

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

year who fought very hard for a medical school for the State of Maine. I agreed with that concept then and I do now. My problem with this bill is, that this bill is an education bill, it was heard by the Appropriations Committee. There is no appropriation on the bill and yet it is an education bill so it came out of Appropriations. This is one of my big problems with this bill.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I have the honor to represent this House in the New England Board of Higher Education and I haven't seen anything in this bill that makes me think it is a threat to that board or the continued health of that board. I don't know a lot about this bill. I didn't know anything about it until about half an hour ago and I have just been following this debate very closely. I do know that the central concept of requiring that these doctors who are subsidized at around \$8,000 per year from our state money, the concept of requiring them to either come back to the state to practice or pay back some of that money is I think, an unattainable one. If there are technical problems with the bill or who shall make decisions about it, I at least would like to spend some time in the next day to try to rectify those problems and understand this bill more.

The concept is too valuable, I believe, to defeat at this stage and I hope we will not indefinitely postpone and at least let it go for an amendment tomorrow.

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: Three other house members and I sponsored a bill very similar to this in the regular session. Unfortunately, the Appropriations Committee saw fit to give it Leave to Withdraw. So, although I totally support the concept of trying to get something back in exchange for the money we use to subsidize the education of our health service people, I think the reason it went before Appropriations is that there is money necessary to administer such a bill and until we put this price tag back on, it is very false because it does cost money to administer this bill. The Appropriations Committee must realize that because they did see that we should have Leave to Withdraw last year. To vote to keep it alive, yes; but I think if you do that, you must realize you are going to have to come back and pay for it because it does cost money.

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out that at present there is no appropriations on the bill. That has been taken out. I find it interesting that Commissioner Smith argues that Commissioner Millett can't find the time or the where-with-all to do this. I am sorry that Commissioner Millett can't speak for himself.

I think we have found perhaps in our past experiences that when these certain departments have to do things, they get them accomplished with the same manpower and money that they were originally allotted.

I think the point should be made that next year we are going to allocate something like a \$64,000 grant, for instance, for veterinarians for the State of Maine, we are going to give this money to them and they are going to be in Boston at Copley Square clipping their poodles in a few years and laughing at us. I see no reason why we shouldn't at least keep this bill alive today to see if we can't work out this concept because I think most of you will agree that the concept is a good one and certainly this bill isn't what is keeping us here.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and

Gentlemen of the House: I think there are two problems that I see with this bill that bothers me enough so that I will vote to indefinitely postpone it.

I think one thing is that at the present time there is a group of people in the State of Maine who are studying the whole concept in medical education. I think it would be interesting to at least find out what they are going to do.

I don't think anybody worked any harder than I did to see a medical school in Maine. I think probably it will still be a long range ambition of mine that there might be a medical school.

Then when we get into the second phase of it and that is as far as costs are concerned, I think if you look at the bill on Page 2, in which there will be a recommendation of how much money will be necessary to support it, then it said the legislature "shall" designate for each contract program the portion of student price which will be made available.

It also said the legislature shall annually enact legislation which will include the following: the legislature shall appropriate the professional health fund an amount which it considers sufficient to provide for the grants and loans to be provided for under this chapter.

I think there is a good deal of money that could be involved in this bill if it finally passes. I think we should take a long look at it before we do. At the present time, I think the motion to indefinitely postpone is completely correct.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I have two interests in this particular legislation. One, was as a cosponsor of some very similar legislation in the regular session and the other is as a member of the Medical Manpower Task Force is interested in how communities can help bring medical personnel into their particular areas. I have some problems with this particular bill in the way it is written. I would hope that you would vote against indefinite postponement to give some of the members of this house who were interested in this concept last year and who continue to be interested in the concept, some time to work together and maybe put it in a better form before we send it back to the other body.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I was a little bit amused at that remark. Well, they took the appropriation off it but they want the bill to pass. Would someone answer me a very simple question? How much is this going to cost and where the money is going to come from?

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I think that I am going to answer the question for the gentleman from Kennebunkport. The money for the contracts is in the current services budget. The money that we are talking about that has been taken off is the money to administer the contract procedure and whether that money is needed or not, I don't know. I would presume it isn't needed. I would think the two commissioners who are going to do it, could do it with the manpower that they have. The vast amount of money for the contracts themselves are presently in the budget.

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

Mrs. MORIN: Mr. Speaker and Members of the House: I don't remember anybody mentioning the letter we got from Commissioner Smith, but they don't have the money, neither in Education or Human Services to follow this up. If they take it up, they will have to have appropriations to cover these expenses.

The SPEAKER: The pending question is on

the motion of the gentleman from Portland, Mrs. Najarian, that the House indefinitely postpone this Bill and all accompanying papers in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Boudreau, Burns, Call, Carey, Carroll, Cote, Cox, Curran, R.; Dam, Doak, Drigotas, Dudley, Durgin, Faucher, Finemore, Flanagan, Gauthier, Gould, Hennessey, Hunter, Immonen, Ingegneri, Jackson, Jensen, Joyce, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Littlefield, Lizotte, Lunt, MacEachern, Martin, A.; Maxwell, McKernan, McMahon, Morin, Morton, Nadeau, Najarian, Norris, Palmer, Perkins, S.; Perkins, T.; Powell, Quinn, Raymond, Rideout, Strout, Tarr, Teague, Truman, Twitchell, Tyndale, The Speaker.

NAY — Ault, Berube, Blodgett, Bustin, Byers, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Curran, P.; Curtis, Davies, Dow, Dyer, Farley, Farnham, Fenlason, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hewes, Higgins, Hughes, Hutchings, Jacques, Jalbert, Kany, Kelleher, LaPointe, Leonard, Lewin, Lewis, Lynch, Mackel, Mahany, McBreairey, Mills, Miskavage, Mitchell, Peakes, Pearson, Pelosi, Peterson, P.; Peterson, T.; Pierce, Post, Rolde, Rollins, Saunders, Shute, Smith, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Theriault, Tierney, Torrey, Tozier, Usher, Wagner, Walker, Willfong, Winship.

ABSENT — Bowie, DeVane, Hinds, Hobbins, Kauffman, Lovell, MacLeod, Martin, R.; Mulken, Silverman, Snow, Webber.

Yes, 64; No, 75; Absent, 12.

The SPEAKER: Sixty-four having voted in the affirmative and seventy-five in the negative, with twelve being absent, the motion does not prevail.

Thereupon the Report was accepted and the bill read once. Committee Amendment "A" (S-550) was read by the Clerk and adopted in concurrence.

The SPEAKER: The pending question is on suspension of the rules for the purpose of second reading. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative, 29 in the negative, the motion did prevail.

Thereupon, the Bill was read a second time.

Mr. Goodwin of South Berwick moved this be tabled and tomorrow assigned.

Mr. Laffin of Westbrook requested a vote on the table motion.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that this matter be tabled one legislative day pending passage to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Non-Concurrent Matter

An Act Redistributing the Powers of the Executive Council (H. P. 1997) (L. D. 2197) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-1115) as Amended by Senate Amendment "A" (S-519) thereto, and House Amendments "A" (H-1166), "C" (H-1183), "E" (H-1191), and "G" (H-1241) and Senate Amendments "B" (S-524), "D" (S-529), and "C" (S-526) as Amended by Senate Amendment "A" (S-532) thereto, in the House on April 12, 1976.

Comes from the Senate, with that Body having Adhered to its former action whereby the Bill was Passed to be Enacted in non-concurrence.

In the House:

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I would make the motion to recede and concur and would ask for a roll call and would speak briefly.

The SPEAKER: The gentleman may proceed.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: We have, as a legislature and as individuals in this legislature, gone through a long process of considering the abolition of the Executive Council. Perhaps it was the unusual chemistry of having a Democratic House and a Republican Senate and an Independent Governor that brought this legislature finally to report out to the people a bill to abolish that council. The people did what I think they said to us for many years they wanted to do, and that was to abolish the Executive Council, and so it came back to us to write the implementing legislation. That job fell, as it always has, to the Committee on State Government. I believe we have provided for a process that was responsible and responsive to all of us and to the public in trying to write a law that reflected the best judgments of us and the citizenry in the abolition of the council.

We have, I believe, extended every reasonable courtesy to the membership here, to the public, in arriving at the bill which is now before us. I think that enactment of this law is not only a prudent act for us to take this morning but it is a right act for us to take this morning.

The powers must be shared between the executive and the legislative branch with regard to appointments, with regard to other matters of state government. Without this bill, there will be no sharing of those powers, powers with regard to appointment in particular and some other powers will go strictly to the Governor. The power to appoint judges will lapse completely until this legislature acts with some sort of legislation.

So, I think that the time to recede and concur is upon us. We have extended every courtesy to everyone in this body who wanted to make amendments. We must pass this bill. I think the public expects us to pass this bill and I ask you now to recede and concur.

The SPEAKER: A roll call has been requested. In order for the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Sabattus, Mr. Cooney, that the House recede and concur on L. D. 2197. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, I would like to pair my vote with Mr. DeVane of Ellsworth. If he were here, he would be voting no and I would be voting yes.

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

Mr. TALBOT: Mr. Speaker, I would like to pair with Mr. Mulkern of Portland. If he were here, he would be voting yes and I would be voting no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connors, Cooney, Cox, Curran, R.; Curtis, Dam, Davies, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Farnham,

Faucher, Fenlason, Finemore, Flanagan, Garsoe, Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Maxwell, McBrairity, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Call, Connolly, Cote, Curran, P.; Dudley, Goodwin, H.; Goodwin, K.; Kelleher, LaPointe, Post.

ABSENT — Bowie, Fraser, Gauthier, Hinds, Hobbins, Kauffman, Lovell, MacLeod, Martin, R.; Norris, Silverman, Snow, Twichell, Webber.

PAIRED — DeVane, Mulkern, Talbot, Tarr. Yes, 123; No, 10; Absent, 14; Paired, 4.

The SPEAKER: One hundred and twenty-three having voted in the affirmative and ten in the negative with fourteen being absent and four paired, one hundred and twenty-three being more than two thirds of the members present and voting, this bill was passed to be enacted. Signed by the Speaker and sent to the Senate.

The following paper from the Senate appearing on Supplement No. 1 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), "C" (S-552), "D" (S-553), "E" (S-554), "G" (S-557), "H" (S-558), "I" (S-559), "J" (S-560), "K" (S-561), "L" (S-562), "M" (S-566) and House Amendments "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), "N" (H-1267), "O" (H-1272), "P" (H-1273), "Q" (H-1274) in the House on April 12, 1976.

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

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

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

Bill "An Act to Provide Necessary Corrections in the Education Laws" (H. P. 2341) (Presented by Mr. Lynch of Livermore Falls) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order, S. P. 635, as amended)

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: So that you will know that there is nothing devious about what I am going to do, the bill that has just been read is nothing more than the amendment that was added to the Omnibus Bill last night. It died at the other end of the hall because of complete misunderstanding of what was involved.

Let me remind you of what House Amendment "P" did and which the bill will attempt to do if you wish to enact it. The Education Committee and the Education Laws Committee, unbeknownst to each other, drafted legislation in

Title 20, Section 225, Subsection 2, Paragraph G. Their versions of what ought to go into that paragraph were different. The other day, under the election laws, I offered an amendment which put the language into the election laws and it contained all of the language in the education law and all of the language in the election laws. Therefore, the first section of the bill will attempt to remove that section of the Education Law, L. D. 2056, Section 5A. It is a section dealing with the simultaneous meeting of a town meeting and a district meeting and that is all it is. It clarifies the confusion that existed between the education law and the election law.

The second part of the bill deals with the transportation section of L. D. 2056 under Section 25A, and as I told you yesterday, the State Police say that it cannot be enforced and there was confusion existing in both bodies. This morning, I had Colonel Nichols and Captain Jones sit down with the Senate Minority Leader, and he was told that if L. D. 2056 is not amended to remove that section of transportation law, it will be more detrimental to the municipal transit buses than under the old law. The second section of the bill will delete from L. D. 2056 and attempt to change the transportation law and put it back to where it was as an old law.

I think both are needed and I hope you will enact them.

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

Mr. HENDERSON: Mr. Speaker, I wonder if Mr. Lynch or anyone else can tell me if this bill could be used as a vehicle, to carry a phrase from Mr. Dam, to allow the intention of Mr. Faucher's amendment of several weeks ago concerning the people in the New Portland area and their desire to be able to reconsider votes on school bond issues. Is it possible that he might be able to include that so that this body could act one way or the other on that issue?

The SPEAKER: The gentleman from Bangor, Mr. Henderson, has posed a question through the Chair to anyone who may care to answer.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I don't think it is within my province to discuss whether any further legislation could be enacted under this bill. I think that is a leadership prerogative.

Thereupon, under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders

Mrs. Post of Owls Head presented the following Joint Resolution and moved its adoption (H. P. 2327)

Joint Resolution Concerning The Indiscriminate Closing of Rural Post Offices

WHEREAS, the Postal Service is presently considering closing many rural post offices across the country in the name of cost efficiency; and

WHEREAS, for a generation, Federal and State leaders have urged the dispersal of overcrowded population and commercial activities of urban to rural areas, while new policies of the postal service continue to concentrate employment and enterprise in urban centers; and

WHEREAS, the policy of pressing for closure of post offices upon the retirement of present postmasters, a policy which the Postal Service is now carrying out in Owls Head, indicates the Postal Service has not carefully evaluated the needs of its patrons and has not taken the trouble to plan to satisfy those needs; and

WHEREAS, much of the State of Maine is not