

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

May 13, 1982

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SECOND CONFIRMATION SESSION

July 16, 1982

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MEMORIALIZING CONGRESS
TO CALL A CONSTITUTIONAL
CONVENTION TO LIMIT
THE ANNUAL FEDERAL BUDGET

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Tenth Legislature, now assembled, most respectfully present and petition your Congress of the United States, as follows:

WHEREAS, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, causing a public debt which now exceeds one trillion dollars, costing billions for debt service, which is the third largest expenditure by the Federal Government; and

WHEREAS, the annual federal budget continually demonstrates an inability on the part of both the legislative and executive branches of the Federal Government to keep spending within the limits of available revenues as witnessed by only 7 years out of the last 51 years in which the budget was balanced; and

WHEREAS, unified budgets do not reflect actual spending levels because of the exclusion of special outlays which are not included in the budget and which are not subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence and common sense require that the budget reflect all federal spending and that the budget be in balance; and

WHEREAS, realizing that the policy of fiscal imbalance at the federal level, with its resulting inflation, is the greatest threat facing our Nation, we firmly believe that constitutional restraint is necessary to insure the fiscal discipline needed to restore financial responsibility; and

WHEREAS, the Constitution of the United States, Article V, provides that Congress may, upon the vote of two-thirds of both Houses, propose amendments to the Constitution or that Congress shall, upon application of the Legislatures of two-thirds of the states, call a convention for proposing constitutional amendments; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and recommend that the United States Congress propose an amendment to the Constitution of the United States, requiring that, in the absence of a national emergency, declared by the vote of three-fifths of each House, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; that this amendment take effect 2 years after its ratification by the states; and that surplus in years of strong economy be applied to the national debt; and be it further

RESOLVED: That certified copies of this resolution be immediately transmitted by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to each member of the Maine congressional delegation and to the Legislatures of each of the several states attesting the adoption of this resolution by the Second Regular Session of the One Hundred and Tenth Legislature of the State of Maine.

The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Day.

Mr. DAY: Mr. Speaker and Members of the House: The item before you, I am not going to dwell on what it says, I just want to point out a couple of points. If you get to the third "whereas," it refers to special outlays and that type of thing, and that is what we call back-door spending.

We have only balanced the budget 7 years out of the last 51. If you include back-door spending, that is total income and total out-go of the federal government, we have only balanced

books, so to speak, two years in the last half century; that is a long time.

In the Resolution, the first 'Resolved' portion there says that we are asking that Congress propose an amendment to the Constitution. This requires that 34 states do so and 31 have already. That resolution, if Congress so approved it, would say that the budget be balanced and that it not take effect for two years after ratification by the states.

Furthermore, it says that in years of strong economy, that surpluses be applied to the national debt.

The second 'resolved' there is an alternative whereby the Congress can call a Constitutional Convention for the specific and only purpose of considering this amendment. This resolution does not call for a general constitutional convention, which a lot of people are afraid of.

I have presented this for a number of reasons other than just the fact that you ought to balance your books once in awhile. I have been on the board of directors of a small savings and loan and I am in my fourth year as chairman of the board of that small bank. When people ask me what I can do with their money if they put it in my bank, the only true response I have is, put your money in my bank and at current rates of inflation, I will cut its purchasing value in half in the next six to seven years.

I think in terms of some of the public hearings we have had in the Taxation Committee where the older folks have come in asking for relief on their rent or those types of things, I look and I think, isn't it awful because many of these people probably had a dollar or two in the bank and when they got older, they found that the money didn't go very far and they have to come begging for help, whereas they probably could have helped themselves and probably tried to.

I think in terms of the paperboy who comes in my house every morning. He is trying to earn some money to put away to go to college. He is only 13 and he will probably go to college when he is 19. The money that he puts in the bank today, if we continue the way we are going, will only buy half as much tuition as he thinks he is going to buy with his earnings this year.

The same thing is true for the younger folks that are trying to put away money to get a downpayment on a house. They save for a great number of years and say they have done it for seven or eight years, and lo and behold, what has happened to them with inflation? They can only have as much in terms of total value that the banks will accept as a down payment.

With that, I will conclude and ask for a roll call.

On motion of Mrs. Mitchell of Vassalboro, tabled pending adoption and later today assigned.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment) Recognizing:

Mary E. Colson, of Gardiner, who observed the 98th anniversary of her birth on March 16, 1982, with family and friends; (S. P. 974)

Perry Wortman, of Greenville, a retired school administrator and teacher active in scouting, community volunteerism and service clubs, who is a recipient in the 5th annual Jefferson Award; (S. P. 975)

There being no objections, these times were considered passed in concurrence.

**Consent Calendar
First Day**

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

(H. P. 2261) (L. D. 2107) Bill "An Act to Require the Maine Guarantee Authority in Certain Instances to Repay the State for Money Borrowed on its Behalf by the State"—Com-

mittee on State Government reporting "Ought to Pass"

(H. P. 2233) (L. D. 2091) Bill "An Act to Adjust Levels of Compensation for Constitutional Officers, Members of the Legislature and the Senate Secretary and House Clerk"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-746)

No objections being noted, the above items were ordered to appear on the Consent Calendar later in today's session under listing of Second Day.

**Passed to Be Enacted
Emergency Measure**

An Act Relating to Harness Racing at Agricultural Fairs, the State Stipend and Parimutuel Pools (S. P. 864) (L. D. 2006) (C. "A" S-424)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Facilitate the Removal of Clouds on Titles to Proposed Unaccepted Streets in Subdivisions (S. P. 854) (L. D. 1991) (C. "A" S-443)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Revise the Procedure for Municipalities Withdrawing from the Maine Forestry District (H. P. 1911) (L. D. 1883) (C. "A" H-707)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Eliminate the 2¢ Excise Tax Imposed on Jet Fuel Used by International Flights (H. P. 1974) (L. D. 1949) (C. "A" H-719)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide the Authority to the Commissioner of Marine Resources to Register a Trademark (H. P. 2163) (L. D. 2063) (C. "A" H-712)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide an Alternative Withdrawal Procedure from the Tree Growth Tax Law for the 1982 Tax Year (H. P. 2241) (L. D. 2101)

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

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: Last Wednesday, we passed L. D. 2068, An Act to Revise the Definition of Forest Land for Purposes of the Tree Growth Law. This L. D. has now been signed into law. I intended to speak on that bill but a vote was being taken and I was unable to speak at that time.

Since this is another tree growth bill, I wanted to take this opportunity to have this statement put into the record. I would like to take a moment to clarify one point in regard to L. D. 2068. The reference in Subparagraph C to charter restrictions which prevent commercial harvesting of trees or require a primary use of the land other than commercial harvesting is intended to apply to all the utilities.

Many water utilities own large tracts of forest land which act as a watershed to their source of water. However, some water utilities, such as the Rumford Water District and the Bethel Water District, have recently experienced problems with their eligibility under the tree growth tax law because of restrictions in the use which they may make of the forest land which they own.

Generally, the charters of water utilities only allow them to use their property for the purpose of supplying water to the inhabitants of the communities which they serve. L. D. 2068 makes it clear that water utilities which own forest land may continue to keep their land under tree growth and receive the tax benefits of that program.

Thank you, Mr. Speaker, for allowing me to say this.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes those opposed will vote no.

A vote of the House was taken.

118 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. (Later Reconsidered)

Emergency Measure

An Act Making Appropriations, Authorizations and Allocations Enabling the State Planning Office to Administer the Small Cities Program Community Development Block Grant (H. P. 2263) (L. D. 2108)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1982 (H. P. 2299) (L. D. 2132)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of same and none against, and accordingly the Resolve was finally passed signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Accept Relinquishment of Exclusive Federal Jurisdiction Over Marshall Point Light Station in the Town of St. George (S. P. 855) (L. D. 1992)

An Act to Require Notification of the Victims and the Law Enforcement Officers When a

Plea Bargaining Agreement is to be Submitted to the Court (S. P. 970) (L. D. 2131)

An Act to Define the Raising of Seeds as Agricultural Production under the Sales and Use Tax Law (H. P. 1794) (L. D. 1784) (C. "A" H-708)

An Act Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax (H. P. 1795) (L. D. 1785) (C. "A" H-720)

An Act to Restrict Rate Increase Proposals by Public Utilities (H. P. 1865) (L. D. 1859) (C. "A" H-716)

An Act to Clarify Solar Energy Tax Exemptions (H. P. 2066) (L. D. 2007) (C. "A" H-725)

An Act Requiring Public Utilities Commission Approval for the Purchase of Portions of Electrical Generating Facilities by Electrical Companies or Fuel Conversion in Electrical Generating Facilities (H. P. 2272) (L. D. 2119)

An Act to Provide for Improved Energy Policy Development and Electricity Demand Forecasts (H. P. 2273) (L. D. 2120) (S. "A" S-450)

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.

By unanimous consent, all preceding Enactors were ordered sent forthwith to the Senate.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

HOUSE DIVIDED REPORT—Majority (7)

"Ought to Pass" as amended by Committee Amendment "A" (H-732)—Minority (6)

"Ought to Pass" as amended by Committee Amendment "B" (H-733)—Committee on Taxation on Bill, "An Act Providing for Administrative Charges in the Maine Tax Laws" (H. P. 1746) (L. D. 1735)

Tabled—April 1 (Until Later Today) by Representative Mitchell of Vassalboro.

Pending—Acceptance of either Report.

On motion of Mrs. Mitchell of Vassalboro, retable pending acceptance of either Report and later today assigned.

The Chair laid before the House the second item of Unfinished Business:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1982 (Emergency) (H. P. 2300) (L. D. 2133)

—In House, Passed to be Engrossed on April 1.

—In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-459) in non-concurrence.

Tabled—April 1 (Until Later Today) by Representative Paul of Sanford.

Pending—Further Consideration.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Paul.

Mr. PAUL: Mr. Speaker, I don't believe the amendment has been distributed; therefore, I would ask that somebody table this until later in the session.

Whereupon, on motion of Mr. McSweeney of Old Orchard Beach, tabled pending further consideration and later today assigned.

The Chair laid before the House the first tabled and today assigned matter:

SENATE DIVIDED REPORT—Majority (8)

"Ought to Pass" as amended by Committee Amendment "A" (S-447)—Minority (5) "Ought Not to Pass"—Committee on Judiciary on Bill, "An Act to Create the Maine Condominium Act" (S. P. 870) (L. D. 2019)

—In Senate, Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-447) as amended by Senate Amendment "A" (S-451) thereto.

Tabled—April 1 by Representative Hobbins of Saco.

Pending—Motion of the same gentleman to Accept the Majority "Ought to Pass" Report.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-447) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-451) was read by the Clerk and adopted in concurrence.

Mr. Connolly of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-743) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: This legislation, which I don't know how many of you have taken the time to read, which is pretty long and pretty thorough, I think does present some problems. However, if it does pass, there is one issue that I would like to see addressed in it.

The legislation, as it has come out of committee, allows municipalities to pass local ordinances, if they so choose, to regulate how condominium conversion will take place. The amendment that I am offering would extend that enabling authority to allow municipalities, if they so choose, to enact ordinances to control the number of rental housing units that could be converted to condominiums. This only deals with the subject of condominium conversion and has nothing whatsoever to do with new construction of condominiums.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by Senate Amendment "A" and House Amendment "A" thereto was adopted in non-concurrence.

The Bill was assigned for second reading later in the day.

The Chair laid before the House the following matter:

Bill "An Act Authorizing the County of Cumberland to Raise Funds for the Construction of a Court House, Capital Improvements and Related Facilities" (H. P. 2087) (L. D. 2024) which was tabled and later today assigned pending further consideration. In House, passed to be engrossed as amended by Committee Amendment "A" (H-728) as amended by House Amendment "A" (H-736) thereto. In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-728) in non-concurrence.

On motion of Mrs. Masterton of Cape Elizabeth, the House voted to recede.

On motion of Mrs. Masterton of Cape Elizabeth, House Amendment "A" to Committee Amendment "A" was indefinitely postponed in concurrence.

The same gentleman offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-751) was read by the Clerk.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: Last Thursday in the other body, the House Amendment that we had put on to the Committee Amendment of this Cumberland County Court Bond Issue Bill was indefinitely postponed. This amendment seeks to restore the cutback in the life of the bond from 30 to 20 years and strikes the appropriation in the original bill of \$3,000, which would have paid for the printing of the ballots in the referendum. That money will now be provided by the County of Cumberland.

Thereupon, House Amendment "B" to Committee Amendment "A" was adopted.