

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

## **One Hundred And Fifteenth Legislature**

OF THE

## **State Of Maine**

### **VOLUME VII**

#### **SECOND REGULAR SESSION**

Senate

March 10, 1992 to March 31, 1992

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#### **SECOND CONFIRMATION SESSION**

May 20, 1992

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#### **THIRD CONFIRMATION SESSION**

August 19, 1992

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#### **THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

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#### **FOURTH SPECIAL SESSION**

October 16, 1992

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#### **FOURTH CONFIRMATION SESSION**

November 19, 1992

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#### **HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

December 5, 1990 to December 1, 1992

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE  
FOURTH SPECIAL SESSION  
1st Legislative Day  
Friday, October 16, 1992

This being the day designated in the proclamation of the Governor for meeting of the One Hundred and Fifteenth Legislature in extra session, the members of the House of Representatives assembled in their hall at 10:00 o'clock in the morning and were called to order by the Speaker.

Prayer by Reverend Victor Stanley, First Baptist Church, Gardiner.

Pledge of Allegiance.

For the purpose of ascertaining the presence of a quorum, a roll call was taken.

The elected membership of the House being 151, 140 being present with 1 vacancy, a quorum was found to be present.

Absent were:

- Representative AIKMAN of Poland
- Representative ANTHONY of South Portland
- Representative AULT of Wayne
- Representative CASHMAN of Old Town
- Representative CLARK of Brunswick
- Representative GRAHAM of Houlton
- Representative HEPBURN of Skowhegan
- Representative LAWRENCE of Kittery
- Representative PARADIS of Frenchville
- Representative PFEIFFER of Brunswick

State of Maine

PROCLAMATION

WHEREAS, the United States Congress enacted the Older Workers Protection Act, signed by the President, which mandates eligibility modifications for the Maine State Retirement System by October 16, 1992; and

WHEREAS, there exists a need to make changes to the laws of Maine affecting the Maine State Retirement System to eliminate discriminatory provisions, while preventing additional costs to the State and Participating Local Districts; and

WHEREAS, the 115th Legislature created the Commission to Study a Long-term Disability Program for the Maine State Retirement System Members to report back to the Second Regular Session of the 115th Legislature with findings, recommendations, and any necessary legislation; and

WHEREAS, on September 30, 1992, the Commission presented its report to the Legislative Council and the Legislative Council asked the Joint Standing Committee on Aging, Retirement, and Veterans to review the report and recommend Legislative action; and

WHEREAS, on October 9, 1992, the Joint Standing Committee on Aging, Retirement, and Veterans has recommended the unanimous adoption of the minority report; and

WHEREAS, quick action on the unanimous recommendation of the Joint Standing Committee is called for,

NOW, THEREFORE, I, John R. McKernan, Jr., Governor of the State of Maine, pursuant to Article V, Part First, Section 13, do hereby convene the 115th Legislature on Friday, the sixteenth day of October, 1992, at 10:00 a.m. in the City of Augusta.

In testimony whereof, I have caused the Great seal of the State to be hereunto affixed GIVEN under my hand at Augusta this fourteenth day of October in the Year of our Lord One Thousand Nine Hundred and Ninety-Two.

S/JOHN R. MCKERNAN, JR.  
Governor

S/G. William Diamond  
Secretary of State

Was read and ordered placed on file.

On Motion of Representative GWADOSKY of Fairfield, the following Order:

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives was assembled in the Hall of the House for the consideration of such business as may come before the House.

Was read and passed and the Chair appointed the following Members:

- Representative JALBERT of Lisbon
- Representative DUTREMBLE of Biddeford
- Representative HANDY of Lewiston
- Representative O'DEA of Orono
- Representative WENTWORTH of Arundel
- Representative MICHAEL of Auburn
- Representative STEVENSON of Unity
- Representative AULT of Wayne
- Representative MERRILL of Dover-Foxcroft
- Representative HEINO of Boothbay

Subsequently, Representative JALBERT of Lisbon reported that the Committee had delivered the message with which it was charged.

On Motion of Representative PARADIS of Augusta, the following Order:

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives was present for the consideration of such business as may come before the House.

Was read and passed and Representative GWADOSKY of Fairfield was appointed to convey the message and subsequently reported that he had delivered the message with which he was charged.

At this point, a message was received from the Senate, borne by Senator PEARSON of Penobscot of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

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

**SENATE PAPER**

**PASSED TO BE ENGROSSED**

Bill "An Act to Amend the Disability Provisions of the Maine State Retirement Laws to Comply with the Requirements of the Older Workers Benefit Protection Act" (EMERGENCY) (S.P. 977) (L.D. 2466)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Aging, Retirement and Veterans.)

Under suspension of the rules and without reference to a Committee, the bill was read twice and passed to be engrossed in concurrence.

By unanimous consent, was ordered sent forthwith to Engrossing.

(At Ease)

The House was called to order by the Speaker.

**COMMUNICATIONS**

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

October 8, 1992

Hon. Joseph W. Mayo

Clerk of the House  
State House Station #2  
Augusta, Maine 04333

Dear Clerk Mayo:

This letter is to notify you that I am assigning Rep. John Michael of Auburn to House Seat #111, which is vacant due to the recent House leadership and Clerk's elections.

If you have any questions or if I may otherwise be of service to you, please do not hesitate to contact me.

Sincerely,

S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend the Disability Provisions of the Maine State Retirement Laws to Comply with the Requirements of the Older Workers Benefit Protection Act (S.P. 977) (L.D. 2466)

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 none 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.

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

**SENATE PAPER**

The following Joint Order: (S.P. 978)

ORDERED, the House concurring, notwithstanding Joint Rule 25, that cloture for newly elected legislators in the First Regular Session of the 116th Legislature is 4 p.m. on December 18, 1992.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following item was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

October 16, 1992

Hon. Joseph W. Mayo  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333

Dear Clerk Mayo:

This is to inform you that the following legislator was absent at the Fourth Special Session of the 115th Maine Legislature on October 16, 1992:

Representative Sophia Douglass Pfeiffer of Brunswick, for personal reasons.

Sincerely,

S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

At this point, a message came from the Senate borne by Senator KANY of Kennebec informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

The Speaker appointed Representative GWADOSKY of Fairfield on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

Subsequently, Representative GWADOSKY reported that he had delivered the message with which he was charged.

The Chair appointed the following members on the part of the House to wait upon his Excellency, Governor John R. McKernan, Jr., and inform him that the House had transacted all business before it and is ready to adjourn without day.

Representative CROWLEY of Stockton Springs  
Representative LERMAN of Portland  
Representative MACOMBER of South Portland  
Representative MANNING of Portland  
Representative SHELTRA of Biddeford  
Representative STEVENS of Bangor  
Representative TAMMARO of Baileyville  
Representative HICHENS of Eliot  
Representative LEBOWITZ of Bangor  
Representative TUPPER of Orrington

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Subsequently, the Committee reported that they had delivered the message with which they were charged.

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The Chair recognizes the Representative from Howland, Representative HICHBORN:

Representative HICHBORN: Mr. Speaker and Members of the House: I move that the House stand Adjourned Without Day.

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The SPEAKER: The Representative from Howland, Representative Hichborn, moved that the House adjourn sine die. Is this the pleasure of the House?

The motion prevailed and at twelve o'clock noon, Eastern Daylight Saving Time, Tuesday, October 16, 1992, the Speaker declared the House adjourned without day.

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