

MAINE STATE LEGISLATURE

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

VOLUME VI

SECOND REGULAR SESSION

House of Representatives
March 10, 1992 to March 31, 1992

Senate
January 8, 1992 to March 9, 1992

the Capitol building here and they have done something which we have not been able to do. Maybe they can do it again but there is no reason for us to accept it. There is certainly nothing in the representations made to you by the gentleman from Eagle Lake that should suggest to you however remotely that there is something that is compelling about this as opposed to whatever else we've had. I think we should deny reconsideration, let the matter get out of here. You remember on a procedural basis when we failed of engrossment just a few nights ago that it was the ruling of the Clerk of the House that the matters that were on went to the Senate in that fashion and that can still be the case. If that was the ruling then, it should be the ruling now and they will have this amendment by Representative Daggett. If for some reason they shouldn't why, as you will notice Senator Pray under Senate Document 755, has already produced nearly the exact document for their consideration.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: As I sat here and listened to the two leaders speak tonight, I just want to make a couple of comments.

I think that we should reconsider, not because of either one of those gentlemen, but we should reconsider this and I think what we ought to do is give both parties the opportunity to take this to a caucus and look it over. I think this bill should be settled right here and I think it is up to us to do it without sending it to the other end but I think we have to do it in the right way.

I was aware of this amendment before it came in here tonight. I didn't say anything to anybody because I thought everybody knew what was in that amendment, evidently they didn't, but you heard the gentleman down in the corner ask when it came in that he felt that we ought to have a chance to look at it because it came in too soon. I agree with him. What we should do is reconsider, table this, we have been here all day for two days and another 15 to 20 minutes isn't going to hurt any of us. If we let us take that bill so we can look it over as a Minority Party and review and see what our problems are, I think we are very close to settling this problem. I don't think we ought to vote against this and send it back over there. I think the place to do it is right here, I think we should reconsider and then the next thing I would hope somebody would do is table it and let our party go down and look at it and let you people do the same. I think we can resolve this.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of the Representative from Eagle Lake, Representative Martin, that the House reconsider its action whereby L.D. 2185 failed of engrossment. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 422

YEA - Adams, Aliberti, Anderson, Anthony, Bailey, R.; Bell, Boutilier, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy,

Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lord, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Ault, Bailey, H.; Barth, Bennett, Butland, Carleton, Donnelly, Duplessis, Farnum, Foss, Garland, Greenlaw, Hanley, Hepburn, Hichens, Ketterer, Kutasi, Lebowitz, Libby, Lipman, Look, Luther, MacBride, Marsano, Merrill, Nash, Ott, Pendexter, Pendleton, Pines, Rand, Reed, G.; Richards, Savage, Small, Whitcomb.

ABSENT - Bowers, Hastings, Parent, Salisbury.
Yes, 110; No, 37; Absent, 4; Paired, 0;
Excused, 0.

110 having voted in the affirmative and 37 in the negative with 4 being absent, the motion did prevail.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

By unanimous consent, L.D. 2454 was ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

Representative Handy of Lewiston requested a roll call on passage to be engrossed as amended on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (EMERGENCY) (H.P. 1547) (L.D. 2185).

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 passage to be engrossed as amended. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 423

YEA - Adams, Aliberti, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Gean, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Hichborn, Hoglund, Jacques, Jalbert, Joseph, Kerr, Ketover, Kontos, Larrivee, Lawrence, Manning, Martin, H.; Mayo, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Ricker, Ruhlin, Rydell, Sheltra, Simonds, Skoglund, Stevens, P.; Swazey, Tammaro, Tardy, Townsend, Tracy, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; Clark, H.; Donnelly, Duplessis, Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Greenlaw, Heeschen, Heino, Hichens, Holt, Hussey, Ketterer, Kilkelly, Kutasi, Lebowitz, Lemke, Libby, Lipman, Look, Lord, MacBride, Macomber, Marsano, Marsh, McHenry, McKeen, Merrill, Michael, Morrison, Murphy, Nash, Norton, O'Gara, Oliver, Ott, Pendexter, Pendleton, Pines, Powers, Rand, Reed, G.; Reed, W.; Richards, Saint Onge, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Treat, Tupper, Whitcomb.

ABSENT - Bowers, Hanley, Hastings, Hepburn, Luther, Mahany, Parent, Richardson, Rotondi, Salisbury, Simpson.

Yes, 72; No, 68; Absent, 11; Paired, 0; Excused, 0.

72 having voted in the affirmative and 68 in the negative with 11 being absent, the bill was passed to be engrossed as amended by Committee Amendment "A" (H-1192) as amended by House Amendments "L" (H-1216), "N" (H-1291), "Q" (H-1222), "T" (H-1228), "U" (H-1230), "FF" (H-1252), "OO" (H-1275), "QQ" (H-1319), "RR" (H-1320) & "TT" (H-1329) and Senate Amendments "E" (S-708) & "H" (S-720) thereto in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 21 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act Related to Hydropower Relicensing Standards (S.P. 848) (L.D. 2159) (C. "A" S-752)

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.

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

The Chair laid before the House the following matter: Bill "An Act to Delay the Workers' Compensation Rate Increase" (EMERGENCY) (H.P. 1775) (L.D. 2457) (Approved for introduction by a majority

of the Legislative Council pursuant to Joint Rule 27.) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Mitchell of Vassalboro offered House Amendment "A" (H-1326) and moved its adoption.

House Amendment "A" (H-1326) was read by the Assistant Clerk.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The other major issue this session has been Workers' Compensation and there has been a unanimous desire to have the Blue Ribbon Commission which has now been signed by the Governor to do some very detailed investigative work to make sure our system is reformed and works better. There is also, in the meantime, a rate increase pending.

The bill before you would delay the assessment on the insurers in the residual market, delay that assessment until November after the commission has met and after this legislature has had time to act. The amendment that I offer would add to that a delay in the rate increase which is scheduled to come out in June, so that the Superintendent of Insurance can review the action of this legislature and the action of the Blue Ribbon Commission to see what savings might occur. I urge your adoption of House Amendment "A."

Subsequently, House Amendment "A" (H-1326) was adopted.

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

Representative LIPMAN: Mr. Speaker, I offer House "A" (H-1330) to House Amendment "A" (H-1326) and move its adoption.

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

Representative LIPMAN: Mr. Speaker, I would challenge the ruling that I am out of order and request a roll call.

The SPEAKER: The pending question is a challenge of the ruling of the Chair, a roll call requested.

The matter is not debatable. The Chair would advise the members of the House that the ruling is based on the fact that Representative Lipman of Augusta is presenting a House Amendment "A" to House Amendment "A". House Amendment "A" has already been adopted and, therefore, his amendment is not properly before the body.

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 less than one-fifth of the members present and voting not having expressed a desire for a roll call, a roll call was not ordered.

The SPEAKER: The Chair will order a vote. The pending question before the House is overturning a ruling of the Chair. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

29 having voted in the affirmative and 98 in the negative, the ruling of the Chair prevailed.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "A" (H-1326) and sent up for concurrence.