

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

there is a guardian for that child already established, it is a problem that we are going to have to get into but we haven't addressed it in this bill.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, I have another question I would like to ask. Under Committee Amendment "A", on page 15 under setting up rules and regulations, are these rules and regulations coming back to your committee or to the legislature after they have been set up by the department? Just how is that going to be taken care of?

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, has posed a question through the Chair to the gentleman from South Berwick, Mr. Goodwin, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. GOOWIN: Mr. Speaker, no, these rules and regulations, page 15, and every other section of this bill other than Section 7904 on page 8 through the end of 7905, and then one other small section dealing with the small boarding homes are all existing law now. We didn't touch or change that at all. On page 15, the rules, the responsibility for day care facilities and rules promulgated exist now. We didn't touch any of that, we just rearranged it so that it all fits in together. We never addressed this in our bills or our public hearings, so all our staff did was just rearrange Subchapter 5 of Title 22 so that it fit in with the bills we were proposing and changed the section so that the licensing sections refer back to their proper section in the fire regulations and that stuff.

What is in here now, what you just mentioned, is already in the existing statutes.

Thereupon, Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Revise and Clarify the Freedom of Access Law" (H. P. 2226) (L. D. 2316) — In House, passed to be engrossed as amended by House Amendment "A" (H-1034) "B" (H-1044) and "E" (H-1110) — In Senate, passed to be engrossed as amended by House Amendment "B" and "E" in non-concurrence. — which was tabled earlier in the day and later today assigned pending further consideration.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, could someone from the Judiciary Committee explain what this does?

Whereupon, on motion of Mrs. Najarian of Portland, retabled pending further consideration and later today assigned.

The Chair laid before the House the following matter:

An Act to Require Nursery Schools to meet Minimum Fire Safety and Health Standards (H. P. 1965) (L. D. 2154) (C. "A" H-1056) (H. "A" H-1075) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

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

Whereupon, Mr. Goodwin of South Berwick requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that this matter be tabled pending passage to be enacted and tomorrow assigned.

All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mrs. Lewis of Auburn requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that this matter be tabled pending passage to be enacted and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Berry, G.W.; Berry, P. P.; Berube, Blodgett, Bowie, Burns, Byers, Carey, Carroll, Churchill, Conners, Curtis, Dam, DeVane, Doak, Dow, Drigotas, Durgin, Dyer, Fraser, Garsoe, Goodwin, K.; Gould, Gray, Hewes, Hunter, Hutchings, Immonen, Jalbert, Kany, Kelley, Laffin, LaPointe, LeBlanc, Leonard, Lewis, Littlefield, Lizotte, MacLeod, Maxwell, McBreairty, Norris, Perkins, S.; Perkins, T.; Pierce, Shute, Silverman, Snowe, Sprowl, Stubbs, Susi, Teague, Theriault, Torrey, Twitchell, Webber.

NAY — Bachrach, Bennett, Birt, Boudreau, Bustin, Call, Carpenter, Carter, Chonko, Clark, Cooney, Cote, Cox, Curran, P.; Curran, R.; Davies, Dudley, Fenlon, Finemore, Flanagan, Goodwin, H.; Greenlaw, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kelleher, Kennedy, LaPointe, Laverty, Lewin, Lovell, Lynch, MacEachern, Mahany, Martin, A.; McKernan, McMahan, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Pearson, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Smith, Snow, Spencer, Strout, Talbot, Tarr, Tierney, Tozier, Truman, Tyndale, Usher, Wilfong, Winship.

ABSENT — Connolly, Farley, Farnham, Faucher, Gauthier, Hall, Higgins, Hinds, Kaufman, Lunt, Mackel, Martin, R.; Palmer, Peakes, Quinn, Wagner, Walker.

Yes, 58; No, 75; Absent, 17.

The SPEAKER: Fifty-eight having voted in the affirmative and seventy-five in the negative, with seventeen being absent, the motion does not prevail.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I seem to be a very innocent victim of what is happening here. It seems as though earlier this morning, the gentleman from Portland, Mr. LaPointe, tried to table this while somebody else was doing some work on this matter. I don't even know what this thing does, but Mr. LaPointe was asked to table while two people in this House were trying to do something with this bill. Unfortunately, he had a few words to say before he made his motion, so he was not in a position to table. I got up and tabled for him. I asked to have it tabled again, and since the people I talked to still were working on their problem, I have asked to have it tabled for one legislative day.

Personally, I am getting a little sick and tired of the arrogance that is being shown by some of the chairmen that we have here in that we cannot table matters in this House unless we have the permission of the committee chairmen. The committee chairmen are here, they have one vote, they are like the rest of us in this body. They have no more power than the rest of us in

this body, and if they are unhappy with the way we are doing things, I don't see that one extra day on this particular bill — and I still don't know what it does — I don't see that one extra day is going to be life or death matter.

I would hope, Mr. Speaker, that because there has been intervening debate, maybe another motion could be made.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to extend my appreciation to this body for tabling this matter yesterday. I apologize, I should probably have explained to the body exactly what my problem was. The bill did appear on a supplemental calendar yesterday. I saw it on the Senate calendar and assumed that it wouldn't be before us until today. I had a meeting last night with some nursery school operators trying to work out all of the problems with this particular piece of legislation.

I am not totally convinced that the problems have been worked out at the present time, although one of the crucial problems, I think, has been and I feel that I have a little less objection to the bill as it probably will be passed. Thank you for tabling it. It was my error in not explaining what I was doing, but I felt it would be very difficult to go to the meeting and say, what do you want me to do next year? So I did need that one extra day and I appreciate it.

Just a few things about the bill and the history of the bill. We all know that last year we passed an act to regulate nursery schools, and that is just about the extent of the bill, that is all it said, and we probably all know also that the Department of Human Services came forth and promulgated rules and regulations that completely flabbergasted a goodly portion of the elected body of this House. And with the outcry of the nursery school operators, we had several meetings around the state. I attended two in my area, and they asked that we repeal the rules and regulations.

The committee, upon investigating, found that if we just repealed the licensing procedure, the nursery schools would still come under the Fire Marshal's Office and they would be subject to the life safety code for fire protection, which is the basis of my objection.

I offered an amendment last week on taking the ratio of students from 10 to 1 to no ratio requirement, it is a local matter, local control, and that was rejected, but Mr. Tierney's amendment of 12 to 1 was accepted, and I think that is a little bit better.

But, there are three problems with the bill, at least there is one big problem with the bill and it is on the fire safety code. The committee amendment says that nursery schools that have three to six children in their class will come under what they call the family child day care homes under the life safety code, and that particular section of the life safety code will be applied to those nursery school operators.

Then they go from 7 to 20 children, and they say those nursery schools that have 7 to 20 children will come under the group day care homes. In that section, the life safety code has been enforced.

The third is, any nursery school operators that have over 20 students will come under the child day care centers code under the life safety code, and that, of course, is, frankly, the basis of my objection.

I have just talked to the Fire Marshal's Office. We have had great difficulty getting hold of him, and as I say, he relieves me in one area on the 35 square feet that was going to be required per child, he has now said that that is not true. What he will do is make concessions in that under a child day care center they have sleeping quarters, they have eating quarters and he will take those and subtract them from the