

# 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**

Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today adhered to its former action whereby it Failed to Enact Bill "An Act to Amend the General Assistance Standard of Need" (EMERGENCY) (H.P. 1396)(L.D. 1905).

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

#### ENACTORS

An Act to Demonstrate the Value the State Places on a Strong, Competitive and Sustainable Paper Industry (H.P. 1466) (L.D. 1993) (S. "C" S-660 to C. "A" H-1104)

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

Representative FARNSWORTH of Hallowell requested a roll call on passage to be enacted.

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. All 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: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the Representative from Portland, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Cameron of Rumford. If he were present and voting he would be voting yea, I would be voting nay.

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. 367

YEA - Ahearne, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Bruno, Campbell, Carleton, Carr, Carroll, Cathcart, Chonko, Clark, Cloutier, Clukey, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Faircloth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gould, R. A.; Greenlaw, Hale, Hatch, Heino, Hichborn, Hoglund, Hussey, Jacques, Johnson, Joseph, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Marshall, Martin, J.; Michael, Michaud, Mitchell, E.; Morrison, Nadeau, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pfeiffer, Pinette, Plourde,

Plowman, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Ruhlin, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Tardy, Taylor, Tracy, True, Tufts, Vigue, Walker, Whitcomb, Young, Zirnkilton, The Speaker.

NAY - Adams, Bowers, Brennan, Chase, Clement, Farnsworth, Gean, Gray, Heeschen, Holt, Melendy, Mitchell, J.; Pineau, Richardson, Rowe, Treat, Wentworth.

ABSENT - Aikman, Aliberti, Caron, Cashman, Coffman, Driscoll, Hillock, Jalbert, Kutasi, Lemke, Look, Martin, H.; Murphy, Nash, Pendleton, Simonds, Swazey, Thompson, Townsend, G.; Townsend, L.; Winn.

PAIRED - Cameron (Yea)/ Townsend, (Nay).  
Yes, 111; No, 17; Absent, 21; Paired, 2; Excused, 0.

111 having voted in the affirmative and 17 in the negative, with 21 being absent, and 2 paired, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change 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. 1306) (L.D. 1761) (Governor's Bill) which was tabled by Representative PARADIS of Augusta pending passage to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101), "F" (H-1102) and "H" (H-1112) and Senate Amendments "H" (S-627), "I" (S-628), "M" (S-659) and "N" (S-663) thereto in non-concurrence and later today assigned.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Sullivan.

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry for the lateness of the hour. I had intended to offer an amendment to the budget at this time. However, after a number of consultations with the administration, we had decided, finally, instead of offering the amendment that the Governor would address our concerns, the concerns of the Bangor area delegation in regard to the Bangor Mental Health Institute.

At this time I would like to read the letter into the Record. It is addressed to "Representative Mary E. Sullivan, 116th Maine Legislature, 81 Grant Street, Bangor, Maine 04401. Dear Mary: I am writing to confirm our conversation this evening regarding your concerns about appropriate placement for patients in the P-3 nursing ward at the Bangor Mental Health Institute.

I wish to assure you that the Department of Mental Health and Mental Retardation will retain within the Program on Aging the ten patients currently in the P-3 nursing unit at the Bangor Mental Health Institute unless appropriate community placement, acceptable to the patient and/or his or her legal guardian, can be made.

Also, the Department will maintain adequate staffing in the Program on Aging to carry out the

directive of this letter.

Thank you for your continued concern for the welfare of the patients and the quality of care at the Bangor Mental Health Institute. I hope you will convey my assurances to the other members of the Bangor delegation. Sincerely, John R. McKernan Jr., Governor."

Ladies and gentlemen, I want to tell you something. This is a matter of grave concern to all the members of the Bangor area delegation. I wasn't alone in this. It happened that my name was on the amendment but the Representatives from Orono, Bangor, Holden, all worked with me and we kept the pressure on until we got the assurances that we needed for those ten patients. Ten patients doesn't sound like very much to get worked up about but they were ten patients who are in the Program on Aging and it is a major concern to uproot them and to move them out at this time.

I thank you for all the support I did get from all the Representatives in this House, from the Speaker and from some Senators too.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101), "F" (H-1102) and "H" (H-1112) and Senate Amendments "H" (S-627), "I" (S-628), "M" (S-659) and "N" (S-663) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

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Bill "An Act to Clarify Reporting Requirements for Party Committees and Political Action Committees" (H.P. 1493) (L.D. 2013) which was tabled by Representative KERR of Old Orchard Beach, pending passage to be engrossed as amended by House Amendment "A" (H-1125).

Representative BENNETT of Norway presented House Amendment "B" (H-1126) which was read by the Clerk.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: This bill that is before us is a response to another matter which has been tabled pending a response to a veto message that was sent up from the second floor. I am concerned that this bill, L.D. 2013, (in its present form) may continue to find opposition that would prevent it from becoming law.

This bill certainly invites confusion among any party or other political committee seeking to abide by its vexing verbosity and circumlocution.

Let me share with you what I mean. This bill would require party committees and political action committees to report any expenditure made for a political cause. A political cause, as defined under the bill, as "any course of activities undertaken by a party committee or by a political action committee for the specific purpose of advocating for or against or attempting to influence public opinion about an issue or matter of public concern that is or may come under consideration by any branch of state government other than a course of activities that would constitute a campaign as defined in this section of the law."

What this means, of course, is that virtually any activity of any party committee or any political committee which is presumably formed to espouse a

political cause or point of view or perspective would have to be reported.

What I seek to do with this amendment, House "B," is to make it much simpler and to rather than to confuse law abiding people who may want to report everything they need to, under this confusing language, with regard to political cause, is just make them report everything, all expenditures that they make for whatever purpose.

Currently a party committee has to itemize its expenditures in behalf of political candidates, candidates for office, or other committees but it can lump-sum its general operation expenditures and whatnot. I would consider that under this language, and other people may disagree, but you have to admit that it is confusing, under the language of the bill the Democratic Party (for example) seeking to maintain its majority as a political cause, seeking to put forth its platform is a political cause and why invite all the confusion and potential litigation and potential problems with the language that is in the bill when we can just simply do what is better, frankly, and would require more disclosure — which is just require them to disclose all of their expenditures.

I encourage you to adopt House Amendment "B." It is true it is non-compatible with House Amendment "A" and once the House does adopt House Amendment "B" we can take the technical amendment that House Amendment "A" offers off the bill. So, I encourage you to go along with House Amendment "B."

Representative TRACY of Rome moved that House Amendment "B" (H-1126) be indefinitely postponed.

Representative BENNETT of Norway requested a roll call on the motion to indefinitely postpone House Amendment "B" (H-1126).

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. All 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 Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Men and Women of the House: This amendment does come as a bit of a surprise to me. I think it does address some issues pretty well. I am the Treasurer of the Maine Democratic Party and I have always been in favor of more disclosure. I feel like this is an issue that maybe we should deliberate but this is not an issue that we have addressed in committee.

The Representative from Norway may be right, this may be an easy way to do it.

I guess I would ask one question for clarification. The question is, is it the intent from the Representative from Norway that when the party committee submits its reports that we would be allowed to submit the Federal Elections Commission Report from one account and then to just attach an addendum for non-federal expenditures?

The SPEAKER: Representative Bowers of Washington has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Men and

Women of the House: If that meets the requirements, yes.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Tracy of Rome, that the House Amendment "B" (H-1126) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 368

YEA - Brennan, Coffman, Gray, Johnson, Townsend, E.; Tracy.

NAY - Adams, Ahearne, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Bruno, Campbell, Carleton, Caron, Carr, Carroll, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Clukey, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Greenlaw, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Joseph, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Marshall, Martin, J.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Plowman, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Tardy, Taylor, Treat, True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Young, Zirkilton.

ABSENT - Aikman, Aliberti, Beam, Birney, Cameron, Cashman, Driscoll, Hillock, Jalbert, Kutasi, Look, Martin, H.; Murphy, Nash, Simonds, Swazey, Thompson, Townsend, G.; Townsend, L.; Winn, The Speaker.

Yes, 6; No, 124; Absent, 21; Paired, 0; Excused, 0.

6 having voted in the affirmative and 124 in the negative, with 21 being absent, the motion to indefinitely postpone House Amendment "B" (H-1126) did not prevail.

Subsequently, House Amendment "B" (H-1126) was adopted.

On motion of Representative BENNETT of Norway, the House reconsidered its action whereby House Amendment "A" (H-1125) was adopted.

On further motion of the same Representative, House Amendment "A" (H-1125) was indefinitely postponed.

The Bill was passed to be engrossed as amended by House Amendment "B" (H-1126) and sent up for concurrence. Ordered sent forthwith.

**AFTER MIDNIGHT****Thursday, April 14, 1994**

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

**SENATE PAPERS****Non-Concurrent Matter**

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change 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. 1306) (L.D. 1761) (Governor's Bill) which was passed to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101), "F" (H-1102) and "H" (H-1121) and Senate Amendments "H" (S-627), "I" (S-628), "M" (S-659) and "N" (S-663) thereto in the House on April 13, 1994.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by Senate Amendments "H" (S-627), "I" (S-628), "K" (S-648), "M" (S-659) and "N" (S-663) thereto in non-concurrence.

On motion of Representative MICHAUD of East Millinocket, the House voted to Recede and Concur. Ordered sent forthwith.

**ENACTORS****Emergency Measure**

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change 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. 1306) (L.D. 1761) (Governor's Bill) (S. "H" S-627, S. "I" S-628, S. "K" S-648, S. "M" S-659, and S. "N" S-663 to C. "A" H-1081)

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

Representative FOSS of Yarmouth requested a roll call on passage to be enacted.

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. All 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.

On motion of Representative MARTIN of Eagle Lake,

tabled pending passage to be enacted and later today assigned. (Roll Call Ordered)

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

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change 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. 1306) (L.D. 1761) (Governor's Bill) (S. "H" S-627, S. "I" S-628, S. "K" S-648, S. "M" S-659, and S. "N" S-663 to C. "A" H-1081) which was tabled by Representative MARTIN of Eagle Lake pending passage to be enacted. (Roll Call Ordered)

The SPEAKER: A roll call has been ordered. 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. 369**

YEA - Adams, Ahearne, Anderson, Bailey, H.; Beam, Bowers, Brennan, Bruno, Campbell, Carleton, Caron, Carr, Carroll, Chase, Chonko, Clark, Clement, Cloutier, Clukey, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heesch, Hichborn, Hoglund, Holt, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lord, MacBride, Marsh, Marshall, Martin, J.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Plowman, Poulin, Pouliot, Rand, Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saxl, Simoneau, Skoglund, Small, Spear, Stevens, K.; Strout, Sullivan, Tardy, Townsend, E.; Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Young, Zirkilton, The Speaker.

NAY - Ault, Bailey, R.; Barth, Bennett, Coffman, Dexter, Farren, Foss, Greenlaw, Heino, Hussey, Joy, Libby Jack, Libby James, Lindahl, Lipman, Morrison, Nickerson, Pendexter, Reed, G.; Saint Onge, Stevens, A.; Taylor.

ABSENT - Aikman, Aliberti, Birney, Cameron, Cashman, Cathcart, Driscoll, Hillock, Jalbert, Kutasi, Lemont, Look, Martin, H.; Murphy, Nash, Simonds, Swazey, Thompson, Townsend, G.; Townsend, L.; Winn.

Yes, 107; No, 23; Absent, 21; Paired, 0; Excused, 0.

107 having voted in the affirmative and 23 in the negative, with 21 being absent, a two-thirds vote of all the members elected to the House being necessary, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

**COMMUNICATIONS**

The following Communication: