

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

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OF THE

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able to do it much better and we feel as a committee that we do have a better handle on it in that we won't run into a deficit again in this subject.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to voice one concern that I have in the special education program. I am concerned that mainstreaming these exceptional children into the classroom without proper safeguards, that we are having and will probably have more physical abuse of teachers. I am concerned that mainstreaming the exceptional child into the classroom may have a very disruptive effect on the education of other children in the classroom. I think the local units have to be fully aware that while we are concerned that exceptional children are provided the benefits of an education, that we safeguard the education of all the other children in the classrooms.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I have a question for any member of the Education Committee. I notice Item 6 in the Statement of Fact extends the date of compliance with the law from 1977 to 1978. I wonder if someone could explain the implications of that delay?

The SPEAKER: The gentlewoman from Portland, Mrs. Najarian, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: Mrs. Najarian has prompted me to ask a question I needed to ask earlier. I have an amendment to this committee amendment. Do I need to ask to have this tabled to put it on?

The SPEAKER: The Chair would inform the gentlewoman that we will read the committee amendment and then it would be proper to table it until later today if the gentlewoman wants.

Mrs. MITCHELL: Mr. Speaker, my amendment gives you an opportunity to decide whether or not you want to delay this deadline. Personally, I am opposed to delaying the deadline, as only a small number of schools have any problems with implementation. I feel that the 108th can adequately deal with them if there are problems. The other reason I do not wish to delay the deadline, we have already gone to a 90-10 funding level, which I consider a disincentive for getting the special education programs off the ground, and then to change the deadline would be a second disincentive which I am opposed to. So for the sake of my amendment, after you have asked your questions, I suggest someone table this until later in today's session.

Thereupon, Committee Amendment "A" (H-1083) was read by the Clerk.

On motion of Mrs. Najarian of Portland, tabled pending adoption of Committee Amendment "A" and later today assigned.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Stonington, Mr. Greenlaw, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Greenlaw assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

Second Reader

Later Today Assigned

Bill "An Act Relating to the Geologists and Soil Scientists Certification Act" (H. P. 2240) (L. D. 2322)

Was reported by the Committee on Bills in

the Second Reading and read the second time.

On motion of Mrs. Clark of Freeport, tabled pending passage to be engrossed and later today assigned.

Second Reader

Later Today Assigned

Bill "An Act to Strengthen Litter Laws and Improve Solid Waste Management in this State" (H. P. 2225) (L. D. 2315)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. McKernan of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1090) was read by the Clerk.

The SPEAKER: pro tem: The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: Let me explain to you what this amendment does. There was what we considered could be construed to be a loophole in the bill that was passed which did not require that a deposit be charged. So this just says that a deposit shall be charged by stores on returnable beverage containers.

Also, it changes the types of containers that have to be accepted by distributors from 'clean' to 'reasonably clean'. We were afraid that people would argue what was clean and what was not. This is just a minor amendment.

Thereupon, House Amendment "A" was adopted.

The SPEAKER pro tem: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, could this be tabled until later in today's session?

The SPEAKER: pro tem: The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. McKERNAN: Mr. Speaker, I would ask for a vote.

The SPEAKER pro tem: The pending question before the House is the motion of Mr. Dam of Skowhegan, that this be tabled until later in today's session pending passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 38 in the negative, the motion did prevail.

Passed to Be Enacted

Bill "An Act to Require Registration and Reporting of Professional Lobbyists" (Emergency) (S. P. 766) (L. D. 2313) (S. "C" S-466)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. Henderson of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1084) was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment restores one aspect of the original bill, and that is a limited exemption for religious organizations or religious officials. The Statement of Fact fairly indicates what this amendment does. They exempt individuals officially representing a religious society only when they speak to protect their constitutional rights to exercise their religion but not when they seek to impose their views of various kinds on others or if they seek any economic advantage. That is, if a church, let's say, is seeking a tax exemption, then they would be considered a lobbyist under the bill. If a church promotes or opposes abortion, capital punishment, imbibing of alcohol,

whatever, they would be considered lobbyists under the bill and the amendment, but if a religious society is trying to protect its own practices internally within their own organization from something that we might pass, then in that case, they are not considered lobbyists. They may come and speak about the way they practice their religion and how our legislation might impinge on them. Only in that very narrow way does it exempt them from the bill.

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

Mr. KELLEHER: Mr. Speaker, I move indefinite postponement of this amendment and I request a roll call.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not go along with indefinite postponement. I am going to be a little bit more open than the gentleman from Bangor, Mr. Henderson.

This amendment applies, you might say, 100 percent to one group and that is the Christian Scientist — I am not one. What its purpose is is this. Very often we have bills in here that pertain to medical practices. The Christian Scientists do not lobby against that bill or those bills, only as it applies to them when we pass something that requires everyone to take a flu shot. They are not concerned that I take a flu shot, but they do not want on the books that those who oppose taking flu shots for their spiritual purposes or their beliefs should be forced to take the flu shots. In other words, they are not trying to impose their thinking or their doctrine on any one of us. What they are trying to do is say, don't impose your doctrines on us.

This is a good amendment. It was in the original bill and I hope it passes.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I support the motion of the gentleman from Bangor, Mr. Kelleher to indefinitely postpone this amendment. I don't like to get into specifics when we discuss problems on why an amendment is presented, but the gentleman from Hampden is absolutely correct. The only person that I know of who is pushing this amendment is the person who represents the Christian Scientist Church here in front of the legislature.

The gentleman is also correct in that he does speak supposedly in order just to protect their religious beliefs. However, there are also indications that he speaks on bills, and this is one of them, by lobbying for this one. It doesn't necessarily reflect their religious beliefs. I will give you an example: The Child Abuse Act. As I recall, it says that a doctor, when treating a child who had been abused, had to report that abuse. Assume that the Christian Science Church came in to oppose that bill simply because they have the right to take care of their children as their religion dictates and they, therefore, might want an amendment for that bill. The point is that all the bill required was that doctors report these abuses, and since Christian Scientists don't go to doctors, it is not part of their belief, therefore, they should have no concern with that bill. That would be an example where they would be lobbying, claiming to be protecting their religious beliefs when, in fact, they were not. I say that only because of the statements made by the gentleman from Hampden.

I think the concern we should have is on the whole question of religion as it appears in the Constitution. We went through this, as I said