

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 10, 1989 to June 14, 1989

think that we ought to uphold the ten mile limit and vote "Ought Not to Pass" on this bill.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: I am back with my agency stores. I have a couple of constituents that have been trying to get licenses and they are just a fraction of a mile too close to the State Liquor Store. I think if the state wants to remain in the liquor business because it is such a large source of revenue, I think that they should allow people to sell the liquor.

I have one small store, in fact, I have two that have been after me for a couple of years to try to get a license for them. One of them is located seven-tenths of a mile too close to the Van Buren store. We have a little country store out in Hamlin, a few thousand feet from the Catholic Church and the only thing near him is a tavern across the road but he is from a center of a population of 18,000 people down in Grand Falls, New Brunswick, which is just a few miles away. Last year, because he was located out in the middle of nowhere, he had a volume of \$1.8 million in gross sales. Now, it seems to me that if this man wants to take the gamble and buy \$10,000 worth of liquor in order to get a license, then we ought to give him a chance to do it. There is enough traffic there, there is the \$1.8 million in sales out in the middle of the country so this is not small change. Even if there is supposed to be nothing up there, things are rolling.

I wish you would consider giving the Minority Report your vote.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Priest of Brunswick, that the House accept the Majority "Ought Not to Pass" Report. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL NO. 44

YEA - Adams, Aliberti, Allen, Anthony, Begley, Bell, Brewer, Burke, Carroll, D.; Carroll, J.; Cashman, Cathcart, Clark, M.; Crowley, Curran, Daggett, Farnsworth, Garland, Gurney, Gwadosky, Handy, Hanley, Heeschen, Hepburn, Hoglund, Holt, Hussey, Kilkelly, Larrivee, Lawrence, Lebowitz, Luther, MacBride, Manning, Mayo, McCormick, McHenry, McKeen, Melendy, Mitchell, Nadeau, G. R.; Norton, Nutting, O'Gara, Oliver, Paradis, P.; Parent, Paul, Pines, Plourde, Priest, Rand, Richard, Rolde, Rotondi, Rydell, Skoglund, Smith, Stevens, A.; Stevenson, Swazey, Tupper, Walker.

NAY - Aikman, Anderson, Bailey, Butland, Carter, Chonko, Clark, H.; Conley, Cote, Dellert, Dexter, DiPietro, Donald, Dore, Dutremble, L.; Erwin, P.; Farnum, Farren, Foster, Gould, R. A.; Graham, Greenlaw, Hale, Hastings, Hichborn, Hickey, Higgins, Hutchins, Jackson, Jacques, Jalbert, Joseph, Ketover, LaPointe, Libby, Lisnik, Look, Lord, Macomber, Mahany, Marsano, Marsh, Marston, Martin, H.; McGowan, McPherson, McSweeney, Merrill, Michaud, Moholland, Murphy, O'Dea, Paradis, E.; Paradis, J.; Pendleton, Pineau, Pouliot, Reed, Richards, Ridley, Seavey, Sheltra, Sherburne, Strout, B.; Strout, D.; Tammaro, Tardy, Telow, Townsend, Tracy, Webster, M.; Wentworth, Whitcomb.

ABSENT - Ault, Boutilier, Coles, Constantine, Duffy, Foss, Mills, Nadeau, G. G.; Pederson, Ruhlin, Simpson, Small, Stevens, P.; The Speaker.

Yes, 63; No, 73; Absent, 14; Vacant, 1; Paired, 0; Excused, 0.

63 having voted in the affirmative, 73 in the negative, with 14 being absent and 1 vacant, the motion did not prevail.

Subsequently, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading Friday, May 26, 1989.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Availability of Legislative Participation (H.P. 902) (L.D. 1259)

Signed:

Senators: BERUBE of Androscoggin

CARPENTER of York

ESTY of Cumberland

LARRIVEE of Gorham

ROTONDI of Athens

JOSEPH of Waterville

WENTWORTH of Wells

BEGLEY of Waldoboro

HEESCHEN of Wilton

DAGGETT of Augusta

Minority report of the same Committee reporting "Ought to Pass" on same RESOLUTION.

Signed:

Representatives: HANLEY of Paris

McCORMICK of Rockport

Reports were read.

Representative Joseph of Waterville moved that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: When I first introduced this Bill, reporters told me that it would be dead before it hit the floor. People on both sides of the aisle told me it was best if I withdrew this bill and didn't bring it onto the floor. It is a difference in philosophy that I share with my fellow colleagues here in this chamber and I don't have any unrealistic expectations of where this bill will go but I would like you to know exactly what this bill would do. I realize with your busy schedules, it is impossible to read every bill.

What this bill will do, it will limit the number of terms a legislator can serve consecutively in either the House or the Senate. After serving five terms in either body, you would have one of two choices to either select or seek a position in the other chamber. If you have served ten years in this House, then you would have to either run for the Senate or you would have to take a two year hiatus. As I see it, taking two years off and getting back to your communities serving with your selectmen, your planning boards and having this trickle-down effect of the wealth of information that you have acquired in that ten year time would be quite an asset to your community and district.

This is not a retroactive bill. This is a constitutional amendment, if it was approved by the people of Maine, it would take place in 1990 so there would be no one that would be affected until the year 2000.

As I said, it is a difference in philosophy. I have no unrealistic expectations of where this bill will go but I thought people should know exactly what this bill's intention is.

Mr. Speaker, I request a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the

expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Joseph of Waterville that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 45

YEA - Adams, Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Bailey, Begley, Bell, Brewer, Burke, Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, DiPietro, Donald, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Foster, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Heesch, Hichborn, Hickey, Higgins, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mitchell, Moholland, Murphy, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Skoglund, Smith, Stevens, A.; Stevenson, Strout, D.; Swazey, Tamarro, Telow, Townsend, Walker, Webster, M.; Wentworth.

NAY - Butland, Dexter, Farren, Garland, Hanley, Hastings, Hepburn, Hutchins, Jackson, Lebowitz, Libby, McCormick, McPherson, Merrill, Parent, Pendleton, Pines, Reed, Seavey, Sherburne, Strout, B.; Tupper.

ABSENT - Boutilier, Dellert, Duffy, Foss, Mills, Nadeau, G. G.; Nadeau, G. R.; Pederson, Simpson, Small, Stevens, P.; Tardy, Tracy, Whitcomb, The Speaker.

Yes, 113; No, 22; Absent, 15; Vacant, 1; Paired, 0; Excused, 0.

113 having voted in the affirmative, 22 in the negative, with 15 being absent and 1 vacant, the motion to accept the Majority "Ought Not to Pass" Report was accepted. 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. 1076) (L.D. 1498) Bill "An Act Regarding Documentation of Rabies Shots for Dogs Brought into This State" Committee on Agriculture reporting "Ought to Pass"

(H.P. 588) (L.D. 792) Bill "An Act to Provide Support for Nonprofit Community AIDS Organizations Which are Members of a Statewide AIDS Alliance" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 688) (L.D. 940) Bill "An Act to Provide Funds for the Establishment of the Community Service Center for the Deaf and Hearing-Impaired" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-280)

(H.P. 1046) (L.D. 1457) Bill "An Act Concerning Solid Waste Management" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-283)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 26, 1989, under the listing of Second Day.

LATER TODAY ASSIGNED

(H.P. 1197) (L.D. 1664) Resolve, Authorizing the Commissioner of Corrections to Enter into an Agreement with the Warren Sanitary District and the Camden and Rockland Water Company to Construct a Sewer and Water System for the Warren State Prison and Pay User Fees (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-284) On motion of Representative Carter of Winslow, was removed from Consent Calendar, First Day.

Report was read and accepted, the Resolve read once.

Committee Amendment "A" (H-284) was read by the Clerk and adopted.

Under suspension of the rules, the Resolve was read the second time.

On motion of Representative Mayo of Thomaston, tabled pending passage to be engrossed and later today assigned.

(H.P. 622) (L.D. 845) Bill "An Act to Fund Community-based AIDS Programs and Services" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-285)

(H.P. 849) (L.D. 1181) Bill "An Act to Increase the Number of Superior Court Justices and District Court Judges" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-286)

(H.P. 95) (L.D. 130) Bill "An Act to Strengthen Penalties for Furnishing Liquor to Minors" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-287)

(H.P. 920) (L.D. 1286) Bill "An Act to Prohibit Boarding Care Facility and Nursing Home Facility Personnel from Smoking" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-288)

(H.P. 891) (L.D. 1235) Bill "An Act to Require Licensure of Clinics" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-289)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 26, 1989, under the 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:

Later Today Assigned

(H.P. 791) (L.D. 1103) Bill "An Act to Strengthen the Law Pertaining to Taking or Defacing Political Campaign Signs" (C. "A" H-262)

On motion of Representative Gwadosky of Fairfield, was removed from Consent Calendar, Second Day.

On further motion of the same Representative tabled pending acceptance of the unanimous committee report from the Committee on Legal Affairs and later today assigned.