

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 1, 1982 to May 13, 1983

HOUSE

Friday, January 14, 1983

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend Douglas Morgan Strong of the All Soul's Unitarian Church, Augusta.

The journal of yesterday was read and approved.

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

The following Communication: (S. P. 74)

The Senate of Maine

January 12, 1983

The Honorable Gerard P. Conley

President of the Senate

The Honorable John L. Martin

Speaker of the House

Dear President Conley and Speaker Martin:

Please be advised that in accordance with Joint Rule 39 of the 111th Maine Legislature, the Republican members of the Legislative Council have appointed May M. Ross as partisan staff assistant for nominations.

Sincerely,

S/ BARBARA A. GILL

Assistant Republican Leader

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

On motion of Mr. Diamond of Bangor,
Recessed until the sound of the gong.

After Recess

11:30 a.m.

The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I ask for a quorum call and I ask for the yeas and nays.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair would ask the gentleman from Fairfield, Mr. Gwadosky, to come to the rostrum for the purpose of acting as Speaker pro tem.

Whereupon, Mr. Gwadosky assumed the Chair as Speaker pro tem and Speaker Martin retired from the hall.

The SPEAKER pro tem: A roll call has been ordered. The question before the House is a quorum call. The Clerk will call the roll.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, Gorham, Brown, Livermore Falls, Brown, Bethel, Cahill, Callahan, Carrier, Carroll, Gray, Carroll, Limerick, Carter, Cashman, Chonko, Clark, Conary, Connors, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, Portland, Higgins, Scarborough, Hobbins, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lewis, Lisnik, Live-
say, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, Brunswick, Martin, Van Buren, Masterman, Masterton, Matthews,

Caribou, Matthews, Winslow; Maybury, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, Vassalboro; Mitchell, Freeport; Moholland, Murphy, Murray, Nadeau, Norton, Paradise, Old Town; Paradis, Augusta; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, Newport; Reeves, Pittston, Richard, Ridley, Roberts, Roderick, Rolde, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, Island Falls; Smith, Mars Hill; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Studley, Swazey, Tamarro, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton, Mr. Speaker.

NAY—0

ABSENT—Dudley, Nelson.

Present, 149; Absent, 2.

At this point, Speaker Martin resumed the rostrum and Representative Gwadosky returned to his seat on the floor.

Present, 149; Absent, 2.

The SPEAKER: One hundred forty nine having answered to their names, the Chair declares a quorum present.

At this point, the House recessed until the sound of the gong.

After Recess

8:07 p.m.

The House was called to order by the Speaker.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Bill "An Act to Permit Trained, Qualified and Uniformed Constables to use Blue Lights on Motor Vehicles" (H. P. 162) (Presented by Representative Reeves of Newport) (Cosponsors: Representatives Drinkwater of Belfast and MacEachern of Lincoln)

Was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Bill "An Act to Require Expiration Dates Be Placed on Prescription Drug Labels" (H. P. 160) (Presented by Representative Davis of Monmouth) (Cosponsor: Representative Pines of Limestone)

Was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Bill "An Act Concerning the Sarcine Tax" (H. P. 161) (Presented by Representative Vose of Eastport)

Was referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

The following Communication: (H. P. 163)

State of Maine

Department of State

Augusta, Maine 04333

January 14, 1983

The Honorable John L. Martin

Speaker of the House of Representatives

of the One Hundred and Eleventh Legislature

Dear Mr. Speaker:

In accordance with the provisions of Title 30, Section 253, of the Revised Statutes, as amended in 1979, I have the honor to transmit herewith the budget estimates of expenses of the sixteen counties within the State for the year 1983.

Respectfully,
S/ RODNEY S. QUINN

Secretary of State

The Communication was read and referred to the Committee on Local and County Government and sent up for concurrence.

Orders of the Day

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

An Act to Remove the Retroactive Provisions of the Income Tax Indexing Law (Emergency) (S. P. 34) (L. D. 96) In House, failed of passage to be enacted; in Senate, passed to be enacted.

Tabled — January 13, 1983, by Representative Diamond of Bangor

Pending — Motion of Representative Mitchell of Vassalboro to reconsider whereby the Bill failed of passage to be enacted.

On motion of Mrs. Mitchell of Vassalboro, the House voted to recede.

Mr. Higgins of Portland offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-5) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I present this amendment in hopes of resolving our current impasse.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: It would appear to me that we ought to have perhaps a little better explanation of this amendment just for the record before we vote on it. I think we want to be clear and concise as to what we are doing here because I have been involved with taxation measures before when questions that were asked similar to this on the floor were interpreted by the courts and others as to just what we were trying to do. While I am not discrediting the credentials of the Chairman of the Committee, I do feel that for the record we ought to have an explanation of just how this works so that if there is any misunderstanding or if perhaps by some accident not caused by the gentleman or anybody else, through a drafting error or whatever because the hour is late, we ought to have an explanation of just what this does and how it works.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to the gentleman from Portland, Mr. Higgins, who may answer if he so desires.

The Chair recognizes the gentleman from Portland, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: This Amendment proposes a tax equal to the amount of each individual's rebate, for the rebates owed for indexing for the 1981 and 1982 tax years. This action eliminates the layoffs and budget cuts precipitated by the \$32 million shortfall caused by implementing this indexing in its present form.

This amendment also eliminates the compounding effect for the 1981 and 1982 tax years. This allows the legislature to make budget decisions prospectively utilizing the established appropriations procedure.

Thereupon, House Amendment "C" was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

House at Ease

Called to order by the Speaker.

The following paper appearing on Supplement No. 5 was taken up out of order by unanimous consent:

An Act to Remove the Retroactive Provisions of the Income Tax Indexing Law (Emergency) (S. P. 34) (L. D. 96) (H. "C" H-5)

Was reported by the Committee on Engross-

ed Bills as truly and strictly engrossed.

Representative Mitchell of Vassalboro requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Baker, Beaulieu, Benoit, Bost, Bott, Brannigan, Brodeur, Brown, Gorham, Callahan, Carrier, Carroll, Gray, Carroll, Limerick, Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Drinkwater, Erwin, Gauvreau, Gwadnosky, Hall, Handy, Hayden, Hickey, Higgins, Portland, Hobbins, Ingraham, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, Brunswick, Martin, Van Buren, Masterton, Matthews, Caribou, Matthews, Winslow, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, Vassalboro, Mitchell, Freeport, Moholland, Murray, Nadeau, Norton, Paradis, Augusta, Perry, Pouliot, Racine, Randall, Reeves, Pittston, Richard, Ridley, Roberts, Rolde, Rotondi, Smith, Island Falls, Soucy, Soule, Sproul, Stevens, Strout, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Mr. Speaker.

NAY—Armstrong, Bell, Bonney, Brown, Livermore Falls, Brown, Bethel, Cahill, Conary, Conners, Curtis, Davis, Day, Dexter, Dillenback, Foster, Greenlaw, Higgins, Scarborough, Holloway, Jackson, Kiesman, Lebowitz, Lewis, Livesay, Masterman, Maybury, Murphy, Paradis, Old Town, Parent, Paul, Perkins, Pines, Reeves, Newport, Roderick, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, Mars Hill, Stevenson, Stover, Studley, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT:—Dudley, Nelson.

Yes, 102; No, 47; Absent, 2.

The SPEAKER: One hundred and two having voted in the affirmative and forty-seven in the negative, with two being absent, this Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

House at Ease

Called to order by the Speaker.

At this point, House Rule 22 was suspended for the purpose of conducting business after 9:00 p.m.

The following paper from the Senate was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 75)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until January 31, 1983, at 10:00 a.m.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

On motion of Mr. Baker of Portland,

Adjourned until Monday January 31, at ten o'clock in the morning.