

MAINE STATE LEGISLATURE

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OF THE

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would do, it would really make the commissioners administrators. That is what they would do, and that is what they should be doing, they should be administrators. Then the finance board will just help them out on their budget. They would prepare the budget and they would submit their budget to the finance board for their approval and discussion. I think it only makes sense.

We have an Appropriations Committee here that goes over all the appropriations that we have in the State of Maine. That doesn't mean that the Appropriations Committee takes away powers from the legislature or from any of the departments in government. It is the same thing here. The finance board would only bring in finance methods or systems into our county government. If this doesn't work, okay, then let's look around to try to either abolish county government and substitute it with something else, or else let's improve it. The first step to improve it is through the finances, the budgetary system, the method that we have. So I hope that we defeat this motion and we let this go to law.

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

Mr. HICHENS: Mr. President and Members of the Senate: In all due respect to the comments which have been made by my fellow colleague, the good Senator from York, Mr. Danton, we had a unique situation in York County this last term in that the young Democrat that he mentioned was elected to fill an unexpired term and automatically, with the new districting process, cannot run for reelection. So for once he can use his common sense without regard to whether people liked it or didn't like it and without fear of offending the voters because he wasn't running for reelection anyway.

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

Mr. JACKSON: Mr. President and Members of the Senate: I would like to address my first remarks to the good Senator from York, Senator Danton. I am sure that he is aware that there was a piece of legislation introduced and heard in the Local and County Government Committee which was given a unanimous report and was accepted and enacted here a short time ago which made it unlawful for any county to impound any funds.

The second thing I would like to address is that the good Senator from Androscoggin, Senator Clifford, felt that maybe we were trying with this bill to circumvent the county commissioners office. If you will read in the definitions, section eight, first page, "County office. County office means the office of judge of probate, register of probate, clerk of courts, county treasurer, register of deeds, sheriff, county attorney and county commissioners, but shall not include the county finance board." They are not considered in the county office. This board, all it does is approve the budget. It can amend it upward or amend it downward.

The bill, as I stated this morning, was a result of a study that the Joint Select Committee on Local and County Government did this last summer and this last fall and into the legislative session. I think that if we are going to address a situation, it was a situation that was put to us as we went out in subcommittees of four members each to the sixteen counties. The first thing that they demanded, the first thing that they wanted, was the determination of the county budget at local level. I don't see that this bill will provide for any more than that, because the good Senator from Androscoggin had his amendment adopted, which is quite clear as to what county government can do and what it can't do.

The amendment that I presented was the amendment which addressed the problem of the

good Senator from Androscoggin, Senator Berry, with the borrowing in anticipation of taxes, the date which it would be implemented, and how the election process would occur. I feel that with these amendments on this bill it is something that the local people want, the people in the sixteen counties throughout the state, the municipalities throughout the state, and I think it is something we should give to them. And I don't think that they are going to expand the powers of county government, I do not think they are going to circumvent the county commissioners office. I just think you are going to have the expertise that is needed in that area to adopt and approve a respected and possibly a real good form of responsible county government. I would urge every member in the body to vote against the motion of the good Senator from Cumberland, Senator Conley.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that L. D. 2335 and all accompanying papers be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators E. Berry, Clifford, Conley, Danton, Graham, Marcotte, Merrill, O'Leary, Pray, Reeves.

NAYS: Senators R. Berry, Carbonneau, Cianchette, Collins, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Katz, McNally, Roberts, Speers, Thomas, Trotsky, Wyman.

A roll call was had. 10 Senators having voted in the affirmative, and 22 Senators having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

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

Mr. JACKSON: Mr. President, having voted on the prevailing side, I move reconsideration and urge every member to vote against my motion.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves that the Senate reconsider its action whereby this bill was passed to be engrossed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will please say "No".

A viva voce vote being taken, the motion did not prevail.

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

Bill, "An Act to Establish a Maine Community Jobs Act." (H. P. 2165) (L. D. 2293)

Tabled — March 31, 1976 by Senator Katz of Kennebec.

Pending — Adoption of House Amendment "A" (H-1126).

(In the House — Minority Ought to Pass Report Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-1126).)

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

Mr. REEVES: Mr. President and Members of the Senate: During the recess I met with the good Senator from Cumberland, Senator Jackson, and prepared an amendment, which is at the printer's now and should be here any

minute. If at all possible, I would like to delay this until later in the day. The amendment should be here at any second.

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 Adoption of House Amendment "A".

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

Bill, "An Act to Clarify Certain Provisions in the Education Laws." (S. P. 651) (L. D. 2056). Tabled — March 31, 1976 by Senator Katz of Kennebec.

Pending — Adoption of Committee Amendment "A" (S-480), as Amended by Senate Amendment "A" (S-500) Thereto. Thereupon, Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted.

Mr. Corson of Somerset then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-502, was read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

Bill, "An Act to Revise and Clarify the Freedom of Access Law." (H. P. 2226) (L. D. 2316)

Tabled — earlier in today's session by Mr. Corson of Somerset.

Pending — Consideration.

On motion by Mr. Corson of Somerset, the Senate voted to Recede.

House Amendments "F" and "G" were Read and Adopted in concurrence.

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

Mr. SPEERS: Mr. President, I would inquire as to the status of House Amendment "A", as to whether or not the Senate has adopted House Amendment "A"?

The PRESIDENT: The Chair would advise the Senator that House Amendment "A" was Indefinitely Postponed by the Senate.

Is it now the pleasure of the Senate that this bill, as amended, be passed to be engrossed and sent down for concurrence?

It is a vote.

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

Bill, "An Act to Establish a Maine Community Jobs Act." (H. P. 2165) (L. D. 2293)

Tabled — earlier in today's session by Mr. Speers of Kennebec.

Pending — Adoption of House Amendment "A".

Mr. Reeves of Kennebec then presented Senate Amendment "A" to House Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-506, to House Amendment was read and adopted and House Amendment "A", as amended by Senate Amendment "A" Thereto, was Adopted.

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.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot, Adjourned until 10 o'clock tomorrow morning.