

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

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KENNEBEC JOURNAL
AUGUSTA, MAINE

this item because there was some confusion in my mind as to what this bill was trying to do. I listened with interest when the Senator from Kennebec, Senator Katz, explained what this vehicle was trying to do, and also with sympathy. I think as to the argument he made for allowing a teacher who is allowed by the municipal charter to serve as a municipal officer, allowing him after he has abstained, as he must do under the law, from entering into the voting and the other procedures that go on in regards to the school budget that affects the contract, I agree with the sentiments expressed by the Senator from Kennebec, Senator Katz, that that teacher then should be able to enjoy that contract as just one of the teachers in the town.

What concerns me is that House Amendment "A" is, at best, ambiguous if its purpose is to accomplish that end. It amends L. D. 1339 by striking out all the language in that and replacing it with a lot of language, most of which is a repeat of what is presently in the law, but it provides at the end of the amendment to subsection 2 that, "except that teachers may serve as municipal officers." Now, it is my understanding from talking to people that are interested in this bill that they thought the "may" in the sentence should be operational so as not to insist that towns that have other provisions in their charter allow teachers to serve. But it seems to me "may" used in this context indicates that the option is up to the teacher, and when we say "teachers may serve," as we do in this sentence, that means that they may if they wish. So it at least raises an ambiguity in regards to the charters of the towns, and it may in fact be read by the courts to overrule the provisions in the charters which do not allow this to take place. The new subsection 2 in this bill, which would be subsection 4 of section 2251, also I think is ambiguous in doing what it attempts to do, which is to provide that the teachers may benefit from those contracts that the teacher or teachers who serve on the municipal board may benefit from those contracts once they have abstained from engaging in the process.

All this leads to my conclusion that this amendment is a much worse vehicle to accomplish what the sponsors of this bill would hope to accomplish than the previous bill. For that reason, I move at this time that we indefinitely postpone House Amendment "A", and would ask that we then pass 1339 as it was written in the first instance. If this is unacceptable to the sponsors, they will have a chance to work on it when it goes back in non-concurrence.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that House Amendment "A" be indefinitely postponed. Is this the pleasure of the Senate?

Thereupon, House Amendment "A" was indefinitely Postponed in non-concurrence and the Bill Passed to be Engrossed.

Sent down for concurrence.

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

HOUSE REPORTS — From the Committee on Business Legislation — Bill, "An Act to Require Returnable Beverage Containers." (H. P. 745) (L. D. 913) Report "A" — Ought to Pass in New Draft under same Title: (H. P. 1609) (L. D. 1888);

Report "B" — Ought to Pass in New Draft under same Title: (H. P. 1610) (L. D. 1889); Report "C" — Ought Not to Pass.

Tabled — May 21, 1975 by Senator Thomas of Kennebec.

Pending — Acceptance of Any Report.

(In the House — Bill, in New Draft (H. P. 1609) (L. D. 1888), Passed to be Engrossed.)

On motion by Mr. Thomas of Kennebec, the Ought to Pass in New Draft Report "A" of the Committee was Accepted in concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

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

Bill, "An Act to Clarify Certain Provisions of the Maine Right to Know Law." (H. P. 848) (L. D. 1035)

Tabled — May 21, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Cyr of Aroostook to Indefinitely Postpone Senate Amendment "A" (S-176).

(In the House — Passage to be Engrossed as amended by Committee Amendment "A" (H-285).)

(In the Senate — Committee Amendment "A", Adopted)

Thereupon, on motion by Mr. Reeves of Kennebec, retabled until later in today's session, pending the motion by Mr. Cyr of Aroostook to Indefinitely Postpone Senate Amendment "A".

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

Bill, "An Act Creating the Post-secondary Education Commission of Maine." (S. P. 344) (L. D. 1160)

Tabled — May 22, 1975 by Senator Katz of Kennebec.

Pending — Consideration.

(In the Senate — Passed to be Engrossed as amended by Committee Amendment "A" (S-134).)

(In the House — Bill and Accompanying Papers Indefinitely Postponed, in non-concurrence.)

On motion by Mr. Katz of Kennebec, retabled and Specially Assigned for May 29, 1975, pending Consideration.

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

Joint Order — Relative to Legislative Council being authorized through the Committee on Local and County Government to study the subject matter of L. D. 124, L. D. 1307, and L. D. 1819. (S. P. 529)

Tabled — May 22, 1975 by Senator Cummings of Penobscot.

Pending — Passage.

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

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

Bill, "An Act Concerning Seasonal Potato Packers under the Workmen's Compensation Act." (S. P. 362) (L. D. 1165)

Tabled — May 22, 1975 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-178), Adopted.)

Mr. Katz of Kennebec then moved the pending question.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — May 22, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-286).)

(In the Senate — Committee Amendment "A", Adopted.)

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

Mr. REEVES: Mr. President, after much debate on the right to know bills in an earlier session, I have now really come to the opinion that this part of this subject, that this part of the right to know law that is encompassed in 899, does need further study, and I think that is the proper course for the Senate to take at this time.

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

On motion by Mr. Clifford of Androscoggin, and under suspension of the rules, the Senate voted to reconsider its action whereby Committee Amendment "A" was Adopted.

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

Senate Amendment "A", Filing No. S-187, to Committee Amendment "A" was Read.

Thereupon, on motion by Mr. Corson of Somerset, retabled until later in today's session, pending Adoption of Senate Amendment "A" to Committee Amendment "A".

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

Senate Report — from the Committee on State Government — Bill, "An Act to Authorize the Governor's Committee on Children and Youth to Accept and Administer Certain Available Funds." (S. P. 138) (L. D. 442) Ought to Pass as amended by Committee Amendment "A" (S-189).

Tabled — May 23, 1975 by Senator Gahagan of Aroostook.

Pending — Acceptance of Report.

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

Senate Reports — from the Committee on Taxation — Bill, "An Act Relating to Exemption of the East Auburn Community Unit, Inc., from Property Taxes." (S. P. 482) (L. D. 1613) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — May 23, 1975 by Senator Merrill of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mr. Conley of