

MAINE STATE LEGISLATURE

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OF THE

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OF THE

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because it is at this time and at this moment, I feel that I must move the indefinite postponement of this amendment.

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

Mr. KATZ: Mr. President, I would like the majority leader to put himself in the position of a legislative committee which was hearing an extremely important piece of legislation controlling the lives of thousands of people in an emotional atmosphere. And we realize that the regulations which will be promulgated are just as important as the legislation, and we know that there are some problems in the whole question of review and approval of promulgated regulations, but we are faced with the fact of life that something has to be done now. But our intent was to tell the Department of Education that whatever rules they promulgated would be reviewed, and we wanted this deterrent or this encouragement to them to be right in front of them so they would know that there would be a legislative review.

Now, whether or not that is in its optimum form, and whether or not an interim study committee can do something better, I don't know, but these regulations are in the process of being promulgated now, they are going to be affecting people in the interim, and I would recommend to the majority leader that it is absolutely essential that we right here now say that these particular rules and these particular regulations are going to get legislative attention.

Now, I didn't put in "the Committee on Education", I just put in "the appropriate committee", because I don't know what committee. There are many people around here perhaps who feel that the Committee on Education should be abolished and some other vehicle established, but this was the best we could do, and I would ask the majority leader either to withdraw his motion or to table so that this important matter can be pursued.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending the motion by that same Senator to Indefinitely Postpone Senate Amendment "A".

The Committee on Local and County Government on, Bill, "An Act Relating to Town Ways." (H. P. 1920) (L. D. 2108) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1028).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendments "A" (H-1070) and "D" (H-1122) Thereto.

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read and Adopted in concurrence. House Amendment "D" to Committee Amendment "A" was Read and Adopted in concurrence. Committee Amendment "A", as Amended by House Amendments "A" and "D" Thereto, was Adopted in concurrence.

Thereupon, under suspension of the rules, the Bill, as Amended was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I haven't kept up with all the amendments on this bill. Could I ask somebody on the committee to explain this in its present form?

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Thereupon, on motion by Mr. Merrill of Cumberland, tabled until later in today's session, pending Passage to be Engrossed.

Ought to Pass in New Draft

The Committee on Legal Affairs on, Bill, "An Act to Permit Executive Sessions in Certain Labor Negotiations." (H. P. 1891) (L. D. 2071)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Revise and Clarify the Freedom of Access Law" (H. P. 2226) (L. D. 2316).

Comes from the House, the Bill in New Draft Passed to Be Engrossed as Amended by House Amendments "A" (H-1034), "B" (H-1044), and "E" (H-1110).

Which report was Read and Accepted in concurrence, and the Bill in New Draft Read Once. House Amendment "A" was Read.

Mr. Corson of Somerset then moved that House Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. CORSON: Mr. President and Members of the Senate: House Amendment "A" would amend the bill in section 404, which is the section of the bill which authorizes recorded and live broadcasts of proceedings of public policy making bodies. House Amendment "A" would add a section which would exempt the House of Representatives and the Senate from the provisions of this law.

We naturally have been in the practice of allowing press coverage, live broadcasting, and recording of proceedings as the press has desired. We have the authority very clearly to establish all the rules and regulations we need to control this coverage, and I feel that exempting the legislature from this law is unnecessary and, for that reason, I move that this amendment be indefinitely postponed.

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

The motion prevailed.

House Amendment "B" was Read.

Mr. Corson of Somerset moved that House Amendment "B" be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. CORSON: Mr. President and Members of the Senate: House Amendment "B" would amend section D of subsection 6 of section 405, which deals with labor negotiations and whether or not they should be held in a closed session. The Committee on Legal Affairs debated this at considerable length, and we finally concluded that as a rule negotiations should be conducted openly unless both parties to the negotiations feel that they should be closed.

House Amendment "B" would simply reverse the situation such that all negotiations will be closed unless both parties agree to have them open. The committee felt that they should be open unless both parties wanted them closed. For that reason, I move the indefinite postponement of House Amendment "B", and hope I haven't completely confused the issue.

The PRESIDENT: The Senator from Somerset, Senator Corson, now moves that the Senate indefinitely postpone House Amendment "B". Is this the pleasure of the Senate?

The motion prevailed.

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

Thereupon, under suspension of the rules, the Bill, as Amended, was Read a Second Time and Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Require a Majority of Consumer Representation on Governing Boards of Nonprofit Hospital and Medical Service Organizations." (H. P. 1865) (L. D. 2036)

Reported that the same Ought to Pass.

Signed:

Senators:

THOMAS of Kennebec
JOHNSTON of Aroostook
Representatives:

RIDEOUT of Mapleton
BYERS of Newcastle
DeVANE of Ellsworth
BOWIE of Gardiner
PIERCE of Waterville
TIERNEY of Durham

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1069).

Signed:

Senator:

REEVES of Kennebec

Representatives:

CLARK of Newport
BOUDREAU of Portland
PEAKES of Dexter
HIGGINS of Scarborough

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

On motion by Mr. Thomas of Kennebec, the Minority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence.

Thereupon, under suspension of the rules, the Bill, as Amended, was Read a Second Time and Passed to be Engrossed in concurrence.

Senate

Ought to Pass — As Amended

Mr. Katz for the Committee on Education on, Bill, "An Act to Clarify Certain Provisions in the Education Laws." (S. P. 651) (L. D. 2056)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-480).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted.

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

Mr. KATZ: Mr. President, this is education errors and inconsistencies and it is a rather long and complicated bill. By tomorrow morning I will have an explanation of every section on my desk, and I might request of the Chair if it could be assigned for a second reading the next legislative day.

Thereupon, the Bill, as Amended, was Tomorrow Assigned for Second Reading.

Reconsidered Matter

On motion by Mr. Conley of Cumberland, the Senate voted to reconsider its former action whereby it Passed to be Engrossed Bill, "An Act to Revise and Clarify the Freedom of Access Law" (H. P. 2226) (L. D. 2316).

The same Senator then moved that the Senate reconsider its former action whereby House Amendment "B" was Indefinitely Postponed.

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

Mr. SPEERS: Mr. President, I wonder if the good Senator would explain the problem with the indefinite postponement of House Amendment "B"?

The PRESIDENT: The Senator from Cumberland, Senator Speers, has posed a question to the Senator from Cumberland, Senator Conley, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. CONLEY: Mr. President, I feel that if House Amendment "B" is indefinitely postponed it is going to make it extremely difficult for municipal bodies to negotiate labor contracts. I think that anyone who has been involved in negotiations knows that it is give and take on both sides, and if you get into a situation whereby you are negotiating not with just one public union within a community, but when you have seventeen or thirteen different unions within a community, it obviously makes it even more difficult to bargain. The fact is that I

think most communities try to treat their employees fair, but I think if we were to indefinitely postpone House Amendment "B" it is going to take away an area of confidence that public officials must have in able to negotiate fairly. That is why I believe it is important that this amendment be placed on the bill.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President, I agree with the good Senator from Cumberland, Senator Conley. We discussed it at some time in the Labor Committee because we had a bill which covered this very subject with respect to labor disputes only in the public sector. There was also this bill before the Legal Affairs Committee which covered negotiating and meetings in general, as well as those in the labor field. We felt that in the labor field these negotiations should remain closed and secret unless the parties agreed to open them themselves, and this is what this amendment would do. If we don't have this, then it is the other way around and they are open unless they agree to be closed, and usually at that stage of a labor negotiation they won't even agree on what day of the week it is, so certainly they are not going to agree to have them open. So I support Senator Conley's motion that we adopt House Amendment "B".

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby it indefinitely postponed House Amendment "B"?

The motion prevailed.

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

Mr. KATZ: Mr. President, can I clarify my thinking? By our previous action, I understood in killing this amendment that we said it would take one party to go into an executive session. Would somebody clarify that for me please.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President and Members of the Senate: I would answer the question. As the bill is drafted, it would require the consent of both parties for the negotiations to be conducted in a closed session. House Amendment "B" would require the consent of both parties for the negotiations to be conducted in an open session. If both parties did not consent, under House Amendment "B", then the sessions would by law automatically be closed to the public. The reverse is true as it is drafted in the bill, that unless both parties agreed that the sessions be closed, they would by law be open. I hope that clarifies the situation.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, if I can just read the statement of fact on House Amendment "B", which I think clarifies it, it says that "This amendment provides that negotiations between the representatives of a public employer and public employee may be open to the public provided both parties agree to conduct negotiations in open sessions." In other words, both parties must be agreeable to that. It certainly gives them leverage to do that. If one party says no, we are not ready to go public with it, and they are still in the process of negotiations, then they have the right to remain within the confines of private negotiations.

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

The Chair recognizes the Senator from Somerset, Senator Corson.

On motion by Mr. Corson of Somerset, a division was had, 18 having voted in the affirmative, and 11 having voted in the negative. House Amendment "B" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Ought to Pass in New Draft

Mr. Collins for the Committee on Judiciary on. Bill, "An Act Repealing the Expungement Law and Providing for the Control of Access of and Disclosure of Criminal History Record Information." (S. P. 730) (L. D. 2273)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Repealing the Expungement Law and Providing for the Control of Access to and Disclosure of Criminal History Record Information" (S. P. 773) (L. D. 2326).

Mr. Hichens for the Committee on Agriculture on. Bill, "An Act to Establish an Agriculture Lien Law." (S. P. 726) (L. D. 2261)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Establish a Potato Lien Law" (S. P. 775) (L. D. 2328).

Which reports were Read and Accepted and the Bills in New Draft Read Once.

Thereupon, under suspension of the rules, the Bills in New Draft were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Establish a Division of Travel Information." (H. P. 2022) (L. D. 2201)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: I think we all agreed that the state needs to have a vacation travel office to promote tourism for Maine. The methods that have been put forth up to now are an increase in the sales tax or a room tax.

Over the weekend I have been working on this and I think I have an amendment that I can offer to this bill that will take care of the problem without a need to raise any taxes whatsoever, and I hope that someone would table this for me until tomorrow.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Marcotte.

Thereupon, on motion by Mr. Marcotte of York, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

House — As Amended In Non-concurrence

Bill, "An Act to Improve Solid Waste Management." (H. P. 2090) (L. D. 2249)

Which was a Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, an amendment to this bill has been prepared and is now being printed but is not yet ready for distribution, and I therefore hope that someone might table it until later in today's session.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Passage to be Engrossed.

Orders of the Day

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

Bill, "An Act to Change County Budgets to an Annual Basis." (H. P. 2094) (L. D. 2253)

Tabled — March 25, 1976 by Senator Jackson of Cumberland

Pending — Passage to be Engrossed

(In the House — Passed to be Engrossed)

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Resolution, Proposing an Amendment to the Constitution to Assure Revenues for Bond Service and Prohibit State Bonding of Current Expenditures. (S. P. 689) (L. D. 2206)

Tabled — March 25, 1976 by Senator Speers of Kennebec

Pending — Motion of Senator Corson of Somerset to Reconsider Final Passage

(In the House — Finally Passed)

On motion by Mr. Speers of Kennebec, tabled pending the motion by Mr. Corson of Somerset to Reconsider Final Passage.

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

Bill, "An Act Relating to Costs in Contested Cases and Depositions in Probate Court." (S. P. 709) (L. D. 2236)

Tabled — March 26, 1976 by Senator Speers of Kennebec.

Pending — Consideration.

(Comes from the House — Bill and Accompanying Papers Indefinitely Postponed)

(In the Senate — Passed to be Engrossed as Amended by Committee Amendment "A" (S-454).

On motion by Mr. Clifford of Androscoggin, the Senate voted to Insist and Request a Committee of Conference.

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

House Reports — from the Committee on Business Legislation — Bill, "An Act Concerning the Geologist and Soil Scientist Certification Act." (H. P. 1993) (L. D. 2182) Ought to Pass in New Draft Under New Title of "An Act Relating to the Geologists and Soil Scientists Certification Act." (H. P. 2240) (L. D. 2322).

Tabled — March 26, 1976 by Senator Thomas of Kennebec.

Pending — Motion of Senator Cyr of Aroostook to Indefinitely Postpone bill and papers.

(In the House — Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-1100).

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I did move the indefinite postponement on this bill because I thought that we were restricting this. The original bill restricted the site investigation only to soil geologists and soil scientists, and my only objection to it is that I thought they were over-qualified for the job. Correspondingly, the cost was becoming prohibitive. In my own county, for instance, there is only one of these people that would meet the requirements, and he charges \$75 to look over the site, 60 cents a mile for his traveling expenses, and then \$16 an hour to sketch out the septic tank field.

Now, I have discussed this with Eugene Moreau from the plumbing control section, and the thing that I couldn't understand was the logic of trying to restrict site investigations to only these people but at the same time having the control and the enforcement under the plumbing section of Health and Welfare. It just didn't make sense to me at all.

Now, last year 188 people took the exam to become licensed for this site investigation, and 86 passed. Out of these 86, 35 were others, mostly master plumbers, 35 were professional engineers, and 26 were soil scientists and geologists, which this bill is talking about. Now, I asked Mr. Moreau what happened to the other 102 that didn't pass, were there any soil scientists and soil geologists in that group, and he said yes, there were quite a few. Well, come to find out, probably these people know the texture of the soils but they don't know the plumbing