

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

tabled pending acceptance of the Committee Report and specially assigned for Monday, May 19.

**Second Reader
Tabled and Assigned**

Resolution, Proposing an Amendment to the Constitution to Provide for Reduction of the Number of Representatives in 1985, to Establish the Number of Senators at Thirty-three in 1985 and to Change the Date of Convening of the Legislature (H. P. 1587) (L. D. 1883)

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

(On motion of Mr. Faucher of Solon, tabled pending passage to be engrossed and specially assigned for Tuesday, May 20.)

Passed to Be Engrossed

Bill "An Act to Provide Employment Security for State Legislators" (H. P. 1224) (L. D. 1535)

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

Bill "An Act Permitting Certain Graduates of Vocational-Technical Institutes to Take the Journeyman's Examination Given by the Electricians' Examining Board, the Oil Burner Men's Licensing Board or the Plumbers' Examining Board" (S. P. 335) (L. D. 1121)

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

Mr. Higgins of Scarborough offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-359) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Very quickly, all this does is just try to make this bill conform to a bill that was already enacted, L. D. 318, which was heard by the Business Legislation Committee some months ago dealing only with journeymen plumbers and establishing classification of trainee plumbers. This bill, as it is written now, L. D. 1121, is in conflict with the bill that has already been enacted.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. LeBlanc.

Mr. LeBLANC: Mr. Speaker, could I have somebody table this for two legislative days. Legislative Research is doing some work on this, and before we accept the amendment, I would like to have it tabled.

Thereupon, on motion of Mr. Laffin of Westbrook, tabled pending the adoption of House Amendment "A" and specially assigned for Tuesday, May 20.

Bill "An Act Relating to the Income Limitation of the Elderly Householders Tax and Rent Refund Act" (H. P. 418) (L. D. 504)

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

**Second Reader
Indefinitely Postponed**

Bill "An Act Further Defining the Definition of 'North American Indians

Residing in Maine' (H. P. 1375) (L. D. 1688)

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

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, I move indefinite postponement of this bill and all its papers.

The SPEAKER: The gentleman from Solon, Mr. Faucher, moves that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Passamaquoddy, Mr. Nicholas.

Mr. NICHOLAS: Mr. Speaker and Members of the House: I would like to take the opportunity at this time to thank the gentleman from Solon that the bill has come this far. But in consulting with the Tribal Governors in the past two days, all Tribal Governor of all reservations, they thought that to have this bill taken out, because of some of the language in the bill, at further meetings they are going to have to discuss it.

I have talked with them yesterday, and they wish to withdraw this bill at this time. Although I was not too familiar with the bill in the beginning, I hope when I get back I will be more enlightened by it. I think the definition of one-fourth Indian was the fact that every time I get back I am one fifth short, I guess. I had some other notes, but this is the desire of the tribes. Thank you.

Thereupon, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

**Second Reader
Assigned**

Bill "An Act Converting Allagash Plantation into the Town of Allagash" (H. P. 1276) (L. D. 1647)

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

Mr. Dam of Skowhegan offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-382) was read by the Clerk and adopted.

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

**Amended Bill
Tabled and Assigned**

Bill "An Act Relating to the Dredging, Filling or Otherwise Altering Coastal Wetlands" (H. P. 590) (L. D. 730) (C. "A" H-354)

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

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

Mr. MORTON: Mr. Speaker, I would ask the members of the House to look at the committee amendment over the weekend, if you need anything else to read, and I would hope that somebody would table this for two days at this time.

Thereupon, on motion of Mr. Higgins of Scarborough, tabled pending passage to be engrossed and specially assigned for Tuesday, May 20.

Bill "An Act Relating to Executive Sessions of Public Bodies or Agencies" (H. P. 722) (L. D. 899) (C. "A" H-286)

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

Mr. Snow of Falmouth offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-332) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, I would like to move the indefinite postponement of the amendment.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, moves the indefinite postponement of House Amendment "A".

The gentleman may proceed.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will take a few moments to look at L.D. 899. It is a bill and at the moment the only bill that deals with executive sessions of public bodies and under the popular heading of Right to Know Law. Presently Title 1, Section 404, allows executive sessions of public bodies but only provides such sessions shall not be used to defeat the purposes of the chapter. L.D. 899 rewrites Section 404 and adds to the present wording the requirement, that a motion to go into executive session must state the nature of the business to be discussed in that session to the exclusion of any other subject. The bill further limits to seven subject areas to those items that may be discussed in executive session. Now, the companion bill, which was tabled in the other Body awaiting this one's arrival is L.D. 1035 and that bill further states that the adoption of any ordinance, orders or rules in executive session is illegal and it provides an appeal remedy to the Superior Court.

The point of difference between the good gentleman from Falmouth and myself, and it is one that he and I have discussed over the last several months, is that it is my belief in order to have an effective "Right to Know Law," we must clearly define those items that can be discussed in private. I feel this for two reasons. First of all, members sitting on boards, be they selectmen or quasi judicial boards of any kind need to have the present law defined more clearly so that they may know what they may go into session for and what they may not go into session for. There is a recent Superior Court decision on this subject regarding the town of Kittery.

Accordingly in the bill, I spelled out seven subject areas that I felt and others felt were appropriate for consideration in executive session. We wrote the bill so that it limited executive sessions to those seven areas.

What the gentleman from Falmouth attempts to do with this amendment, basically, is to gut the bill by taking out the last three words on page one, which says "and no others." If you adopt this amendment, in effect, you will be returning this bill to the status of the present law but you will be listing seven reasons among any that boards can go into executive sessions. I would submit that if the amendment is adopted and it becomes part of the bill, the bill itself, then, will become meaningless. I urge you to indefinitely postpone, and specially amend.

On motion of Mr. Snow of Falmouth tabled pending the motion of the gentleman from Kennebunk, Mr. McMahon, that House Amendment "A" be indefinitely postponed, and specially assigned for Monday, May 19.

Bill "An Act to Specify which Activities on Lands Adjacent to Great Ponds, Rivers,