

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives

January 3, 1996 to April 3, 1996

Senate

January 3, 1996 to March 13, 1996

amendment, which was given by Representative Lindahl and it had to do with the curling club that already had an to serve liquor to the club. This allowed them to have the same rights as the stadium would have. That is that they can serve the liquor to the people at the curling club who were coming as spectators. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: It is my understanding that what this will do is to lower the limit of the number of people now allowed, in terms of the number required for the selling of liquor or beer, in particular, from 5,000 to about 3,000. This will allow whoever who may wish to apply for a permit to use that permit to sell liquor at the Mahany Field at the University of Maine. I do not support that. I do not believe it is appropriate at a state institution. I would ask for a roll call on engrossment. I would urge all of you to vote against it.

Representative MARTIN of Eagle Lake requested a roll call on passage to be engrossed as amended.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I can't go without saying a few words on this, because I can't see everybody sitting in their seats. This bill has to do with a professional sport coming into the Bangor area, to allow them to deal with beer at Mahany Diamond, only while they are playing games at home. This is not for every sporting event at Mahany Diamond. It is only for the professional ball team, while they are playing at home, that is all it is for. They are lowering it from 5,000 to 3,000 because that is all they are going to be able to get in that ball park, that is all the bill does. It does not open the door for any other event, basketball, football or whatever. It is just for this team while they are playing at home.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I fully agree with what comments the Representative from Millinocket, Representative Clark has indicated. I will make two basic points. First, it is opening the door to additional requests from others who will make the same kind of demands upon university facilities. Second, this is a profit making operation for someone in the Bangor area. If they want to build a diamond for pro or semi-pro baseball, it should be done in Bangor or wherever else, not to use university facilities.

I do not believe that this is the way we ought to be going in this state. I do not believe in the long run that this solves what people think it is going to. I don't believe we ought to be playing this kind of game at a university facility. I urge you not to vote for engrossment.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Morrison.

Representative MORRISON: Mr. Speaker, Ladies and Gentlemen of the House: This is not setting a true precedence. The University of Maine already sells alcohol in several different areas of the university. Alcohol is available for sale at the Alford Arena. It is in a specialized area, but it is available for sale. It cannot be taken back into the skating area, but it is available for sale between periods. In addition to that, the University of Maine maintains that the "Bear's Den," has the ability to sell beer to those people who are eligible and are the proper age. So, this is not setting something brand spanking new in terms of the university campus. Thank you.

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

ROLL CALL NO. 300

YEA - Ault, Barth, Berry, Bigl, Bouffard, Brennan, Buck, Bunker, Cameron, Campbell, Carleton, Carr, Chartrand, Chizmar, Clark, Damren, Davidson, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Green, Greenlaw, Guerrette, Hartnett, Hatch, Jacques, Johnson, Jones, S.; Joseph, Joyce, Joyner, Keane, Kerr, Labrecque, LaFountain, Lemaire, Lemke, Lemont, Libby JL; Lindahl, Lumbra, Luther, Madore, Marvin, Mayo, McAlevey, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, Ott, Paul, Peavey, Pendleton, Perkins, Plowman, Poulin, Povich, Reed, G.; Richardson, Ricker, Robichaud, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Spear, Stevens, Taylor, Thompson, Treat, Tripp, True, Tufts, Tuttle, Tyler, Vigue, Volenik, Watson, Winn, Winsor.

NAY - Adams, Ahearne, Aikman, Benedikt, Chase, Chick, Cloutier, Clukey, Cross, Desmond, Dexter, Gerry, Gooley, Gould, Hichborn, Jones, K.; Joy, Kilkelly, Kneeland, Lane, Layton, Libby JD; Look, Lovett, Marshall, Martin, McElroy, Nass, O'Neal, Pinkham, Poirier, Reed, W.; Rice, Richard, Rosebush, Sirois, Stedman, Strout, Townsend, Underwood, Waterhouse, Wheeler, Winglass.

ABSENT - Bailey, Birney, Daggett, DiPietro, Donnelly, Dore, Driscoll, Dunn, Gieringer, Heeschen, Heino, Kontos, Nickerson, Pouliot, Stone, Truman, Whitcomb, The Speaker.

Yes, 90; No 43; Absent, 18; Excused, 0.

90 having voted in the affirmative and 43 voted in the negative, with 18 being absent, the Bill was passed to be engrossed as amended and sent up for concurrence.

ENACTORS

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Municipal Certification of Direct Initiative Petitions (H.P. 1187) (L.D. 1628) (C. "A" H-714)

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative GERRY: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative GERRY: Thank you. Well, first of all, besides the question, I need to have this

proposal explained to me in detail. Ladies and gentlemen of the Legislature know that the direct initiative or initiative of the people is very dear to my heart. I have a lot of questions to make sure that they don't get messed up on this bill. According to what is written in the constitution, it says in Article 4, Part 3, section 18, that these petitions must be submitted three days before the final date and then they have two days to turn around. According to this bill, it says that they want to allow five working days, rather than the two. I want to find out what is the difference. What are they trying to do?

The SPEAKER: The Representative from Auburn, Representative Gerry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: This bill is not as complicated as you may at first glance think. It is simply a little technical change going from your two-day turnaround period to your five-day turnaround period. I will explain that in a bit. Currently you have a situation or we had a situation a couple of years ago where literally city clerks were just bombarded with petitions on a Friday afternoon when they had a two-day turnaround period. The City and Town Clerks Association and the Secretary of State's Office brought forward a bill that I ended up sponsoring. It would simply move the two-day turnaround to a more manageable five-day turnaround, no more, no less than that. It basically was proposed this way simply for the feasibility.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative GERRY: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative GERRY: Thank you. I understand about the initiative process. I know sometimes we hold off passing them into the different towns to do the logistics. It is true that we have turned in maybe a thousand or more two days before the deadline. I agree that we do need to give the town clerks more time. I don't oppose a five-day turnaround at the end of the drive. The question I want to know is, does this mean regardless of the number of signatures we turn into the town clerks, say a month before the deadline, does that mean that this guarantees that whatever number, whether it is 5 or 100 or 1,000, we get them back in those five days?

The SPEAKER: The Representative from Auburn, Representative Gerry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: The answer to that question or that line of thinking is nothing in the initiated referendum process changes, absolutely zero. The only change that this bill is proposing is to go from the two-day turnaround to the five-day turnaround. It is simply for logistics. It is simply for administrative reality.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative GERRY: Mr. Speaker, Men and Women of the House: I find this a very important issue.

Some town clerks are under the impression the way that it is written in the constitution that the other line in it says that they have to turn them around in two days.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: I never in my wildest dreams thought a couple of digits in one sentence was going to create such a hassle. Nevertheless, here we are. I think what we need to realize is the constitution may be changed by a constitutional amendment. Regardless of what the constitution may say about the two-day turnaround period, that is precisely what we are proposing to change.

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken. 133 voted in favor of the same and 0 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Conform the Maine Tax Laws for 1995 with the United States Internal Revenue Code (H.P. 1205) (L.D. 1655)

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. 126 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

An Act Allowing Towns to Form Regional Shellfish Management Committees (S.P. 657) (L.D. 1717) (C. "A" S-429)

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.

An Act to Decrease the Paperwork Burden on Maine Businesses by Decreasing the Number of Tax Filings for Retailers (S.P. 79) (L.D. 167) (C. "B" S-431)

An Act to Reestablish the Tax Credit for Intrastate Airlines (S.P. 245) (L.D. 642) (C. "B" S-428)

An Act to Exempt from the Sales Tax Automobile Equipment Necessary for Paraplegics or People Who are Confined to Wheelchairs (H.P. 540) (L.D. 736) (C. "B" H-705)

An Act to Provide a Tax Credit for the Rehabilitation of Historic Properties (H.P. 715) (L.D. 972) (H. "A" H-715 to C. "B" H-703)

An Act to Exempt Goods Sold by Scouting Organizations from the Sales Tax (H.P. 776) (L.D. 1073) (C. "B" H-706)

An Act to Reform the Standard of Fiduciary Prudence (S.P. 615) (L.D. 1618) (C. "A" S-432)

An Act to Clarify Professional Liability (S.P. 627) (L.D. 1634)