

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume II**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

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**August 29, 1985**

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Amendment "A" (H-182) and moved its adoption.

House Amendment "A" (H-182) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

The Chair laid before the House the fifth matter of Unfinished Business:

An Act to Require Notice of the Smoking Policy in Restaurants (H.P. 970) (L.D. 1379)

TABLED - May 20, 1985 by Representative DIAMOND of Bangor.

PENDING - Reconsideration (Returned by the Governor without his approval)

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Let me explain why this bill is in the position it is. As most of you remember, the Governor sent us back a message a couple of weeks ago that he was vetoing this bill because it did not have any provisions in it where if somebody didn't do what we asked them to do in the bill, there was nothing that the state could do about it.

Unfortunately, when we passed the Order to adjourn on June 19th, we then stopped meeting every single day like we were. The Governor's Office notified me, the sponsor and Representative Pines, the cosponsor of this bill, on the tenth day at four o'clock in the afternoon. Had we been meeting that day, we simply could have asked that the bill be sent back to the legislature and we could have tacked on an amendment that would have pleased the Governor. Unfortunately, we were not meeting that day and, unfortunately, there is another bill in the other body that is in the same position so, therefore, the only way that we can deal with that bill is a veto. I would hope that you would take a look at this bill before you vote and vote to override this veto so that we could put this bill into effect and, if there is a problem, then my committee next year will address this problem of no enforcement on it.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I think if you think back, I was the only person who spoke against this bill at the time. I told you it was a bill that does nothing and it still doesn't do anything and I ask you to not override the Governor's veto.

The SPEAKER: The pending question is, shall this bill become law notwithstanding the objections of the Governor. According to the Constitution, the vote will be taken by roll call. This requires a two-thirds vote of all those present and voting. All those in favor of this bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

#### ROLL CALL No. 89

YEAS:—Begley, Bott, Bragg, Brodeur, Carroll, Clark, Crouse, Daggett, Davis, Drinkwater, Handy, Hepburn, Hickey, Hillock, Lander, Law, Lord, Manning, Martin, H.C.; Mayo, Murphy, T.W.; Nadeau, G.R.; Nelson, Paradis, E.J.; Pines, Rice, Ridley, Roberts, Rydell, Scarpino, Sherburne, Simpson, Small, Sproul, Stevenson, Webster, Wentworth, Whitcomb.

NAYS:—Aliberti, Allen, Armstrong, Baker, A.L.; Baker, H.R.; Bonney, Bost, Boutillier, Brown, A.K.; Cahill, Callahan, Carter, Cashman, Coles, Connolly, Cooper, Cote, Crowley, Dellert, Descoteaux, Diamond, Dillenback, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadlosky, Harper, Hayden, Hoglund, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Kimball, Lacroix, Lawrence, Lebowitz, MacBride, Masterman, Matthews, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael,

Michaud, Mills, Mitchell, Moholland, Murphy, E.M.; Murray, Nadeau, G.G.; Nicholson, Nickerson, Paradis, P.E.; Parent, Paul, Perry, Priest, Racine, Randall, Richard, Rioux, Rotondi, Salsbury, Seavey, Smith, C.B.; Smith, C.W.; Soucy, Stetson, Stevens, A.G.; Stevens, P.; Strout, Tammaro, Tardy, Telow, Theriault, Vose, Walker, Warren, Zirkilton, The Speaker.

ABSENT:—Beaulieu, Bell, Brannigan, Brown, D.N.; Carrier, Chonko, Conners, Dexter, Hale, Hichborn, Higgins, H.C.; Higgins, L.M.; Kane, Lisnik, Macomber, O'Gara, Pouliot, Reeves, Rolde, Ruhlin, Swazey Taylor, Weymouth, Willey.

38 having voted in the affirmative and 89 in the negative with 24 being absent, the Governor's veto was sustained. Sent up for concurrence.

The Chair laid before the House the sixth matter of Unfinished Business:

Bill "An Act to Establish the Department of Forestry" (H.P. 338) (L.D. 441) (C. "A" H-106)

TABLED - May 20, 1985 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

On motion of Representative Gwadlosky of Fairfield, tabled pending passage to be engrossed and specially assigned for Tuesday, May 28, 1985.

The Chair laid before the House the seventh matter of Unfinished Business:

RESOLVE, to Provide for an Agreement Between the State and the City of Augusta to Establish a Greenbelt Area on State-owned Land on the East Bank of the Kennebec River in Augusta (H.P. 1017) (L.D. 1468)

TABLED - May 20, 1985 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

Representative Paradis of Augusta offered House Amendment "B" (H-168) and moved its adoption.

House Amendment "B" (H-168) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "B" and sent up for concurrence.

The fourth tabled and today assigned matter was taken up out of order by unanimous consent:

Bill "An Act to Clarify and Correct Certain Laws Relating to Marine Resources Laws" (Emergency) (H.P. 1066) (L.D. 1548)

TABLED - May 23, 1985 by Representative CROWLEY of Stockton Springs.

PENDING - Passage to be Engrossed.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: We tabled this bill yesterday, L.D. 1548, because there was a typographical error that needed to be corrected and the amendment H-188 is the correction and this takes care of the bill so that it is ready to move on.

I now offer House Amendment "A" (H-188) and move its adoption.

House Amendment "A" (H-188) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

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

#### Passed to Be Enacted

An Act to Establish a Budget Committee to Provide Local Input in the Waldo County Budget-making Process (H.P. 685) (L.D. 971)

An Act to Increase Citizen Participation in the Municipal Charter Revision Process (H.P. 1054) (L.D. 1530)

An Act Pertaining to Municipal Licensing

Fees (H.P. 1058) (L.D. 1538)

An Act Pertaining to Polling Times (H.P. 1061) (L.D. 1540)

An Act to Remove the Time Limit for Tabulating Election Returns and the Requirement for the Presence of the Municipal Officers (H.P. 1062) (L.D. 1541)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### Finally Passed

Resolve, Authorizing Clayton, Maryann, Jeremy and Elizabeth Huff to Bring Civil Action Against the State and Cumberland County (S.P. 508) (L.D. 1368)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

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

#### Reports of Committees

##### Unanimous Leave to Withdraw

Representative BROWN from the Committee on Education on Bill "An Act to Provide the State Payment for Residential Placements for Special Education Students in the Current Year" (Emergency) (H.P. 946) (L.D. 1355) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

#### Consent Calendar

##### First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 920) (L.D. 1325) Bill "An Act to Strengthen the Law Relating to Purchase of Foodstuffs from Maine Concerns" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-189)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 28, 1985 under the listing of Second Day.

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

#### Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

##### Appropriations and Financial Affairs

Bill "An Act Authorizing a Bond Issue in the Amount of \$3,500,000 for the Purpose of Historic Preservation and Main Street Projects" (H.P. 1100) (Presented by Representative ROLDE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed.)

Sent up for concurrence.

##### Taxation

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in Both the Unorganized Territory and the Municipalities of the State (H.P. 1099) (Presented by Representative HIGGINS of Portland) (Cosponsors: Senator TWITCHELL of Oxford, Representatives SWAZEY of Bucksport and MAYO of Thomaston)

(Ordered Printed.)

Sent up for concurrence.

#### Reports of Committees

##### Unanimous Ought Not to Pass