

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, I was wondering if I could ask through the Chair for an explanation of this new draft?

The PRESIDENT: The Senator from Kennebec, Senator Reeves, poses a question through the Chair which any Senator may answer if he so desires.

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President and Ladies and Gentlemen of the Senate: The purpose of the new draft is basically that it is a vehicle to close up a loophole in the existing gaming laws. Primarily it is put in at the request of the Attorney General's Office and the Maine State Police, who are very concerned about the introduction of certain gambling machines which are not outlawed under the existing law. They felt that an emergency situation existed, and the majority of the committee agreed that the question of legalized gambling should be met face on, and not by the back door through a loophole. The purpose of this new draft is simply to close this loophole, and it does not mean that the content of the original bill is not still under consideration. There are several bills before the Committee dealing with the subject matter of games of chance and they are still being considered.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass in New Draft report of the Committee?

Thereupon, the Majority Ought to Pass in New Draft Report of the Committee was Accepted in concurrence, the Bill in New Draft Read once and Tomorrow Assigned for Second Reading.

**Senate
Leave to Withdraw**

Mr. Graffam for the Committee on Liquor Control on,

Bill, "An Act Relating to Business Days and Hours under the Liquor Laws (S. P. 365) (L. D. 1168)

Reported that the same be granted Leave to Withdraw.

Mr. Huber for the Committee on Appropriations and Financial Affairs on,

Bill, "An Act Making Supplemental Appropriations for the Substitute Care Program." (S. P. 318) (L. D. 1

95)
Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.
Sent down for concurrence.

Ought to Pass

Mr. Huber for the Committee on Appropriations and Financial Affairs on,

Resolve, Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers. (S. P. 327) (L. D. 113)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Resolve Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Mr. McNally for the Committee on Labor on,

Bill, "An act to Clarify the Definition of Employee in the Workmen's Compensation Act." (S. P. 131) (L. D. 436)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 492) (L. D. 1821).

Mr. Pray for the Committee on Labor on,

Bill, "An Act Relating to a Close

Corporation Under the Unemployment Compensation Laws." (S. P. 11) (L. D. 43)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 493) (L. D. 1822).

Which reports were Read and Accepted, the Bills in New Draft. Read Once and Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill, "An Act Making Supplemental Appropriations for the Maine Human Services Council." (H. P. 626) (L. D. 772)

Bill, "An Act Relating to Borrowing by Hospital Administrative District No. 1 in Penobscot County." (H. P. 887) (L. D. 1062)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

House - As Amended

Bill, "An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspension." (H. P. 333) (L. D. 405)

Which was Read a Second Time.

On motion by Mr. Clifford of Androscoggin, the Senate then voted to reconsider its prior action whereby House Amendment "B" was Adopted.

The same Senator then presented Senate Amendment "A" to House Amendment "B" and moved its Adoption.

Senate Amendment "A", Filing No. S-58, to House Amendment "B" was Read.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for April 21, 1975, pending Adoption of Senate Amendment "A" to House Amendment "B".

Senate

Bill, "An Act Relating to Exemption of Law Enforcement Agencies and Courts under the Human Rights Act." (S. P. 283) (L. D. 997)

Bill, "An Act Concerning Residence Facilities of State Patients Released into the Community." (S. P. 491) (L. D. 1738)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Abolish Certain Filing Requirements for Out-of-State Nurserymen and Dealers Doing Business with this State. (S. P. 262) (L. D. 859)

Which was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Resolve, Providing for Purchase of Copies of Town Histories. (H. P. 1381) (L. D. 1410)

(On motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.)

Emergency

An Act Amending Chapter 6 of the Private and Special Laws of 1975, Relating to the Borrowing Capacity of School Administrative District No. 19. (H. P. 1484) (L. D. 1682)

This being an emergency measure and having received the affirmative votes of 31 members of the Senate, was Passed to be Enacted. And, having been signed by the

President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

JOINT ORDER — Relative to Joint Select Committee on State Property Tax Valuation. (S. P. 490)

Tabled — April 11, 1975 by Senator Speers of Kennebec.

Pending — Passage.

On motion by Mr. Speers of Kennebec, retabled pending Passage.

The President laid before the Senate the second tabled and Specially Assigned matter:

House Report — from the Committee on Education — Bill, "An Act to Correct Deficiencies in the School Funding Law." (H. P. 472) (L. D. 526) Ought to Pass in New Draft With New Title Bill, "An Act to Fund Public School Education." (H. P. 1437) (L. D. 1452).

Tabled — April 11, 1975 by Senator Cummings of Penobscot.

Pending — Acceptance of Report.

(In the House — Passed to be Engrossed as amended by House Amendments "A" (H-135), "G" (H-141), "J" (H-144), "M" (H-147), and "N" (H-148).

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: As I understand the desire of the Senate, this morning we will be asked to accept a committee report and act on certain amendments which were adopted by the House. I am sure that the Senate wants all the questions answered without unnecessary and tedious debate. Might I suggest, if it is agreeable to the Senate, that I will point out to the Senate on page 17 of the bill a factual statement of the twelve most important changes made in the law under the statement of fact.

Next, Mr. President, I would suggest that perhaps it might be helpful that as each amendment comes up for our consideration today, I would be more than glad to briefly respond to the content of these amendments. Therefore, I move the pending question.

The PRESIDENT: The pending question is the acceptance of the Ought to Pass in New Draft Report of the Committee. Is this the pleasure of the Senate?

Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill in New Draft Read Once.

House Amendment "A" was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, House Amendment "A" properly would have been Committee Amendment "A" if the time had existed for us to incorporate it into the bill ourselves. The bill contains a significant error in draftsmanship: inadvertently the forgiveness of the so-called over-collection communities was included in the bill, which was not the committee intent, and this corrects that error. There are also a couple of other minor inclusions in it, one of which is a flexible ceiling which answers the plea for help from such communities as Portland and Cape Elizabeth. It also extends the time for moving into a fiscal year until a year from July.

The amendment itself. I think, completely strengthens the law, and I move its adoption.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I would like to pose a question through the Chair to the Senator from Kennebec, Senator Katz, regarding that provision of the amendment which refers to extending the deadline of changing to the new uniform fiscal year. My question really has to do with the relationship between the fiscal year which the state has of July 1st to June 30th, the fiscal years which various communities have, particularly for their school budgets, and what I understand is to be the new fiscal year that the federal government is going into which has to do with an October to October arrangement. I guess my question is: did the Education Committee give careful consideration to this, as I understand it, proposed change or definite change in the new federal fiscal year?

The PRESIDENT: The Senator from Penobscot, Senator Curtis, poses a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, my answer is in the affirmative. We considered the proposed new federal year, which is an October 1st year. Our motivation was twofold: one, we wished to extend the time the legislature had to debate questions when we came here in January to a more convenient time. Right now, of course, when the legislature meets in January every regular session we are faced with an emergency.

Second, and perhaps even as important, for the first time we wanted to get the entire school year; in other words, the September to June segment, into a fiscal year so that all over the state taxpayers who have been asked to perplex over this darn fractional business, because when they pass their budget they are just passing it from September until December, we feel that it is extremely advantageous to have the whole school year so that taxpayers will clearly understand if they vote two new positions in the school system what the entire impact in dollars will be over the school year. So we did consider the federal establishment's change and we felt that it was not a pressing change as far as we were concerned.

The PRESIDENT: Is it now the pleasure of the Senate to adopt House Amendment "A"?

Thereupon, House Amendment "A" was Adopted in concurrence and House Amendment "G" was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, House Amendment "G", under Filing 141, addresses itself to the limited but very important problems of isolated communities, mainly Maine's island communities, and it does away with the necessity for geographically isolated communities in raising the full requirements of the law before they make application to the State Board of Education for benefits under our so-called geographic isolation grants.

The PRESIDENT: Is it the pleasure of the Senate to adopt House Amendment "G"?

Thereupon, House Amendment "G" was

Adopted in concurrence and House Amendment "J" was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, House Amendment "J", under Filing H-144, puts a restriction on the total purchases of school buses which may be made statewide in a single year. The figure is 3 million dollars. You will recall earlier in the bill itself there is a limitation on authorization for school construction, and this follows that same pattern.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, the statement of fact talks about increases in the income tax that raises the general fund's share in future years. Could that be explained? I think we ought to know what we are voting on.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, poses a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I would refer the Senator's attention to House Amendment "J", under Filing H-144, a very short amendment which restricts its attention to the acquisition of buses.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, again I would like to pose a question to the Senator from Kennebec, Senator Katz. And the reason I am asking some of these questions is that I met with some of the school boards in several of my communities last night, and I would just like to get some of these things clarified, and preferably on the record. What is the rationale for the limit to 3 million dollars for the purchase of school buses?

The PRESIDENT: The Senator from Penobscot, Senator Curtis, poses a question through the Chair to the Senator from Kennebec, Senator Katz, who may answer if he desires.

The Chair recognizes that Senator

Mr. KATZ: Mr. President, this amendment came out of the other body. It was not considered by the Committee on Education. The Committee on Education has no objection to it. It is a further response to those who insist that the total cost of education be tightened up so that every possible loophole can be identified and dealt with. The rationale behind this limitation is that there have been abuses around the state in rapid and rather unsupported acquisitions of buses, and this is a response to that demand.

The PRESIDENT: Is it now the pleasure of the Senate to adopt House Amendment "J"?

Thereupon, House Amendment "J" was Adopted in concurrence and House Amendment "M" was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, under present law, the Commissioner of Education is required every year to report to the Division of Taxation his estimated total cost of education in the State of Maine. The School Finance Act of 1975 changes this procedure whereby the Commissioner will make his recommendations through normal channels to the Bureau of the Budget, the Office of the Governor, and thence to the

Legislature. This House Amendment "M" establishes a joint order as the route by which the legislature will transmit its findings the Division of Taxation

The PRESIDENT: Is it now the pleasure of the Senate to adopt House Amendment "M"?

Thereupon, House Amendment "M" was Adopted in concurrence and House Amendment "N" was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, one of the perplexing problems facing the Committee on Education was the fact that some communities, particularly in the Cumberland County area, were bumping against their legal ceiling; they could not raise enough money to meet their basic school needs. In the School Finance Act of 1975 we addressed ourselves to the problem where a community could prove to the satisfaction of the Commissioner, and the Commissioner could then give them a little flexibility in pursuing a second local maintenance of effort fully funded by the local community. This amendment changes a single word. Where the committee's position was "the Commissioner may grant them relief", this amendment says "the Commissioner shall grant them relief". It is a change completely acceptable to the Education Committee because there are significant guidelines already in the law which pretty much control the action of the Commissioner of Education.

The PRESIDENT: Is it now the pleasure of the Senate to adopt House Amendment "N"?

Thereupon, House Amendment "N" was Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the third tabled and Specially Assigned matter:

Bill, "An Act to Extend Date for Closing of Open Burning Dumps." (H. P. 1464) (L.D. 1502)

Tabled — April 11, 1975 by Senator Jackson of Cumberland.

Pending — Passage to be Engrossed. (In the House — Passed to be Engrossed.)

Thereupon, the Bill was Passed to be Engrossed in concurrence.

The President laid before the Senate the fourth tabled and Specially Assigned matter:

Bill, "An Act to Prohibit Corporal Punishment of Pupils." (H. P. 275) (L. D. 417)

Tabled — April 11, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed. (In the House — Indefinitely Postponed.)

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for April 22, 1975, pending Passage to be Engrossed.

The President laid before the Senate the fifth tabled and Specially Assigned matter:

Bill, "An Act Relating to Filing Requirements for Perfecting a Security Interest in Mobile Homes under the Uniform Commercial Code." (S. P. 297) (L. D. 1023)

Tabled — April 11, 1975 by Senator Cianchette of Somerset.

Pending — Passage to be Engrossed. On motion by Mr. Speers of Kennebec,