

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 26, 1987 to June 30, 1987

Index

An Act Creating the St. Croix International Waterway Commission (H.P. 733) (L.D. 985) (H. "A" H-165 to C. "A" H-131)

An Act Concerning Interstate or Intrastate Operating Permits (H.P. 806) (L.D. 1080) (S. "A" S-84)

An Act to Equalize Retirement Credits for Air and Army National Guardsmen (H.P. 1177) (L.D. 1606) (H. "A" H-142; H. "B" H-166)

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.

PASSED TO BE ENACTED

An Act to Establish Greater Communication in the Rule-making Process and to Provide Better Standards for the Adoption of Rules (H.P. 1210) (L.D. 1651)

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

Representative Gwadosky of Fairfield requested a roll call vote.

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. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 81

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Baker, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Brown, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Davis, Dellert, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holloway, Holt, Hussey, Ingraham, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Perry, Pines, Pouliot, Priest, Racine, Rand, Reed, Reeves, Rice, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammara, Tardy, Taylor, Telow, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirnkilton, The Speaker.

ABSENT - Farren, Hillock, Kimball, Murphy, T.; Paul, Thistle.

Yes, 143; No, 0; Absent, 6; Vacant, 2; Paired, 0; Excused, 0.

143 having voted in the affirmative and none in the negative with 6 being absent and 2 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend Certain Laws Relating to the Department of Environmental Protection (H.P. 1212) (L.D. 1654)

An Act to Improve Public Lands' Camp Lot Management (S.P. 475) (L.D. 1438)

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

An Act Relating to Check Cashing (S.P. 274) (L.D. 784) (C. "A" S-79)

An Act to Establish an Outreach and Support Program for Head-Injured Persons (S.P. 436) (L.D. 1316) (S. "A" S-82; C. "A" S-75)

An Act to Clarify Licensing Definitions under the Laws Related to the Board of Pesticides Control (S.P. 487) (L.D. 1469)

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.

PASSED TO BE ENGROSSED

An Act to Prohibit Smoking in Public Areas of Publicly Owned Buildings (H.P. 270) (L.D. 353) (C. "A" H-151; S. "B" S-88)

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

On motion of Representative Brown of Gorham, under suspension of the rules, the House reconsidered its action whereby L.D. 353 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-151) was adopted.

The same Representative offered House Amendment "A" (H-197) to Committee Amendment "A" (H-151) and moved its adoption.

House Amendment "A" (H-197) to Committee Amendment "A" was read by the Clerk.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Could the Representative from Gorham explain the amendment please?

The SPEAKER: The Chair would advise the Representative that it is an amendment from the Committee on Bills in the Second Reading.

Subsequently, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

Representative Brown of Gorham requested a roll call vote on passage to be engrossed.

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 engrossed as amended in non-concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 82

YEA - Aliberti, Allen, Anderson, Anthony, Bailey, Baker, Bickford, Bost, Bott, Boutilier, Bragg, Callahan, Carroll, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Davis, Dellert, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Farnum, Foss, Foster, Garland, Gould, R. A.; Greenlaw,

Gwadosky, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Hussey, Jalbert, Ketover, Kilkelly, Lacroix, LaPointe, Lawrence, Lisnik, Look, Lord, Manning, Marsano, Matthews, K.; Mayo, McGowan, McPherson, Melendy, Michaud, Mills, Mitchell, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, Paradis, E.; Paradis, J.; Paradis, P.; Pines, Pouliot, Priest, Racine, Rand, Reeves, Rice, Richard, Rolde, Ruhlin, Rydell, Seavey, Sheltra, Simpson, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tardy, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton.

NAY - Armstrong, Begley, Brown, Cashman, Chonko, Curran, Erwin, P.; Farren, Gurney, Hale, Holloway, Holt, Ingraham, Jackson, Joseph, Lebowitz, MacBride, Macomber, Mahany, Martin, H.; McHenry, McSweeney, Moholland, O'Gara, Parent, Perry, Reed, Ridley, Rotondi, Salsbury, Scarpino, Sherburne, Strout, D.; Tamaro, Willey.

ABSENT - Carter, Hillock, Jacques, Kimball, Murphy, T.; Paul, Small, Taylor, The Speaker.

Yes, 105; No, 35; Absent, 9; Vacant, 2; Paired, 0; Excused, 0.

105 having voted in the affirmative and 35 in the negative with 9 being absent and 2 vacant, the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" and Senate Amendment "B" thereto in non-concurrence sent up for concurrence.

FINALLY PASSED

RESOLVE, to Create Dispersed Recreational Opportunities on Public Lands at Pineland (H.P. 1209) (L.D. 1650)

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

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

SENATE DIVIDED REPORT - Majority (7) "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Municipal Public Employees Labor Relations Law" (S.P. 557) (L.D. 1667) - Minority (6) "Ought Not to Pass" - Committee on Labor on Bill "An Act to Amend the Municipal Employees Labor Relations Law" (S.P. 132) (L.D. 337)

- In Senate Majority "Ought to Pass" in New Draft under New Title Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-95)

TABLED - May 27, 1987 by Representative McHENRY of Madawaska.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" in New Draft under New Title Report.

On motion of Representative Diamond of Bangor, retabled pending the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report in New Draft under New Title Report and later today assigned.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act to Extend Maine's Bottle Bill" (H.P. 662) (L.D. 895)

- In House, passed to be engrossed on May 21, 1987.

- In Senate, passed to be engrossed as amended by Senate Amendments "A" (S-89) and "E" (S-94) in non-concurrence.

TABLED - May 27, 1987 by Representative ALLEN of Washington.

PENDING - Further consideration.

On motion of Representative Gurney of Portland, the House voted to recede.

Senate Amendment "A" (S-89) was read by the Clerk and adopted.

Senate Amendment "E" (S-94) was read by the Clerk and adopted.

Representative Gurney of Portland offered House Amendment "B" (H-199) and moved its adoption.

House Amendment "B" (H-199) was read by the Clerk.

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

Representative GURNEY: Mr. Speaker, Men and Women of the House: All this amendment will do is increase the handling fee paid by the distributor to the redemptor by one-half of a cent on wine cooler containers and wine cooler containers only.

I would request a division.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I move indefinite postponement of House Amendment "B."

I would urge you to vote with me for the indefinite postponement of House Amendment "B" and I would call to your attention the fact that this is an amendment regarding handling fees on wine coolers only. Currently, the handling fee for all other returnable containers is 2 cents -- this would make a special exception for wine coolers only of a half a cent difference to two and one-half cents. While that may be an issue worth discussing, I think it is inappropriate to amend the bottle bill in this manner at this time.

I would also call to your attention the fact that the committee did have a redemption bill in front of it this session and that bill was given a unanimous "Leave to Withdraw" by the committee. While there may be merit in discussing in the next session increasing handling fees on wine coolers and other returnable containers, I think it is inappropriate at this time to amend this particular bill in this way. I would urge you to join me and vote for indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, I would question whether this is germane at this time where this issue was addressed. As the Chairman of the Committee indicated we did, in fact, pass a "Leave to Withdraw" on a very similar type of bill. I would ask the Chair to rule on that please.

The SPEAKER: The Chair would advise the Representative from Lewiston, Representative Aliberti, since the amendment deals only with the issue of wine cooler bottles, that the amendment is germane. The fact that the bill has been defeated along the same lines for this session does not take precedence at this point. However, next session that would, in fact, be the case.

The pending question before the House is the motion of the Representative from Washington, Representative Allen, that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 21 in the negative, the motion did prevail.