

# 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**

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course.

On the merits of the issue, it seems to me that Congress has had and continues to have a very difficult time as an institution, a legislative power of the purse, legislative institution, they have a difficult time saying no to special interest groups.

We cannot continue to spend ourselves in terms of deficit spending into oblivion and there is a need for some institutional restraint. Such an amendment to provide that institutional restraint, with a safety valve of three-fifths override, I think would accomplish that. So I hope you do vote yes on the pending motion to indefinitely postpone the House Amendment.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: When you talk about balanced budgets, you have to take a lot of different things into consideration.

The gentleman from Bangor who just preceded me indicated that Maine had a balanced budget, and we do, we do it because we have a constitutional provision, but we have a way of going beyond the money that we take in every year and we call that bonded indebtedness. The federal government does it and so do we.

We have for example, right now in bonds issued and unissued, authorized bonds, \$254,835,000 worth of bonds that are either issued or unissued but can be issued at any time in this state. Now, that goes beyond the balanced budget that we have to have every year. That is authorized and that is the way we go about running our business.

I am concerned in Washington myself, right now, with the way fiscal affairs are being conducted. I don't blame any of the other members of my party or the other party for being concerned. It appears in Washington right now that what you have is a drunken sailor on a sea in a rowboat with only one oar. One hundred above and beyond the revenues that are going to be taken in are going to be expended in the next three or four years, or close to it, but I still don't think a constitutional convention is the way to solve that problem, because if you did that, you would have to have a convention where anybody could bring up any subject, there is no guarantee it would be limited to one subject. It could be a very dangerous precedent. Democracy in this country, as we know it, might change dramatically.

While Mr. Day is well intentioned, I don't think that his Resolution is a proper one.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, a point of parliamentary inquiry? Does an amendment to a proposed Joint Resolution have to be germane to the Joint Resolution?

The SPEAKER: The Chair would answer in the affirmative.

Mr. ARMSTRONG: Mr. Speaker, could I ask for a ruling on the germaneness of House Amendment "A" as presented?

The SPEAKER: The Chair would advise the gentleman that in reference to the question, the amendment removes from a portion of the Resolution a portion of that Resolution; therefore, the amendment would be germane because you are deleting from the bill itself, if that is what the gentleman is posing?

Mr. ARMSTRONG: May I pose a question to the Chair?

My reason for asking it was the Joint Resolution, I think, definitely calls for a Constitutional Convention and the amendment does not call for such a convention, that was why I questioned the germaneness.

The SPEAKER: The Chair would advise the gentleman that it does weaken the intent of the original request of the gentleman from Westbrook, Mr. Day, but it would be germane.

A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and

voting. 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Day, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Curtis, Damren, Davies, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kany, Kiesman, Lancaster, Lewis, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Michael, Murphy, Nelson, A.; Paradis, E.; Perkins, Peterson, Pines, Reeves, J.; Ridley, Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brenerman, Brodeur, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowle, Gwadnosky, Hall, Hayden, Hickey, Hobbins, Jacques, Joyce, Kane, Kelleher, Ketter, Killocoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.; Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Post, Racine, Randall, Reeves, P.; Richard, Roberts, Smith, C.B.; Soulas, Soule, Strout, Swazey, Theriault, Thompson, Twitchell, Vose, The Speaker.

ABSENT—Carrier, Cunningham, Dudley, Higgins, H.C.; Jalbert, Laverriere, Livesay, Mahany, O'Rourke, Pouliot, Rolde, Tuttle.

Yes, 67; No, 72; Absent, 12.

The SPEAKER: Sixty-seven having voted in the affirmative and seventy-two in the negative, with twelve being absent, the motion does not prevail.

Thereupon, House Amendment "•" was adopted.

The Joint Resolution was adopted as amended by House Amendment "A" and sent up for concurrence.

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

On motion of Mr. Gillis of Calais,  
Recessed until the sound of the gong.

#### After Recess

The House was called to order by the Speaker.

The following Senate Paper appearing on Supplement No. 11 was taken up out of order by unanimous consent:

#### Non-Concurrent Matter

Bill "An Act to Clarify the 1981 Amendments Relating to the Operating Under the Influence and Habitual Offender Laws" (Emergency) (H. P. 2309) (L. D. 2138) which was passed to be engrossed as amended by House Amendment "A" (H-742) in the House on April 1, 1982.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-464) and "B" (S-465) and House Amendment "A" (H-742) in non-concurrence.

In the House: The House voted to recede and concur.

The following Senate Paper appearing on Supplement No. 12 was taken up out of order by unanimous consent:

#### Non-Concurrent Matter

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (S. P. 969) (L. D. 2136) which was Passed to be Engrossed as amended by House Amendments "A" (H-738) "B" (H-739) "C" (H-740) "D" (H-741) and "E" (H-744) in the House on April 5, 1982.

Came from the Senate passed to be Engrossed as amended by House Amendments "D" (H-741) and "E" (H-744) in non-concurrence.

On motion of Mr. Hobbins of Saco, the House voted to recede.

On further motion of the same gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, I would like to pose a parliamentary inquiry?

I would like to inquire of the Chair whether or not House Amendment "C" is properly before this body in view of Joint Rule 37?

The SPEAKER: The Chair would advise the gentleman from Saco, Mr. Hobbins, that the Chair would rule that in light of the fact that the amendment as proposed by House Amendment "A" to H. P. 3, L. D. 3, of the 110th Legislature, that in fact House Amendment "C" is in violation of Joint Rule 37.

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "A", "B", "D" and "E" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

Bill "An Act to Allow the Mapleton Sewer District to Charge the Full Cost Incurred in Filing a Lien" (H. P. 2331) (Presented by Representative Lisnik of Presque Isle)

(Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Public Utilities was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

#### (Off Record Remarks)

On motion of Mrs. Ingraham of Houlton,  
Adjourned until nine o'clock tomorrow morning.