

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 17, 1993 to July 14, 1993

SENATE PAPERS

The following Joint Order: (S.P. 543)

ORDERED, the House concurring, that Bill "An Act to Impose Term Limitations on Legislators, Constitutional Officers and the State Auditor" I.B. 1, L.D. 751, and all its accompanying papers, be recalled from the Legislative Files to the Senate.

Came from the Senate, read and passed.

Was read.

On motion of Representative Gwadosky tabled pending passage and later today assigned.

**Recalled from Legislative Files
pursuant to Joint Order S.P. 542**

Non-Concurrent Matter

Bill "An Act to Increase the County Share of the Real Estate Transfer Tax" (H.P. 464) (L.D. 601)

- In House, Placed in the Legislative Files Pursuant to Joint Rule 15 on May 28, 1993.

- In Senate, Placed in the Legislative Files Pursuant to Joint Rule 15 on May 28, 1993.

- Recalled from the Legislative Files pursuant to Joint Order S.P. 542.

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on Taxation in non-concurrence.

Subsequently, the Bill and all accompanying papers were recommitted to the Committee on Taxation in concurrence.

The Chair laid before the House the following matter: An Act to Set Voluntary Limits for Campaign Spending (H.P. 1149) (L.D. 1549) (S. "E" S-332; H. "A" H-666 to S. "D" S-329) which was tabled earlier in the day and later today assigned pending passage.

On motion of Representative Daggett of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 1549 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-706) and moved its adoption.

House Amendment "B" (H-706) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: For the information of the members of the House, this amendment removes the fiscal note on the voluntary caps on campaign spending. Currently, there is not a huge budget for the Ethics and Elections Commission to be monitoring campaign spending and it is the intent that this bill would not require anymore monitoring than currently takes place.

Subsequently, House Amendment "B" (H-706) was adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "E" (S-332) & House Amendment "B" (H-706) & Senate Amendment "D" (S-329) as amended by House Amendment "A" (H-666) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Implement the Recommendations of the Special Commission on Electoral Practices (S.P. 478) (L.D. 1477) (Com. of Conf. "A" S-343) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby L.D. 1477 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee of Conference Amendment "A" (S-343) was adopted.

On further motion of the same Representative, Committee of Conference Amendment "A" (S-343) was indefinitely postponed.

The same Representative offered House Amendment "A" (H-707) and moved its adoption.

House Amendment "A" (H-707) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as you know, is L.D. 1477, which is the recommendations of Secretary of State Diamond's Commission on Electoral Reform. This bill was a result of a Committee of Conference and there have been several changes made to this from its inception.

Recently, upon enactment, we were contacted by individuals who were concerned about two provisions which they thought would make this bill essentially unconstitutional and we have an opinion from the Attorney General which in fact indicated that there were two provisions of the bill that needed to be adjusted and this amendment now to the Committee of Conference Report Amendment which was unanimous is to address those two provisions. The first deals with an unconstitutional provision in the original bill that would have allowed the Chief Justice of the Maine Supreme Court the authority to determine recounts and election proceedings of House and Senate members.

As you may have remembered in the original bill, 1477, there was reference to recounts and the appeals going to the Supreme Judicial Court. There was also a separate bill, L.D. 1474, which was an amendment to the Constitution because you have to in fact amend the Constitution to make that change. That bill was defeated and the reference now to the Supreme Court had to be struck from this provision.

There is also, in one of the penalty provisions dealing with ballot tampering, a provision that would have allowed the opportunity to remove somebody's ability to vote for a period of up to three years. That was also found to be an unconstitutional provision. That has also been taken out of this bill by this amendment.

The original bill had many provisions, some which were controversial, some which were not. I will say for those of you who may have lost track that the Committee of Conference Report which, once again, was

agreed to unanimously deleted all changes dealing with municipal registrars, deputy registrars and election clerks. Anything dealing with those areas has been changed and taken out of the original bill.

There was also a prohibition in the original bill regarding candidates being at the polls, that has been taken out of the bill so we remain the status quo as to the existing law. There were many changes to absentee voting, limits on the number you can have and the time period. We adopted Representative Cashman's amendment to eliminate those provisions and go back to the status quo with absentees. There were also some changes in the areas of residency requirements.

We did have some concerns expressed by Representative Larrivee in terms of the type of fines as to whether they were consistent with criminal law that were established in this. Representative Larrivee was kind enough to address her concerns specifically to the Criminal Law Advisory Commission which was chaired by former State Senator Paul Gauvreau which met last week and they made some recommendations to us and did frankly have some concerns about some of the inconsistent provisions in terms of the grades of the penalties that do currently exist in this particular bill.

The feeling of the conference committee has been that because of the fact that there are no elections going on this Fall that we would like to have the opportunity to have the Judiciary Committee review these provisions and we will be advancing legislation to have the Judicial Committee review all these provision prior to the next General Election next year. Beyond that, we think it is a good bill, we think it is an important bill. Many people have worked on this. The Legal Affairs Committee has spent an incredible amount of time on it as well and I hope you adopt the amendment.

Subsequently, House Amendment "A" (H-707) was adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-707) in non-concurrence and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 18 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Continue the Franklin County Budget Committee (H.P. 244) (L.D. 323) which was Passed to be Enacted in the House on March 25, 1993. (Having

previously been passed to be Engrossed as amended by Committee Amendment "A" (H-47)

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-354) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend the Liquor Laws Pertaining to the Retail Sale of Wine (S.P. 120) (L.D. 358) which was Passed to be Enacted in the House on May 20, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-122) and Senate Amendment "A" (S-142)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-122) as amended by Senate Amendment "A" (S-355) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 19 were taken up out of order by unanimous consent.

SENATE PAPERS

Non-Concurrent Matter

Resolve, Creating the Kennebec County Law Enforcement Examination Commission (EMERGENCY) (H.P. 365) (L.D. 468) which was Finally Passed in the House on April 15, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-68)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-68) as amended by Senate Amendment "A" (S-356) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Regarding Missing Children (EMERGENCY) (H.P. 425) (L.D. 544) which was Passed to be Enacted in the House on May 25, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-262) as amended by Senate Amendment "A" (S-167) thereto.)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-262) as amended by Senate Amendment "B" (S-357) thereto in non-concurrence.

The House voted to recede and concur.
