

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

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OF THE

STATE OF MAINE

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KENNEBEC JOURNAL

AUGUSTA, MAINE

Mr. DAM: Mr. Speaker, if I understood the good lady's question, I think the question was, how come Knox County got tied into York County? I am sure you are aware, Mrs. Bachrach, that everyone has to have a vehicle before something can come before the body, so in order to correct an inconsistency or problem in Knox County because of a resignation of an officer, we added Knox County to the original bill for York County so we could get it before the House.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker and Members of the House: It was a way of putting the York thing in here so that it would get by your eyes. That is what I am talking to you about.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Nadeau of Sanford 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: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Burns, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Drigotas, Durgin, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Hall, Hennessey, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBrearty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulhern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Bachrach, Berube, Byers, Dyer, Gauthier, Henderson, Hewes, Higgins, Martin, A.; Perkins, S.; Raymond.

ABSENT — Ault, Bowie, Bustin, Dow, Dudley, Farnham, Greenlaw, Hinds, Jacques, Laffin, Littlefield, Palmer, Powell, Smith, Teague.

Yes, 125; No, 11; Absent, 15.

The SPEAKER: One hundred and twenty-five having voted in the affirmative and eleven in the negative, with fifteen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

An Act to Protect Owners and Bona Fide

Purchasers of Real Property from Unrecorded Mechanics' Liens and to Protect Them from Double Payment to Contractors and Subcontractors (H. P. 2126) (L. D. 2274) (C. "A" H-1114) which was tabled earlier in the day and later today assigned pending passage to be enacted (A roll call ordered).

On motion of Mr. Spencer of Standish, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-1181) was read by the Clerk and adopted.

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 in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Clarify Certain Provisions in the Education Laws" (S. P. 651) (L. D. 2056) which was tabled earlier in the day and later today assigned, pending acceptance of the Committee Report in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, I believe there are some amendments to be presented to this.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-480) was read by the Clerk.

Mr. Greenlaw of Stonington offered House Amendment "E" to Committee Amendment "A" and moved its adoption.

House Amendment "E" to Committee Amendment "A" (H-1180) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: Many of you may recall that last year we placed a maximum increase on the tuition rate that a receiving school could charge a sending school. About two weeks ago, or perhaps about a month ago, I discovered that that maximum tuition rate increase only applied to secondary schools.

If you will notice on pages 4 and 5 of Committee Amendment "A", there is a change in the education laws concerning secondary education. I wanted to include an amendment that addressed that same type of limitation to elementary school tuition, and the Department of Education suggested that I amend the elementary school tuition section, which is Section 912 of Title 20. I want to very briefly explain what this amendment does.

The tuition rate would be computed as follows. You would take the operating cost of a school unit without deducting any tuition receipts and divide it by the average daily membership. That would give you the operating costs for the purposes of setting your tuition rate. The tuition rate would then be either that rate as computed or the tuition rate from the immediately preceding school years plus 6 percent, whichever is less.

The reason I offer this amendment is very simply that there is nothing in the statutes that prohibits a receiving unit from increasing the tuition as much as they want to. I am personally aware in my legislative district of a receiving unit that has contemplated increasing the tuition rate from last year to this year by 30 percent. I have

talked this whole issue through with a member of the legislative staff, with the House Chairman of the Education Committee and with the gentlewoman from Vassalboro, and I believe it is a fair mechanism for all involved. I don't think that it adversely affects the sending unit or the receiving unit, but I do think it provides the same type of guidelines for tuition rates for elementary students as we presently have for secondary students.

I would hope that we could adopt this amendment this afternoon.

Thereupon, House Amendment "E" to Committee Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I just handed an amendment to the Clerk of the House and it has not yet been printed.

Thereupon, on motion of Mr. Rolde of York, tabled pending adoption of Committee Amendment "A" as amended by House Amendment "E" thereto and later today assigned.

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) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mr. Carey of Waterville, the House voted to recede from passage to be engrossed.

Mr. Carey of Waterville offered House Amendment "H" and moved its adoption.

House Amendment "H" (H-1186) was read by the Clerk.

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

Mr. CAREY: Mr. Speaker, before I even mention this amendment, I would point out that the Clerk's staff is doing an extremely good job in trying to keep up with the rush during this particular time. Many times we have said that amendments are not ready and I would like the record to indicate that it certainly is not the Clerk's office that is holding up those amendments.

This amendment is one that is being presented, was one that was originally tied to the bill. It was the one that we awaited corporate counsel for the University of Maine to bring forward. We could no longer hold the bill at that time, so we felt that we would present it as an amendment while the bill was in process, and it simply says that those subcommittees of the university and the Maine Maritime Association, the trustees, while they are working as subcommittees and they don't have the full power to act for the board as a whole would be able to retain their papers as we do here in the legislature from being public records.

Thereupon, Mr. Henderson of Bangor requested a vote on the adoption of House Amendment "H".

The SPEAKER: The pending question is on the adoption of House Amendment "H". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 8 having voted in the negative, House Amendment "H" was adopted.

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "A", "B", "E", "F", "G", and "H", in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Provide for a Line Budget Procedure for all School Systems" (H. P. 2208) (L. D. 2308) which was tabled earlier today and later today assigned, pending adoption of Committee Amendment "B".

Mr. Morton of Farmington offered House