

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

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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. 120 voted in favor of same and none against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Increasing Compensation of Full-time Deputy Sheriffs in all Counties. (H. P. 415) (L. D. 564)

An Act Recognizing the College Status of the Glen Cove Bible School and Relating to Conferring Degrees. (H. P. 589) (L. D. 780)

An Act Revising the Laws Relating to Oil Burner Men's Licensing (H. P. 652) (L. D. 915)

An Act to Modify the Test for Determining Coverage of Injuries under the Workmen's Compensation Act. (S. P. 404) (L. D. 1206)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act Clarifying Certain Municipal Laws. (H. P. 1118) (L. D. 1454)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: On this bill here, the act clarifying certain municipal laws, I would like to point out that a few things which I feel are objectionable in the bill; and afterward, then I would hope that someone would table it for one day.

We do have three amendments on this bill. The first two, of course, I have no objection to because one of them, being mine, number 349, which allowed for the appointment of a deputy moderator. But then we go over into the Senate amendment, under filing number S-121. This is where the objection comes.

About five weeks ago, I had before the committee a bill to put

back into the Title 30 of the Revised Statutes the whole section, 4952, which was repealed, and this related to planning boards and the procedure for a municipality to set up a planning board. That bill came out under 17-A, and so there was no debate on it.

In 4952, under the heading Planning Board, it says, of course, "a municipality may establish a planning board" and then it speaks to the appointments to the planning board and the board will consist of five members and two associate members and what their duties would be.

Then under the old law, it said, "a municipal officer may not be a member or associate member of the board." When I had my hearing on the bill, that was where the objection came, from two selectmen in the Town of Solon and one of the federal people that has one of these federal jobs. That was the whole objection.

Now I find that with these objections we are playing around in an entirely different section of Title 30, and we are playing around as far as planning boards are concerned, that we should give some thought to putting back into Title 30 planning boards and then play around with that section and not with the saving clause.

Many of these planning boards that operate in the state today, they are operating quite well. And they were enacted under the Section 4952. The people had faith in the law when they enacted their planning boards, because there was nothing bad in the original law or the original section that was amended out. But now we come to the amendment under H-329, which strikes out "except that municipal officers may serve as members or associate members." That was the main objection to the bill I presented when I presented it, put back in that section.

Now, we come to this Senate Amendment, S-121. Senate Amendment S-121 is the real bad part of this, because it says "municipal employees and employees of school administrative districts shall not serve as members of planning

boards." This would, in some towns, create quite a burden on finding members for the planning boards. You do not usually find a big waiting list of members that want to serve on some of these boards, because they are non-paying, and they do entail a lot of work and sometimes you do not make friends being on that board. And if you do make friends, you have a division of half the town being friends and the other half being enemies.

When you say that no municipal employee or employees of school administrative districts shall not serve as members of the planning board, what is an employee? Is an employee of a school district one who works for the district? Does this eliminate all directors, all administration of a school district? Does it eliminate teachers? Just what is an employee?

When it comes to municipal employees, assuming that a town has a municipal engineer, he would be working for a town; and this is one of the very men the planning board would want. It would save the town money if he were a member of the planning board, and he would take that appointment; because he wouldn't have to be paid an hourly rate, because this is a board that does not receive pay. If you limit this municipal engineer or you limit your highway foreman to not being on the board, then if you need any advice in that field that they are concerned in, then you have got to bring them in and pay them an hourly rate. I just think this amendment is going a little too far when you start putting this in, because the original law never had this. And if the objection to the original law was that municipal officers — and municipal officers in municipalities meaning selectmen — could not serve as associate members or a member of the board and originally that was the only objection, then I see no reason going further in adding all these other people who cannot serve, because in the next session we will be back here putting more amendments on this.

The prime objection is that we are amending Section 4964, which is the saving provision under this title. If we are going to do anything on planning boards, then I think we should re-enact, at least, the number 4952 and the title "Planning Boards" and then put this in the section where it belongs and not put it in under a saving clause. Because what does this do again? Under the saving clause it says, "any planning board or district established and any ordinance or map adopted under a prior inconsistent and repealed statute shall remain in effect until abolished, amended or repealed."

We have a planning board in my town, as many of your towns have. Does this mean that when a member's term expires that if this member is an employee of the town or the school district that he cannot be reappointed? Does this mean that the towns that have the plumbing inspector that is operating under the provision where — not under the state provision where the State Treasury gets the feed money, but some towns have plumbing inspectors and building inspectors where they raise an annual appropriation of so much money to pay them. This is prohibiting this very man here to serve on a board.

These are the people that these towns need on the board. They need people who know what is going on, and there should be some liaison between your S.A.D.'s and your municipalities. A lot of your problems in the past have come because of lack of communication between these various organizations or various groups or various boards.

I think we should give consideration here before we pass this bill to be enacted. I would hope someone would table it for one day so that some of us could get together with the members of the Legal Affairs Committee and see what can be done in the form of amendment to take out some of this and at least put it back in the proper place in the title.

On motion of Mr. Martin of Eagle Lake, tabled pending pas-

sage to be enacted and specially assigned for Monday, May 21.

An Act Relating to Compensation and Specific Periods of Injuries under Workmen's Compensation Act. (H. P. 1173) (L. D. 1510)

An Act Prohibiting the Acceptance of Money for Enrollment of Voters (H. P. 1270) (L. D. 1645)

An Act to Clarify Certain Provisions of the Personnel Law (S. P. 524) (L. D. 1655)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Create a Commission to Study the Workmen's Compensation Law (S. P. 541) (L. D. 1693)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I have been watching this bill for some time and taking a look at it; and unless somebody can convince me differently, I would move the indefinite postponement of the bill and its accompanying papers. I would offer this suggestion: In my hand I have a report of the National Commission on State Workmen's Compensation Laws which pretty well shows that the State of Maine probably has one of the finest set of Workmen's Comp laws there are going.

Just under one section alone here, if all the recommendations of this particular national commission were adopted for all the states, the cost to the particular state — Maine would have a decrease cost of 9.8 percent while the rest of them would all have an increased cost.

My objection is not to the point that maybe we need to study it, but I question whether this shouldn't have come forth in the way of an order to study the workmen's comp laws rather than put a statute on the books that creates a commission to study it and then

the Senate Amendment has the particular Committee of Labor, Joint Committee of Labor, doing that study.

I agree, they should do it. But I don't agree with putting a bill on the books. I think we ought to have an order which reverts to the Legislative Research Committee. If we do what we want to do by having the joint standing committee work in the interim periods, then the Joint Standing Committee on Labor would be the committee to handle this. I would like to have somebody change my mind; otherwise, I would still like to indefinitely postpone the bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Members of the House: I agree 100 percent with Mr. Simpson. I have been watching this but I was hoping someone more qualified would tackle it. But I go along with it 100 percent. I don't think—compensation laws have got a lot of errors in them, I will admit. But I don't think we need a commission, and I hope you go along with the gentleman, Mr. Simpson.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Am I wrong in assuming that this was the unanimous committee report?

Thereupon, the Report was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker I wonder if someone from the Labor Committee could defend the report?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Augusta, Mr. Brown.

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: I don't know that I can defend it. I certainly go along with