

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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On motion of Representative Nelson of Portland, tabled pending passage to be engrossed and tomorrow assigned.

**Finally Passed
Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Life of Authorized Bonds (H. P. 1410) (L. D. 1832) (C. "A" H-483)

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I was the sponsor of this Resolution and I thought perhaps it would be appropriate to speak just for a minute this morning on it before we have the final vote.

It was a unanimous report out of the Committee on State Government, but as a little background, many of you may recall the problem that we were in, a perceived problem that we were in, last year and a couple years ago when this particular change in the Constitution was originally proposed and it was adopted by the people. The language in the Constitution read that if the state issued some bonds, the people voted on bonds, that it was the intent of the legislature that within five years, if they were not sold, all those bonds were not sold, then the legislature would have to reauthorize those bonds within a two-year period. What happened, however, was that when the language was originally put in the Constitution, it said that if no bonds were sold which, as the Attorney General later ruled, meant that if the legislature voted and the people then in referendum voted for a \$10 million bond issue and four years later the treasury department or the department that was in charge of issuing the bonds sold \$1 million worth of that particular issue, then those bonds were alive for another five years. And I think it was clearly the legislative intent that that whole \$10 million had to be sold within that five year period and if not they had to come back to the legislature to do so.

This particular constitutional amendment addresses that problem. It makes it clear that unless all the bonds are sold within a five year period, they must come back to the legislature to be reauthorized.

It does one other thing that was picked up as a deficiency in the existing language in the Constitution, and that is the question of—in order to reauthorize the bonds by legislative action, would it take a simple majority or the normal two-thirds. The Committee decided that since the original vote on that issue took two thirds, that the implication should be, and it is in this bill now, that a reauthorization of bonds would take a simple majority of both the House and the Senate in order to keep those bonds on the books, not the normal two-thirds that the original implementation would take.

I think this does a couple of things. I think it resolves a problem that was a very real one in the intent of the original constitutional amendment presented a couple years ago and it addresses how the legislature would act to a reauthorization, in what way, a simple majority or a two-thirds.

We presently have \$79 million worth of bonds out there that have been authorized by the people but have not yet been issued. I think it is a real concern and I think it is something that we in a simple fiscal management tool wanted to be constantly aware of. There is presently one particular bond issue that was authorized back in 1973 or 1974 that has not completely been sold yet. There is still a million dollars out there and I think the legislature said two or three years ago and they are saying again now, we would like to review that process and make sure that that one million dollars that is out there, if it is going to be issued or the potential exists for it to be issued, that we want

to look at it again and make sure that it is as high a priority now as it was ten years ago.

This particular piece of legislation, once it is adopted by the people, I think will do that and I would urge your support.

The SPEAKER: The pending question is on final passage. This being a Constitutional Amendment, it requires a two-thirds vote of all those present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

122 having voted in the affirmative and none in the negative, the Resolution was finally passed.

Signed by the Speaker and sent to the Senate.

**Passed to Be Enacted
Emergency Measure**

An Act to Appropriate Funds to the Maine State Commission on the Arts and the Humanities for the Maine Touring Artists Program (S. P. 703) (L. D. 1941)

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. 109 voted in favor of the same and 10 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Appropriate to the Maine State Commission on the Arts and the Humanities Fund for the Management of the Percent for Art Act (S. P. 692) (L. D. 1924) (C. "A" S-291)

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. 102 voted in favor of the same and 13 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure
Failed of Enactment**

An Act To Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums (S. P. 752) (L. D. 2055) (S. "A" S-287)

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

Representative Cox of Brewer requested a roll call vote on passage to be enacted.

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

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

Roll Call No. 371

YEA—Ainsworth, Andrews, Armstrong, Baker, Beaulieu, Bonney, Bott, Brannigan, Brown, D.N.; Callahan, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Connolly, Cooper, Cote, Crouse, Diamond, Dillenback, Gauvreau, Hall, Handy, Hayden, Hickey, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lehoux, Lisnik, Macomber, Manning, Matthews, Z.E.; McCollister, McGowan, McSweeney, Melendy, Mills, Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Murray, Norton, Paradis, P.E.; Perkins, Perry, Pouliot, Racine, Reeves, J.W.; Richard, Ridley, Roderick, Rolde, Rotondi, Salisbury, Soucy, Soule, Sproul, Stevens, Swazey, Tammaro, Telow, Theriault, Wentworth, Willey, Mr. Speaker.

NAY—Allen, Anderson, Bell, Bost, Brodeur, Brown, A.K.; Cahill, Carrier, Clark, Canary, Conners, Cox, Crowley, Daggett, Davis, Day, Dexter, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Lebowitz, Locke, MacBride, MacEachern, Mahany, Martin, A.C.; Masterman,

Masterton, Matthews, K.L.; Maybury, Mayo, McHenry, McPherson, Michaud, Nelson, Paradis, E.J.; Parent, Pines, Randall, Robinson, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Strout, Vose, Walker, Webster, Weymouth, Zirkilton.

ABSENT—Benoit, Carter, Curtis, Gwadosky, Higgins, H. C.; Hobbins, Jalbert, Livesay, Martin, H. C.; Michael, Mitchell, E. H.; Moholland, Nadeau, Paul, Reeves, P.; Roberts, Scarpino, Small, Thompson, Tuttle.

72 having voted in the affirmative and 59 having voted in the negative, the Bill failed of enactment.

Sent to the Senate.

Passed to Be Enacted

An Act to Amend Certain District Court Divisions and Districts (S. P. 653) (L. D. 1844)

Was 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.

**Enactor
Reconsidered**

An Act to Increase Mileage Payments to Jurors (H. P. 1434) (L. D. 1879)

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

On motion of Representative Soule of Westport, under suspension of the rules the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-493) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

An Act to Clarify the Power of the Supreme Judicial Court to Issue Rules for Probate Courts (H. P. 1468) (L. D. 1920)

An Act to Exempt Certain Materials that have no Insurable Value from Insurance Requirements (H. P. 1504) (L. D. 1980) (C. "A" H-480)

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.

Finally Passed

Resolve, Providing Funds for Portrait of Honorable Lewis O. Barrows (S. P. 705) (L. D. 1952)

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

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: The reason I rise this morning on this bill is not because I object to the fact that the portrait of Governor Barrows — that there is no resemblance between a picture that was taken of him, and I am not objecting to the fact that we should not have a painting of the Governor in the hall. What I am getting to and objecting to is the fact that there is an amount of \$7,500 being appropriated to paint another picture and where I come from, \$7,500 is a lot of money. We have a lot of people that are retired on fixed incomes, people that are on Social Security, and they make less than \$7,500. I believe that this picture probably could be restored at a lesser amount and I feel that possibly the sum of \$1,000 to \$1,500 would be adequate to take care of this need.

On this basis, I would request that a roll call be taken so that the people in the State of Maine will know how we are voting and whether or not we are concerned about how we are spending the taxpayers' money.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.