

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

or not they were a member of the Maine Publicity Bureau, and would be distributed at the hospitality centers such as the one that already exists in Kittery, which is run by the Maine Publicity Bureau, belongs to the State of Maine, and distributes everybody's materials, whether or not they are a member of the Maine Publicity Bureau. As a matter of fact, the amendment which we just adopted which was offered by the Senator from Kennebec, Senator Speers, insures that there would be no discrimination whatsoever as to whether or not a branch of the tourist industry or a particular campground or motel owner was a member of the Maine Publicity Bureau or not. So I think we are safe on all grounds.

And as I said last night, when I was suggesting that anybody who found that they had minor differences with this bill could work on it, I would suggest again that anybody who thinks that they can find a better way, an improvement over this proposal, is entirely welcome to offer amendments to the bill. We have no particular pride of authorship. We had one major goal, the committee did, and that was to try to provide some assistance to the industry.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would like to pose a question through the Chair to anybody who may care to answer. Is there anybody in this chamber who is planning to offer any amendments to try to remedy the situation we are in?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair to any Senator who may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, I support the motion of Senator Jackson, and I will say that the original bill, which we will get back to if we indefinitely postpone the committee amendment, is a bill that was proposed by the governor's committee which was directed to come up with a bill to help the industry. And this original bill states that you have one-half of one percent tax on both food and lodging. I feel that this is fairer than a 50 cent tax on all hotel rooms no matter what price they may be.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, this is a question that was reviewed very, very carefully by the State Government Committee. As a matter of fact, in the public hearing there was a full room, and almost everybody from the industry who was there said that it was the fairest method to raise the sales tax by one-half of one percent upon transient rooms and upon takeout and restaurant food. The committee members, the vast majority of them, could not agree with that approach. We did not think that an across the board sales tax increase on those areas was appropriate.

The primary reason I think we were concerned about that method was that it provided a dedication of the sales tax income, or some of it. The second very important reason was that the tax would be levied upon everybody who ate in restaurants in the State of Maine and everybody who took takeout food from food establishments in the State of Maine, and that includes a lot more people and a lot higher percentage of people than tourists.

The tax on rooms and camp sites is a tax that is applied to those people who are tourists. They might be in-state tourists, that is true, and they might be out-of-state tourists, but they are people who are going to benefit from the facilities that are available through the information centers and through the material which should be distributed by the state. That is a fee, a

hospitality fee, that would be paid by people who are on vacation or who are conducting their business and having expense accounts, and who we thought could afford to pay the fee.

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

Mr. JACKSON: Mr. President and Members of the Senate: The motion I made to indefinitely postpone will put us in concurrence. We will have something to work with, and we might be able to do something with the bill which might be acceptable to everybody and everyone that is involved in this industry.

Again, with this amendment, it is discriminatory towards the campgrounds by the fact that they are going to be assessed at a higher rate than the motels.

I do agree with the good Senator from Penobscot that the food industry, which was removed from the original bill by this committee amendment, should not be in there because Maine people utilize the restaurants more frequently throughout the year than do tourists. But I do think we can come to a compromise and, therefore, I would hope everybody would support the motion to indefinitely postpone Committee Amendment "A".

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, since I didn't get any answer to my question, I would just like to make one last point. Taking into consideration the 50 cents per day per bedroom fee that is on this thing, if I could afford to get an extra dollar fifty for the units that I have, I would be charging it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Jackson, that the Senate indefinitely postpone Committee Amendment "A".

The Chair will order a division. Will all those Senators in favor of the indefinite postponement of Committee Amendment "A" please rise in their places until counted. Will all those opposed please rise in their places until counted.

A division was had, 13 having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

Thereupon, Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted in non-concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

House Reports — from the Committee on Business Legislation — Bill, "An Act Concerning the Geologist and Soil Scientist Certification Act." (H. P. 1993) (L. D. 2182) Ought to Pass in New Draft Under New Title of "An Act Relating to the Geologists and Soil Scientists Certification Act." (H. P. 2240) (L. D. 2322)

Tabled — March 26, 1976 by Senator Speers of Kennebec

Pending — Motion of Senator Cyr of Aroostook to Indefinitely Postpone bill and papers.

(In the House — Passed to be Engrossed as Amended by House Amendment "A" (H-1100)

On motion by Mr. Thomas of Kennebec, retabled and Tomorrow Assigned, pending the Motion by Senator Cyr of Aroostook to Indefinitely Postpone the Bill and Accompanying Papers.

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

Bill, "An Act to Redefine 'Subdivision' in the Site Location and Development Act." (H. P. 1979) (L. D. 2169)

Tabled — March 26, 1976 by Senator Wyman of Washington

Pending — Motion of Senator Wyman of Washington to Indefinitely Postpone House Amendment "A" (H-1041)

(In the House — Passed to be Engrossed as Amended by House Amendment "A" (H-1041)

Mr. Wyman of Washington was then granted leave to withdraw his motion to Indefinitely Postpone House Amendment "A".

Whereupon, House Amendment "A" was Adopted in concurrence and, under suspension of the rules, the Bill, as Amended, was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Would it be in order at this time to move to reconsider our action whereby we adopted House Amendment "A"?

The PRESIDENT: The Chair would advise in the affirmative.

The Chair recognizes the same Senator.

Thereupon, on motion by Mr. Corson of Somerset, the Senate voted to reconsider its action whereby House Amendment "A" was Adopted.

The same Senator then presented Senate Amendment "A" to House Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-481, to House Amendment "A" was Read.

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

Mr. KATZ: Mr. President and Members of the Senate: Reluctantly, I cannot seem to find in our book any such amendment.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A" to House Amendment "A"?

Thereupon, Senate Amendment "A" to House Amendment "A" was Adopted and House Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

House Reports — from the Committee on Taxation — Bill, "An Act to Improve Solid Waste Management." (H. P. 2090) (L. D. 2249) Report A — Ought Not to Pass; Report B — Ought to Pass in New Draft and New Title of An Act to Strengthen Litter Laws and Improve Solid Waste Management in This State. (H. P. 2225) (L. D. 2315); Report C — Ought to Pass with Committee Amendment (H-1015).

Tabled — March 26, 1976 by Senator Speers of Kennebec

Pending — Acceptance of any Report

(In the House — Report "B" accepted and the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-1090).

Mr. Collins of Knox moved that the Senate accept the Ought to Pass as Amended Report "C" of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: I indicated when we discussed solid waste management earlier that this seemed to be the most promising vehicle for presenting to the Senate a clear-cut opportunity to make some judgments in that field.

The effect of adopting Report "C" is to adopt the bill with a committee amendment. The Committee Amendment itself does not improve the bill, and it will be necessary in order to carry out a successful program with this bill to strip from it the committee amendment, and then on second reading to add to the bill some further amendments.

The further amendments, just to give you a

general outline of what is hoped to be achieved here, would result in this including a returnable bottle provision with deposits, but there would be no new tax and the merchant handling the canned or bottled goods would not be compelled to take back empties.

There is in this bill a referendum provision, and I urge the Senate to permit this important opportunity to improve the appearance of the State of Maine to go to referendum of the people. It seems to me this not only has a value involving a judgment but a value in educating our citizens to the importance of solid waste management, not just bottles, but all kinds of litter. We need all the education that we can bring to this issue, and one of the ways is the public referendum. I urge you to adopt Report "C".

The PRESIDENT: Is it the pleasure of the Senate to accept Report "C" of the committee?

Thereupon, the Ought to Pass as Amended Report "C" of the Committee was accepted in non-concurrence and the Bill Read Once. Committee Amendment "A" was Read.

Thereupon, on motion by Mr. Collins of Knox, Committee Amendment "A" was Indefinitely Postponed and the Bill Tomorrow Assigned for Second Reading.

Papers From the House

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

Non-concurrent Matter

Bill, "An Act to Temporarily Exempt Property Owners on Islands in Casco Bay from Certain Waste Discharge Compliance Requirements." (S. P. 708) (L. D. 2235)

In the Senate March 23, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (S-452).

In the House March 24, 1976, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" Thereto (H-1065), in non-concurrence.

In the Senate March 25, 1976, the Senate Insisted.

Comes from the House, that Body having Adhered.

On motion by Mr. Conley of Cumberland, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites." (H. P. 1948) (L. D. 2134)

In the House March 24, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (H-993), as Amended by House Amendment "A" Thereto (H-1063).

In the Senate March 25, 1976, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

Mr. O'Leary of Oxford moved that the Senate Adhere.

Mr. Graham of Cumberland then moved that the Senate Insist and Join in a Committee of Conference.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President and Members of the Senate: I would ask for a division on the motion, and would just restate here very briefly, that it is a very grave matter before us about the taking of land. In the Committee on Natural Resources, I can't remember the bill at the present time, but there was recited to us a number of Supreme Court cases that ran contradictory to the very thoughts of this bill. Also, the heading on this is very misleading. This bill should have been heard by the Committee on

Judiciary. I hope you will defeat the motion so we can adhere.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Graham, that the Senate insist and join in a committee of conference. Will all those Senators in favor of insisting and joining in a committee of conference will please say "Yes"; those opposed will please say "No".

A viva voce vote being taken, and the Chair being in doubt, a division was had. 14 having voted in the affirmative, and 11 having voted in the negative, the motion prevailed.

Joint Resolution STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

IN MEMORIAM

Having Learned of the Death of the Honorable C. Henry Holman of Dixfield Member of the 89th and 90th Maine Legislatures

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 2253)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Joint Orders

WHEREAS, the value of Maine's public school buildings is reputed to be \$738,000,000 and the cost of insurance premiums to pay for their protection during the last 4 years has been almost \$6,000,000; and

WHEREAS, there is grave concern that, despite these high premiums, many school buildings are underinsured and their replacement in case of disaster would place a heavy burden on the state's taxpayers over and above the payment of claims by insurance companies; and

WHEREAS, the State of Maine, operating under a \$500,000 deductible self-insurance program paid \$329,000 in premiums in 1975 to cover \$442,000,000 value in state buildings; and

WHEREAS, it is imperative that the Legislature identify unnecessary costs and the possibility of serious emergency cash demands wherever found in the thread of State Government; now, therefore, be it

ORDERED, the Senate concurring, that the special subcommittee of the Appropriation and Financial Affairs Committee study the funding of state agencies, review the procedures by which our public schools are presently insured, examine the possible financial jeopardy to the taxpayer in case of an emergency and identify alternative methods to protect school buildings which might offer more coverage at the same or lower cost; and be it further

ORDERED, that the subcommittee report its findings, along with suggested legislation it may choose to support, at the earliest possible time to this special session or the next special or regular session of the Legislature. (H. P. 2251)

Comes from the House, Read and Passed.

On motion by Mr. Speers of Kennebec, tabled pending Passage.

(See action later in today's session.)

STATE OF MAINE

In The Year of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Bath Chapter of the Distributive Education Club of America in Morse High School, whose members have raised \$1,700 by a dance marathon on behalf of Muscular Dystrophy research

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. (H. P. 2252)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communications

Edwin H. Pert
Clerk

Maine

House of Representatives

Augusta, Maine 04333

March 26, 1976

Honorable Harry N. Starbranch

Secretary of the Senate

107th Legislature

Augusta, Maine

Dear Mr. Secretary:

The House today voted to Insist and Joint in a Committee of Conference on Bill "An Act to Establish the Dates of Legislative Sessions and to Clarify Laws Relating to Expenses of Legislators" (S. P. 663) (L. D. 2087)

Respectfully,

Edwin H. Pert

Clerk of the House

Which was Read and Ordered Placed on File.

Edwin H. Pert

Clerk

Maine

House of Representatives

Augusta, Maine 04333

March 26, 1976

Honorable Harry N. Starbranch

Secretary of the Senate

107th Legislature

Augusta, Maine

Dear Mr. Secretary:

The House voted today to Adhere to its former action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Labor on Bill "An Act to Adjust the Disqualification Period for Voluntarily Leaving Employment and to Adjust Maximum Unemployment Benefits Paid to Individuals Discharged for Misconduct" (Emergency) (H. P. 2116) (L. D. 2265).

The House also voted to Adhere to its former action whereby it Indefinitely Postponed Bill "An Act Regulating Water Well Drilling" (H. P. 2231) (L. D. 2319).

Respectively,

Edwin H. Pert

Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports

House

Ought to Pass-As Amended

The Committee on State Government on, Bill, "An Act to Reorganize or Repeal Certain Activities and Agencies in Maine State Government." (H. P. 2143) (L. D. 2286)

Reports that the same Ought to Pass as