

MAINE STATE LEGISLATURE

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OF THE

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OF THE

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the affirmative and fifty in the negative, with twenty-six being absent, the motion does prevail.

The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I move reconsideration whereby we indefinitely postponed the previous amendment.

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, moves the House reconsider its action whereby House Amendment "G" to Committee Amendment "A" was indefinitely postponed.

The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: I would request that you vote to reconsider and give Mrs. Kany the courtesy of understanding her amendment. First of all, I think we all know what happens when we legislate education matters rather hastily. Mrs. Kany's amendment does no harm to anybody. The Waterville Vocational Center feels that they have no input, which is actually true, into the drafting of this legislation and to its final ramifications. Somebody will be back in the 108th. That is ample time to deal with this major change. You will not be in any danger, you will not be jeopardizing any school budgets if you reconsider her amendment. I urge you to vote to reconsider.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion to reconsider the problem we have already discussed.

Let me read what the section is and what it does. "The 14 vocational centers and satellite centers in operation on July 1, 1976 shall continue in operation until the State Board of Education revokes the vocational plan for the center or satellite." Now, can you see the Board of Education revoking any existing plans?

"Any addition to or deletion of programs at the vocational centers or satellites must be approved by the State Board of Education." Why? If a vocational center intends to draw out of this program, they can discourage the surrounding communities, sending communities, by deleting programs, by interfering with any educational programs desired by the sending units as a first step towards pulling out of the vocation regional center program. I am sure Waterville is not involved in these first two requirements.

The advisory committee as set forth in Section 2356-A, shall file its recommendations with the unit operating the vocational center and shall meet at least annually with the center school committee to discuss implementation of its recommendations. It says the advisory committee should have some input at least once a year with some recommendations and discuss the implementation of its recommendation. That is all that is in this section. There is no reason why any vocational center in this state cannot live with this language unless it anticipates doing what the language says it cannot do. I am sure if a center intends to do what the language says it cannot do, we are going to disrupt our vocational center program.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Livermore Falls, Mr. Lynch, I think it brings up a very good point when he says that the language says that the State Board of Education would have the right to revoke the plans for any of these 14 centers. It is interesting to note that the State Board of Education, the members are appointed by a Governor who has demonstrated

time and time again that he is opposed to the philosophy of educating people in the State of Maine, both at the university level and at the public school level. It is for that reason that I feel that the gentleman who sits on the second floor could in fact pack that state board during his four years in office and they could start revoking some of these things in total violation of what the legislature wants to do itself. It is because of that that Mrs. Kany has shown such a deep concern for what could possibly happen, not only in Waterville but in some other areas. I would certainly hope that you would reconsider this.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Peakes.

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to sum up by saying that Mr. Lynch is correct. However, the other side of the coin is that the various school administrative districts agreed to take these regional centers for ten years. Dexter is not planning to withdraw at this time or anything of that nature. However, we are taking away their right to withdraw.

Now, the problem is, this last bill that we passed in the educational area, I took a lot of static because I voted to override the Governor's veto and it meant a \$60,000 loss because of the regional vocational center. It means that School Administrative District 46 is picking up that 10 percent and the other four or five school administrative districts are not picking up any part of the 10 percent. I think that this is a major item and I think that we should have a hearing on it.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The tuition problem is not of immediate concern. It will be a year from now and it will be addressed prior to that. I can't see the State Board of Education revoking any vocational plan in the State of Maine because the Governor, the present Governor, is on record in support of vocational education and extension of it.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalburt.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: As the sponsor of the area vocational school program a few years ago, I look upon this as a brand new bill, not an amendment. I would like to know more about what is going on.

I can appreciate the fact that the hour is not only late today, but the date is late. I can appreciate the fact that standing up there five or six hours or eight or ten hours is no picnic either, no more than it is for us to be here. I am not in that much of a hurry that I want to go through such an important item as this without knowing what I am doing, if I don't know what I am doing without inquiring from people who know what they should be doing. I would like to ask somebody to table this thing until Monday, or probably if the motion to reconsider were to pass then we could table it until Monday.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that the House reconsider its action whereby House Amendment "G" to Committee Amendment "A" was indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 50 having voted in the negative, the motion did prevail.

On motion of Mr. Peakes of Dexter, tabled pending the motion of Mr. Lynch of Livermore Falls to indefinite postponement of House Amendment "G" to Committee Amendment "A" and specially assigned for Monday, April 5.

The Chair before the House the seventh tabled and today assigned matter:

Bill, "An Act Redistributing the Powers of the Executive Council (H. P. 1997) (L. D. 2197) (C "A" H-1115)

Tabled — April 1 by Mr. Rolde of York.
Pending — Passage to be Engrossed as Amended by Committee Amendment "A" and House Amendments "A" (H-1166) and "C" (H-1183)

Mr. Peterson of Windham offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-1196) was read by the Clerk.

The Chair recognizes that gentleman.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: The amendment is under filing number H-1196. Presently, with the abolishment of the Executive Council, there would be no review of the members on the LEA Board. This would provide review by the Joint Standing Committee on Judiciary and confirmation by the Judiciary Committee and not the whole legislature.

The reason that I suggest this amendment is, in the amendment it says the ex officio members are the Chairmen of the Joint Standing Committee on Judiciary, that is presently in the law, but we have found that an opinion of the Attorney General's Office for some reason states that legislative members cannot constitutionally serve on the LEA Board. Therefore, some members of this body have been asked to step down, and this means that there is no legislative input or affiliation with the LEA Board of Directors and the LEA Board of Directors administer \$3.4 million in federal monies all requiring some state-match monies, and this is the kind of money involved in the past year.

Category No 1: Adult correction: \$767,000, 19 subgrants; Juvenile Services \$564,000, 25 subgrants; Courts and Prosecutions: \$540,000; Police: \$573,000; Training: \$462,000; Research Planning Administration and Local Planning: \$451,000; Public Information in Education: \$83,000. I think there should be some legislative input into the people who make the determinations how this money is to be distributed and that is the purpose of the amendment.

The other consequence of the amendment would provide for review by the Board of Directors of the Maine Criminal Justice Committee by the Judiciary Committee and confirmation by the Judiciary Committee. Presently, these members are appointed and reviewed with the advice and consent of the Executive Council. With the present legislation that we have, the Governor would be appointing, there would be no review by anybody, since the Executive Council is going to be abolished, so this provides the Judiciary Committee with review and confirm. At the most, this adds an additional 15 people to be reviewed by the Judiciary Committee each year. I think that the legislature should have some input into the policy direction or at least the people who go onto these boards and administer and direct where these state monies go. I would urge your adoption.

Thereupon, House Amendment "F" was adopted.

Mr. LaPointe of Portland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1177) was read by the Clerk.

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

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does is to clarify a technical deficiency in the entire bill relating to the redistribution of the powers of the Executive Council, but the substance of the amendment allows for the legislative confirmation of members of the Maine Human Services Council and the Maine

Committee on Aged. Essentially, my concern here is that these two committees really allocate and plan for the distribution of anywhere from approximately in excess of \$20 million of state and federal dollars which go towards the distribution, planning and creation of Human Services Programs through contractual arrangements with private non-profit organizations as well as through state agencies. I hope that the House will adopt this amendment. I think it is a very significant one and that the legislature should have some input into who makes up those various committees.

Thereupon, House Amendment "B" was adopted.

Mr. Birt of East Millinocket offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-1191) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Essentially what this amendment is, the State Retirement Board is made up of 7 people, 4 of which are actually ex officio members appointed by a particular body. There are two members that are appointed by the Governor, actually three, two appointed by the Governor from appointments of his own with experience in particular financial fields and one who is a member of another agency that is a contributing member out of three recommendations that are made to him. This board has complete oversight over a \$200 million fund, the investment of it and a good many of the other factors involved in it and I do believe that there is some need for review of the appointment of the two members that the Governor makes and this would allow this to be done.

I think, because of the amount of money involved, that this little protective measure would be satisfactory.

Thereupon, House Amendment "E" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I move that the House reconsider its action on House Amendment "A" to Committee Amendment "A" where it was indefinitely postponed.

The SPEAKER: The Chair would advise the gentleman from Bangor that the motion is in order provided that the rules are suspended, since Committee Amendment "A" has now been adopted twice.

Mr. KELLEHER: Mr. Speaker, I move that the rules be suspended.

The SPEAKER: Mr. Kelleher of Bangor moves that the rules be suspended for the purpose of reconsideration.

The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, I request a vote.

The SPEAKER: The Chair would recognize the gentleman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker, could we ask why he wants it done?

The SPEAKER: The Chair would answer that that is not debatable.

The SPEAKER: The pending question before the House is the motion of the gentleman from Bangor, Mr. Kelleher, that the rules be suspended. A two-thirds vote is necessary. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

47 having voted in the affirmative and 32 in the negative, the motion did not prevail.

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

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act Relating to Exceptional Children (H. P. 1797) (L. D. 1956) (S. "A" S-497, H. "A" H-1104, C. "A" H-1083)

Was reported by the Committee on Engrossed Bills as truly and 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, 106 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.

Emergency Measure

An Act to Revise the Laws Relating to the Maine Traffic Court (H. P. 2257) (L. D. 2327) (H. "A" H-1144, H. "B" H-1155, H. "C" H-1160)

Was reported by the Committee on Engrossed Bills as truly and 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, 106 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.

Emergency Measure Tabled and Assigned

An Act Correcting Errors and Inconsistencies in Motor Vehicle Related Laws (H. P. 2270) (L. D. 2337) (Emergency)

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

On motion of Mr. Palmer of Nobleboro, tabled pending passage to be enacted and specially assigned Monday, April 5th.

An Act Relating to Property of Survivor where Joint Deposits or Accounts are Involved (S. P. 664) (L. D. 2102) (C. "A" S-460, (H. "A" H-1101, H. "B" H-1147))

An Act Providing for Protective and Supportive Services for Mentally Retarded Persons (H. P. 2069) (L. D. 2239) (S. "A" S-499, C. "A" H-1118)

An Act to Provide for the Position of Associate Administrative Court Judge and to Revise the Administrative Court Law (S. P. 783) (L. D. 2338)

An Act Relating to the Form of Ballots (H. P. 2063) (L. D. 2233)

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

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Mr. Cooney of Sabattus presented the following Joint Order and moved its passage: (H. P. 2282)

Ordered, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act to Reorganize or Repeal Certain Activities and Agencies in Maine State Government." (H. P. 2143) (L. D. 2286)

The Order was read and passed and sent up for concurrence.

The following paper from the Senate appearing on Supplement No. 3 was taken up out of order by unanimous consent:

Resolve, to Require the Department of Human Services to Reopen the Itinerant Office in Belfast (H. P. 2269) (L. D. 2336) which was referred to the Committee on Health and Institutional Services in the House on April 1, 1976.

Came from the Senate, with the Rules Suspended, Read Twice and Passed to be Engrossed in non-concurrence.

In the House: The House voted to recede and concur.

Mr. Palmer of Nobleboro was granted unanimous consent to address the House.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I think you will note on your calendar that the gentleman from Bar Harbor, Mr. MacLeod, was excused from attendance next week. I understand that he and his wife had made commitment to take a little vacation in warmer climates and therefore he will not be with us next week, and knowing that he will not be running for reelection, this is really his last day to serve in the House of Representatives.

Jim has been a very close, personal friend of mine during his years here in the House and I know he has been to many of us and I just wanted to recognize that fact and say that I for one, and I am sure that this House agrees with me, we wish him well on his vacation while we will be struggling here next week and we wish him God speed in all that he does in the future. (Applause, the members rising)

Mr. MacLeod of Bar Harbor was granted unanimous consent to address the House.

Mr. MACLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I thought the day would never arrive or that I would probably find a home here forever, but I guess I didn't and other things came along. I had an opportunity, for the benefit of you folks who did not know it, to take a position with the bank in Bar Harbor and that is what I will be doing along with the motel business for a few more years.

I have been sitting here each week before we go home and listening to the puns of the good gentleman from Old Town, Mr. Gould, and you know, it is very difficult, you would like to think that you could maybe come up with something yourself once in awhile that might be just half as good as what he springs. I have a little piece here that I would like to read and I think we have been going through some trying times and everybody has sort of been up in arms with each other over pay bills, etc., and, by the way, I have signed the jacket, I am not leaving and ducking my responsibilities on any of my duties on the Appropriations Committee.

This is the little poem, if you will bear with me, that I would like to close with — there might be a chuckle in it for somebody. It is entitled "Wit and Wisdom".

Gramp was born in Mt. Desert, it says, we are going to stay alert unless our future lies beguiled, by some lengths or long resided.

Gramp has taken this position through many bureaus and commissions; whose memberships at least, two-thirds of, folks around here have never heard of.

Right now he is mad as merry H. The EPA has condemned his well, his outhouse far too near the bay, no more than half a mile away — one doesn't move a fallen log or build a duck blind in a bog. They even asked what it would take to build a roof on Eagle Lake.

Gramp says there has been a lot of talk, about finances of New York but says, you ain't seen nothing yet, until you hit the alphabet.

There is an EPA, the PCC, LURC and the DEP. He says the system has got him beat, pains him somewhat in the seat.

Some crazy truth and lending laws, to Combat, PRG and Common Cause — he says the only one not defended is the boss whose neck is way extended.

Another matter bugging Gram, each fall, she smokes a dozen hams; she is wondering just what laws she will hit when she gets the smokehouse lit.