

# 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

Legislature and the people of the State of Maine.

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

Mr. Hughes of Auburn presented the following Joint Order and moved its passage: (H. P. 2001) (Cosponsors: Mr. Drigotas of Auburn, Mrs. Lewis of Auburn, Mrs. Snowe of Auburn)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Coach William Finch and the Edward Little High School Golf Team State Champions for the Academic Year 1975

We the Members of the House of Representatives and Senate 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.

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

On Motion of Mr. Hughes of Auburn presented the following Joint Order and moved its passage: (H. P. 2002) (Cosponsors: Mr. Drigotas of Auburn, Mrs. Lewis of Auburn, Mrs. Snowe of Auburn)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Edward Little High School Boys' Ski Team Coached by Don Towle, State Champions for the Academic Year 1974-75

We the Members of the House of Representatives and Senate 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.

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

#### House Reports of Committees Leave to Withdraw

Mr. Cooney from the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution to Provide that the House of Representatives shall, Beginning on the Day Next Preceding the First Wednesday after the First Tuesday in January of 1985, Consist of One Hundred and Thirty-two Members Instead of One Hundred and Fifty-one (H. P. 1895) (L. D. 2075) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

#### Consent Calendar First Day

In accordance with House Rule 49-A, the following items appeared on the Consent Calendar for the First Day:

(S. P. 624) (L. D. 1978) Bill "An Act Relating to Animal Welfare" (Emergency) — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-394)

On the request of Mrs. Najarian of Portland, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-394) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

(H. P. 1912) (L. D. 2099) Bill "An Act Authorizing the Capitol Planning Commission to Assume Certain Functions now Performed by the Bureau of Public Improvements" — Committee on State Government reporting "Ought to Pass"

(H. P. 1908) (L. D. 2095) Bill "An Act Authorizing the Town of Harpswell to Procure a Replica of 'The Maine Lobsterman'" — Committee on Marine Resources reporting "Ought to Pass"

(H. P. 1913) (L. D. 2100) Bill "An Act Designating March 15th as Maine Day" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-870)

(H. P. 1833) (L. D. 1998) Bill "An Act Relating to Fiscal Year Transitions for Municipalities" (Emergency) — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-871)

(H. P. 1877) (L. D. 2052) Bill "An Act Concerning Individual Qualified Retirement Plans" — Committee on Business Legislation reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 6, under listing of the Second Day.

#### Consent Calendar Second Day

In accordance with House Rule 49-A, the following items appeared on the Consent Calendar for the Second Day:

(H. P. 1931) (L. D. 2118) Bill "An Act Relating to the Holding of Property by the Home for Aged Women in Bangor" (Emergency)

No objections being noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed and sent up for concurrence.

#### Second Readers Tabled and Assigned

Bill "An Act to Correct Certain Inequities in the Motor Vehicle Law" (Emergency) (S. P. 641) (L. D. 2030) (C. "A" S-395)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Garsoe of Cumberland, tabled pending passage to be engrossed as amended in concurrence and tomorrow assigned.)

Bill "An Act to Appropriate Funds for Expenditures of the First Special Session of the 107th Legislature" (Emergency) (S. P. 617) (L. D. 1949) (H. "C" H-868 and H. "B" H-866 to C. "A" S-393)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Rolde of York, tabled pending passage to be engrossed as amended in non-concurrence and tomorrow assigned.)

#### Passed to Be Enacted

An Act Converting Osborn Plantation into the Town of Osborn (S. P. 621) (L. D. 1953) (H. "A" H-861 to C. "A" S-392)

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.

#### Orders of the Day

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

Bill, "An Act Correcting Errors in Law Governing Use of Animals in Schools" (H. P. 1989)

(Committee on Reference of Bills suggested Committee on Agriculture).

Tabled — February 4 by Mrs. Najarian of Portland.

Pending — Reference.

On motion of Mr. Davies of Orono, retabled pending reference and tomorrow assigned.

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

Bill, "An Act Concerning Certain Nonprofit Hospital or Medical Services Organizations" (H. P. 1990)

(Committee on Reference of Bills suggested Committee on Business Legislation)

Tabled — February 4, by Mr. DeVane of Ellsworth.

Pending — Reference.

Thereupon, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

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

Bill, "An Act Concerning the Geologist and Soil Scientist Certification Act" (H. P. 1993) (Committee on Reference of Bills suggested Committee on State Government)

Tabled — February 4 by Mr. Rolde of York.

Pending — Reference.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: We seem to have a controversy over this particular bill as to where it should be referred. Yesterday, I tabled this item so that the Chairman of the Committee on Business Legislation could have a chance to look at it. I have a note from her today, and she said that in the 106th Legislature, An Act Relating to Certification Regulation of Geologists, reported out "ought to pass in new draft and new title" An Act Relating to the Certification and Regulation of Geologists and Soil Scientists. Business Legislation did handle this bill.

However, taking a quick look at the bill, it also does call for a change in the composition of the board that deals with soil scientists. So, I think there is a very legitimate question here how the bill could go.

I will make a motion that this be sent to Business Legislation, and if that is disputed, it will be up to this body.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: The Natural Resources Committee did have a bill before it in the regular session of the 107th Legislature dealing with geologist and soil scientist certification. We have dealt with this topic. We have had engineers in and we have listened to the debate. I think we are pretty well versed in this area and I actually think that it should be sent to the Natural Resources Committee, but if the Business Legislation Committee really wants it, they can have it.

The SPEAKER: The Chair recognizes

the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I think there is a little bit of confusion among the ranks. I served on State Government in the 106th, and I am quite positive we worked that bill all over. At times I have been sorry for some of the things that are in the bill, but it was quite a problem to us at that time. But the bill, I think you will find, came out of State Government and it belongs there now.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from York, Mr. Rolde, that this Bill be referred to the Committee on Business Legislation and ordered printed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 58 having voted in the negative, the motion did not prevail.

Mr. Peterson of Windham moved the Bill be referred to the Committee on Natural Resources and ordered printed.

Thereupon, Mr. Farnham of Hampden requested a vote on the motion.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: This bill does deal with the composition of a bureau or a section of government and, as such, I think very clearly should fall within the province of the State Government Committee or set a precedent to send all these to various committees that have interests in areas of state government.

We certainly would be glad to invite the Natural Resources people to participate with us, but I do think it should be State Government.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Windham, Mr. Peterson, that this Bill be referred to the Committee on Natural Resources and ordered printed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

15 having voted in the affirmative and 101 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

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

Bill, "An Act Relating to the Maine Transportation Board" (H. P. 1858) (L. D. 2026)

Tabled — February 4 by Mr. Kelleher of Bangor.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: While I don't quarrel with the purposes of this bill, which I understand is to help railroads that are in financial difficulty, although the bill itself doesn't specifically say that, I think we are all looking to railroads to help us out of this energy crisis more and more.

My problems with this bill, and I think Representative Cooney was right yesterday when he said the title was misleading, it really should read "An Act Creating Maine Transportation Authority."

The language of this bill is very, very vague and it doesn't set up the

qualifications of when a railroad would qualify for this subsidy, it doesn't have any restrictions and limitations on the board in their duties and responsibilities, and the way it reads now, it looks like this board could be very arbitrary in which railroads it helped and could show favoritism. I really think a lot more work needs to be done on this bill. If it isn't done, it could prove to be embarrassing for this legislature later on.

I would move that this be recommitted to the Committee on Transportation.

The SPEAKER: The gentlewoman from Portland, Mrs. Najarian, moves that this Bill be recommitted to the Committee on Transportation.

The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Either the gentlelady from Portland or I do not understand the contents of this bill. I know of nothing in the bill that talks about subsidy to railroads.

This bill is very simply a bill to enable railroads, when they want to purchase rolling stock, to go to a transportation board and have the board issue revenue bonds rather than the railroads themselves. The only advantage in doing it is that the bonds issued by the state would be nontaxable bonds, they would be tax exempt bonds for the individual buying them. So there is an advantage to the railroad, there is a chance to get the money in faster and there is a chance to issue the bonds more quickly this way.

The board is paid for by the railroads. If a railroad, for example, Bangor and Aroostook or Maine Central wanted to buy some rolling stock for a given project, it involves, of course, a lot of money. If they wanted to do that, they would go to the board and they would fill out an application and pay a thousand dollars, which thousand dollars would be used to pay for the members of the board and any expenses involved in issuing the revenue bond. If the thousand didn't take care of it, they would have to pay the balance. There is no obligation on the part of Maine. The bonds themselves are not state bonds, they are not backed by state credit nor are they morally backed by the State of Maine. The State of Maine has nothing to do with it except to act as a vehicle through which these bonds could be issued in order that the individual might buy them as tax exempt, tax free bonds, which makes them, of course, more acceptable and more marketable. That is basically all it does.

It is a railroad bill, it does assist the railroads. I think there is nothing mysterious or nefarious about it. It simply is a vehicle to be used whereby this state can assist the railroads. And certainly in this day of transportation difficulty, it would seem to me that the least we can do is provide a vehicle for which they are going to pay and which will assist them in raising money in the future should that need arise to buy rolling stock due perhaps to some increase in industry here in the State of Maine. This is enabling legislation only and certainly not in any way a tax to the credit rating of the State of Maine.

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

Mr. JALBERT: Mr. Speaker, I am an officer and stockholder of a major railroad in the state, and I think I am in conflict. Could I be excused?

The SPEAKER: Pursuant to Rule 19, Mr. Jalbert of Lewiston is excused from participation and from voting.

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

Mr. COONEY: Mr. Speaker, I would like to pose a question through the Chair to Mr. Palmer who seems so in favor of this particular bill. At a time of falling tax revenues and a great deal of difficulty raising tax revenues, I would just like to ask a kind of rhetorical question, at least rhetorical to me, why a business would want to lease equipment rather than buy or instead of leasing, buy equipment? There is only one answer that comes to my mind, and that is to avoid taxation.

Would Mr. Palmer or other supporters of this bill extend the tax exempt bonding privileges of the state to all businesses? And certainly aren't all businesses suffering today? Is that what we do with our tax exempt privileges, give them to whatever industry or business wants them? Is that the public interest, to give them to specific interests? I don't think so.

Although the motion to recommit may have some validity, I have found the answers to this bill for myself, and the answers are that this is not the kind of thing that the State of Maine in 1976 should be involved in. This is the kind of thing we did with railroads in 1876 and it is a little out of date.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I, too, had some questions on this bill. I generally support the basic concept, but I wondered what the effect would be on the State of Maine in our revenue and our bond rating situation, so I did ask Rod Scribner, the State's Treasurer, for comments and have received permission from him to quote from his remarks, if you are interested. I asked him basically just for his comments, and he said that unless the legislature ever chose to use debt to make good on losses, this would not affect our credit rating in general obligation grounds. It would be remote for this to happen.

The advantages to the railroads are, number one, a savings of about one-third or so in interest costs when borrowing; and, number two, complete avoidance of the 5 percent state sales tax, which could be considerable. Because of this, I support the bill, but I think it would be a good idea to research potential sales tax loss and would support Representative Najarian's suggestion to recommit this to the Committee on Transportation where they could perhaps look at this more thoroughly.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: In answer to the heading on this, I spent some three quarters of an hour yesterday with Legislative Research and the Legislative Finance Office checking this bill completely through, leaving it with them and then spending some other half hour and they got back to me later and told me there was no trouble with the bill.

As far as the heading is concerned, relating and creating, it doesn't affect the bill one single bit.

I might add, too, I don't think we are giving the railroads anything, but I do think they need a little help. We are practically the only small railroads in the United States that aren't receiving subsidy. We aren't receiving any federal subsidy for the railroads in Maine and I