

# 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

The President laid before the Senate the sixth tabled and Specially Assigned matter:

Joint Order — Relative to Committee on Education reporting out a Bill creating a Commission on Education Financing. (S. P. 728)

Tabled — February 25, 1976 by Senator Conley of Cumberland.

Pending — Passage.

On motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending Passage.

The President laid before the Senate the following matter tabled earlier in today's session by Mr. Wyman of Washington:

Study Report — Committee on Natural Resources — study relative to solid waste management, pursuant to H. P. 1669 of the 107th Legislature, have had the same under consideration and ask leave to submit its Report "A" findings and to report that the accompanying Bill, "An Act to Improve Solid Waste Management in this State" (H. P. 2089) (L. D. 2248) be Referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

The Committee on Natural Resources to which was referred the study relative to solid waste management, pursuant to H. P. 1669 of the 107th Legislature, have had the same under consideration and ask leave to submit its Report "B" findings and to report that the accompanying Bill, "An Act to Improve Solid Waste Management" (H. P. 2090) (L. D. 2249) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

The Committee on Natural Resources to which was referred the study relative to solid waste management, pursuant to H. P. 1669 of the 107th Legislature, have had the same under consideration and ask leave to submit its Report "C" findings and to report that the accompanying Bill, "An Act to Provide Funding for Action on Solid Waste and Litter" (H. P. 2091) (L. D. 2250) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Mr. Wyman of Washington then moved that the Bills be referred to the Committee on Taxation.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would oppose the motion to refer these bills to the Committee on Taxation. The Committee on Natural Resources, pursuant to the study orders that we passed in the last session, has reported out all three of these bills pursuant to that study order.

This has not been a subject, of course, that has been treated lightly, neither in the last session or in the interim between sessions. The Committee on Natural Resources has worked on this matter and worked on these recommendations during the interim, and a considerable amount of thought and effort has gone into them, not only on the part of that committee but on the part of others that have taken this issue in a serious vein.

It would be folly to take these reports and refer them to a committee other than that committee that has already done a considerable amount of work and put in a considerable amount of effort into the particular reports that we have before us. That committee has the knowledge and the expertise as to what is in these reports and should be the committee to undertake the public hearing and make the

recommendation to this legislature. I would oppose the motion to refer these matters to the Committee on Taxation, and hope the Senate goes along with that and refers these to the Committee on Natural Resources.

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

Mr. REEVES: Mr. President, I rise in support of the excellent statement by the Majority Leader, the good Senator from Kennebec, Senator Speers.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: I rise to support the motion of the good Senator from Washington, Senator Wyman. I have had an opportunity to look at these three pieces of legislation. Number one, when I came here to the legislature, I felt that the Taxation Committee was made up of legislators from both branches of the legislative branch that heard issues which dealt with fiscal responsibilities, fiscal notes, that imposed a new tax or generated a new tax. I don't think we can call this a tax shift. I think, number one, L. D. 2248 calls for an increase in revenue by 8 to 9 million dollars. The second one calls for a five cent tax, which supposedly is supposed to generate 4.5 million dollars. The third one, L. D. 2250, calls for a one cent tax, and I guess they haven't ascertained what that one is suppose to raise yet.

Number one, this is a new tax, it is a major tax, and it is dedicated revenue. I feel that these bills should be heard by the Taxation Committee, and I am sure that that committee, as any other committee in this legislature, has the wisdom and will hear these bills and treat these bills fairly. Therefore, I would urge every other member of this body to vote with Senator Wyman.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: As a member of the Taxation Committee, I would just like to go on record that I am not in concurrence with the feeling of my two fellow Senators on that committee, and one of the major reasons is to save money.

I have talked to people who served on the Business Legislation Committee when this issue was considered, and those members told me that many hours and many days were spent fighting about this issue before the bill came out. I know the people on Natural Resources, many of them very well, and I know they have spent many hours and many days fighting about it. I think they are just about fought out. If we send it to them we will probably get it back pretty soon and speed up the ending of this legislature. For that reason, I think we probably ought to send it back to the people that have been working with it all summer long, all fall long, and get this bill out on the floor and then debate it then.

I don't think there is anything special that the Committee on Taxation is going to be able to add to this matter and, although the bill does produce revenue, the purposes of all these things are primarily to deal with natural resource questions, so I don't think that it is necessary to send this to another committee and involve all these other personalities in exactly how it should be drafted.

The PRESIDENT: The Chair recognizes

the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: As Chairman of the Natural Resources Committee, I do want to say that we had many work sessions and brought in many people throughout the summer months and fall months of this past year. I feel that we can give this a fair and impartial hearing. To me, an attempt to send this bill to Taxation is an outrage, and it is an outrage because it is an attempt to kill this bill.

The good Senator who made the motion to send this bill to Taxation, Senator Wyman, is also a member of the Natural Resources Committee, and he did not attend any of the hearings or work sessions when we dealt with this bill.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: I rise to take issue with the good Senator from Penobscot, Senator Trotzky. I think he is inferring that the Taxation Committee cannot give this a fair and equitable hearing. I think that we can.

Number two, I think maybe if this body sees fit to send this to the Natural Resources Committee, where it does have a new tax, a major tax and dedicated revenue, then maybe the legislature in its wisdom ought to dissolve the Taxation Committee from having anything to do with anything that generates taxes or changes the revenues, whatever the case may be, and leave it up to the Legislative Leadership, Legislative Council, Natural Resources Committee, whatever the case may be. I think where this does involve a new tax, a major tax, and it is dedicated revenue, it should go to the Taxation Committee.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I will have to differ with the good Senator from Penobscot, Senator Trotzky, because I did attend quite a number of the meetings. I will admit I didn't attend quite a number of the meetings. I will admit I didn't stay through the sessions, the work sessions, because there was so much detail and so much arguing about minor matters, I think this bill in that committee reached the point where the members couldn't see the trees for the forest, and I think it would be good to have another committee look at this bill, and I am sure it will get a fair hearing. I would ask for a roll call.

The PRESIDENT: A roll call has been requested. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President, I request permission to pair my vote with the Senator from Aroostook, Senator Johnston, who, if he were here, would be voting in favor of the motion, and I would be voting against.

The PRESIDENT: The Senator from Aroostook, Senator Gahagan, requests leave of the Senate to pair his vote with the Senator from Aroostook, Senator Johnston, who, if he were here, would be voting "Yea", and the Senator from Aroostook, Senator Gahagan, would be

voting "Nay". Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that Item 1-12, L. D. 2248, L. D. 2249, and L. D. 2250, be referred to the Committee on Taxation. A "Yes" vote will be in favor of this motion; a "Nay" vote will be opposed.

The Secretary will call the roll.

**ROLL CALL**

**YEAS:** Senators Berry, E.; Carboneau, Cianchette, Clifford, Conley, Corson, Cyr, Danton, Graffam, Greeley, Jackson, Katz, Marcotte, McNally, O'Leary, Pray, Roberts, Wyman.

**NAYS:** Senators Berry, R.; Cummings, Curtis, Graham, Hichens, Huber, Merrill, Reeves, Speers, Thomas, Trotzky.

**ABSENT:** Senator Collins.

A roll call was had. 18 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with two Senators pairing their votes and one being absent, the Bills were sent to the Committee on Taxation and Ordered Printed.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, having voted on the prevailing side, I move reconsideration of this action and hope everybody will vote against the motion.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves that the Senate reconsider its action whereby these bills were referred to the Committee on Taxation. Will all those in favor of reconsideration please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion did not prevail.

Sent down for concurrence.

**(Off Record Remarks)**

Mr. Merrill of Cumberland was granted unanimous consent to address the Senate.

Mr. MERRILL: Mr. President and Members of the Senate: I don't care to respond directly to the issue that was just discussed by the Senator from Kennebec, Senator Katz, but it raises a point that has gone through my mind many times since we have begun this biennium period under the leadership that we have and in the times that we have today.

One thing that has gone through my mind time and time again is the trend that exists in government and outside of government right now to constantly, whenever an issue breaks out and whenever any controversy develops, to question the motives of the people involved.

A democracy exists on the idea that the best thing to do is to bring controversy into the open and to discuss issues and to try to resolve them in the public marketplace of ideas. And I think the system will exist pretty well, and I think the people can make their decisions very well, if it is on the basis of the quality of those ideas and not constantly questioning the motives of the people who bring them up.

First of all, those of us who are engaged in the business of law, where we oftentimes have to make judgments about motives, know that this is one of the most difficult things to conclude, that the only person who has any inkling really of the motivation is the person who is doing the acting, and even then sometimes the

motives are so complex that they don't understand. So it doesn't do anything to help resolve the problem, and it does an awfully lot to stop the resolution of the problem.

It would be my hope that the tenor of the remarks of the Senator from Kennebec, Senator Katz, would be heard by many in this state, and not only the select group at whom he aimed them, and that we would begin again to make public debate a debate of the issues, a debate of the merits, and not constantly raising the question about people's motives. I am afraid that all of us have good motives and bad motives and at times we succumb too much to the latter, but I think for the most part that the people who serve this government and the people who work in the state for the public good are motivated by good desires and think they are working towards good ends. And those who want to improve the public order, I think, the first step they ought to take to do so is to accept that as an assumption, and then discuss the quality of the ideas and the quality of what we do. If we can do that, I think that we can preserve the nation whose bicentennial we honored today for a long time to come. And if we fail to do that, the cement of a democracy, which is trust, will be eroded over the years, and I am afraid we will separate and lose the great dream we have worked for so hard.

**(Off Record Remarks)**

On motion by Mr. Speers of Kennebec, Recessed until the sound of the bell.

**After Recess**

Called to order by the President.

**Papers From the House**

Out of order and under suspension of the rules, the Senate voted to take up the following:

**Enactor**

The Committee on Engrossed Bills report as truly and strictly engrossed the following:

**Emergency**

An Act to Make Necessary Revisions in the Income Tax Law for School Funding Purposes. (H. P. 2112) (L. D. 2264)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, with one negative vote, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. SPEERS: Mr. President, having voted with the majority, I move that the Senate reconsider its action whereby this bill was passed to be enacted, and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby this bill was passed to be enacted. Will all those Senators in favor of reconsideration please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion did not prevail.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matter:

Bill, An Act to Revise the Laws Relating to Funding of Public Schools. (H. P. 2020) (L. D. 2196)

Tabled — February 25, 1976 by Senator Speers of Kennebec

Pending Motion of Senator Speers of Kennebec to reconsider Enactment.

(In the House — Passed to be Enacted)

(In the Senate — Passed to be Enacted)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. SPEERS: Mr. President, I urge the Senate to vote against the motion.

The PRESIDENT: The pending motion before the Senate is the reconsideration of L. D. 2196. Will all those Senators in favor of reconsideration please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion did not prevail.

Mr. Merrill of Cumberland was granted unanimous consent to address the Senate.

Mr. MERRILL: Mr. President, I know the hour is late and I intend to speak for just a very short period of time. The purpose of my speaking is to urge the Governor to reconsider his previously stated position and not to veto this bill.

These two bills that we are sending down today have received more than two-thirds of the entire membership in both houses. I think that if he acts to veto the bills it would be futile, and it would have a negative effect in that it would delay for another period of time the people who have to make up the budgets in the cities and towns being able to know what the basis of their computations is going to have to be.

I think that the Governor has made his position perfectly clear and I think that he can let this bill become law without his signature and the people in Maine will know clearly where he stood, will understand why he did it, and the gesture on his part I think would be appreciated by everybody now that has to deal at the town levels with the town budgets. The real effort now, I think, to bring control into educational spending is going to be made at the local level, and the attention should be directed there and this matter should be moved out of our consideration.

We still have other big problems to deal with, and among those problems we are going to have to be coming to grips with the problems that we face in finding, I think, necessary places where we can make cuts in order to deal with the budget. If we can direct our attention towards that next week, and not have to fight these battles over again, it would be helpful.

I would just like to make one point also about the criticism that has been raised with what we have done, the criticism that we have given some great boon to out-of-state taxpayers and to businesses in Maine by the fact that we have shifted this small part of the property tax burden to the income tax. I would like to say just two things in that regard. First of all, the Governor has stated, and he has stated it many times since this summer, that he thinks 1994 never should have been enacted in the first place. With the enactment of 1994, the taxes on these businesses and these out-of-state taxpayers in many instances more than doubled. The fact of the matter is that if we look at where these people will be as a result of this legislation that we pass on top of 1994, many of those people are paying twice the property taxes now that they would have paid had these two actions, 1994 and these revisions, taken place.

How can any individual be against the passage of 1994 and the placement of the uniform property tax and then turn around and say what we have done by moving the mill rate back a quarter of a mill is giving these people a big tax break? I just don't