aware, all shutdown days will be concluded at the expiration of these agreements. Hopefully, the future of the economic climate will allow us to approach funding of collective bargaining agreements in a more traditional manner.

I ask you to vote against the pending motion and Mr. Speaker I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark. Representative CLARK: Mr. Speaker, Ladies and