

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

Jensen, Kelley, Kennedy, Laffin, LeBlanc, Lewin, Lewis, Lunt, Lynch, Mackel, Martin, A.; Maxwell, McBreaury, McKernan, Mitchell, Morin, Nadeau, Norris, Perkins, T.; Peterson, P.; Post, Powell, Rolde, Rollins, Saunders, Shute, Smith, Snowe, Spencer, Talbot, Tarr, Theriault, Twitchell, Wilfong, Winship.

NAY — Ault, Berry, P. P.; Berube, Birt, Boudreau, Burns, Carey, Carter, Cox, Davies, Doak, Dow, Drigotas, Durgin, Farnham, Gauthier, Gray, Hall, Henderson, Hughes, Immonen, Ingegneri, Joyce, Kany, Kelleher, LaPointe, Laverty, Littlefield, MacEachern, Mahany, McMahon, Miskavage, Morton, Najarian, Pearson, Pelosi, Perkins, S.; Peterson, T.; Pierce, Quinn, Raymond, Rideout, Sprowl, Stubbs, Susi, Teague, Tozier, Tyndale, Usher, Wagner.

ABSENT — Bowie, Bustin, Carroll, Connolly, Cooney, Farley, Garsoe, Higgins, Jacques, Kauffman, Leonard, Lizotte, Lovell, MacLeod, Martin, R.; Mills, Mulhern, Palmer, Peakes, Silverman, Snow, Strout, Tierney, Torrey, Truman, Walker, Webber.

Yes, 73; No, 50; Absent, 27.

The SPEAKER: Seventy-three having voted in the affirmative and fifty in the negative, with twenty-seven being absent, the motion does prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and House Amendment "B" and sent up for concurrence.

The Chair laid before the House the following matter:

An Act Relating to the Geologists and Soil Scientists Certification Act (H. P. 2240) (L. D. 2322) (H "A" H-1100) (Conf Committee "A" H-1257) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope we don't have to take as much time with this bill as we did that short amendment.

The best way would be to take the time to read the bill. First of all, it is very complicated, there is no need for it, we are having a hard time to agree with the other branch and I don't think it is anything that we need to have right now at the closing hours of this special session. It is something that deserves a lot of time, a lot more time than we have got here the rest of this week, to make this a good bill. There is no need for it, so I move that this bill be indefinitely postponed. I think after you read it, you will see why.

The SPEAKER: The gentleman from Enfield, Mr. Dudley moves the indefinite postponement of L. D. 2322.

The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: Perhaps the gentleman from Enfield should read the bill. The bill is a unanimous committee report from the Committee on Business Legislation. There was some difficulty and misunderstanding between the two branches of this legislature. That misunderstanding has been ameliorated with the Committee of Conference, which we adopted last Friday, and I hope that you would oppose the indefinite postponement of this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence, were ordered sent forthwith.

On motion of Mr. Lynch of Livermore Falls, the House reconsidered its action of earlier in the day whereby House Paper 2329, Joint Order relative to recalling from the Governor's Desk Senate Paper 651, L. D. 2056, An Act to Clarify Certain Provisions in the Education Laws, received passage.

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

Mr. LYNCH: Mr. Speaker, I now move the indefinite postponement of the order and would explain why.

The SPEAKER: Mr. Lynch of Livermore Falls moves the indefinite postponement of the Joint Order.

The Chair recognizes the same gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Between the Education Laws and the Election Laws there was conflict and the Election Laws on Page 2, Section 2. There is a conflict with language in the education bill. Also, in the Education Bill there is a section on transportation that the state police say they cannot enforce. So, in attempting to get both of those sections out of the education bill, we have asked the Governor to sign it, and he has signed it. There is not a Chapter number assigned to it and we can take care of those two measures in the omnibus bill. The language in the Election Laws the conflict can be taken care of by an amendment which I hope to present.

Thereupon, the Joint Order was indefinitely postponed.

The Chair laid before the House the following matter:

An Act to Clarify the Election Laws (Emergency) (H. P. 2293) (L. D. 2344) (H "A" H-1230) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "D" contains the language that is in the education bill and the language that is in the election laws. If you would look at the amendment, the first three sentences, as far as 2061 and 2062, is language that is in both bills. The next part, provided that the facsimile signature of the clerk referred to in Section 2061, Subsection 5, Paragraph F, shall be that of the Chairman of the Board of Directors, is in the election laws. The rest of that amendment is in the education bill. It just puts them into conformity.

Mr. Lynch of Livermore Falls offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-1270) was read by the Clerk and adopted.

The Bill passed to be engrossed as amended by House Amendment "A" and House Amendment "D" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 8 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (S. P. 799) (L. D. 2345) which was Passed to be Engrossed as Amended by Senate Amendments "B" (S-548), "D" (S-553), "E" (S-554), "G" (S-557), "H" (S-558), "I" (S-559), "J" (S-560), "K" (S-561) and

"L" (S-562) and House Amendments "A" (H-1240), "B" (H-1242), "C" (H-1243), "D" (H-1244), "E" (H-1248), "H" (H-1261), "I" (H-1262), "J" (H-1263), "K" (H-1264), "L" (H-1265), "M" (H-1266) and "N" (H-1267) in the House on April 12, 1976.

Came from the Senate, Passed to be Engrossed as Amended by Senate Amendments "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "M" (S-566) and House Amendments "B", "C", "D", "E", "H", "I", "J", "K", "L", "M", and "N" in non-concurrence.

In the House: On motion of Mr. Kelleher of Bangor, the House voted to recede from its action whereby the Bill was passed to be engrossed as amended.

Senate Amendment "M" (S-566) was read by the Clerk and adopted in concurrence.

Thereupon, House Amendment "A" was indefinitely postponed in concurrence.

The House voted to recede from its action of earlier in the day whereby Senate Amendment "C" was indefinitely postponed.

Senate Amendment "C" was adopted in concurrence.

Mrs. Kany of Waterville offered House Amendment "O" and moved its adoption.

House Amendment "O" (H-1272) was read by the Clerk.

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

Mrs. BERRY: Mr. Speaker, I wonder if Mrs. Kany would explain this.

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, has posed a question through the Chair to the gentlewoman from Waterville, Mrs. Kany, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment simply provides the confirmation mechanisms out of the Executive Council during the interim period in which the Executive Council Bill, which we may or may not pass later today, will not be in effect and L. D. 2311, An Act Revising Statutes Concerning Alcoholic Beverages, talked about confirmation of the Liquor Commission subject to review by the Joint Standing Committee on Liquor Control, and this particular new law will go into effect 90 days after we adjourn from this session, whereas the Executive Council Bill, if passed, will go into effect January 4, and it simply is to provide for an interim confirmation procedure, so it is truly an error and inconsistency.

Thereupon, House Amendment "O" was adopted.

Mr. Lynch of Livermore Falls offered House Amendment "P" and moved its adoption.

House Amendment "P" (H-1273) under suspension of House Rule 33, was read by the Clerk in its entirety.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The amendment that is offered, and I am sorry that you don't have it to look at, but it does two things. It deletes in the Education Law, L. D. 2056, Section 5A, and that was taken care of by the amendment that I offered to the election laws bill this morning. The language that is in the education law is in the election law with the language that was proposed under the election laws. The other section of the amendment deletes Section 25A, which was an attempt to determine the seating capacity of school buses and the State Police say that they cannot enforce this so we have deleted that from the education bill. Those are the two functions of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question through the Chair to the gentleman from