

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 17, 1993 to July 14, 1993

MacBride, Marsh, Marshall, Martin, H.; Melendy, Michael, Michaud, Murphy, Nash, Nickerson, Norton, O'Gara, Ott, Paradis, P.; Pendexter, Pendleton, Pineau, Pinette, Plourde, Plowman, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Ruhlin, Rydell, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Strout, Taylor, Thompson, Tufts, Vigue, Walker, Young, Zirnkilton, The Speaker.

NAY - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Cathcart, Clark, Clement, Coles, Constantine, Cote, Daggett, Driscoll, Faircloth, Farnsworth, Fitzpatrick, Gean, Gray, Hatch, Heeschen, Hogle, Holt, Hussey, Johnson, Ketterer, Kilkelly, Lemke, Mitchell, E.; Morrison, Oliver, Pfeiffer, Rand, Richardson, Rowe, Saxl, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Wentworth, Winn.

ABSENT - Anderson, Bailey, H.; Chase, Coffman, Gould, R. A.; Kneeland, Libby Jack, Mitchell, J.; Nadeau, Poulin, Saint Onge, Tardy, Whitcomb.

Yes, 91; No, 47; Absent, 13; Paired, 0; Excused, 0.

91 having voted in the affirmative and 47 in the negative with 13 being absent, House Amendment "O" (H-696) to Committee Amendment "B" (H-677) was indefinitely postponed.

Subsequently, Committee Amendment "B" (H-677) as amended by House Amendments "D" (H-683) and "M" (H-693) thereto was adopted.

Under suspension of the rules, the bill was read a second time.

Representative Zirnkilton requested a roll call vote on passage to be engrossed.

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 by Committee Amendment "B" (H-677) as amended by House Amendments "D" (H-683) and "M" (H-693). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 222

YEA - Aliberti, Beam, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Carroll, Cashman, Cathcart, Chonko, Cloutier, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnum, Fitzpatrick, Gamache, Gean, Gwadosky, Hale, Heino, Hichborn, Hogle, Jacques, Jalbert, Johnson, Joseph, Joy, Kerr, Ketterer, Kontos, Larrivee, Lipman, Marsh, Melendy, Michaud, Mitchell, E.; Morrison, Murphy, Norton, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Pouliot, Reed, W.; Ricker, Rowe, Rydell, Saxl, Simonds, Skoglund, Spear, Stevens, K.; Strout, Swazey, Tardy, Townsend, G.; True, Tufts, Vigue, Walker, Wentworth, Young, The Speaker.

NAY - Adams, Ahearne, Aikman, Ault, Bailey, R.; Barth, Bennett, Birney, Bowers, Clark, Clement, Clukey, Coles, Dexter, Farnsworth, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Hatch, Heeschen, Hillock, Holt, Hussey, Kilkelly, Kutasi, Lemke,

Lemont, Libby James, Lindahl, Look, Lord, MacBride, Marshall, Martin, H.; Michael, Nash, Nickerson, Ott, Pendexter, Pendleton, Plowman, Rand, Reed, G.; Richardson, Robichaud, Rotondi, Ruhlin, Simoneau, Small, Stevens, A.; Sullivan, Taylor, Thompson, Townsend, E.; Townsend, L.; Tracy, Treat, Whitcomb, Winn, Zirnkilton.

ABSENT - Anderson, Bailey, H.; Chase, Coffman, Kneeland, Libby Jack, Mitchell, J.; Nadeau, Poulin, Saint Onge.

Yes, 79; No, 62; Absent, 10; Paired, 0; Excused, 0.

79 having voted in the affirmative and 62 in the negative with 10 absent, L.D. 283 was passed to be engrossed as amended by Committee Amendment "B" (H-677) as amended by House Amendments "D" (H-683) and "M" (H-693) thereto and sent up for concurrence.

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

The following item appearing on Supplement No. 9 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (H.P. 215) (L.D. 283) (Governor's Bill) which was passed to be engrossed as amended by Committee Amendment "B" (H-677) as amended by House Amendments "D" (H-683) and "M" (H-693) thereto in the House on June 29, 1993.

Came from the Senate passed to be engrossed by Committee Amendment "B" (H-677) as amended by House Amendment "M" (H-693) thereto in non-concurrence.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: What started out as a day of glory, had its many moments of glory, but also realistically it just doesn't seem possible that so much could have happened in the space of six hours. I waited nine years to put my name on a credible track, I did it today, so I thought.

My concern is the 111 commitments that were made by this body. I hope you will understand what I am doing and why I am doing it.

I spoke with the gracious President of the other body, I spoke with the Speaker of this body and I realized that there is a great deal more responsibility in designing and presenting legislation, especially legislation that is so vitally important as what I introduced to this body and the support that I received in this body, the 111 commitments. I realize now, should this amendment be insisted upon by this body, it will create immense problems. I was not aware that these problems existed.

Please bear with me another two or three

minutes. My amendment would do this to the existing budget, it circumvents the normal Appropriations process in which funds are reviewed and authorized through the Appropriations Committee. As drafted, House Amendment "D" in fact would undermine decisions made by the Appropriations Committee and included in which an appropriation surplus of the General Fund is intended to be used for the following purposes: to provide \$600,000 in fiscal year '94 to the administration Maine Emergency Management Agency for reimbursement of the state's matching share of the local disaster relief.

Two, to provide \$2,623,287 in fiscal year '94 for the Risk Management Claims Program to reimburse the reserve fund for self-insured retention losses for funds taken by P.L. 199366. And, to provide \$2,154,000 in fiscal year '94 and \$2,770,000 for fiscal year '95 for public improvement, planning construction and administration program for statewide capital construction improvements and repairs. Do you understand what I have just said to you, this body? It means that my amendment would initiate a process that would devastate the commitments made in this budget out of the Rainy Day Fund — already, commitments made. All of us thought it was a good idea. Bear with me again, this amendment would devastate the budget. Do you believe that? It seems simple enough but it would devastate the existing budget.

Finally, I think there is something wrong with the budget process itself. When we have a commitment by the respected Speaker of this House and a commitment by the President of the other body, stating that they would not support any amendment to the budget, I resent that. I resented it earlier and I still resent because miracles can happen. To make a statement and say that we will not support any amendments, I think, is unacceptable to me.

I have had my moment of glory and now I feel a great responsibility to withdraw and respectfully submit to the Speaker of this House a motion to recede and concur.

Subsequently, on motion of Representative Aliberti of Lewiston, the House voted to recede and concur.

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

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Mandate

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995 (H.P. 215) (L.D. 283) (Governor's Bill) (H. "M" H-693 to C. "B" H-677)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of H-1377

Article IX of the Constitution, a two-thirds vote of all the members elected to the House is necessary.

Representative Martin of Eagle Lake 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 pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 223

YEA - Aliberti, Anderson, Beam, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Carroll, Cashman, Cathcart, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnum, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gwadosky, Hale, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Joy, Kerr, Ketterer, Kneeland, Kontos, Larrivee, Lemont, Lipman, Lord, Marsh, Marshall, Martin, H.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Pouliot, Rand, Reed, W.; Ricker, Rowe, Rydell, Saxl, Simonds, Simoneau, Skoglund, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Tardy, Thompson, Townsend, E.; Townsend, G.; Treat, True, Tufts, Vigue, Walker, Wentworth, Young, The Speaker.

NAY - Adams, Ahearne, Aikman, Ault, Bailey, R.; Barth, Bennett, Birney, Bowers, Clukey, Dexter, Farnsworth, Farren, Foss, Gray, Greenlaw, Hatch, Heeschen, Hillock, Kilkelly, Kutasi, Lemke, Libby James, Lindahl, Look, MacBride, Michael, Nash, Nickerson, Pendexter, Plowman, Reed, G.; Richardson, Robichaud, Rotondi, Ruhlin, Small, Taylor, Townsend, L.; Tracy, Whitcomb, Winn, Zirnkilton.

ABSENT - Bailey, H.; Chase, Coffman, Libby Jack, Nadeau, Poulin, Saint Onge.

Yes, 101; No, 43; Absent, 7; Paired, 0; Excused, 0.

101 having voted in the affirmative and 43 in the negative with 7 being absent, L.D. 283 was passed to be enacted, signed by the Speaker and sent to the Senate.

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