

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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maintain this 8% differential from what the retail customers pay for a bottle of liquor, not because I'm a strong advocate of liquor but I think it's a very important thing for them to survive, if they don't make it in the food aspect of it, at least they might make it in the liquor part of the entire industry. Hopefully, if they are a successful business, and employ a lot of people, then they might make a, might turn a profit for both parts of that particular business.

I think this is a very fair, a very sound, a very logical approach and I still concur wholeheartedly that the Legal Affairs Committee should have heard this particular bill, it should not be handled directly by the Appropriations Committee. I'm just starting to come to realize after so many years, the unfairness of what I see materializing in this particular budget document, in order to produce more revenues for the State of Maine, forgetting about those out there who are still producing revenue for the State of Maine, forgetting out there, that those are the people who employ people and pay and meet the sales tax receipts through this other law we passed last year, collecting so much per ounce.

Just add one more factor into it. The meals and lodging, which we killed, but on the other hand, are we not discriminating against one particular industry. I think it's a very valid amendment and basically, it should be deleted from the Appropriations measure.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

SENATOR BALDACCI: Thank you, Mr. President. Members of the Senate, this particular issue was raised several weeks ago, and being someone that is familiar with the procedures for a liquor licensee, and the procedures that fall with being a liquor licensee, I think that I applaud the Appropriations Committee for the action that they've taken. Revenue is needed, there are a lot of children that are being abused, that are going hungry, there are a lot of elderly that need help with their Elderly Tax and Rent Refund Program. There's property tax relief for the rest of the citizens in the State of Maine that own property.

I think we have some very important concerns, and rather than a general increase in taxes, I applaud the Appropriations Committee for searching out revenues as they did last year, with tightening up on the sales tax on used automobiles. Those were held without public hearings to raise additional funds, to tighten up the existing framework that we have in State Government.

The 8% isn't the question from an individual licensees point of view, I don't think that's going to be much of a concern with them at all. I think if you really feel that you're opposed to the 8% being removed, I think you ought to just face it up and look right in the mirror and say I'm opposed to that. If you say it because it's the Appropriations Committee or if you say it because it didn't have a public hearing, I think the argument has to rest here in this Chamber by saying: "Do you favor removal of the 8% discount?" It's not going to be a paper work nightmare, they're still going to have to fill out those paper work forms to make sure that the licensee is not buying it from the Kittery store. Licensees in this State cannot buy from the Kittery store. That's why the paper work is going to have to be filled out, to ensure monitoring by the Liquor Enforcement and the Liquor Commission, that the licensees are not buying it, that doesn't show a dramatic drop of purchasing from a regular licensee store, that's still going to have to go on.

I don't think it's much of a nightmare but if you are opposed to the removal of that, fine, I'm standing here knowledgeable about this and I'm going to be supporting the Indefinite Postponement of this amendment.

THE PRESIDENT: Is the Senate ready for the question? The question before the Senate is the

motion of the Senator from Cumberland, Senator Najarian, that Senate Amendment "B" (S-397) be Indefinitely Postponed.

The Chair will order a division.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Najarian, that Senate Amendment "B" be Indefinitely Postponed, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

The Chair recognizes the Senator from Waldo, Senator Shute.

SENATOR SHUTE: Can I have a Roll Call please?

THE PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the Indefinite Postponement of Senate Amendment "B" (S-397).

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Baldacci, Brown, Bustin, Carpenter, Collins, Danton, Dow, Hayes, Kany, McBreairty, Najarian, Pearson, Pray, Redmond, Trafton, Wood, The President—Gerard P. Conley.

NAYS—Senators, Charette, Clark, Diamond, Dutremble, Erwin, Gill, Hichens, Minkowsky, Sewall, Shute, Twitchell, Usher, Violette.

ABSENT—Senators, Emerson, Perkins, Teague.

17 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, the motion to INDEFINITELY POSTPONE Senate Amendment "B" (S-397) PREVAILED.

The Bill was PASSED TO BE ENGROSSED as Amended.

Sent down for concurrence.

Out of order and under suspension of the rules the Senate voted to consider the following:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Increase the Minimum Wage to \$3.55" S. P. 835 L. D. 2236

In Senate April 9, 1984 the Majority Ought to Pass report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Comes from the House the Minority Ought Not to Pass report READ and ACCEPTED in NON-CONCURRENCE.

On motion by Senator DUTREMBLE of York, the Senate RECEDED.

THE PRESIDENT: The Senator has the floor.

SENATOR DUTREMBLE: Mr. President, I now offer Senate Amendment "A" to S. P. 835, L. D. 2236, and move its Adoption.

THE PRESIDENT: The Senator from York, Senator Dutremble, now presents Senate Amendment "A" and moves its adoption.

Senate Amendment "A" (S-410) was READ.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

SENATOR COLLINS: I move that the Senate now Concur with the House and I request a Roll Call.

THE PRESIDENT: The Chair would state the question before the Senate is the adoption of Senate Amendment "A".

The Chair recognizes the Senator from Knox, Senator Collins.

SENATOR COLLINS: I request a Roll Call.

THE PRESIDENT: A Roll Call has been re-

quested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the Adoption of Senate Amendment "A" (S-410).

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: Mr. President and Members of the Senate. Just to make everyone understand what the amendment does, it makes the minimum wage effective on January 1, 1985.

THE PRESIDENT: The question before the Senate is the Adoption of Senate Amendment "A" (S-410).

A Yes vote will be in favor of Adopting Senate Amendment "A".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Baldacci, Brown, Bustin, Carpenter, Charette, Danton, Dow, Dutremble, Erwin, Hayes, Minkowsky, Najarian, Pearson, Pray, Shute, Usher, Wood, The President—Gerard P. Conley.

NAYS—Senators, Clark, Collins, Diamond, Gill, Hichens, Kany, McBreairty, Redmond, Sewall, Trafton, Twitchell, Violette.

ABSENT—Senators, Emerson, Perkins, Teague.

18 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent, the motion to ADOPT Senate Amendment "A" (S-410) PREVAILED.

The Bill was PASSED TO BE ENGROSSED as Amended, in NON-CONCURRENCE.

Sent down for concurrence.

House Papers

Bill "An Act to Implement Certain Recommendations of the State Compensation Commission" H. P. 1858 L. D. 2459

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Mr. President, I move that the rules be suspended and the Bill be given its First Reading at this time without reference to Committee, in non-concurrence.

THE PRESIDENT: The Senator from Penobscot, Senator Pray, moves the Bill be given its First Reading at this time, without reference to committee.

Is this the pleasure of the Senate?

It is a vote.

On motion by Senator PRAY of Penobscot the Bill READ ONCE without reference to committee and ORDERED PRINTED.

On motion by Senator PRAY of Penobscot ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

COMMITTEE REPORTS

House

Ought to Pass in New Draft

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Operating Funds for the Spruce Budworm Management Program and to Assure an Accurate Accounting of its Costs" H. P. 1636 L. D. 2165

Reported that the same Ought to Pass in New Draft under same title. H. P. 1859 L. D. 2460

Comes from the House, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.