

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Sixteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**

**FIRST REGULAR SESSION**

**House of Representatives**  
December 2, 1992 to May 13, 1993

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
2nd Legislative Day  
Thursday, December 3, 1992

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

Prayer by Reverend Kenneth MacDonald, Lisbon Falls Baptist Church.

The Journal of Wednesday, December 2, 1992, was read and approved.

by the Legislative Council of the 115th Maine Legislature.

Sincerely,

S/Martha E. Freeman  
Director

Was read and with accompanying report ordered placed on file.

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**COMMUNICATIONS**

The following Communication:

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333

December 2, 1992

The Honorable Dennis L. Dutremble  
The Honorable John L. Martin  
Maine Legislature  
State House  
Augusta, ME 04333

Dear President Dutremble and Speaker Martin:

We are pleased to send you this copy of the final report on Sovereign Immunity Waivers. The report is a staff study completed by the Office of Policy and Legal Analysis as authorized by the Legislative Council of the 115th Legislature.

Sincerely,

S/Martha E. Freeman  
Director

Was read and with accompanying report ordered placed on file.

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The following Communication:

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333

December 2, 1992

The Honorable Dennis L. Dutremble  
The Honorable John L. Martin  
Maine Legislature  
State House  
Augusta, ME 04333

Dear President Dutremble and Speaker Martin:

We are pleased to send you this copy of the final report on the Privatization of State Services, Volume I, Privatization: A Process Review and Status Report. The report is a staff study completed by the Office of Policy and Legal Analysis as authorized by the Legislative Council of the 115th Maine Legislature.

Sincerely,

S/Martha E. Freeman  
Director

Was read and with accompanying report ordered placed on file.

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The following Communication:

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333

December 2, 1992

The Honorable Dennis L. Dutremble  
The Honorable John L. Martin  
Maine Legislature  
State House  
Augusta, ME 04333

Dear President Dutremble and Speaker Martin:

We are pleased to send you this copy of the final report on Medicaid Cost Containment: Issues and Options. The report is a staff study completed by the Office of Policy and Legal Analysis as authorized

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The following Communication:

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333

December 2, 1992

The Honorable Dennis L. Dutremble  
The Honorable John L. Martin  
Maine Legislature  
State House  
Augusta, ME 04333

Dear President Dutremble and Speaker Martin:

We are pleased to send you this copy of the final report on the Privatization of State Services, Volume II: Corrections. The report is a staff study completed by the Office of Policy and Legal Analysis as authorized by the Legislative Council of the 115th

Maine Legislature.

Sincerely,  
S/Martha E. Freeman  
Director

(At Ease)

Was read and with accompanying report ordered placed on file.

The House was called to order by the Speaker.

**ENACTOR**

**Emergency Measure**

**Later Today Assigned**

An Act to Clarify the Tax-exempt Borrowing Authority of the University of Maine System (S.P. 8) (L.D. 1)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Relating to Compulsory Insurance Limits for Vehicles that Transport Passengers for Hire (S.P. 9) (L.D. 2)

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. 112 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, ordered sent forthwith to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Approve Award of Federal Block Grant Money (S.P. 10) (L.D. 3)

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. 120 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, ordered sent forthwith to the Senate.

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

**SENATE PAPERS**

The following Joint Order: (S.P. 12)

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

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

**ORDERS**

On motion of Representative LARRIVEE of Gorham, the following Joint Order: (H.P. 4) (Cosponsor: Senator BUSTIN of Kennebec)

Ordered, the Senate concurring, that a Joint Select Committee on Corrections be established. The select committee shall consist of 3 members from the Senate, to be appointed by the President of the Senate, and 10 members from the House of Representatives, to be appointed by the Speaker of the House of Representatives. The select committee shall review all legislation relating to corrections and report its findings, recommendations and any appropriate legislation to the Legislature.

Was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

**SENATE PAPER**

The following Joint Order: (S.P. 11)

ORDERED, the House concurring, that the Joint Rules of the 115th be adopted as the Joint Rules of the 116th Legislature.

Came from the Senate, read and passed as amended by Senate Amendment "F" (S-6).

Was read.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to take a moment since these are the Joint Rules that we have talked about for the last couple of days. This amendment, Senate Amendment "F" (for those of you who might not have it in front of you) — we have discussed it within our own caucus — Senate Amendment "F" to the Joint Rules establishes a Joint Select Committee on Rules, a select committee made up of ten members of the House and five members of the Senate. We would envision a proportional split between Democrats and Republicans, House and Senate, on this. We want to include some freshmen members on this as well.

The idea of this particular committee is to try to take a look at these 20, 30, 35 or so amendments that have been offered in an attempt to find a more thoughtful and deliberative approach to analyzing the many rules. I am as guilty as anybody else because I have two or three rule changes in here so I can't criticize anybody for changing rules. I think that there had to be a common sense approach to taking a good look at these rules. This would establish a Joint Select Committee on Rules, once again, made up of House, Senate, Democrats and Republicans.

It would require a majority vote out of this committee before recommendations of this Joint Select Committee could then be advanced for changes in the Joint Rules. Once again, I am not talking about House or Senate — Joint Rules. At that time, if there is a majority vote on a particular recommendation, it would go to the House and Senate to be considered. If those recommendations, and there is some incentive for them to meet early, if those recommendations come out and are dealt with prior to the 26th of January, they would only have to be adopted by a majority vote. Any Minority Report would have to be adopted by a two-thirds vote. Any individual who wished to amend Joint Rules after today would have to do so by a two-thirds vote as has always been the practice.

The other two issues with this is that this would allow the possibility of unlimited cosponsors so that we could get beyond this limit of three cosponsors that has been on the books for years and years and years.

Finally, there is a provision in this Senate Amendment "F" that would shift back the cloture date for incumbents as to the same it is for first timers. Right now, incumbents have a cloture date of December 11th and first time Representative's have a cloture date of December 18th. This would push back that date and treat everybody the same so the cloture date would become December 18th. That is essentially what is comprised in that Joint Select Committee on Rules.

Many of us had particular rules from concept bill drafting to all different types of very progressive and very good ideas that we want to be considered including expanding Appropriations. I forget the number of ideas that are on here but we felt comfortable with sending those ideas to a Joint Select Committee of Democrats and Republicans to allow them to work together to develop those rules that make the most sense and then bring them back to

us sometime in January for recommendations.

We don't put an ending date on the committee, however, we allow the committee to stay in existence to look at some of the provisions in rules for the Second Regular Session as they see fit. We think it is a very practical way to proceed and get beyond the 35 or 40 amendments that we have attempted to deal with.

I urge your support of this Joint Order as amended by the Senate Amendment.

Subsequently, Senate Amendment "F" (S-6) was adopted.

The Joint Order was passed in concurrence as amended by Senate Amendment "F" (S-6).

## ORDERS OF THE DAY

### UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

HOUSE ORDER - Relative to House Rules of the 115th Legislature becoming the House Rules of the 116th Legislature.

TABLED - December 2, 1992 (Till Later Today) by Representative PARADIS of Augusta.

PENDING - Passage.

Representative Kilkelly of Wiscasset offered House Amendment "A" (H-7) and moved its adoption.

House Amendment "A" (H-7) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: House Amendment "A" creates a process for the majority of the members of this body to make a determination about continuing business after nine o'clock. What it says is, "No business shall be made pursuant to a motion to continue to a time certain." So at nine o'clock, there would be an opportunity for a motion to be made to continue business to a time certain. It might be ten o'clock, it might be eleven o'clock, it might only be nine-thirty, but what it does is give us the responsibility and the opportunity to make that decision and that is what this amendment would do.

Subsequently, House Amendment "A" (H-7) was adopted.

Representative Kilkelly of Wiscasset offered House Amendment "B" (H-8) and moved its adoption.

House Amendment "B" (H-8) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: House Amendment "B" allows that until January 26, 1993 the House Rules can be amended by a majority vote. Currently, at the time of adoption, which is the first day of the session, the House Rules would not be able to be amended without a

two-thirds vote. What this does is give us an opportunity to have further review of the House Rules and to have an opportunity by a majority vote to make amendments in those rules until January 26th.

Subsequently, House Amendment "B" (H-8) was adopted.

The House Order was passed as amended by House Amendments "A" (H-7) and "B" (H-8).

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(Off Record Remarks)

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On motion of Representative Nadeau of Saco,  
Adjourned at 4:33 p.m. pursuant to Joint Order  
(S.P. 12).

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By unanimous consent, all matters having been acted upon requiring Senate concurrence were 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.

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The Chair laid before the House the following matter: An Act to Clarify the Tax-exempt Borrowing Authority of the University of Maine System (S.P. 8) (L.D. 1) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: This comment is directed actually more to the Republican members of this body. We had a very lengthy discussion on this matter yesterday afternoon and last night in caucus. In fact, the information that we learned appears to be a little bit different today than yesterday.

What I wanted to enter into the Record to assure members of our caucus is that this is a necessary Act to pass is that the \$8 million involved in this transfer will only be put in a debt service account and that the access beyond what is immediately needed for debt retirement will not be used to pay current operating expenses. This is a little bit different than we understood in our caucus last night where we were told and understood that there would be some excess monies generated by this account that would be spent.

Again, this transfer is only between one account involving debt service, the University debt service and the General Fund debt service. So, with that information entered into the Record and the discussion we have just had with Sawin Millett, I urge that this bill be passed as an emergency enactor.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.