

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

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three reports, and my only reason for voting on Report A is because I saw the gentleman from Portland, Mr. Connolly, and the gentleman from Livermore Falls, Mr. Brown, and when I see anything that would make Barry Goldwater look like a flaming liberal, or would make George McGovern look like a conservative, then I am going to go along, but I don't think this is going anywhere.

Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and would ask for a division.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that this bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

94 having voted in the affirmative and 36 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 534) (L. D. 600) Bill "An Act to Require a Certificate of Salvage for Certain Motor Vehicles" — Committee on Transportation reporting "Ought to Pass"

(H. P. 584) (L. D. 664) Bill "An Act to Authorize Municipal Agents to Renew Operator Licenses" — Committee on Transportation reporting "Ought to Pass"

(H. P. 193) (L. D. 233) Bill "An Act Pertaining to Public Safety on Public Ways" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-66)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 4, under listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 103) (L. D. 137) Bill "An Act Relating to the Raising of Wild Waterfowl in Captivity" (C. "A" H-62)

(H. P. 466) (L. D. 518) Bill "An Act to Repeal the Law Preventing Hotels and Restaurants from Permitting Secular Business on Sundays" (S. P. 98) (L. D. 217) Bill "An Act to Conform Confidentiality Requirements of the Maine Committee on Aging with the 1978 Older Americans Act" (C. "A" S-27)

(H. P. 387) (L. D. 430) Bill "An Act to Clarify Lobbyist Disclosure Procedures"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence and the House Papers were passed to be engrossed and sent up for concurrence.

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

Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Establish Insurance Information and Privacy Protection Standards" (S. P. 194) (L. D. 515)

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Amend the Maine Certificate of Need Act of 1978" (S. P. 193) (L. D. 506)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

The following papers appearing on Supple-

ment No. 2 were taken up out of order by unanimous consent:

Consent Calendar

First Day

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

(S. P. 140) (L. D. 379) Bill "An Act to Change the Requirements for Appointment to the Board of Commissioners of the Profession of Pharmacy" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-30)

(S. P. 28) (L. D. 24) Bill "An Act to Permit 10% Overweight Tolerance for Certain Material Transported on the Highways" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-29)

(S. P. 192) (L. D. 493) RESOLVE, Authorizing and Directing the Department of Transportation to Report on the Effect of the 1980 Census in Establishing Compact Areas — Committee on Transportation reporting "Ought to Pass"

(S. P. 164) (L. D. 418) Bill "An Act to Amend the Professional Service Corporation Act" Committee on Business Legislation reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of March 4, under listing of Second Day.

Passed to Be Engrossed

Amended Bill

Bill "An Act to Increase the Amount of Expenses Which May Be Reimbursed to Members of the Inland Fisheries and Wildlife Advisory Council" (H. P. 244) (L. D. 278) (H. "A" H-63 to C. "A" H-57)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

Finally Passed

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Clarifying Residency Requirements for Candidates for and Members of the Maine House of Representatives (H. P. 295) (L. D. 339) (C. "A" H-47)

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

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker and Members of the House: Just a word about this constitutional amendment.

The present language in the Constitution reads as follows: "No person shall be a member of the House of Representatives, unless he shall, at the commencement of the period for which he is elected, have been five years a citizen of the United States, have arrived at the age of twenty-one years, have been a resident in this State one year; and for the three months next preceding the time of his election shall have been, and, during the period for which he is elected, shall continue to be a resident in the town or district which he represents."

This language was fine and dandy for those days prior to 1975, but in 1975, this legislature and the people of Maine passed a constitutional amendment which provided for single-member districts in the city. You will remember that prior to that time the city districts were multi-member.

In 1977, reapportionment of the cities took place, so that all of you coming from the cities today represent a single district.

In the fall of 1977, there was a special election to fill a vacancy. I won't mention the name of the gentleman, who is a good friend of mine and of some of you, but he was not residing in the district from which he was elected, but be-

cause of the language in the Constitution, which I have just read to you, that he must be a resident for three months prior to his election in the town or district, that individual continued to be seated in the Maine House. I think it was a painful struggle for all of us on that issue, and the State Government Committee unanimously supported this change, which would clarify once and for all that in order to run for the Maine House, or the Maine Senate also, in order to keep your seat, you must be a resident of the district that you purport to represent.

The SPEAKER: The pending question is on final passage of this Resolution. 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.

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

Signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Exempt Certain Aquaculture Workers Under the Workers' Compensation Law (S. P. 74) (L. D. 111) (S. "A" S-25)

An Act to Define Alewives for the Purpose of Managing or Leasing Alewife Fishing Rights (S. P. 108) (L. D. 238) (C. "A" S-20)

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.

Enactor

Indefinitely Postponed

An Act to Allow Legislative Override of Legislative Council Action (S. P. 147) (L. D. 318) (S. "A" S-23 to C. "A" S-21)

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am really quite surprised that this L. D. got as far as it did but, nevertheless, it is at the point where it is about to be enacted, which is L. D. 318.

Looking at the bill and the amendments that were placed upon it, I frankly don't see how this bill does anything constructive.

I was a member of past legislatures when we created the Legislative Council, and at that time I was not a supporter of creating that type of a council. Nevertheless, we all know that someone has to operate the government, or represent this branch, when we are not in session for the two years that we are elected to come here.

This bill, frankly, doesn't do anything at all, and I would respectfully ask you, and apparently there is going to be some more debate on it, to look at the two amendments, it really doesn't do anything. And the thing that bothers me about the bill, not only that it doesn't do anything, but there is a ratification process or an improvement process that we in the legislature have to take action on, may have to take action on certain activities done by the council requiring a two-thirds vote or a simple majority, but it doesn't say when and it really doesn't say how. We have to have some type of system that operates in representing us as a part of government, and I would respectfully ask that you support a motion this morning to indefinitely postpone this bill and all its accompanying papers, because it really doesn't do anything. A lot of you might say the council doesn't do anything, and that is another point you may have my support on, but it doesn't matter really who the leaders are that serve on the council, they remind me something of judges — it isn't that they get appointed but they get anointed and that is when you and I sometimes get annoyed with their activities.