

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

LaPointe, Lewin, Lunt, MacEachern, Mahany, Martin, A.; Mills, Miskavage, Mitchell, Najarian, Pearson, Pierce, Quinn, Rollins, Stubbs, Talbot, Tozier, Truman, Usher, Wagner, Walker.

ABSENT — Birt, Bustin, Chonko, Clark, DeVane, Gauthier, Jalbert, Littlefield, Lizotte, Martin, R.; Mulkern, Norris, Rideout, Smith, Susi, Tyndale.

Yes, 102; No, 32; Absent, 16.

The **SPEAKER**: One hundred and two having voted in the affirmative and thirty-two in the negative, with sixteen being absent, the motion does prevail.

(Off Record Remarks)

Passed to Be Engrossed Amended Bills

Bill "An Act Relating to Definition of Retail Sale under Sales and Use Tax Laws" (S. P. 669) (L. D. 2128) (C. "A" S-437)

Bill "An Act to Charge Supplemental Weekly Benefits for Dependents to the General Fund Account of the State Unemployment Trust Fund" (Emergency) (H. P. 2117) (L. D. 2266) (C. "A" H-989)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed as amended in concurrence and the House Paper was passed to be engrossed as amended and sent up for concurrence.

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money and to Permit the Legislature to Override All or Part of Such a Veto by a Two-Thirds Vote of Each House (H. P. 1981) (L. D. 2170) (C. "B" H-942) as amended by H. "A" H-943

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

The **SPEAKER**: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. **ROLDE**: Mr. Speaker, Ladies and Gentlemen of the House: It has been brought to my attention that in the enactor here there is a problem in that the resolution currently before us gives the Governor only five days to act on a bill. As you all know, we have passed a Constitutional Amendment that will go to the people that could conceivably give him ten days in which to act. So, in order to reconcile these two disagreeing facts, I would appreciate it if someone would table this for two legislative days.

On motion of Mrs. Najarian of Portland, tabled pending final passage and specially assigned for Tuesday, March 23.

Passed to Be Enacted Emergency Measure

An Act to Amend the Medical Practices Act (H. P. 1919) (L. D. 2107) (C. "A" H-966)

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. 114 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 Relating to the Trustees of the Dexter Utility District (H. P. 2103) (L. D. 2269) (C. "A" H-971)

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. 117 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.

Passed to Be Enacted

An Act to Prohibit Embalming when an Autopsy has been Authorized (S. P. 659) (L. D. 2084) (C. "A" S-429)

Was 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 to Regulate Drinking Water (S. P. 687) (L. D. 2198) (C. "A" S-431)

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

On motion of Mr. Leonard of Woolwich, tabled pending passage to be enacted and specially assigned for Tuesday, March 23.

An Act to Amend the Mandatory Reporting Law on Child Abuse and Neglect (H. P. 1898) (L. D. 2078) (C. "A" H-968)

Finally Passed

Resolve, Authorizing the Exchange of Certain Lands in the Capitol Complex as Recommended by the Capitol Planning Commission (H. P. 1968) (L. D. 2157) (C. "A" H-950) (H. "A" H-982)

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

Orders of the Day

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

Senate Report — "Ought to Pass" as amended by Committee Amendment "A" (S-433) — Committee on State Government on Bill, "An Act to Revise the Personnel System" (S. P. 677) (L. D. 2166) — In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-433) and Senate Amendment "A" (S-434)

Tabled — March 17 by Mrs. Najarian of Portland.

Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted in concurrence and the Bill read once.

Committee Amendment "A" (S-433) was read by the Clerk.

Mr. Garsoe of Cumberland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-1001) was read by the Clerk.

The **SPEAKER**: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. **GARSOE**: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, this merely seeks to correct a seeming inconsistency in the confirmation of the Director of Personnel. The original bill, inadvertently converted to the situation

that we will have on January 1, 1977. This places the Executive Council in its proper business until that time and then on January 4, 1977 the bill reverts to its present form.

Thereupon House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

Senate Amendment "A" (S-434) was read by the Clerk.

The **SPEAKER**: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. **GARSOE**: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of Senate Amendment "A".

The **SPEAKER**: The gentleman from Cumberland, Mr. Garsoe, moves the indefinite postponement of Senate Amendment "A".

The gentleman may proceed.

Mr. **GARSOE**: Mr. Speaker, Ladies and Gentlemen of the House: Again very briefly, since you perhaps don't have it in front of you, it says, "The head of each department and agency shall appoint one person employed in that department who shall administer the personnel law as it applies to such department and shall notify the Director of Personnel of such appointment. In administering the personnel law, such person shall be subject to the direction of, be responsible to and report to the director of personnel."

Under the Statement of Fact, it indicates that this is to assure systematic and uniform application of the personnel law in state government.

I am hoping we can postpone this amendment today as an example of an unwise attempt to cause good things to happen by writing them into the statutes. If we don't have proper personnel administration, attempts such as this to make it happen are not going to be successful. This has a divisive effect of dividing the responsibility and authority of individuals from under their own department control to another area. It is felt, and I am no expert on the subject of personnel management, but it is felt by those in the field that this is not a necessary piece of legislation, that we are either going to have good personnel management by the type of people that we have involved or we are not going to have it, and a measure such as this only tends to confuse and obliterate the lines of control and responsibility and I hope you go along with it.

Thereupon, Senate Amendment "A" was indefinitely postponed in non-concurrence and the Bill assigned for second reading the next legislative day.

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

House Report — "Ought to Pass" — Committee on Performance Audit on Bill, "An Act to Increase the Efficiency of the Investigation and Prosecution of Fraud against the State" (Emergency) (H. P. 2155) (L. D. 2290)

Tabled — March 18 by Mr. Talbot of Portland.

Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading the next legislative day.

The following Bill appearing on