

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

INDEX

FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

INDEX

FIFTH SPECIAL SESSION

May 13, 1982

INDEX

SECOND CONFIRMATION SESSION

July 16, 1982

INDEX

of Sanford, Ridley of Shapleigh and Senator Wood of York

Bob McCall, of Sanford, for winning the State Elks Hoop Shoot competition in his age class; (H. P. 1946) by Representative Tuttle of Sanford. (Cosponsors: Representative Paul of Sanford and Ridley of Shapleigh and Senator Wood of York)

Neva S. Cram, and past and present volunteers of the Ingraham Volunteers, Inc., for 12 years of dedicated service to the community; (S. P. 821)

That Kristina Caragans Gordon of Yarmouth has been named as Outstanding Young Woman of 1981 by the Maine Jaycees; (S. P. 819)

In Memory of:

Marietta Atwood, of Bath, a noted and talented entertainer and pianist, who delighted countless audiences in the Bath area; (H. P. 1952) by Representative Small of Bath. (Cosponsors: Senator Sewall of Lincoln and Representative Stover of West Bath)

Marshall Jewell Dodge III, of Portland, a tragic loss of a great humorist and philosopher, who became endeared to the citizens of Maine; (S. P. 824) (Later Reconsidered)

There being no objections, these items were considered passed or adopted.

Consent Calendar

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(S. P. 750) (L. D. 1753) Bill "An Act to Authorize One Corporation to Permit its Name to be on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-379)

No objections being noted, the above item was ordered to appear on the Consent Calendar of February 9, under the listing of the Second Day.

Consent Calendar

Second Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the Second Day:

(S. P. 751) (L. D. 1754) Bill "An Act Concerning Annuity Agreements with the University of Maine"

On the request of Mr. Brannigan of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted in concurrence, the Bill read once and assigned for second reading the next legislative day.

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

Consent Calendar

First Day

(H. P. 1721) (L. D. 1706) Bill "An Act to Eliminate a Mandatory Public Hearing for Permits to Local Solid Waste Disposal Areas Closer than 300 Feet to a Classified Body of Surface Water" Committee on Energy and Natural Resources reporting "Ought to pass"

(H. P. 1751) (L. D. 1741) Bill "An Act to Allocate Funds from the Low-level Waste Siting Fund" Committee on Energy and Natural Resources reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 9, under the listing of the Second Day.

The following paper from the Senate appearing on Supplement No. 2 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 826)

ORDERED, the House concurring, that when the House and Senate adjourn, the House adjourns to Tuesday, February 9, 1982, at ten o'clock in the morning; and the Senate adjourns to Tuesday, February 9, 1982, at eleven

o'clock in the morning.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

The following papers from the Senate appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Bill "An Act to Prohibit the Molesting of Fixed Fishing Gear" (S. P. 818) (L. D. 1922)

Came from the Senate referred to the Committee on Marine Resources and ordered printed.

In the House, the Bill was referred to the Committee on Marine Resources in concurrence.

Bill "An Act Relating to Fuel Adjustment Clause of Natural Gas Utilities" (S. P. 817) (L. D. 1921)

Came from the Senate referred to the Committee on Public Utilities and ordered printed.

In the House, the Bill was referred to the Committee on Public Utilities in concurrence.

Bill "An Act to Revise the Allocation of Funds to Provide Photographic Nonalterable Driver's Licenses and Identification Cards" (S. P. 823) (L. D. 1923) (Emergency)

Came from the Senate referred to the Committee on Transportation and ordered printed.

In the House, the Bill was referred to the Committee on Transportation in concurrence.

The SPEAKER Pro Tem: Would the Sergeant-at-Arms please escort the gentleman from Eagle Lake, Mr. Martin to the rostrum.

Thereupon, Speaker Martin resumed the Chair and Representative Baker returned to his seat on the floor.

Speaker MARTIN: The Chair would like to thank the gentleman from Portland, Mr. Baker, for acting as Speaker Pro Tem. It is obvious that not only did he enjoy it, but so did the members.

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

The following Communication:

State of Maine
Office of
Secretary of State

Augusta, Maine

February 4, 1982

To the Honorable 110th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert

With your indulgence, my certification of February 2, 1982 concerning "AN ACT to Repeal the Control of Milk Prices at the Wholesale and Retail Levels" is hereby rescinded. I expect to again certify this petition to you within the statutory 25 days permitted by law.

I am withdrawing my previous communication so that all interested parties may have a sufficient time to review the petitions in detail.

My decision in no way implies any deficiency or any impropriety in the petitions; it is simply and wholly in the interest of equity.

Respectfully,

RODNEY S. QUINN

The Communication was read.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, I would like to pose a question to the Chair. Could you elaborate on the Secretary of State's letter? Could you perhaps explain the justification for it and what the implications are?

The SPEAKER: The only thing that I can relate in addition to the letter is a conversation that I had with the Secretary of State yesterday. Apparently, the Secretary of State had made a commitment to someone or some group to take a look at the petitions. This, apparently, was forgotten and the Secretary of

State felt that that commitment should be honored.

It is my understanding that names have been certified and the certification remains in effect. It has no impact on the certification of signatures and it is merely an attempt to fulfill the agreement that had been made prior to the filing of those signatures.

Thereupon, the Communication was ordered placed on file.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair would like to explain to you the reasons for the conference and the result of that conference so that you are informed.

The understanding of those of us who participated in this conference as a result of the Communication being placed on file and after discussion with the Secretary of State, was that there was and had been an understanding with a group of people who was opposed to the petition that they would have an opportunity to review the signatures prior to it being submitted to the legislature. That, by error, was not done. The certification took place in the Secretary of State's Office and the petitions were forwarded to us on the second day of February.

Under the Constitution, there are two dates to keep in mind. Anyone who objects to the petitions, while those petitions are in the Secretary of State's Office they have a right to review them and object to any of those petitions. The Secretary of State's office has 25 days in which to certify those petitions to us. He did, in fact, certify those signatures to us and they were shipped to us on February 2.

After the petitions had been filed with the legislature, and they have been as of yesterday, the Constitution provides anyone who objects to those signatures five days, five calendar days, if they wish to object to any of the signatures.

State on the basis that he felt the other side had been given a commitment and that by error they were not going to have the opportunity to review those petitions prior to the certification.

There were a number of questions which were raised as a result of that discussion. One was the question as to what is fair and what is equality. The question of fairness was, would other people be given that opportunity, and we determined the answer to that was yes, if they requested it.

The problem also is that in fact certification had by law and by the Constitution taken place, and if the petitions were to be returned to the Secretary of State's Office, decertification could, in fact, take place, and so comes the other side of that coin in terms of fairness.

The whole question quickly became moot as a result of the fact that the Senate adjourned and there was just no way, even if we were to send the petitions back, for the Senate to act on that request for returning those signatures to the Secretary of State within the five days required by law since the Senate does not go back into session until Tuesday, that being the seventh day. So we never did have to answer nor will we have to answer the question of what would be fair as to whether or not we should or should not return those signatures. That question was answered for us, and maybe just as well.

As a result, the only way, as I understand the provisions of the Constitution, for those people who object to the signatures being certified, is to go to court to get a temporary restraining order, and that option they have available to them. As a result of that, the bill, I.B. 3, which is shown on the calendar as being held under my name, is released to the other body and they will have it on Tuesday when they return to be referred to the Committee on Agricul-