

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

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Greeley of Waldo,
STATE OF MAINE

In the Year of Our Lord One Thousand Nine
Hundred and Seventy-six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Elizabeth Bailey Keller of Knox Recognized by the Maine Extension Association as the Outstanding Homemaker for 1976

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 785)

Which was Read and Passed.
Sent down for concurrence.

Committee Reports House

Ought to Pass in New Draft

The Committee on Judiciary on, Bill, "An Act to Revise the Laws Relating to the Maine Traffic Court." (H. P. 2023) (L. D. 2202)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 2257) (L. D. 2327).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendments "A" (H-1144), "B" (H-1155) and "C" (H-1160).

Which report was Read.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I wonder if there would be somebody from the committee kind enough to give us the highlights of what this actually does.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, has posed a question through the Chair to any member of the Judiciary Committee who may care to answer.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: In the regular session we passed a revision of our traffic laws as recommended by a special commission that had been set up by the 106th Legislature. After the passage of that act, there came a ruling from the Attorney General that interpreted the use of certain words so that the point system for the revocation of drivers' licenses was no longer applicable to many of the violations in the traffic code. For this reason, it was decided to take a new look at the entire traffic code. The Secretary of State established a committee to work on parts of that problem relating to his office, on which committee I served, along with Judge Ross of the District Court and others representing law enforcement and state government.

At the same time the Attorney General's Office went to work on the entire traffic code. They had not participated in the earlier work because the original report of the commission had been drawn up by outside consultants who were not thoroughly familiar with some of our State of Maine programs.

The Attorney General's Office helped the Judiciary Committee to repair some of the holes in the traffic code. For example, we have now made speeding 30 miles over the limit a crime. Before this revision it was a traffic infraction handled through the courts on a civil basis. We have tied in once more the revocation

of drivers' licenses as the principal enforcement tool with respect to traffic offenses. We have made a number of housekeeping cosmetic changes that I will not try to describe. We have clarified some of the relationships between the Secretary of State's Office and the driver with respect to hearings and revocation. We have provided that in cases where a temporary permit is needed to tow a vehicle, for example, to a garage, that that permit may be granted by a local police officer, a full-time officer, within his municipality. Previously it was necessary to go to the state police for such a temporary permit.

In general we have, I think, met all the criticisms that were made by the state police, by local police, by the Secretary of State and by the newspapers in our traffic laws, and we hope that this is going to make for a much more efficient administration of those laws.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill in New Draft Read Once. House Amendment "A" was Read and Adopted in concurrence. House Amendments "B" and "C" were Read and Adopted in concurrence.

Thereupon, under suspension of the rules, the Bill, as Amended, was Read a Second Time and Passed to be Engrossed in concurrence.

Divided Report

Six members of the Committee on Education on, Bill, "An Act Relating to the Effective Dates for School Lunch Programs and Occupational Safety and Health in Public Employment." (H. P. 2207) (L. D. 2307)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-1106).

Signed:

Senator:

THOMAS of Kennebec

Representatives:

POWELL of Wallagrass

BAGLEY of Winthrop

CARROLL of Limerick

FENLASON of Danforth

LYNCH of Livermore Falls

Four members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Senator:

BERRY of Androscoggin

Representatives:

MITCHELL of Vassalboro

INGENGERI of Bangor

CONNOLLY of Portland

Three members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass.

Signed:

Senator:

KATZ of Kennebec

Representatives:

LEWIS of Auburn

TYNDALE of Kennebunkport

Comes from the House, Report "A" Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: The Senate can clearly see that this was not completely a unanimous opinion of the Committee on Education.

This is a very simple bill but a very controversial one. It came out of the Governor's Office and it was directed to the deferring of two programs which are mandated by the state. One is the school lunch program, which requires elementary schools to have facilities for hot lunch programs, and the other was the im-

plications of the federal OSHA program for public employees.

The Report "A", which was signed by Senator Thomas, accepts the notion that the mandatory school lunch program should be deferred from 1978 to 1980, and the reason for that point of view is rather simple. When we have put a moratorium on school construction, it will be literally impossible for some schools to meet the requirements of the law if there are no dollars available to them to expand or create facilities for hot lunch programs.

The report that I signed not only accepted the point of view of Senator Thomas but also suggested that the requirements of OSHA, which are presently slated to be met no later than 1977, be deferred one year until 1978. The OSHA program pertains to lots more than public schools, and during the hearing it became quite apparent to the Education Committee that we wanted input from the Committee on Labor, and we put the question to them as to whether or not they felt that the OSHA section of it should be deferred for one year. And as I recall it, the report of the Committee on Labor was either unanimous or heavily weighted towards the fact that they did not wish to defer the OSHA segment. The OSHA compliance is going to cost millions of dollars around the state in fire departments and other public employee segments, and that is pretty much the clear choice that is presently before the Senate today. Just to crystalize the debate, I would like to make the motion that Report "C" be accepted, and if you support Report "C", you will be saying that the hot lunch program will be deferred from 1978 to 1980 and the requirements of OSHA for public employees will be deferred from 1977 by one year to 1978.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I admit my somewhat non-expertise in this particular area, and I would ask some guidance from some of my fellow Senators. As far as the ought to pass report, I am in concurrence with the good Senator from Kennebec, after doing my homework with the Department of Education and Cultural Services, but I think the difference is, if I understand the good Senator, in the fact that the House amendment that was attached to the ought to pass report, which I am also in agreement with, and that amendment was to remove the occupational safety and health provision of the L. D. as being beyond the scope of the Education Committee to decide. I don't think that committee should make that decision. We did ask for a recommendation from the Committee on Labor, and I would like to have that recommendation, if we may.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would like to speak to the aspect of delaying the OSHA requirements another year. I really don't understand any justification for delaying the requirements that the public bodies don't meet the requirements of OSHA. It is mandated by the federal government and we have good state laws now strengthening the OSHA program, the Occupational Safety and Health Act. I think it is a very important act. I think it has done a great deal to promote and encourage safety in public works programs and all kinds of construction, mills, factories, every place in the state. Right now the public sectors are exempt from this law, and they are really not doing a very good job with their safety programs. They have another whole year — they have had a year already to start preparing — another whole year to get prepared, and I just don't see how we can justify postponing that very important act another year. For that reason, I would op-