

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

May 13, 1982

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SECOND CONFIRMATION SESSION

July 16, 1982

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

The following items: (Expressions of Legislative Sentiment)

Recognizing:

Paul Plissey, of Presque Isle, who placed 2nd in the 1981 AAU Junior Olympic Cross Country Championship for 15 and 16-year-old boys; (H. P. 1804) by Representative MacBride of Presque Isle. (Cosponsors: Senator McBreairty of Aroostook and Representative Lisnik of Presque Isle)

David Mangus, of Presque Isle, who placed 5th on the State of Maine 15 and 16-year-old boys team at the AAU Junior Olympic Cross Country Championship for 1981; (H. P. 1805) by Representative MacBride of Presque Isle. (Cosponsors: Senator McBreairty of Aroostook and Representative Lisnik of Presque Isle)

There being no objections, these Expressions of Legislative Sentiment were considered passed and sent up for concurrence.

The Chair laid before the House the first item of Unfinished Business:

Bill, "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation-induced Increases in Individual State Income Taxes" (I. B. 2) (L. D. 1737)

Tabled—January 6, 1982 (Until Later Today) by Representative Mitchell of Vassalboro.

Pending—Reference.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: Yesterday, I tabled this item because some questions had been raised about potential invalidity of the petition drives because we had changed the Maine Constitution this November to require a change in how long a signature was valid. There was a question raised, and we felt it deserved to be answered. Since that time, we have received an opinion from the Attorney General, and I would like to read just a small, pertinent portion into the record, which clearly says that the signatures are valid and these petitions will be referred to committee and dealt with by this session or by the people by vote when it goes to referendum, if that is the process we choose to follow.

Your second question is whether the amended language of Section 1802 applies to signatures gathered before this section's effective date. Again, the language of the resolution address this issue. It states that the amendment "shall apply only to initiatives begun after the effective date of this resolution." Since any signatures gathered prior to the effective date of the amendment or initiatives begun before the effective date, the provisions of the amendment do not apply to them. This result is consistent with the general rule of interpretation that constitutional provisions will be applied prospectively unless there is some specific indication that they were intended to be retroactive.

At this time, I move that this item be referred to the Committee on Taxation, ordered printed and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I would just like to add to that that an opinion was asked on technicality last October just so that the purpose of the petitions would not be thwarted. It was never anyone's intention to thwart citizen intent, and it was hoped that we could get an opinion so that if there were some problem, then those petitioners could actually gather more signatures if necessary in order to meet our constitutional deadline of 25 days after the beginning of the session. I am very glad that our House Majority Leader was kind enough to read some of the language of the Attorney General's opinion into

the record.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am glad to see that we are not going to thwart citizen input and intent here. And now that we are done practicing constitutional law, I am glad that this last roadblock has been removed and that the bill will continue on its way down the process and we look forward to its return here on the floor of the House.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith.

The Chair laid before the House the following matter:

Bill "An Act to Require Removal of Motor Vehicles from Great Ponds, Rivers and Streams" (H. P. 1776) which was tabled and later today assigned pending reference.

Thereupon, on motion of Mr. Carroll of Limerick, the Bill was referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Resolution Proposing an Amendment to the Constitution of Maine Prohibiting Bond Issues of Less than \$2,000,000 (H. P. 1792) which was tabled and later today assigned pending reference.

Thereupon, the Resolution was referred to the Committee on State Government, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Concerning Declaration of Value and Deeds of Distribution" (S. P. 748) (L. D. 1751) which was tabled and later today assigned pending reference in concurrence. (In Senate, referred to the Committee on Judiciary)

Thereupon, on motion of Mrs. Post of Owl's Head, the Bill was referred to the Committee on Taxation in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair would make note of the presence of Representative Gavett of Orono, Representative Baker of Portland and Representative Moholland of Princeton to be added to the list of members present for the Second Regular Session.

(Off Record Remarks)

On motion of Mr. Peterson of Caribou, Adjourned until Tuesday, January 12, at ten o'clock in the morning.