

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

feel that this is a conservative, reasonable amendment that they can live with, and in the long run, if they furnish this advance notice, it might be less expensive to them than if they had to hire an attorney to complete expensive litigation.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: I have to apologize to the members of the committee, as well as to the rest of the members of the House, in that I have looked at the amendment as it is before us fully thinking primarily because of my commitment to members of the committee who worked very hard on this that I would not actively fight the committee, or majority report.

In the committee, when this amendment came before us, there was a section that said that the banks would have to be given actual notice before a lien claim would apply to them. It was agreed by the committee that that portion would be stricken. I find at this moment, and locked in as I am, I couldn't talk personally with the members of the committee. I did send a note to the chairman, acting chairman, and I think he agrees with me that it is in this bill when, in fact, the committee did not, of its own, decide that it should be there. For that reason, I am hoping somebody will do something with this bill before I take it on to try to kill it.

On motion of Mr. Spencer of Standish, tabled pending passage to be enacted and later today assigned.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair thanks the gentleman from Stonington, Mr. Greenlaw, for acting as Speaker pro tem.

Thereupon, Mr. Greenlaw of Stonington returned to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

The following Enactor appearing on Supplement No. 2 was taken out of order by unanimous consent:

Resolve, for Revising the Amounts of County Taxes for the Year Nineteen Hundred and Seventy-six (H. P. 2053) (L. D. 2230) (C. "A" H-1124) as amended by H. "A" H-1176)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of same and 2 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

On request of Mr. Rolde of York, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

(Off Record Remarks)

On motion of Mr. Morton of Farmington,

Recessed until three o'clock in the afternoon.

After Recess
3:00 P.M.

The House was called to order by the Speaker.

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

From the Senate: The following Communication:

The Senate of Maine
Augusta, Maine

March 31, 1976

Honorable Edwin H. Pert
Clerk of the House
107th Legislature
First Special Session
Augusta, Maine 04333
Dear Mr. Pert:

The Senate today voted to Adhere to its action whereby it accepted the Majority Ought Not to Pass Report on Bill, "An Act to Prevent Impoundment of Funds" (H. P. 1985) (L. D. 2173).

The Senate also voted to Adhere to its action whereby it Indefinitely Postponed, Bill, "An Act to Implement a Central Licensing Division within the Department of Business Regulation" (H. P. 2153) (L. D. 2294).

Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

**Ought to Pass with
Committee Amendment
Amended in Senate
Later Today Assigned**

Committee on Education reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-480) on Bill "An Act to Clarify Certain Provisions in the Education Laws" (Emergency) (S. P. 651) (L. D. 2056)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-480) as amended by Senate Amendment "A" (S-500), thereto, and Senate Amendment "B" (S-502).

In the House, the report was read.

On motion of Mr. Lynch of Livermore Falls, tabled pending acceptance of the Committee Report in concurrence and later today assigned.

**Non-Concurrent Matters
Later Today Assigned**

Bill "An Act to Revise and Clarify the Freedom of Access Law" (H. P. 2226) (L. D. 2316) which was Passed to be Engrossed as Amended by House Amendments "A" (H-1034), "B" (H-1044), "E" (H-1110), "F" (H-1137) and "G" (H-1146) in the House on March 31, 1976.

Comes from the Senate, Passed to be Engrossed as Amended by House Amendments "B," "E," "F," and "G" in non-concurrence.

In the House.

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

Mr. CAREY: Mr. Speaker, there is still one amendment that is necessary. I just got it out of Research and I would ask that it be tabled until later so we can get it reproduced.

Thereupon, on motion of Mr. Rolde of York, tabled pending further consideration and later today assigned.

Bill "An Act to Establish a Maine Community Jobs Act" (H. P. 2165) (L. D. 2293) which was passed to be engrossed as amended by House Amendment "A" (H-1126) in the House on March 30, 1976.

Came from the Senate, passed to be engrossed as amended by House Amendment "A" as

Amended by Senate Amendment "A" (S-506) thereto in non-concurrence.

In the House: On motion of Mr. Connolly, the House voted to recede and concur.

Bill "An Act to Give Counties Power to Assess and Collect Their Own Taxes" (H. P. 2128) (L. D. 2275) which the Bill and accompanying papers were Indefinitely Postponed in the House on March 30, 1976.

Come from the Senate, the New Draft under New Title Bill "An Act to Allow County Budget Determination at the County Level" (H. P. 2263) (L. D. 2335) passed to be engrossed as amended by Senate Amendments "A" (S-503) and "B" (S-504) in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, moves that the House recede and concur.

The gentleman may proceed.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: The other day when we had this bill, there were objections raised to some of the parts of the bill. First off, on Page 3, that is what I referred to as the laundry list. This Senate Amendment, S-503, has taken this out. This eliminates the laundry list. It also spells out very clearly exactly what they can do and, again, only that which the law allows them to do now. That has been put onto the bill.

Going to Page 4, there was a change made with Senate Amendment S-505, and that was just a word change in Section 2, putting the word 'or' in. Also on Page 5, in Senate Amendment 504, it added new language to the last of the section where it says "county commissioners of all counties may borrow in anticipation of taxes," and it added the language "with the approval of the county finance board."

Going down into the next section on the election of the county finance board, Senate Amendment 504 takes care of that and sets up the exact way that this would be handled.

Senate Amendment 505, the Statement of Fact is very clear and it does just that. As it says, this amendment deletes the redundant and conflicting provision in the bill. Section 253-A, 1f2 of the bill, allows expenditures for operation authorized by law. Section 253-A, Subsection 2, limits those expenditures to those purposes where money was appropriated in the previous fiscal year, unless the voters approve an expenditure for those purposes by referendum.

The last phase of Section 253-A, Subsection 2, along with Section 253, Subsection 3, effectively negates the limitations because many of the operational powers both enumerated and not enumerated in the bill are found in other statutes now.

Not debating this any longer, but hoping that you would go along with the other body and accept the bill, so that if there were any other changes, amendments they could be offered to make those changes. I think this is a good attempt by the Joint Select Committee to come up with something to change the form of county government, which we all know needs a change.

I realize there would be other amendments coming, maybe, after setting up the districts or the finance board, or maybe amendments even to create a larger board of county commissioners and eliminating the finance board, but that can be done through amendments. But this is a chance for a general reforming of county government and then in the next legislature there would be other areas addressed where there would be reforms necessary to streamline county government as to the individual needs of each county and not make it uniform for all ser-