

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

Saxl MV, Shannon, Shiah, Stanley, Townsend, Volenik, Watson, Wright.

NAY - Baker JL, Barth, Belanger DJ, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Bumps, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clukey, Colwell, Cowger, Dexter, Dunlap, Etnier, Fisher, Foster, Gagne, Gagnon, Gamache, Gerry, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kneeland, Labrecque, LaVerdiere, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, Meres, Mitchell JE, Morgan, Murphy, Nass, Nickerson, O'Brien, Ott, Paul, Peavey, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Povich, Powers, Quint, Savage, Sirois, Skoglund, Snowe-Mello, Spear, Stedman, Taylor, Tessier, Thompson, Tobin, Treadwell, Tripp, Underwood, Usher, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor.

ABSENT - Baker CL, Buck, Bunker, Cross, Donnelly, Dutremble, Fisk, Frechette, Gieringer, Kasprzak, Lemke, Mailhot, McElroy, O'Neil, Plowman, Poulin, Sanborn, Stevens, True, Tuttle, Vigue, Madam Speaker.

Yes, 42; No, 87; Absent, 22; Excused, 0.

42 having voted in the affirmative and 87 voted in the negative, with 22 being absent, the motion to Insist and ask for a Committee of Conference did not prevail.

Subsequently, the House voted to Adhere.

Non-Concurrent Matter

Bill "An Act to Revise Certain Provisions of Fish and Wildlife Laws" (EMERGENCY) (S.P. 520) (L.D. 1604) which was passed to be engrossed as amended by Committee Amendment "A" (S-281) as amended by House Amendments "A" (H-619), "C" (H-744) and "D" (H-760) thereto and House Amendment "A" (H-659) in the House on May 31, 1997.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-281) as amended by House Amendments "A" (H-619) and "C" (H-744) thereto and House Amendment "A" (H-659) in non-concurrence.

The House voted to Recede and Concur.

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

Non-Concurrent Matter

An Act to Establish the Maine Center for Arts Education" (S.P. 388) (L.D. 1273) which was passed to be enacted in the House on May 30, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-310)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Amend the Maine Criminal Code to Include the Loss of a Pregnancy (H.P. 541) (L.D. 732) 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" (H-604)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

Representative LANE of Enfield moved that the Bill be tabled pending further consideration and later today assigned.

Representative THOMPSON of Naples requested a division on the motion to table.

The Chair ordered a division on the motion to table.

A vote of the House was taken. 40 voted in favor of the same and 72 against, the motion to table did not prevail.

Representative THOMPSON of Naples moved that the House Recede and Concur.

Representative CAMPBELL of Holden 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 Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. In case people don't remember what this bill was about, this was a very passionately debated subject on the floor of the house. It had to do with the death of a child and a pregnant woman from a drunk driver. The compromise out of the committee with the Majority Report was to enhance this to a Class A crime with somebody who did this horrible thing to a woman. With a Class A crime they would get 40 years. That is what the Senate wants to kill. I would hope that you would vote against the Recede and Concur so at least women who have this done to them, can have somebody go to jail for the time that they deserve. This is abuse of a woman bill. All you people that are in the south that are concerned with the woman getting abused, would vote against the Recede and Concur and I hope you will do so today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Madam Speaker, Men and Women of the House. Since we last got together on this bill, LD 231, which created the crime of elevated aggravated assault came off the Appropriation's Table and was passed. It will be law in 90 days. This bill will do everything and more to address these hideous problems that can occur. I urge you to support the Recede and Concur motion.

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. 373

YEA - Bagley, Baker CL, Baker JL, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Chartrand, Cianchette, Colwell, Cowger, Davidson, Desmond, Dexter, Dunlap, Etnier, Farnsworth, Fisher, Fuller, Gagne, Gagnon, Gamache, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Joyce, Joyner, Kane, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire, Lemont, Lindahl, Lovett, Marvin, Mayo, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Taylor, Tessier, Thompson, Townsend, Tripp, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Ahearne, Barth, Belanger DJ, Belanger IG, Bodwell, Bragdon, Bumps, Campbell, Carleton, Chick, Chizmar, Clark, Clukey, Driscoll, Foster, Gerry, Honey, Jones SA, Joy, Kneeland, Lane, Layton, MacDougall, Mack, Madore, McAlevey, Meres, Nickerson, O'Brien, Perry, Pinkham WD, Plowman,

Snowe-Mello, Stedman, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Buck, Bunker, Cameron, Cross, Donnelly, Dutremble, Fisk, Frechette, Gieringer, Kasprzak, Lemke, Mailhot, McElroy, O'Neil, Poulin, Sanborn, Stevens, True, Tuttle, Vigue.

Yes, 88; No, 43; Absent, 20; Excused, 0.

88 having voted in the affirmative and 43 voted in the negative, with 20 being absent, the House voted to Recede and Concur.

Non-Concurrent Matter

An Act Regarding the Obligation of the State to Fund Adult Education (H.P. 629) (L.D. 854) which was passed to be enacted in the House on May 9, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-306)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

On motion of Representative BERRY of Belmont, the House reconsidered its action whereby it Receded and Concurred.

The SPEAKER: The Chair recognizes the Representative from Belmont, Representative Berry.

Representative BERRY: Madam Speaker, Men and Women of the House. One of the major programs within the State of Maine is the program and the obligation of this state to adult education. We have the concerns for the people of this state. We passed this in this body, engrossed it in this body and now I wish that would move and be able to Adhere to our position on this. I wish to call for a roll call on this. Thank you.

The same Representative 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 Portland, Representative Townsend.

Representative TOWNSEND: Madam Speaker, Men and Women of the House. The issue of adult education was very important to all of us on the Appropriation's Committee. That is why we passed a piece of legislation and funded it, which will provide a funding of \$72,000 in the second year of the biennium to help this program continue and not quite bring it to the level that we funded GPA, but nearly do so. For that reason, I would ask for your support in the Recede and Concur motion. Thank you.

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. 374

YEA - Bagley, Baker CL, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Bull, Chartrand, Chizmar, Cianchette, Colwell, Cowger, Davidson, Desmond, Dexter, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fuller, Gagnon, Gamache, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, Kneeland, Kontos, Lane, LaVerdiere, Lemont, Lovett, MacDougall, Mack, Madore, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, Ott, Paul, Perry, Pieh, Quint, Rines, Rowe, Samson, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Tessier, Thompson, Townsend, Tripp, Usher, Volenik, Watson, Winglass, Winn, Wright, Madam Speaker.

NAY - Ahearne, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Brooks, Bruno, Bumps, Cameron, Campbell, Carleton, Chick, Clark, Clukey, Donnelly, Foster, Gagne, Gerry, Jones SA, Joy, Joyce, Joyner, Labrecque, Layton, Lemaire, Lindahl, Marvin, Mayo, McAlevey, Murphy, Nass, Nickerson, O'Brien, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Povich, Powers, Richard, Savage, Shannon, Stedman, Taylor, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Buck, Bunker, Cross, Dutremble, Fisk, Frechette, Gieringer, Kasprzak, Lemke, Mailhot, McElroy, O'Neil, Plowman, Poulin, Sanborn, Stevens, True, Tuttle, Vigue.

Yes, 76; No, 56; Absent, 19; Excused, 0.

76 having voted in the affirmative and 56 voted in the negative, with 19 being absent, the House voted to Recede and Concur.

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

ENACTORS

Bond Issue

An Act to Authorize 2 General Fund Bond Issues in the Amount of \$13,000,000 to Construct Water Pollution Control Facilities, to Close and Clean Up Municipal Solid Waste Landfills, to Clean Up Tire Stockpiles, to Mitigate Storm Water Pollution through a Comprehensive Watershed Protection Program and to Make Drinking Water Improvements (S.P. 88) (L.D. 268) (S. "A" S-421 to C. "A" S-213)

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. 105 voted in favor of the same and 21 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Correct Errors and Inconsistencies in the Laws of Maine (S.P. 12) (L.D. 10) (C. "A" S-411)

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. 121 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.

Emergency Measure

Resolve, to Establish 2 Pilot Projects to Promote Innovations in and Improve Long-term Care (S.P. 558) (L.D. 1684) (S. "A" S-406 to C. "A" S-256)

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. 127 voted in favor of the same and 0 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.
