

# MAINE STATE LEGISLATURE

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

**VOLUME II**

**FIRST REGULAR SESSION**

**House of Representatives**  
May 24, 1995 to June 30, 1995

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-159) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, May 25, 1995.

**Ought to Pass as Amended**

Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-166) on Bill "An Act to Provide Immunity for Clinicians Contracted by the State Forensic Service" (S.P. 413) (L.D. 1136)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-166).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-166) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, May 25, 1995.

**Ought to Pass as Amended**

Report of the Committee on Education and Cultural Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-168) on Bill "An Act to Improve Public Access to the Maine State Museum" (S.P. 483) (L.D. 1317)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-168).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-168) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, May 25, 1995.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 119) (L.D. 294) Bill "An Act to Increase the Number of Primary Care Practitioners in the State" Committee on Education and Cultural Affairs reporting "Ought to Pass"

(S.P. 393) (L.D. 1081) Bill "An Act to Allow Part-time Police Officers to Acquire Liquor Licenses" Committee on Legal and Veterans Affairs reporting "Ought to Pass"

(S.P. 439) (L.D. 1207) Bill "An Act to Correct Certain Errors and Inconsistencies in Employer's Contributions and Coverage in Unemployment Compensation" Committee on Labor reporting "Ought to Pass"

(S.P. 76) (L.D. 164) Bill "An Act to Reduce the Number of Days a Tenant May Be in Arrears for Rent Payments" Committee on Legal and Veterans Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-28)

(S.P. 348) (L.D. 976) Bill "An Act Regarding Liquor Licenses for Golf Courses" Committee on Legal and Veterans Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-155)

(S.P. 378) (L.D. 1055) Resolve, Requiring a Study of the State's Export Financing Services Committee on Business and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (S-167)

(S.P. 409) (L.D. 1097) Resolve, to Establish the Task Force to Study Environmental Regulation

Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-169)

(S.P. 418) (L.D. 1141) Bill "An Act Concerning Employee Leasing Companies" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-162)

(S.P. 437) (L.D. 1205) Bill "An Act to Conform State Unemployment Compensation Laws to Federal Requirements" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-163)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, May 25, 1995 under the listing of Second Day.

**Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Following Redistricting in the Year 2003 (S.P. 170) (L.D. 431) have had the same under consideration and ask leave to report:

That they are unable to agree.

Signed:

Senators: RUHLIN of Penobscot

AMERO of Cumberland

CARPENTER of York

Representatives: DAGGETT of Augusta

SAXL of Bangor

ROBICHAUD of Caribou

Came from the Senate with the Committee of Conference Report read and accepted.

The Committee of Conference Report was read and accepted in concurrence.

**ENACTORS**

**Emergency Measure**

An Act to Increase Safety in Highway Construction and Work Maintenance Areas (H.P. 134) (L.D. 182) (C. "A" H-239)

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. 128 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**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 Rule 24.

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-175) - Minority (3) "Ought Not to Pass" - Committee on Appropriations and Financial Affairs on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Line-item Veto (H.P. 729) (L.D. 1003) TABLED - May 23, 1995 (Till Later Today) by Representative JACQUES of Waterville.  
PENDING - Motion of Representative KERR of Old Orchard Beach to accept the Majority "Ought to Pass" as amended Report. (Roll Call Ordered)

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I won't prolong this discussion. We went over it pretty well a couple of days ago. I will just remind you that the essence of making progress on budgets is compromise. We hope to reach one this year. I can't imagine compromising, giving something in order to gain something, when I run the risk of knowing that it could then be vetoed by the Governor. I urge you to oppose the pending motion. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 113

YEA - Aikman, Ault, Bailey, Bigl, Bouffard, Buck, Cameron, Carleton, Chick, Clark, Clukey, Cross, Damren, Davidson, DiPietro, Driscoll, Dunn, Etnier, Farnum, Gamache, Gates, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Heino, Hichborn, Joy, Joyce, Joyner, Keane, Kerr, Kneeland, Labrecque, LaFountain, Lane, Layton, Lemke, Lemont, Libby JD; Libby JL; Look, Lovett, Lumbra, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Morrison, Murphy, Nadeau, Nass, Nickerson, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Povich, Reed, G.; Reed, W.; Rice, Robichaud, Rosebush, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, Thompson, True, Tufts, Tuttle, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

NAY - Ahearne, Benedikt, Berry, Brennan, Bunker, Chartrand, Chase, Chizmar, Cloutier, Desmond, Dore, Fisher, Fitzpatrick, Gerry, Green, Hartnett, Hatch, Heeschen, Jacques, Johnson, Jones, K.; Joseph, Kontos, Lemaire, Luther, Meres, Mitchell EH; Mitchell JE; O'Neal, Pouliot, Richardson, Ricker, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Townsend, Treat, Tripp, Volenik, Watson, Winn.

ABSENT - Adams, Barth, Birney, Campbell, Daggett, Dexter, Donnelly, Jones, S.; Kilkelly, Lindahl, O'Gara, Truman, Yackobitz, The Speaker.

Yes, 91; No, 46; Absent, 14; Excused, 0.

91 having voted in the affirmative and 46 voted in the negative, with 14 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Resolution was read once. Committee Amendment "A" (H-175) was read by the Clerk and adopted.

Under suspension of the rules, the Resolution was given its second reading without reference to the Committee on Bills in the Second Reading.

Representative KERR of Old Orchard Beach presented House Amendment "A" (H-238) which was read by the Clerk and adopted.

The Resolution was passed to be engrossed as amended by Committee Amendment "A" (H-175) and House Amendment "A" (H-238) and sent up for concurrence.

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

The Chair laid before the House the following items which were tabled earlier in today's session:

Bill "An Act Investing the Joint Standing Committee of the Legislature Having Jurisdiction over Taxation Matters with Exclusive Authority to Review Legislation Relating to Tax Policy" (S.P. 195) (L.D. 504) (C. "A" S-79) which was tabled by Representative JACQUES of Waterville pending the motion of Representative MITCHELL of Vassalboro to reconsider passage to be engrossed.

The House reconsidered passage to be engrossed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I move indefinite postponement of this bill and all accompanying papers. It's always a very difficult thing to go against an entire committee, particularly a committee that has done an excellent job in laying before us all the tax policy issues of this session, but the reason I made the motion to indefinitely postpone this bill, this bill tries to put into statute committee jurisdiction. It basically says that any legislation that has a tax matter in it, not reviewed by the Taxation Committee is null and void if we should pass it and they have not reviewed it.

Now because I was concerned about this, I did write to the Attorney General and ask for an opinion on what that meant to us and I will share with you the pertinent lines. The bill provides that if the Taxation Committee does not review any future legislation that legislation is void. Please be advised that in the view of this department this legislation if enacted would be of no affect. As explained more fully in the attached opinion, the legislature is without constitutional power to enact conditions whereby future statutes may be enacted except through the medium of amending the Maine Constitution.

Since LD 504 is an effort to impose such a condition on the enactment of future tax legislation it would not, in our view, be given effect by the courts. I would only like to add that the fact that the legislature can not affect the objective of L.D. 504 by statutes does not mean that the Legislature can not as a matter of its own internal rules or policy secure the same result, which is really my position. We have within our power through our rules and our own procedure to insure that bills concerning tax matters are indeed reviewed by the committee of jurisdiction and I do support that but I must ask you to join me in indefinitely postponing this legislation, because although its well intended, it accomplishes nothing.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: You may ask yourself, why did 13 people vote for something that doesn't have any teeth in it. Well I think that when we voted for it we didn't realize that it didn't have any teeth. It is true that the good Representative from Vassalboro, Representative Mitchell, did inquire of the Attorney General's Office whether or not this would be legal and enforceable and, in fact, found out that it was a law without substance. I'm going to accept the indefinite postponement, but I want to tell you where this came from.

The Taxation Committee, all of us, in both parties and some former members in both parties are extremely frustrated because, you know at the end of the circus