

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Ninth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

started to be put together somewhere about September 1, and the budget office didn't feel that they would have sufficient time to adequately work on the budget if we didn't have it in at an earlier date. So the change from the bill that was passed last year does move it back from November 15 to September 1.

I think much of the rest of the language is very close to being the same as it was in the bill that was passed originally. There is one short section that was taken out, and that is boiler operators' licenses, because we found the language somewhat inconsistent with the rules and regulations drawn up for issuing these licenses, so that particular part was taken out.

There is one other area down at the end of it where there might be some questions asked, and that is that the State Board of Education "may utilize the Office of State Employee Relations for the purpose of this chapter." When the legislation was passed to allow collective bargaining for the VTI's, the negotiations were to be handled by the Office of State Employees Relations. Two years ago, the negotiations broke down because of the inability of the State Board to negotiate because they found they were in the position where the Office of State Employee Relations was actually working between the Governor's Office and the State Board and it made an impasse that was almost impossible to resolve. The attorney general at that time did issue a ruling that if they wished to hire outside counsel, they could. So this word 'shall' was deleted and the word 'may' was put in.

I don't think that as a general rule, if negotiations proceed in a reasonable fashion, they will attempt to go outside and hire outside negotiators, but it does allow them, in case they run into the impasse situation that they had two years ago, to go out and hire outside agents to do this.

Basically, the general intent of the bill is a good deal the same as the bill that was passed last year. I think that most of the people involved in the vocational education field in the State of Maine figured this was a real worthwhile improvement to attempt to give the VTI's the recognition that they probably need if they are going to continue to be the vital educational function that they can be in the State of Maine, and I would hope that this bill would be given good consideration.

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

Mr. MORTON: Mr. Speaker, I want to thank the gentleman from East Millinocket for a very excellent explanation of this. He has certainly gone a long way to convince me that this is the right way to move. He did cover the two areas that I had questions raised, one was the contingent fund area and the other one was this area that the state board may be allowed to go outside of the state negotiating services for the purpose of negotiating. That has been well explained today and I am still reserving some judgment on this.

I hope you will all take a good look at it but I thank the gentleman very much for an excellent explanation.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

Bill, "An Act Relating to the Budgetary Hardship in Maintaining Special Education Students" (H. P. 1789) (L. D. 1908)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

Amended Bill Tabled and Assigned

Bill "An Act to Establish the Boundary between Rockport and Rockland" (S. P. 658) (L. D. 1698) (S. "A" S-403)

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

On motion of Mr. LaPlante of Sabattus, tabled pending passage to be engrossed in concurrence and tomorrow assigned.

The Chair laid before the House the following matter:

RESOLUTION Proposing an Amendment to the Constitution of Maine to Undedicate the Highway Fund (H. P. 1799) which was tabled earlier in the day and later today assigned pending the motion of the gentlewoman from Owl's Head, Mrs. Post, that this matter be referred to the Committee on Taxation.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, I move that this be tabled for one legislative day.

Mrs. Post of Owl's Head requested a division.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Corinth, Mr. Strout, that this matter be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 42 having voted in the affirmative and 53 in the negative, the motion did not prevail.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentlelady from Owl's Head Mrs. Post, or any other member who would care to answer.

It has been past history that these bills referring to the changes in the Constitution go to State Government, and it would seem to me that this would be a little change in tradition. It really isn't a new tax or changing a tax, and I don't really see why it should go to Taxation. It would seem to me it should either go to Transportation or State Government and that would be the better place.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: If you want to take a look at the recent history of this type of bill, other bills in the last ten years or at least in the 70's have gone either to State Government or Taxation. They have gone to both places in terms of undedicating the gas tax. They have not, during that time, gone to Transportation, at least none that I could find. Bills that either increase or decrease the gas tax to fund the Department of Transportation have gone to the Taxation Committee.

I think in our last session, if you will remember, there was an agreement worked out between State Government and other committees that were involved, that when we were dealing with substantive issues, they would go to those committees. For instance, the constitutional amendment on a tax limitation went to the committee on Taxation, and I think there were other such examples that went to other committees and then if they did, in fact, come out favorable, the State Government would take a look at them in terms of form and how they fit into the overall Constitution.

This is a matter of major tax policy and a major tax change within the state, and if you want to go with precedent, at least to keep with the most recent precedent of what the agreement was last year, it more appropriately goes to the Committee on Taxation.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Members of the House: I would like to hear from the chairman of the Transportation Committee on this. I value his opinion and I would make one observation. I am certainly not trying to put the words into his mouth or anybody else's mouth because I could care less, other than this. If I were on the Transportation Committee, I don't

think I would want this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify one point that was made by the gentlelady from Owl's Head, Mrs. Post. I was the sponsor of a similar bill and it did go to the Committee on Transportation, not Taxation, so that this very bill undedicating the highway funds by me went to Transportation.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I believe we can form great service in regard to the creditability and integrity of the Transportation Committee, and I would urge all the members of the Transportation Committee to look at this from a little different perspective than we have in the past.

We have always tried to give a fair hearing on all bills that came before us and I am sure we would give one to this one but in the interests along with another committee to handle this bill, I have no objections because I believe we have creditability; I believe we have integrity and honesty. We have always given this bill a fair hearing and I am prepared to send this bill before the whole legislature for a hearing if necessary. I have no ghosts in my closet, I have nothing to hide and I am sure no one else does. We want a good hearing on this and if the Taxation Committee will give it a good hearing and invite three members of my committee to sit on there, I have no objections to them having it.

Thereupon, on motion of Mrs. Post of Owl's Head, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

At this point, the Chair appointed Representative James Elias of Madison to serve as Speaker pro tem on Wednesday, February 6.

On motion of Mr. Morton of Farmington, adjourned until ten o'clock tomorrow morning.