

MAINE STATE LEGISLATURE

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of a long, arduous winter of this committee that we can find, and I feel now to try to jig it in some way will destroy the effectiveness of it; and if it has done something wrong, I am sure that in the next two years we can correct those minor errors.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Sproul, that the House reconsider its action whereby it passed L. D. 1943 to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 18 having voted in the affirmative and 86 having voted in the negative, the motion did not prevail.

The Chair laid before the House the thirteenth tabled and today assigned matter:

Bill "An Act Clarifying Certain Municipal Laws" (H. P. 1118) (L. D. 1454) (C. "A" H-329) (H. "A" H-349) (S. "A" S-121)

Tabled - May 23, by Mr. Simpson of Standish.

Pending - Motion by Mr. Dam of Skowhegan to indefinitely postpone Senate Amendment "A" (S-121).

Thereupon, Senate Amendment "A" was indefinitely postponed on non-concurrence.

Mr. Dam of Skowhegan offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-425) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker, I now move the indefinite postponement of House Amendment "B" and I would speak to my motion.

The SPEAKER: The gentleman from Rockland, Mr. Emery, moves the indefinite postponement of House Amendment "B".

The gentleman may proceed.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: If you will look at L. D. 1725, which was introduced by the gentleman from Skowhegan, Mr. Dam, you will notice a marked similarity between that bill and House Amendment "B." The

reason for this, evidently, is because the gentleman from Skowhegan felt that probably since he couldn't get L. D. 1725 through the Committee on Legal Affairs when the bill was heard before our committee, he tried the amendment route.

We gave this bill a unanimous "ought not to pass" report in Legal Affairs Committee; and, therefore, I feel that we ought to go along with the committee's unanimous decision and indefinitely postpone this amendment.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: As my good friend, Mr. Emery, has so aptly put it, this is not the reason at all; and since he has mentioned the other L. D. that you had before you that came out unanimous "ought not to pass," I did mention this at one time prior on the floor of the House.

At that hearing on that bill, two selectmen from the Town of Solon appeared and one gentleman that has a very nice job of doing what, nobody knows, working for the federal government.

Now, when this was presented originally, the only thing that was intended was to put the planning board back into the statutes so that municipalities could have some guidelines to follow in the composition of a planning board. That is the only reason for it appearing in here now, because we had the Senate amendment that tried to amend the planning board section of the law and put restrictions on a municipality under the savings provision of the statutes; and if we are going to have these amendments coming in to limit memberships on planning boards, then there should be something in the statutes to take care of the composition of planning boards.

Now, this can work both ways. It can work in favor of developers, depending on the people of the municipality, or it can work in favor of the officers and the planning board of the municipality, again depending on the people, and the people being the legislative body. But as it stands now with nothing

in the statutes pertaining to guidelines for setting up planning boards, one town can have a two-member planning board, another town can have a sixteen-member planning board, and you could go to an unlimited number.

The only objection to the other bill was, one part, Section E, if I remember right, which said that no municipal officer could serve as a member of the planning board or an associate member. That was the only objection. There was nothing else objectionable in that bill. That was taken out.

There is an amendment, Amendment "A" that is on here that I think does the same thing, with the exception of the Senate Amendment we indefinitely postponed just now. They wanted to limit everyone, so no one from a municipality, if they were associated, could serve on a planning board. This was wrong.

As far as this amendment is concerned, this will set up guidelines. It does not say a municipality shall have a planning board. I had some people come to me yesterday and say to me — in fact, Maine Municipal, John Salisbury said to me, "I would not oppose this amendment if you took out the word where it says a municipality 'may establish' a planning board and put in the words 'shall establish'." But it is not my intention to stand here and impose restrictions upon municipalities.

I think these people in the towns, the people who go to town meetings or council meetings, or the people who served on the various boards in municipalities have got just as much intelligence as we have got here in this House. All this does is set up guidelines and it says they may do this. And if they do establish a planning board, it sets up the criteria for the establishment, and it takes the confusion out that exists now.

Some towns are voting out planning boards and other towns are enacting new planning boards under different guidelines as it suits the trend. But this would take out all confusion and make it uniform over the state in the case of a municipality establishing a planning board. This amendment does

that and also strikes out the part, the objectionable part, where no employee of a town or a school administrative district or a school committee could serve on a planning board, which I thought was very restrictive.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: It was the feeling of the Legal Affairs Committee, when L. D. 1725 was head, that this was a matter of home rule. We have granted home rule to the municipalities. Therefore, we do not feel it is right to abridge that home rule provision by setting down unnecessary guidelines such as this bill would do.

The gentleman from Skowhegan is correct when he says that the municipality may have a planning board of any size, but they may have a town council of any size, too. And I don't see that this is really any business of the legislature now that it has adopted home rule. Let's let the municipalities establish whatever planning boards they want. I doubt very much if you will see a planning board of 350 members, so again I would ask you to support the motion for indefinite postponement.

This bill was heard before the Legal Affairs Committee a month or so ago. It received a unanimous "ought not to pass" report, and I don't think it is the proper thing to do to reintroduce a bill under the guise of an amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Belfast, Mr. Weber, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken

57 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

On motion of Mr. Emery of Rockland, the rules were suspended for the purpose of reconsideration.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker, I now move we reconsider our action whereby we adopted House Amendment "A" under filing number 349.

The SPEAKER: The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

49 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker, I now move the indefinite postponement of House Amendment "A" H-349 and would speak very briefly to my motion.

The SPEAKER: The gentleman from Rockland, Mr. Emery, moves the indefinite postponement of House Amendment "A".

The gentleman may proceed.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment was also offered by the gentleman from Skowhegan, Mr. Dam, a short time ago. It does accomplish essentially two things, one of which I am in total agreement with. It would provide for a deputy moderator to assist the moderator at a town meeting. This part I have absolutely no objection to. The part that I question is the first section of the amendment that would repeal Sections 1 and 2 of the bill which refer to two minor inconsistencies in Title 20.

The gentleman from Skowhegan indicated to me at the time he offered this amendment that he did not feel that a municipal omnibus bill was a proper place to offer amendments to Title 20, which relates to schools. However, these two amendments are rather trivial. They had a complete hearing before the Committee on Legal Affairs, and we see absolutely no reason why these two rather trivial amendments, one of which merely renumbers a section, should be deleted from L. D. 1454. I would ask you to support the motion for indefinite postponement of House Amendment "A".

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I might agree with the gentleman from Rockland in reference to Section 1 of L. D. 1454, but he did not tell us what Section 2 does, which does repeal the law that was passed in 1971 and is now part of Chapter 11. I wonder if he could tell us what this particular thing is repealing.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: To answer the gentleman's question, it doesn't repeal anything of great value. It merely strikes out the words "regardless of population notwithstanding in any other provision of the statute." This refers to Title 21, Section 631, Subsection 3, which relates to registration of voters for the district budget meeting.

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

Mr. DAM: Mr. Speaker and Members of the House: It seems kind of odd to me that today this tactic is being taken when the other day we adopted this amendment without question.

Now, what this does, this is an act clarifying certain municipal laws, the title of the bill. All right. As far as Title 30 is concerned, this is all right. But the first two sections refer to Title 20, which is educational law. This, in my opinion, should come under the errors and inconsistencies bill when it comes out from the Education Committee and it should be corrected in there.

The other thing that bothers me, and it bothered me at the time was, in Section 2 — that was why that was taken out — was in regard to the registration of voters. At that time we were still playing around with the election laws, title 21, so there was no telling what would come out at that time as far as the election laws were concerned. As it stands now in school district elections, as far as the budget meeting is concerned, the day of the election the town clerks will deliver to the secretary of the SAD, which is usually the superintendent, the 35 voting lists

of the various member municipalities and these will be used as a checkoff system at the budget meeting. This worked very well.

If there is anything to be done in Title 21, if we change this in any way, and the reason the words "regardless of population notwithstanding any other provisions of the statutes," in the last session of the legislature when I put this amendment in, I had to table the bill and take it back and have these words put in because that was the feeling of the department that this should be in so there would be no question as far as population of the communities was concerned, but we would use that section as a guideline for budget meetings all over the state. It has worked well. And this can be done as I explained to Mr. Emery prior to doing this, and there was no objection from Mr. Emery prior to doing this and it can be done when the errors and inconsistencies bill is taken on education.

As far as the second part, he may appoint a deputy moderator to assist him. If you have a large town meeting, many times one man, it is almost impossible for him to handle it. He has other duties to perform and he would have an assistant.

Very vaguely in the statutes you can find reasons to say that this is allowed now, and you can also find reasons to say that it is not allowed. And I can recall a little meeting that the Somerset Municipal Association had back about two months ago in the Town of Norridgewock, and they got a long-haired fellow down there — I don't think he is a resident of the State of Maine but he seems to be quite an authority of Maine law, especially law — and at that meeting he questioned the town clerk from the Town of Skowhegan. Well, I am very proud to be able to stand here and be able to tell you people that the town clerk of the Town of Skowhegan is only one of three certified town clerks in the United States and she is now in Nevada attending a convention. But she brought this so-called from MMA to his knees by her argument on this. But if you have got to argue this point

every time prior to a town meeting or immediately after to see if you had a town meeting that was held and was valid, then there should be something in the statutes to take away this vagueness. This is what this did where it said "and may appoint a deputy moderator to assist him."

As far as the other two sections, this can be done and done in any way that Mr. Emery would like under Title 20, where this belongs, and not in Title 30.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: As I explained, I have absolutely no objection to the provision to appoint a deputy moderator. I would say that I think that that matter should be the subject for another piece of legislation since it did not appear in the original. It is a change that might involve some expense to municipalities and although I am not opposed to it, I certainly am opposed to the idea of combining this amendment, which may be desirable, with the proposed repeal of the two sections in Title 20, which, in my opinion, is not desirable. Therefore, Mr. Speaker, I would hope that you ladies and gentlemen of this House would support the motion for indefinite postponement, and if the gentleman from Skowhegan wishes to offer his deputy moderator amendment tomorrow, I would be perfectly willing to table the bill, after this amendment is indefinitely postponed, so he will have the opportunity to do that.

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Emery, to indefinitely postpone House Amendment "A". The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

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

Mr. MARTIN: Mr. Speaker, I move this item lie on the table one legislative day.

Thereupon, Mr. Dam of Skowhegan requested a vote.

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

Mr. FINEMORE: Mr. Speaker, I would like to table it for two legislative days.

Thereupon, Mr. D a m o f Skowhegan requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that this matter be tabled pending passage to be engrossed and specially assigned for Tuesday, May 29. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

The Chair laid before the House the following matter:

Bill "An Act Repealing the Bank Stock Tax" (H. P. 1491) (L. D. 1919) which was tabled earlier in the day and later today assigned.

On motion of Mr. Cooney of Sabattus, the House voted to recede from the Adoption of House Amendment "B", as amended by House Amendment "A".

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

House Amendment "B" to House Amendment "B" (H-446) was read

by the Clerk and adopted. House Amendment "B" as amended by House Amendment "A" and House Amendment "B" thereto was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Mr. Carey of Waterville was granted unanimous consent to address the House.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: You have seen our Pages have to carry some of the newspapers that are brought through this place. They are here to deliver documents to us, notes, and whatever amendments and stuff that we need.

For instance, I picked up my K.J. in my mailbox, and I picked up my Bangor Daily News in the mailbox. I certainly would hope that the Speaker would use his influence in seeing to it that Church World rather than being distributed on the desks would be delivered in the boxes. But more particularly, I would certainly hope that the Speaker would use his influence to make sure that this rag called The Maine Times is delivered in the boxes so that I may be able to keep from having to undignify my desk with it by being able to drop it in the waste can before I get into the House.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.