

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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ducing Borrowing Costs for Ratepayers" (Emergency) Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-750).

Under suspension of the rules, Second Day Consent Calendar notification was given.

The House Paper was passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Ought to Pass

Pursuant to Joint Order (S. P. 925)

Report of the Committee on Judiciary reporting "Ought to Pass" Pursuant to Joint Order (S. P. 925) on Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 931) (L. D. 2489)

Came from the Senate, with the report read and accepted and the bill passed to be engrossed as amended by Senate Amendment "B" (S-444).

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will bear with me when I make a few remarks about this particular piece of legislation that is before us.

The Errors Bill which is here for consideration is recommended to this Special Session by our committee and this differs from the Errors Bills considered during the Regular Session of the Legislature. This Errors Bill contains not only the technical corrections typically recommended but also some substantive provisions of an emergency nature.

The Judiciary Committee takes the unusual step of proposing these substantive amendments in the Errors Bill because this bill is the only vehicle available in this session for making these necessary changes. The Errors Bill contains no amendments affecting appropriations. Any suggestions concerning appropriations were deleted by the Judiciary Committee. Because this Errors Bill contains more than technical corrections, I want to point out the sections of this bill which do make substantive changes.

Please join with me in looking at the sections of the bill and cross-check those sections of the bill with the Statement of Fact, which is self-explanatory.

Sections two through six correct constitutional officers' salaries. During the last Regular Session, as you know, these were inadvertently lowered and the committee, as you can see from the amendment, has taken care of that situation.

I direct your attention now to Sections 27 and 28. These sections correct the unintended repeal of certain rulemaking powers of the Commission of Agriculture, Food and Rural Resources, again bringing this to your attention along with the other changes because there are substantive issues involved.

I call your attention next to Section 29—this section replaces a ceiling on the tax on boxing and wrestling receipts mistakenly removed from a bill by a drafting error. This is a straightforward amendment, and I believe that the Business Legislation Committee and its Chair could explain it to you if there are any questions.

I bring your attention now to Sections 30 through 32—this particular section reenacts a grandfathering clause inadvertently repealed by the Fame legislation. If you have any questions regarding this particular provision, please ask. It was brought to our attention by the gentleman from Brunswick, Representative Livesay.

Section 38 is also a section which involved substantive changes. This is in regard to remedying a problem that has arisen in the selling of non-resident hunting and fishing licenses. The Performance Audit Committee, as

well as the Fisheries and Wildlife Committee, have addressed this issue and it was brought to our attention by the gentleman from Lincoln, Mr. MacEachern, and the committee. If you would like an explanation of this, I will be glad to do so, or the gentleman from Lincoln, Mr. MacEachern, at a later time in more depth.

Sections 48 through 50 is the next section I would like to have you take a look at. This amends Maine's new domestic relations law to permit courts, for good cause shown, to hear motions for certain temporary orders prior to a final divorce without referring the parties to mediation.

If you will notice, the bill came from the other body with an amendment which puts a grandfather clause—I should say a sunset provision of March 1st. This will allow the next legislative session to address this issue because the law needs to be put into effect to find out whether or not there are any problems as amended.

I would like to bring your attention now to Section 68 of the bill. This proposal places two unorganized townships which were left out inadvertently from any legislative district by the recent reapportionment, and this deals with House District No. 132. It is my understanding that there are no voters or citizens that live in these two particular unorganized townships relative to House District No. 132. This was proposed to us at the request of Deputy Secretary of State James Henderson. It is my understanding that the gentleman from Bangor, Mr. Kelleher, was also informed of this and it appears after reviewing it that there is no problem with this particular section.

Next is Section 73. This section replaces the penalty provision in the hazardous materials control statute which was mistakenly repealed last session. It is my understanding that the gentleman from Sangerville, Mr. Hall, can provide you with some further information concerning that section.

I would like to bring your attention now to Sections 85 and 86. These sections amend the forest fire suppression tax statutes to address the issue of exemptions from multiple owners of acreage. It also extends the time for calculation of the tax. Again, you can refer questions to the Taxation Committee concerning that particular section.

Finally, Sections 97 through 102 correct mistakenly enacted provisions of the Kennebec County budget. Unfortunately, the bill that was engrossed dealing with the budget of Kennebec County was not the correct budget. It was signed into law, and this is to correct the mistakes that were made from the time the bill went from Legislative Research to Engrossment. Again, Sections 97 through 102 are substantive changes but, as you can see, is in fact an inadvertent error which has caused a problem in Kennebec County's budget.

I should further reiterate the point that the Committee, in looking at the proposals, and they were numerous, as you probably saw from the original proposal and those who have presented those amendments to us, we were faced with a situation where we rejected numerous amendments which we felt were substantive and which had a potential vehicle for consideration by this body, and those were in the areas of the Education budget.

One last point. I want to reassure everyone that this bill contains no amendments affecting appropriations. Those proposals which were presented to our Committee were sent down to the Appropriations and will be considered as part of the Appropriations Act. We deleted all of those provisions pertaining to appropriations.

If that has not been enough explanation, I would suggest that you raise some questions. I and members of the Judiciary Committee and other members of this body who presented these amendments which I have outlined here I'm sure will attempt to explain them to you.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The item that I have a particular interest in is Section 2 through Section 6 that the gentleman from Saco, Mr. Hobbins, mentioned earlier dealing with constitutional officers' pay. The reason I'm interested in this is because it was brought to my attention that we did, in fact, decrease the pay of the constitutional officers inadvertently during the last session of the Legislature.

I'm not sure if I want to pose a question or just make a statement, but I guess I would make the statement that this change is supposed to, in fact, in the 112th Legislature put the Secretary of State, the Treasurer and the Auditor in Range—excuse me, I'm going to have to back up again. In Range 87, the Secretary of State and the Treasurer will be included in Step A, no matter who those people are, even if they are the existing constitutional officers. The Auditor would be in Step A of Range 88, no matter who that individual is; and the Attorney General will be in Range 90, but Step G, no matter who that particular individual is. That's the understanding that I have had all along. I thought that I understood that that's what the amendment or this particular change did until I read Section 6, and then I became extremely confused. But I want to make sure that we haven't negated what I thought the Council agreed to earlier in the year and what this Legislature voted on.

So in this particular case, the sum and substance of it is that incumbency or years of service is not going to necessitate the Legislative Council raising that particular constitutional officer above Step A in that Range. That was our intent, and if this legislation does anything differently than that, I would like to have someone say so.

Thereupon, the Report was accepted in concurrence and the Bill read once. Senate Amendment "B" (S-444) was read by the Clerk and adopted in concurrence.

Under suspension of the rules the Bill was read the second time and passed to be engrossed as amended in concurrence.

On motion of Representative MURRAY of Bangor, the following Joint Order: (H. P. 1893)

Ordered, the Senate concurring, that H. P. 1039, L. D. 1364, Bill, "AN ACT to Amend the Law Relating to Tax Increment Financing" be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

On motion of Representative CARTER of Winslow,

Adjourned until Monday, September 10, 1984, at nine o'clock in the morning.