

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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"Ought Not to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Portland, Mr. Brannigan, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

Mr. LaPlante of Sabattus requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Portland, Mr. Brannigan, that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, pursuant to Joint Rule 10, I wish to be excused.

The SPEAKER: The Chair would excuse the gentleman from Winslow, Mr. Carter, from voting on this issue.

The SPEAKER: The pending question before the House is the motion of the gentleman from Portland, Mr. Brannigan, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Bell, Benoit, Bordeaux, Brannigan, Brennerman, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Connors, Cox, Damren, Davis, Day, Drinkwater, Dudley, Erwin, Foster, Fowlie, Gavett, Gwadosky, Hanson, Hayden, Hickey, Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Jacques, Kane, Kelleher, Ketover, Kiesman, Kilcoyne, Laverriere, Lewis, Live-say, Lund, MacBride, Macomber, Mahany, Martin, A.; Masterman, Masterton, Matthews, McGowan, McHenry, McPherson, Mitchell, E.H.; Murphy, Nelson, A.; Nelson, M.; Paradis, E.; Paul, Perkins, Perry, Peterson, Post, Prescott, Racine, Randall, Reeves, J.; Richard, Salisbury, Sherburne, Small, Smith, C.W.; Stover, Studley, Tarbell, Telow, Thompson, Twitchell, Vose, Webster, Wentworth, Weymouth.

NAY—Austin, Baker, Beaulieu, Berube, Boisvert, Boyce, Brodeur, Brown, A.; Carroll, Clark, Connolly, Crowley, Davies, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Fitzgerald, Gillis, Gowen, Hall, Higgins, H.C.; Huber, Hunter, Hutchings, Jordan, Joyce, Kany, Lancaster, LaPlante, Lisnik, Locke, Manning, McKean, McSweeney, Michael, Michaud, Mitchell, J.; Moholland, Nadeau, Norton, O'Rourke, Paradis, P.; Pearson, Pouliot, Reeves, P.; Ridley, Roberts, Rolde, Smith, C.B.; Soulas, Stevenson, Strout, Swazey, Theriault, Treadwell, Tuttle, Walker.

ABSENT—Chonko, Cunningham, Curtis, Jalbert, MacEachern, Martin, H.C.; McCollister, Soule, The Speaker.

EXCUSED—Carter.

Yes, 82; No, 58; Absent, 9; Excused, 1; Vacant, 1.

The SPEAKER: Eighty-two having voted in the affirmative and fifty-eight in the negative, with nine being absent and one excused, the Majority "Ought Not to Pass" Report is accepted.

Sent up for concurrence.

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

On motion of Representative Berube of Lewiston, the following Joint Order: (H. P. 1569)

Ordered, the Senate concurring, that Bill

"An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law," House Paper 1411, Legislative Document 1576, be recalled from the legislative files to the House.

The Order was read.

The SPEAKER: The pending question before the House is, shall this bill be recalled from the files? Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. MacEachern of Lincoln requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been kicking around here for quite awhile. It has been soundly defeated in both Houses and there has been a lot of behind-the-scenes maneuvering on it. The committee has been very strongly set in cement, they don't want to change their position.

I understand that the reason this is being requested to be recalled is for a so-called compromise amendment. I know what the amendment is and it is no better than the bill was in the beginning and I strongly urge you not to recall this. The committee has had an opportunity to put this bill in shape and they refused to do so, and I think we ought to just forget about it and kill this order.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: The bill has not been soundly defeated, to start off with, but the reason to recall this bill is that last week, as you recall, you passed an order overwhelmingly to allow the committee to report out of bill. However, we found out that the cost to reprint the bill would have been \$1,887, so the committee opted to come before you again to simply ask that we recall the bill at no cost. At that point, we can then present to you an amendment which you will be free to accept or reject, but the recall is mainly to save the cost of reprinting a bill and then, if you do grant us this request, you still have the privilege of voting on the so-called compromise amendment.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, since the House doesn't have the bill here at the moment, and since there has been an amendment discussed that we could possibly consider, we would be in a parliamentary position now to understand what the amendment is going to be so we could know whether we want to call the bill back or not?

I will restate it again, it might sound better this time. If the bill is not before us at the moment because the order is requesting it, and because of an alleged amendment that has been considered by the committee, would the person who spoke about the amendment be in order to discuss it now so we could find out whether this House would like to recall the bill or not?

The SPEAKER: The Chair would answer in the affirmative.

Mr. KELLEHER: I would further suggest that Representative Berube or members of that committee would enlighten this House on exactly what the amendment is, and that might encourage us to either vote to recall it or discourage us from recalling it.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question

through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Members of the House: I do have the answer to the gentleman's question. I think I will hold off answering it until I can give you just a little bit of background on what we are talking about here. We are not talking about a single bill that deals with a single subject. We are talking about "the" bill that came out of the Audit and Program Review Committee. It is a bill that has been worked on by the committee all last year and all this year. It is a bill that would save the state over \$2 million in savings.

I will try to refresh your memory as to what happened the other day. We have gotten into a fight over one particular item in this bill. If you will remember, that is an item that was a proposal for some savings by shifting the state police to the Secretary of State's Office. On the initial vote in this House, that proposal was defeated by a 73 to 70 vote. We thereupon insisted and asked for a Committee of Conference. Unfortunately, the other body adhered, and the bill came back to us. The gentledady from our committee, Mrs. Huber, who had made the motion to insist and ask for a Committee of Conference in good faith, felt that she had to oppose any motion to recede and concur. At that point, we voted to adhere and killed the bill.

I don't think it was the intention of anybody to kill this entire bill with its more than \$2 million in savings and representing the work of almost two years for our committee just over this one issue. At that time, Mrs. Berube said, well, the Governor can put in another bill, and I think that was what we accepted in a hearing.

We later found out, as the gentledady from Lewiston, Mrs. Berube, told you, it would cost close to \$2,000 to put in another bill. We passed an order that we would report out that bill, but we decided this is a better way to try it.

What we would like to do is have you suspend the rules, we will fight the question of the state police and the inspection stations. If the committee loses it, then we will go along, but we don't want to kill this entire bill and I don't think you want to either.

I hope you will go along, we can fight out the measure dealing with the state police, we can debate that on its merits and see what happens, but we would very much urge you to let us recall this bill and not keep it killed.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the members in this House who voted not to kill the bill but I will tell you, I don't think Mr. Rolde has answered my question. There were some 70 odd people that objected to a certain portion of the bill. You are talking about an alleged amendment, Mr. Rolde. My question is, is that amendment prepared to take out the objections that this House had on this bill a few days ago? That is the question, because if you are going to get the answer, I think you might not get the bill recalled.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, it depends on how you view the objections of the people in the debate the other day. I think one of the major objections and the reason that people voted the way they did, they objected to having the inspection of inspection stations taken from the state police and transferred to the Secretary of State's Office. The amendment deals with that objection, because it would leave it in the state police, nothing would be transferred to the Secretary to State.

The other part of the problem may not deal with some people's objections, and that is that it asks civilian workers to do this. The basic problem here is that currently the state police

uses license fees from the inspection of inspection stations to fund certain positions. There are apparently five people who work on this, two clerical help, five state troopers, who are funded from the license fees. There are four state troopers who are funded from a combination of the state highway fund and the state general fund.

The state police is very much opposed to either of these amendments because what it would mean is that they would lose these funds, and although they are getting funds for additional state troopers, it would mean a cut in the eventual number of state troopers.

So there are two items — one was the objection of moving to the Secretary of State's Office; that has been removed. The other is the objection of the state police to losing the dedicated funds that they now get, even though if it were done, this could mean a savings of \$175,000, or approximately.

I hope that answers your question, Mr. Kelleher.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: You have heard the remarks from the gentleman from York, Mr. Rolde. The reason that I will oppose recall is—shifting from the state police to the Secretary of State doesn't bother me, but it does bother me when you are going to use civilians instead of uniformed officers. I don't think Mr. Rolde mentioned that the state police are against that shift. They are against a cutback in the state police force; they are also against taking out the uniformed officers.

In my opinion, and I think maybe the gentleman from Newport can explain it better than I can, but if you don't have uniformed officers, you might just as well do away with the inspection program.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I am opposed to this bill in its entirety, so I don't want to reconsider or recall anything.

I think when they talk about a savings, which they tried to sell this House, it is as phoney as a three dollar bill, it just isn't there. It looks good on paper, but it is absolutely not a fact, and I am positive of that. There is no way that you can put it in someone else's hands and hire a new crew and come out with less money. You can come out with more people on the payroll, that is about the only thing you can come out with. You are going to be keeping the state police, and they won't be doing a great deal different than they are doing now, because they are already on the force. They are not only inspecting stations, while they are going and coming, they will pick up—try it sometime, go by one speeding and see what he does to you and you will find out that he is on the job while he is on the highway. If you don't believe what I am telling you, try it on your way home this weekend.

This is phoney, what they are telling you, just as phoney as it can be, don't let them sell it to you, it is not a valid argument. I hope we do not recall anything from the files. It is getting late and I don't want to hash over this old cabbage again.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: In response to the comments of the gentleman from Enfield, Mr. Dudley, in regards to the entire bill being a sham, all I would suggest to you is—read the bill. You will find that the projected savings are actually real live dollars, so as far as that argument goes, we will just avoid it.

I really do believe we are getting off the track completely. The fact of the matter is, we were backed into a parliamentary corner. The bill was, unfortunately, killed; it should not

have happened but it did because of one particular section of the bill; namely, the state police provision.

If this House and the other body were to kill the entire Audit and Program Review Committee proposal, it would be an absolute unfortunate set of circumstances, it should not happen. The committee worked long and hard, as has been stated, to come up with a proposal that does save \$2.1 million of the General Fund monies. It does revise and reorganize certain divisions within these departments to make state government more efficient, something that we go around the state during campaigns and off season proclaiming to be the name of the game, that is what we should be doing, that is what government needs from the federal level on down to the local level. If we are actually serious, if we are committed to making government more efficient and achieving cost savings, then let us prove it here today.

The amendment should not be the issue. The amendment will be forthcoming if we recall the bill. Let us get ourselves out of this parliamentary corner. Let us recall the bill, get it into a posture where we can deal with it, because the document is massive. You have all looked at it, I am sure. Get the bill back on the floor, vote to recall, vote to support this Joint Order. At that time, the amendment will be presented. We can debate the amendment, we can vote for or against it, and then, at that point, whatever happens, we can deal with the bill in whatever parliamentary course it takes following that.

Ladies and gentlemen, let us take this very seriously, let us look at this intelligently and logically, let us vote to recall the bill, then we can deal with the issue.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker and Members of the House: I rise to join Representative Strout. I think we debated the issue, we voted, made it very clear that we don't want any changes in the state police aspect of it. I think the message was very clear, the responsibility of that committee was not to try to fool around with an amendment that none of us were willing to support, and you should have taken the message right on and clear.

Now, I do not want to distress the work that that committee has done, I do not want to vote against the bill, but I will, and why doesn't somebody just stand up and pass the bill with that recommendation and don't put us to task by bringing us an amendment that we are not going to support. I am going to work very hard to make sure that any amendment that distresses what we told you last week to do, I am going to work to see that it gets defeated.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I can't believe what is going on here. We are going to waste \$2 million of the taxpayers' money just to keep a few boys in blue? I urge you to reconsider.

The SPEAKER: A roll call has been ordered. All those in favor of this Joint Order, House Paper 1659, receiving passage will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis Austin, Baker, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Fitzgerald, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, Joyce, Kane, Kany, Ketover, Kiesman, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, Macomber, Mahany, Manning, Martin, A.; Masterton, McCollister,

McGowan, McHenry, McKean, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perkins, Peterson, Post, Pouliot, Prescott, Racine, Randall, Reeves, P.; Richard, Roberts, Rolde, Small, Smith, C.W.; Soule, Stover, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Walker, Webster.

NAY—Armstrong, Beaulieu, Callahan, Carrier, Conary, Conners, Dudley, Erwin, Foster, Hanson, Hunter, Jacques, Jalbert, Jordan, Kelleher, Kilcoyne, MacEachern, Masterman, Matthews, McPherson, Michaud, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perry, Reeves, J.; Ridley, Salsbury, Sherburne, Smith, C.B.; Soulas, Stevenson, Strout, Studley, Treadwell, Twitchell, Vose, Wentworth, Weymouth.

ABSENT—Cunningham, Martin, H.C.; the Speaker.

Yes, 107; No, 40; Absent, 3; Vacant, 1.

The SPEAKER: One hundred seven having voted in the affirmative and forty in the negative, with three being absent, the motion does prevail.

Sent up for concurrence.

The following paper appearing on Supplement No. 5 was taken up out of order by unanimous consent:

Ought to Pass in New Draft/New Title

Representative Theriault from the Committee on Education on Bill "An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education of State Wards" (Emergency) (H.P. 1344) (L.D. 1534) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education of State Wards and Students who are not State Wards" (Emergency) (H.P. 1559) (L.D. 1669)

Report was read and accepted, the New Draft read once and assigned for second reading later in the day.

The following paper appearing on Supplement No. 6 was taken up out of order by unanimous consent:

Passed to Be Enacted

An Act to Protect Persons with Children against Discrimination in Fair Housing (S.P. 620) (L.D. 1625) (S. "A" S-279)

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

Mr. Carrier of Westbrook requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is one passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Austin, Baker, Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Fitzgerald, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Masterton, McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H., Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Paradis, P.; Pearson, Pouliot, Prescott, Reeves, P.; Richard, Rolde, Smith, C.B.; Soule, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Vose, Wentworth, The Speaker.