

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume II

First Special Session

May 16, 1997 - June 20, 1997

Second Regular Session

January 7, 1998 - March 18, 1998

Non-Concurrent Matter

An Act to Allow the Town of Chester to Annex a Certain Parcel of Land (S.P. 633) (L.D. 1850) which was passed to be enacted in the House on May 28, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-296)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-296) and Senate Amendment "A" (S-364) in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Protect Victims of Domestic Violence (H.P. 1317) (L.D. 1867) which was passed to be enacted in the House on May 29, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-687)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-687) and Senate Amendment "A" (S-389) in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to implement the Recommendations of the Harness Racing Task Force (H.P. 1318) (L.D. 1868) (Governor's Bill) which was passed to be enacted in the House on May 29, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-690)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-690) as amended by Senate Amendment "A" (S-410) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse by a Juvenile (S.P. 234) (L.D. 803) which was passed to be enacted in the House on May 21, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-207) as amended by House Amendment "A" (H-537) thereto)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-207) as amended by Senate Amendment "A" (S-382) thereto in non-concurrence.

The House voted to Recede and Concur.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Address Federal and State Accessibility and Public Safety Issues (BOND ISSUE) (S.P. 612) (L.D. 1813) (Governor's Bill) (C. "A" S-329)

TABLED - May 29, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Passage to be Enacted.

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 100 voted in favor of the same and 20 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$56,850,000 to Match Available Federal Funds for Improvements to Municipal and State Roads, State and Local Bridges, Airports, State Ferry Vessels and Terminals and Rail and Marine Facilities (BOND ISSUE) (H.P. 1299) (L.D. 1842) (C. "A" H-709)

TABLED - May 29, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Passage to be Enacted.

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 114 voted in favor of the same and 14 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Regarding Health and the Prevention of Smoking" (H.P. 1338) (L.D. 1887) which was passed to be engrossed as amended by House Amendment "C" (H-723) in the House on May 28, 1997.

Came from the Senate passed to be engrossed as amended by House Amendment "C" (H-723) as amended by Senate Amendment "B" (S-412) thereto in non-concurrence.

Representative MITCHELL of Vassalboro moved that the House Recede and Concur.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Madam Speaker, Men and Women of the House. I am just going to be brief. Yesterday morning I went into work and for those of you who don't know, my company processes all Medicaid claims and drugs for the elderly claims for the State of Maine. I happen to sit down at my computer and I ran some statistics. The average drugs for the elderly recipient in the State of Maine is \$193 a year. When you move to the Medicaid Program and look at recipients over age 65, the average recipient is over \$1,200 a year. That is a six-fold increase. I just want to point out to you that you are going to move 20,000 people from the Drugs for the Elderly Program into the Medicaid Program, plus add on another 10,000 eligibles. At that point, you are looking at \$36 million a year to fund this program. Some of you will say that the fiscal note doesn't show it. The fiscal note does show it because I ran these numbers by the department and they agree with me. What you are looking at at this fiscal note is just for this biennium. When you pass it out into the future, ladies and gentlemen, you will not afford this

program with a 37 cent tax increase. That is all I want to say. It is up to you how you want to vote on this, but just in the drug program, you are looking at over \$36 million a year. Thank you.

Representative TAYLOR of Cumberland requested a roll call on the motion to Recede and Concur.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 351

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Clark, Colwell, Cowger, Davidson, Desmond, Dexter, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Madore, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Peavey, Pieh, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clukey, Cross, Donnelly, Fisk, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, Meres, Murphy, Nass, Nickerson, Ott, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD, Povich, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor.

ABSENT - Dutremble, Lemont, McElroy, Plowman, Poulin.

Yes, 76; No, 70; Absent, 5; Excused, 0.

76 having voted in the affirmative and 70 voted in the negative, with 5 being absent, the House voted to Recede and Concur. Ordered sent forthwith.

Non-Concurrent Matter

Joint Order (H.P. 1345) relative to the Joint Select Committee to Oversee Maine Yankee Atomic Power Company which was read and passed in the House on May 29, 1997.

Came from the Senate read and passed as amended by Senate Amendment "A" (S-347) in non-concurrence.

Representative RINES of Wiscasset moved that the House Insist and ask for a Committee of Conference

Representative JOY of Crystal moved that the House Recede and Concur.

The Chair ordered a division on the motion to Recede and Concur.

Representative KONTOS of Windham requested a roll call on the motion to Recede and Concur.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. This bill comes back to us from the Senate as amended with (S-347), which makes the Utilities and Energy Committee the overseeing committee on this matter as far as Maine Yankee goes. I think that is the appropriate area

for this committee to be coming from rather than a group of legislators in general. I urge you to support the motion to Recede and Concur. Thank you.

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

Representative RINES: Madam Speaker, Men and Women of the House. It is the feeling of most of us in the delegation around the mid coast area that the Utilities Committee just isn't enough. Between BIW and Maine Yankee, for that matter, Brunswick Naval Air Station there is a lot of apprehension in the coastal areas and we feel that it would be a lot better if there was some representatives from the mid coast area who were on this committee and no offense to the Utilities Committee they do fine work. Nobody knows any of these people down in our area. We would like to see some mid coast representation on this committee. I hope that you will defeat the present motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. I think the Utilities Committee already has responsibility for oversight on this kind of a program and what is happening. It has other impact issues. It has incredible economic issues through labor and that kind of a thing. It also has an environmental impact issue. It has State and Local Government issues in term of Wiscasset and what is going to happen to them and how can they best plan for the future. I really encourage you to vote against Recede and Concur so that we can have a committee of conference and come to an agreement. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I would urge you to vote to Recede and Concur. The amendment that was put on gives the Utilities Committee the oversight that we are looking for here. I think it is sufficient. It is true that they have the expertise and knowledge to look at it. I am a member of the Lincoln County Delegation and I know that we often meet and I think we will meet with Maine Yankee Officials. They have been very receptive to us meeting with them. I think we will continue to meet with them. If we have some concerns, we will sure bring them back the next session of the Legislature. I think we can handle it at the local level and I think any oversight, as far as utilities go, the Utilities Committee can do it. I would urge you to Recede and Concur. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Honey.

Representative HONEY: Madam Speaker, Ladies and Gentlemen of the House. It is seldom that I differ with my seat mate, Representative Spear, but on this issue I suggest we go the other way. There is much more than utilities involved with this issue in our local area. As I said yesterday, I live right in the shadow of that place and I would be remiss by not going with my good friend, Representative Rines from Wiscasset.

The SPEAKER: A roll call has been ordered. The pending question before the House is Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 352

YEA - Barth, Belanger DJ, Berry DP, Bigl, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Desmond, Dexter, Donnelly, Fisk, Foster, Fuller, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett,