

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

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Index

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municipality the cost that they bear from their municipal budget for the cost of transporting children to and from the school, which of course is not the public school. I view that as an approach which I think is entirely proper which we are doing now, and it seems to me in a small way an attempt to help these municipalities.

Also, some people have raised the issue of whether or not this is constitutional. As I understand it now, this has been ruled constitutional by the United States Supreme Court and this is not a problem. Because as I understand it, this specifies and applies to the transportation of children, and I might point out that these are all children of the State of Maine. I see nothing wrong in our receding and concurring here today.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Members of the House: A question to anyone who might answer. What would be the cost to the state if we should go along in this direction? Could anyone answer that question?

The SPEAKER: The gentleman from Casco, Mr. Hancock, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker, I believe I am correct, and someone may correct me, but I believe the cost is \$648,000.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Berube, Binnette, Bither, Boudreau, Brown, Bunker, Bustin, Carey, Carter, Chonko, Clark, Conley, Connolly, Cote, Crommett, Curran, Curtis, T. S., Jr.; Deshaies, Dow, D r i g o t a s, Evans, Farley, F a r r i n g t o n, Faucher, Fecteau, Ferris, Fraser, Gauthier, Genest, Good, Goodwin,

H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Keyte, Kilroy, L a C h a r i t e, LaPointe, LeBlanc, Lynch, Mahany, Martin, M a x w e l l, McKernan, McMahan, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, O'Brien, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Ross, Santoro, Sheltra, Smith, D. M.; Smith, S.; Susi, Talbot, Tanguay, Theriault, Wheeler, Whitzell.

NAY — Ault, Baker, Berry, G. W.; Berry, P. P.; Birt, Bragdon, Brawn, Briggs, Cameron, Chick, Churchill, Dam, Davis, Donaghy, Dudley, Dunn, Dyar, Emery, D. F.; Farnham, Finemore, Flynn, Gahagan, Garsoe, H a m b l e n, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelley, Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McHenry, McNally, Merrill, Mills, Morton, Murchison, Norris, Palmer, Parks, Pratt, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Carrier, Cooney, Cottrell, Cressey, D u n l e a v y, Kelleher, Kelley, R. P.; Lawry, McTeague, Soulas, T i e r n e y, Webber.

Yes, 72; No, 67; Absent, 12.

The S P E A K E R : Seventy-two having voted in the affirmative and sixty-seven in the negative, with twelve being absent, the motion does prevail.

Thereupon, the Bill was read once and assigned for second reading tomorrow.

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

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 417) (L. D. 1378) (C. "A" S-127 as amended by Senate "D" (S-266) thereto, Senate Amendment "C" (S-181), Senate Amendment "D" (S-206), Senate Amendment "E" (S-214), Senate Amendment "F" (S-235), Senate Amendment "G" (S-241).

Tabled — June 27, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: The particular amendment that I questioned this morning, we have checked with the Department of Education, and in essence it stated that once school construction projects were submitted to the commissioner for approval through the Department of Education, after they have complied with all the requirements that they have to, then the money would be released. The portion that I questioned was the wording. I am satisfied with it, but I do believe that we should make a note in the record to the fact that this is only to apply to those schools which were approved by the commissioner prior to the bills which did state that they had to meet certain criteria and it is not intended that it be future approvals of the commissioner only.

Mr. Shute of Stockton Springs offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-609) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I have spoken to the sponsor of the amendment and told him that at the present time I didn't think that this body should adopt this amendment for two reasons. First of all, I did not present the amendment this morning that would have corrected an unconstitutional act enacted by this legislature earlier in the session. Second, the amendment itself, I think, would be very disruptive to school administrative districts, because if you look at it, it says 10 percent of the number of voters voting for gubernatorial candidates at the last state-wide election in a municipality.

This, I think, would be very disruptive in that we have a number of school administrative districts in the state that are having problems and to allow a

small minority in a small community to disrupt the activities and the conduct of the school system I think would place any school administrative district at a disadvantage. Furthermore, I think that the thing ought to be more thoroughly discussed and thought over than at the closing days of the session.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: The reason I am presenting this amendment now is that about a month ago or five weeks ago I presented two amendments to the Education Committee to consider to put in their errors and inconsistency bill, and this is one of the amendments. The other amendment had to do with busing of students. I was assured by the committee at that time that these two amendments would be included in the errors and inconsistency bill, but after going over the bill and the amendments, I found that neither one of these amendments were in it.

At the present time, the people of the district do not have any right to call a special district meeting to act on any article such as they do at the municipal level where 10 per cent of the voters can call a special town meeting.

I talked this over with the Department of Transportation and the Department of Education said they could not see anything wrong with this amendment, that they were trying to bring school administrative district laws into conformity with the municipal laws. So the only thing that this amendment would do is to give the people, if they could get 10 percent of the people of the municipality to initiate a petition, the right to call a special district meeting to act on certain articles. They don't have this right now and I think they should have.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Bither.

Mr. BITHER: Mr. Speaker and Members of the House: I sort of agree with the gentleman from

Stockton Springs, Mr. Shute, that perhaps this would do no great harm. On the other hand, it could do a good deal of harm. But I think this late in the season, this bill, the errors and inconsistencies of the education laws has already been pre-engrossed.

I understand the people down there in the department have already been pulling their hair out in regard to this. It has been a long, complicated process. This would have to be done completely over again, and it is the opinion of some experts that we would be delayed one whole day at \$14,000, and I don't believe this amendment is worth that. I think we can take care of it. It is true, the schools will be starving next September, but in the next special session I think we can take care of it to Mr. Shute's satisfaction.

I move, Mr. Speaker, that this House Amendment "B" be indefinitely postponed.

The SPEAKER: The gentleman from Houlton, Mr. Bither, moves the indefinite postponement of House Amendment "B".

The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: If you will take a look at the Education errors and inconsistency law, there are about eight different amendments on the errors and inconsistency bill. Now that bill has been around here for some time, but not one opportunity has been offered for any House amendments to be put on this bill. Any amendments that are put on this bill have been put on in the Senate or the other body, and I think this body should be co-equal with the other body, and why shouldn't the House members have the same opportunity to put amendments on bills that they do in the other body?

As I told you before, I offered these amendments to the Education Committee about six weeks ago. There is no reason why they couldn't have been included in this bill when it was presented, but this morning I find out from some of

the members of the Education Committee that why not let it ride along, we are getting along towards the end of the session, they pre-engrossed the bill, why don't you just forget it this time? It was something we overlooked and why don't you bring it back next session?

I hope you won't indefinitely postpone this amendment. We are still going to be here at least another day I know of, and there is ample time to engross this bill.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday afternoon we asked for an explanation of this from the Education Committee, not only this particular amendment we have before us, but the Senate amendments, and as yet we have had absolutely no explanation from the Education Department. It could cost the taxpayers of the State of Maine far more than \$14,000 that we are worrying about if we have some of these errors they will amount to more than \$14,000. And I have seen some of the things. For instance, today we have just started on its way through here something that is going to cost the taxpayers over \$600,000, I think it was \$648,000 it was testified to, something that has never been before the committee, has had no public hearing, and yet here we have it before us and we are enacting it in the final hours of the session.

Now in case the Education Committee doesn't happen to know what can be done, I recommend to them looking over the good work of the committee headed by, as far as the House is concerned at least, the good lady from Orrington. On the Judiciary we have here point by point an explanation of what they are trying to do in their errors and inconsistency bill. I think we can expect no less in anything as important as education.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the

House: I would have spoken to the sponsor of this amendment except that I heard the amendment wasn't to be offered. My first experience in this language came four years ago when I was up here to testify against a similar bill. At that time the intent of this language was to enable a certain percentage of the voters to overturn certain actions that had been taken by various directors of the various school districts. I don't think it is consistent to call this an appropriate error or inconsistency, because I heard no testimony at that time, and I have heard none today that would indicate that we have errors or inconsistencies that this language would change.

The function of a board of directors is pretty well laid out by state statute, and I can't for the life of me think of any worthwhile activity or any worthwhile purpose that language of this type would serve. Would it be to overturn the decision of the board of directors to hire a certain teacher or to introduce a certain course of study? If that were the effect of it, I think it would be bad. We have directors elected by the people to operate the school system consistent with state law, and I think that we would do very well to turn this amendment down.

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: I agree with the gentleman from Cumberland, Mr. Garsoe. I think we ought to turn down this amendment today. It is definitely not an error or an inconsistency in the present law.

I would like to point out that we had a bill before our committee this year that was similar to this which received a 17-A from the committee. That bill would have required that two-thirds of the membership of every town or school board members be at every union or school district meeting, which would mean that one town if one of their members or one or two of their members didn't show up, then the system couldn't hold a school board meeting.

I see this amendment as doing similar things. It allows one town to get 10 percent of the people that voted in the last gubernatorial election to cause or could cause a district to come to a halt. They could request every single decision that the school board made to come back and have a special meeting. I think that the present law allows where 10 percent of the people in every town would request a meeting, that they have of this method presently, and I don't think we should put in a law book where possibly a small town of a couple hundred people who might only have had 50 people vote in the last gubernatorial election, that means they would need only five to ten signatures, and could bring a school district pretty much to a halt.

I don't believe that we here should be taking that action today. This is definitely a change in the law, it is not a clarification, and I think that if the gentleman from Stockton Springs would like such a statute, maybe we ought to consider an L. D. the next session.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: The last two speakers have refreshed my memory, because I was the sponsor of two bills in the 104th, one that the gentleman from Cumberland Mr. Garsoe has referred to, and one the previous gentleman has referred to, two separate bills.

The bill Mr. Garsoe spoke on which I sponsored would allow members in the municipality of the school district to petition a special school board meeting or school district meeting to iron out certain problems. The bill went fairly well in committee, there was a lot of opposition to it, school board members and the Department of Education was rather mute until after the hearing was over.

I think the main thing then, the objection was that this piece of legislation would open up a can of worms and the hierarchy in the Department of Education certainly didn't want the people at local level to get into the educational scene.

So, if memory serves me correct, that bill came out under 17-A or something similar to it.

The previous gentleman has referred to another bill which had a different concept to it. The second bill which was passed, modified down by amendment, would allow the people within the school administrative district to form a petition of 10 percent to introduce an article into the warrant to be acted on at a school budget meeting.

There is a distinct difference between the two bills I sponsored, and there certainly is a distinct difference in the discussion here this afternoon between the two gentlemen.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to oppose this particular amendment on its substance alone. The gentleman from Bangor, Mr. Murray, has described it pretty well, but just let me draw you a picture, ladies and gentlemen. We are talking about a school administrative district with perhaps 5,000 registered voters, and this can be comprised of towns anywhere from 2,500 registered voters down to 300 registered voters. Can't you just picture a town with say 500 registered voters, 250 of whom went and voted in the last election, 10 percent of that would be 25, that is less than two-tenths of one percent of the total registered voters in the whole district.

This is going way too far on the ability to initiate changes. Ten percent of all the voters in the district in each community is a reasonable figure. I hope you will defeat this amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Houlton, Mr. Bither, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 32 having voted in the negative, the motion did prevail.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

#### Order Out of Order

Mr. Goodwin of South Berwick presented the following Order and moved its passage:

ORDERED, that Stuart and Jean Kerr of Hightstown, New Jersey, be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

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

Bill "An Act Relating to Joint Standing Committees of the Legislature" (S. P. 560) (L. D. 1731) (H. "A" H-584).

Tabled — June 27, by Mr. Simpson of Standish.

Pending — Further consideration.

(House passed bill to be engrossed as amended by House Amendment "A" (H-584), Senate insisted on their action whereby they accepted the Leave to Withdraw as covered by other legislation report.)

On motion of Mr. Simpson of Standish, tabled pending further consideration and tomorrow assigned.

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

Resolution Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1983; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the