

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

*One Hundred and Twelfth*

*Legislature*

OF THE

STATE OF MAINE

**VOLUME I**

**SECOND REGULAR SESSION**

January 8 - April 2, 1986

Representative Reeves of Pittston offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-623) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is being offered to attempt to allay some of the concerns that committee members and other legislators regarding section one of this bill, which gives the Liquor Commission the ability to waive the ten mile radius, in establishing a new agency liquor store.

The reason why the committee responded to the Executive Director of the Liquor Commission's request to consider a waiver was that he testified that rents for state liquor stores were going up exorbitantly particularly in the Augusta and South Portland areas. This amendment limits the commission's application of a waiver to circumstances where the landlord of the state liquor store increases the rent or gives notice of a pending increase in the rent to the state liquor store to a level which the commission is not able to operate the store at that location for a reasonable return. It does not amend section two of the bill, which provides for an additional discount store in Kittery, to serve the southbound lane of the Maine Turnpike.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Perry.

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to speak against the amendment sponsored by Representative Reeves. This amendment, in our opinion, opens a lot of doors. The waiver of the ten mile limit is still in that bill and this amendment would extend the door open much wider.

I hope that you follow my light and vote this amendment down. I am prepared to offer an amendment that will address the problem.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Dillenback.

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: We certainly do want to vote this amendment down. The original bill wasn't satisfactory and now we have two amendments coming forth. The amendment which will be presented later is the amendment we want to put in.

One of the arguments the Liquor Commission had in the original bill was that they wanted to have this ten mile limit done away with so that they could open agency stores. This amendment says that they can do it on two conditions. The problem we are having with this amendment is, right here in Augusta is a good example, the rent is too high in the shopping center but every town in the State of Maine has empty stores on Main Street. You don't have to put your liquor stores in the shopping centers, they can be some place else, there are many available stores at lower rents. So, no matter what they do, every year the rent is going to be higher in any location and that would be the excuse then to say we can't pay the rent, it is too high, so therefore, we will have to have agency stores.

You know and I know that that is just a nice little way of doing away with your state liquor stores. That is something that I do not want to have happen.

Therefore, I would suggest that you vote against

this amendment and we will see what Amendment "A" has to offer.

The SPEAKER: The pending question before the House is adoption of House Amendment "B". Those in favor of adoption will vote yes; those opposed will vote no.

A vote of the House was taken.

5 having voted in the affirmative and 98 in the negative, the motion did not prevail.

Representative Perry of Mexico offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-621) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Perry.

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment removes Section 1 of the bill, which deals with the ten mile waiver. Passage of this would result in the final bill permitting a new discount store to be built along Rt. 95 near exit 1 and it would also leave Section 3 of the bill in it. I would like to read Section 3 for the Record. "Notwithstanding the other provisions of this section, the commission may from time to time, establish special prices on certain listed liquor items to be made available to the consumer at all state stores. The special prices may not be lower than the price established for the same listed item at two authorized special discount state stores."

Subsequently, House Amendment "A" was adopted.

The bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

SECOND READER

TABLED AND ASSIGNED

Bill "An Act to Authorize Preferred Provider Arrangements in Maine and to Establish a Cash Reserve Requirement for Health Maintenance Organizations" (H.P. 1625) (L.D. 2290)

Was reported by the Committee on Bills in the Second Reading and read the second time.

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

FINALLY PASSED

Constitutional Amendment

RESOLUTION, Proposing Amendments to the Constitution of Maine to Change the Reapportionment Procedures to Reflect Changes in Legislative Procedures and to Specify how the Reapportionment Commission should Operate (H.P. 1599) (L.D. 2252) (H. "B" H-602)

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

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 2252 is a Resolution proposing an amendment to the Constitution of Maine to change the reapportionment procedures to reflect changes in legislative procedures and to specify how the reapportionment commission should operate. It is the redraft of L.D. 697, which I sponsored and which was cosponsored by Speaker Martin of Eagle Lake, Senator Sewell of Lincoln and Senator Pray of Penobscot.

This new draft is a result of the original bill and the diligent, thoughtful work of the State Government Committee over both the first and second sessions of the 112th Legislature. The new draft has been widely distributed to interested parties, both those involved in reapportionment in years past and those interested in the procedure at the present time. Comments have been received, reviewed, and considered.

The bill received a unanimous "Ought to Pass" Report from the committee. It will require a two-thirds vote of both the House and Senate and then would be on the ballot in November as is required of a constitutional change.

The Constitution of Maine requires that a reapportionment plan for the House of Representatives and the State Senate shall be submitted to the State Legislature every tenth year following the federal or state census and sets that guideline for the composition of the reapportionment commission, its rules and regulations. The commission also reapportions the Congressional Districts and the County Commissioner District. I was a member of the most recent reapportionment commission.

This bill seeks to make a few changes to assist the reapportionment process, to provide additional safeguards and to make the operational instructions clearer.

Briefly then, these are the changes: the bill extends the time the commission has to complete its work from 90 days to 120 days. Originally, the legislature convened the first part of January. Now with the convening of the legislature to the first part of December and only briefly then, the whole month of December is lost for the reapportionment commission, since the members are not in Augusta. That created a time problem so this change extends the time limit to 30 days to make up for the lost 30 days. It instructs that any population remainder within a municipality shall be districted with contiguous territory and shall be kept intact.

It allows the commission to adjust errors and inconsistencies in implementing the plan in accordance with the standards set forth in the constitution so long as no substantive changes are made and with a unanimous vote of the commission members.

It sets a quorum of eight being present instead of the seven from the 15 member commission. It outlines budgetary requirements and rate of pay for the commission members and for the commission itself. It states the constitutional questions be placed on the ballot. Much careful thought has gone into this procedure. The whole reapportionment process is complicated, demanding, exacting. These changes should be most helpful in clarifying the process.

The SPEAKER: This being a Constitutional Amendment, and a two-thirds vote of the House being

necessary, a total was taken. 117 voted in favor of same and 1 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Supplemental Allocations from the Ground Water Oil Clean-up Fund to Support Activities and Staff of the Board of Underground Oil Storage Tank Installers (S.P. 787) (L.D. 1980) (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. 108 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Creating the Cornish Water District (S.P. 795) (L.D. 2002) (C. "A" S-430)

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. 111 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Requirements for Personal Service in an Action for a Guardianship or Conservatorship (S.P. 897) (L.D. 2257)

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. 118 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Adjust the Nonresident Commercial Fishing License Fee (H.P. 1542) (L.D. 2179) (C. "A" H-601)

Was reported by the Committee on Engrossed Bills