

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Fifteenth Legislature**

OF THE

**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

House of Representatives  
May 20, 1991 to July 10, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
71st Legislative Day  
Saturday, July 6, 1991

PARADIS of Frenchville  
CARROLL of Gray  
RYDELL of Brunswick  
CHONKO of Topsham

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Robert Hargreaves, Saint Mark's Episcopal Church, Augusta.

The Journal of Friday, July 5, 1991, was read and approved.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent.

#### ORDERS

On motion of Representative MACOMBER of South Portland, the following Joint Order: (H.P. 1383)

Ordered, the Senate concurring, that Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993," H.P. 652, L.D. 926, and all its accompanying papers, be recalled from the legislative files to the House.

Was read and passed and sent up for concurrence.

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

#### SENATE PAPERS

Bill "An Act to Reform the Maine Workers' Compensation System" (S.P. 777) (L.D. 1972)

Came from the Senate, referred to the Committees on **Banking and Insurance and Labor** and Ordered Printed.

Was referred to the Committees on **Banking and Insurance and Labor** in concurrence.

#### Divided Report

(Later Today Assigned)

Majority Report of the Committee on **Appropriations and Financial Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-418) on Bill "An Act to Provide the Legislature with Revenue Forecasting Capabilities" (EMERGENCY) (S.P. 232) (L.D. 586)

Signed:

Senator: BRANNIGAN of Cumberland

Representatives: MICHAUD of East Millinocket  
HICHBORN of Howland  
POULIOT of Lewiston

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senator: FOSTER of Hancock

Representatives: FOSS of Yarmouth  
REED of Falmouth  
MacBRIDE of Presque Isle

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-418)

Reports were read.

On motion of Representative Gwadosky of Fairfield, tabled pending acceptance of either report and later today assigned.

#### PASSED TO BE ENGROSSED

##### Emergency Measure

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, 1991, June 30, 1992 and June 30, 1993 (H.P. 1379) (L.D. 1967) (H. "A" H-738; H. "B" H-740; H. "C" H-741)

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

On motion of Representative Chonko of Topsham, under suspension of the rules, the House reconsidered its action whereby L.D. 1967 was passed to be engrossed as amended.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-738) was adopted.

On further motion of the same Representative, House Amendment "A" (H-738) was indefinitely postponed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "B" (H-740) was adopted.

The same Representative offered House Amendment "A" (H-749) to House Amendment "B" (H-740) and moved its adoption.

House Amendment "A" (H-749) to House amendment "B" (H-740) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Ladies and Gentlemen of the House: Just a brief explanation of what this amendment does.

This is the budget, it removes the video lottery which left a \$32 million hole. It changes the quarterly payment of the insurance company taxes from 25 percent each quarter to 35 percent in April, 35 percent in June and 15 percent in the remaining two quarters. The change would be sunsetted once the 1992-1993 budget has been completed. To make up the rest of the \$92 million, we have across-the-board one percent cut in the first year and two percent cut in the second year exempting the General Purpose Aid and all the entitlements, Maine Health Care, Foster Care and Rehab programs.

Subsequently, House Amendment "A" (H-749) to House Amendment "B" (H-740) was adopted.

Representative Chonko of Topsham offered House Amendment "B" (H-750) to House Amendment "B" (H-740) and moved its adoption.

House Amendment "B" (H-750) to House Amendment "B" (H-740) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Ladies and Gentlemen of the House: A brief explanation of what this amendment does. This is Representative Manning's amendment and it puts a sunset provision on it ending on the first year of the biennium.

Subsequently, House Amendment "B" (H-750) to House Amendment "B" (H-740) was adopted.

House Amendment "B" (H-750) as amended by House Amendment "A" (H-749) & "B" (H-740) thereto was adopted.

Representative Chonko of Topsham offered House Amendment "E" (H-744) and moved its adoption.

House Amendment "E" (H-744) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Ladies and Gentlemen of the House: A brief explanation as to what this amendment does — it is an errors bill for errors that were found in the Revisors Office and it corrects those errors.

Subsequently, House Amendment "E" (H-744) was adopted.

Representative Chonko of Topsham offered House Amendment "G" (H-748) and moved its adoption.

House Amendment "G" (H-748) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Ladies and Gentlemen of the House: A brief explanation to House Amendment "G." The amendment offsets the appropriations and allocation made earlier this week from Cycle A and Cycle B state employees and to keep the Veterans' Memorial Cemetery open. If we are to enact a budget, L.D. 1967 before you, and it is signed into law by the Governor, this amendment is needed to keep the budget balanced. The amendment recognizes the passage of the 1992-93 budget and already includes funding for Cycle A and Cycle B and the Veterans' Memorial Cemetery.

Subsequently, House Amendment "G" (H-748) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "B" (H-740) as amended by House Amendment "A" (H-749) and "B" (H-750) thereto and House Amendments "C" (H-741), "E" (H-744) and "G" (H-748) in non-concurrence and sent up for concurrence.

By unanimous consent, was ordered sent forthwith

to the Senate.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent.

**SENATE PAPER**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

July 6, 1991

Honorable Edwin H. Pert  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its former action whereby it Failed to Enact Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 652) (L.D. 926).

Sincerely,

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

Was read and ordered placed on file.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent.

**ORDERS OF THE DAY**

**BILL RECALLED FROM LEGISLATIVE FILES**

(Pursuant to Joint Order - House Paper 1383)

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 (EMERGENCY) (H.P. 652) (L.D. 926) (C. "B" H-735)

On motion of Representative Macomber of South Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 926 was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 926 was passed to be engrossed as amended.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "B" (H-735) was adopted.

The same Representative offered House Amendment "A" (H-751) to Committee Amendment "B" (H-735) and moved its adoption.

House Amendment "A" (H-751) to Committee Amendment "B" (H-735) was read by the Clerk.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: Even though today I will vote for this amendment, I think it is wrong. It is dead wrong. When we have got a highway budget before us for the biennium and we have to stand up here today and put an amendment on that sunsets next Wednesday, it is dead wrong.

I will support this amendment but I can tell you that, if things don't materialize between now and next Wednesday and you put state employees back to work and you have a highway budget out there and something else fails between now and next Wednesday night, it is dead wrong for the people of the State of Maine.

I will support the amendment, but I say again, it is dead wrong.

Subsequently, House Amendment "A" (H-751) to Committee Amendment "B" (H-735) was adopted.

Committee Amendment "B" (H-735) as amended by House Amendment "A" (H-751) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "B" (H-735) as amended by House Amendment "A" (H-751) thereto in non-concurrence and sent up for concurrence.

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

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(At Ease)

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The House was called to order by the Speaker.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

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, 1991, June 30, 1992 and June 30, 1993 (H.P. 1379) (L.D. 1967) (H. "A" H-749 and H. "B" H-750 to H. "B" H-740; H. "C" H-741; H. "E" H-744; H. "G" H-748)

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

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: On a clarification to not have another amendment drafted, in the negotiations and final deliberations to this budget early on, we restored funding to some emergency shelters from the Office of Substance Abuse. The document states that a total of \$100,000 in fiscal year 1991-92 to the three identified shelters. Clearly, the intention of the committee was that that would be a restoration of that money and not a total allocation of \$100,000 to those shelters, it is a restoration and not a total.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I did want to put a brief statement on the Record for this budget vote.

First, I would like to commend the Governor and legislative leadership for developing a strategy to begin to move us beyond yesterday's impasse on the budget. I do want to state for the Record that my vote for this budget today is a vote of confidence in the democratic process and a good faith gesture to those who have agreed to work together over the next few days to reduce the cost of our Workers' Compensation system.

In this budget, we are asking the citizens of Maine for a major investment during the next two years in the form of \$300 million in new taxes. In return, I believe that those citizens deserve significant quantifiable reforms in our Workers' Compensation system to help them keep their jobs. Hopefully, all the pieces of this plan developed yesterday by legislative leadership with the Governor, will fall together by Wednesday so that Maine can begin to move forward.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Rand.

Representative RAND: Mr. Speaker, I would like to pose a question.

First of all, is the Republican caucus and the Governor in full support of this budget? I don't mean all the individual issues because none of us are 100 percent happy, but does this budget get the support of the Republican caucus and the Governor of the State of Maine?

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

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: This budget, including the sources of revenue, I believe represents the consensus of our caucus through the votes that we have taken in the various committees and we hope the vote today reflects that.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Rand.

Representative RAND: Mr. Speaker, I have another question. Why is it a three day budget, why do we have a sunset? If this is a good piece of legislation, if this is the best through negotiations and bargaining that we could have come up with — I am not saying it is or it isn't — what I am saying is, if the powers that be find this an acceptable

budget, why is there a sunset on this piece of legislation?

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: I wish to make a statement into the Record to clarify the language in Part 20, Section 1 of L.D. 1967. I am doing this in an effort not to have an additional amendment to this bill.

It was the intent of the committee that the language in this section, and the intent of the legislature, that this money is appropriated to the Maine Municipal Bond Bank for the Maine Rural Water Association may be used to assist water systems as well as wastewater systems.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Men and Women of the House: I am a little confused over the remarks from the Representative from Portland. I didn't understand her question, if she would like, she can repeat it. But, have I made any deals to vote for this budget? I certainly have not. In the next few minutes, I will make up my mind.

I ask for a roll call.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I just need to make a brief statement for the Record regarding the part of the budget that regards the Judicial Department. When we enacted the legislation last March, it contained a cut in the indigent defense account and a directive that the hourly rate to all attorneys be cut by 25 percent. This was a temporary, emergency measure. It is the responsibility of all of us in society to meet the constitutional requirements for appointed defense counsel and not a responsibility that should be borne disproportionately by only a few. Although the Judicial Department budget has been cut by this budget, it is the intention of the legislature that fees to court appointed counsel be restored to the pre-March 1991 level and that the Judicial Department adjust its other accounts in order to achieve this goal.

I would like to complement the Appropriations Committee for having been sensitive to this issue. For the Record, I am very pleased at what they were able to do on behalf of the defense bar in this state.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Ketover.

Representative KETOVER: Mr. Speaker, Men and Women of the House: I, too, want to put in the Record my concerns about what happened with Lotto\*America. As you know, I presented a bill this year to repeal it. It came out of the Legislative Council unanimous and it came out of the Legal Affairs Committee 12 to 1 and it came out of this body and the Senate body to repeal it. The Appropriations Committee found it fit to recommit it back to Legal Affairs and do more of an investigation on the lottery system. I just want it put in the Record that I object to this and that I would hope that you would send it down to the Governor for his signature.

The SPEAKER: The Chair would advise the members of the House that that particular bill is sitting on the Appropriations Table in the other body, it is not in this budget.

The pending question before the House is

enactment.

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. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 223

YEA - Adams, Aikman, Aliberti, Anthony, Ault, Bell, Boutilier, Bowers, Butland, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Foss, Gean, Goodridge, Gould, R. A.; Gray, Gurney, Gwadosky, Hale, Handy, Hastings, Heino, Hichborn, Hichens, Hognlund, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Lipman, Look, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, Michaud, Mitchell, E.; Murphy, Nadeau, Norton, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Anderson, Bailey, H.; Bailey, R.; Barth, Bennett, Carleton, DiPietro, Donnelly, Farren, Garland, Graham, Greenlaw, Hanley, Hepburn, Hussey, Libby, McKeen, Merrill, Nash, Ott, Plourde, Rand, Savage, Strout.

ABSENT - Carroll, J.; Clark, M.; Dore, Heesch, Holt, Jacques, Kerr, Kutasi, Lord, Luther, Melendy, Mitchell, J.; Morrison, Nutting, Poulin.

Yes, 112; No, 24; Absent, 15; Paired, 0; Excused, 0.

112 having voted in the affirmative and 24 in the negative with 15 absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992

and June 30, 1993 (H.P. 652) (L.D. 926) (H. "A" H-751 to C. "B" H-735)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 9 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

**SENATE PAPER**

The following Joint Order: (S.P. 778)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is need to conduct legislative business.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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(At Ease)

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The House was called to order by the Speaker.

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(Off Record Remarks)

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On motion of Representative Pineau of Jay,  
Adjourned at 2:55 p.m. pursuant to Joint Order  
(S.P. 778).

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