

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**May 26, 1977 to July 25, 1977**

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**Senate Confirmation Session  
September 16, 1977**

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16 Senators having voted in the affirmative, and 9 Senators in the negative, the motion to Accept Report "B" does prevail.

The Bill Read Once. Committee Amendment "A" Read. House Amendment "A" Read and Adopted. Committee Amendment "A", as amended, Adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate:

Joint Order (S. P. 565) — Relative to Recalling Bill, "An Act to Exempt Property under Construction from Real Property Taxation." (H. P. 1327) (L. D. 1554) from the files to the Senate.

Tabled — June 21, 1977 by Senator Speers of Kennebec

Pending — Passage

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate: I was requested by a Representative from the other Body to bring this Bill from the Legislative files.

This is a non-partisan bill. This is a bill that everyone can vote for, and vote for with confidence.

In the first place, L. D. 1554 simply gives an industry who is building a building in this state or a commercial building exemption on their taxes to the community while they are building the building. Now it was thought that this was un-Constitutional, but I have a letter here which was circulated yesterday addressed to the member of the other Body who entered this bill, and it is signed by the Assistant Attorney General, and he says that it is not un-Constitutional to give exemptions in taxes of this sort.

Now to bring this bill back, I would just ask you people here in this Senate if you are satisfied with 40,000 people unemployed in the state of Maine, then you do not want to vote to bring this bill back. If you are satisfied with over nine percent unemployed, whereas only 6.9 percent unemployed in the United States, then you would not want to bring back this bill. If you are satisfied with the conditions and do not want any more industry, but here is a bill that might bring some industry into the State of Maine, and industry in the State of Maine if they employed just 100 people will mean a million dollars a year in payroll, and that payroll turns over four or five times before it leaves the area, and the State will collect thousands and thousands of dollars in sales tax and what not. Now this is only while the building is being built. After the building has been built, then they can sock the taxes to them for the next fifty years as long as they have the building and the place, unless it burns down. Now here is a bill that gives you a chance to get some new industry, maybe not much, but some new industry into the state of Maine to give more jobs to the people, and if you are satisfied with 33,000 people leaving the State of Maine every year, you would not want to vote for this bill, but if you do not want to see 33,000 people leave the state, and 10-12,000 of them young people, then you will vote to bring this bill back and give us a chance, and maybe we can get some new industry in the State of Maine.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, does this require two-thirds vote?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the same Senator.

Mr. LOVELL: Mr. President, two-thirds of

those present, or of the total membership?

The PRESIDENT: Present.

Mr. LOVELL: Thank you.

The PRESIDENT: The pending question is passage of this Joint Order which would recall a bill from the legislative file.

Will all those Senators opposed to the passage of this Joint Order, please rise in their places to be counted.

Will all those Senators opposed to the passage of this Joint Order, please rise in their places to be counted.

14 Senators having voted in the affirmative, and 12 Senators in the negative, and 14 being less than two-thirds of the membership present, this Joint Order fails of passage.

The President laid before the Senate:

Bill, "An Act Relating to Motor Vehicle Fees Collected by the Public Utilities Commission." (S. P. 92) (L. D. 216)

Tabled — June 21, 1977 by Senator Speers of Kennebec

Pending — Enactment

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President and Members of the Senate: I would like to take just a moment here at this time to attempt to correct what I consider to be a real flaw in our statutes, and I guess I would first apologize to members of the Transportation Committee, because I know they did put a lot of work in this bill, and I was not going to do anything with it or attempt to do anything with it, but then the more I thought about it, the more I felt that if we were doing something that was wrong, we ought to be up front and have a recorded vote that we were going to continue that.

L. D. 216 was sponsored by myself for the Public Utilities Commission and basically here is what happens. The motorized carriers in the state, subject to PUC control, pay a fee, based on whatever vehicle they happen to be registering with the Public Utilities Commission. This money goes to Public Utilities Commission, and they can use the money to administer that portion of the PUC that deals with your common carriers. Once this money accumulates over at the PUC, once there is an excess, they ship the excess over to DOT, and it is a kind of hazy situation as to how much money goes over there. It is not figured in the highway budget, and, in fact, there are some questions in my mind, and I believe in the mind of at least one or two other Senators around here, exactly where the money goes to and what it is used for. It is not figured, again I will say, it is not figured into the Departmental budget of the Department of Transportation.

What has happened over the years is that the Public Utilities Commission, because of the constraints on its own budget, has, for example, a staff member who works part-time with the motor carrier portion of the PUC and part-time with the utilities and he is paid strictly from this money. This is illegal under our statutes. This bill would attempt to address that problem.

Another problem and the major problem that we are faced with is that we are charging too much, so we are going to have a chance in a few minutes to vote to reduce some fees, something that happens all too rarely around here. The Federal Government says we are charging too much, too high a fee to our common carriers, and this Bill would attempt to reduce this fee level.

Now the opposition comes in that there is a law, dedicated revenue of around \$200,000.00 by the passage of this bill, and I know there were certain members of the Transportation Committee that were looking at this \$200,000.00 with a glint in their eye as far as town road improvement. Well I want town road improvement money, and I want snow removal money as bad

as the next person, but I do not think we should secure that money in a potentially dangerous manner. Potentially dangerous from this standpoint. I am told by both the Department of Transportation and Public Utilities Commission that the State of Maine at any time could be hit with class action suit which could result in a net loss to the state of \$2 million or more if the court should uphold the carriers in that the fees are too high, and should in fact collect damages retroactively. So stop and think about what the potential consequences of not passing this bill in its original form might be, and that would be that if we get hit with a class action suit, we could take a large chunk out of our General Fund at some future Legislature to pay off this debt.

The PRESIDENT: The pending question is Enactment.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, I would move that the rules be suspended.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the rules be suspended. Is this the pleasure of the Senate? It is a vote.

Is it now the pleasure of the Senate to reconsider its action whereby this bill was passed to be engrossed. It is a vote.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, I move the Senate reconsider its action whereby Committee Amendment "A" was adopted.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the Senate reconsider its action whereby Committee Amendment "A" was adopted. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, I now move the indefinite postponement of Committee Amendment "A".

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves the indefinite postponement of Committee Amendment "A". Is this the pleasure of the Senate? It is a vote.

On motion of Mr. Carpenter of Aroostook, The Bill Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act to Revise the Maine Tort Claims Act." (Emergency) (H. P. 1680) (L. D. 1874)

Tabled — June 21, 1977 by Senator Collins of Knox

Pending — Motion of Senator Pierce of Kennebec to reconsider whereby Senate Amendment "A" (S-252) failed of adoption.

On motion of Mr. Merrill of Cumberland, Retabled for One Legislative Day.

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

Mr. HUBER: Mr. President, I move that L. D. 662 "An Act Relating to the Law Governing the Manufacturers, Distributors and Dealers of Beverage Containers be taken from the Special Appropriations Table.

The PRESIDENT: Is it the pleasure of the Senate to remove this from the Special Appropriations Table? It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: I would just like to briefly explain this bill which allows the Commissioner of the Department of Agriculture to adopt rules and regulations to implement the so-called returnable bottle bill.

There is a real emergency as explained in the

emergency preamble in that the manufacturers, distributors and dealers of beverage containers need lead time after adoption of these regulations to essentially build a pipe line as concerns beverage containers in the State of Maine.

There is a requirement for public hearings, etc., on these regulations and after the adoption of the regulations, there is additional time needed by the dealers and distributors of beverage containers. The appropriation on this bill is \$17,000.00 in the first year, and \$14,000.00 in the second year. The Appropriations Committee feels that the first year's appropriation should be ample to adopt such regulations, and in the Part II budget the \$14,000.00 in the second year of the biennium will be deleted, although the bill will be passed in its present form.

This being an emergency measure and having received the affirmative votes of 25 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Committee of Conference Senate Appointments

The PRESIDENT: The Chair will appoint on the part of the Senate the following conferees on two matters which are out of concurrence between the bodies: "An Act Relating to Habitual Truants and School Drop-outs" (H. P. 1650) (L. D. 1851)

The Senator from Kennebec, Senator Pierce  
The Senator from Kennebec, Senator Katz  
The Senator from York, Senator Danton  
"An Act to Amend the Powers and Duties of the Maine Committee on Aging" (H. P. 229) (L. D. 292)

The Senator from Aroostook, Senator Collins  
The Senator from Cumberland, Senator Jackson

The Senator from Androscoggin, Senator Minkowsky

The President laid before the Senate:

Bill, "An Act to Require Adequate Polling Facilities in Municipalities." (S. P. 445) (L. D. 1535)

Tabled — Earlier in the Day by Senator Merrill of Cumberland

Pending — Consideration

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

Mr. MERRILL: Mr. President, I have an Amendment which has been sent away to be reproduced, and I do not have it yet. If somebody would table this until later in Today's Session, I will remove it from the Table as soon as the Amendment comes.

On motion of Mr. Hewes of Cumberland,

Retabled until later in Today's Session.

(See Action Later Today)

The President laid before the Senate:

House Reports — from the Committee on Election Laws — Bill, "An Act to Revise the Election Laws Concerning Political Activity at Elections and Requirements for Absentee Ballots." (H. P. 1117) (L. D. 1335) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-688); Minority Report — Ought Not to Pass

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Acceptance of Either Report

On motion of Mr. Speers of Kennebec

Retabled for One Legislative Day.

The President laid before the Senate:

House Reports — from the Committee on Taxation — Bill, "An Act to Permit Municipalities to Levy and Collect Service Charges for Certain Municipal Services from Tax Exempt Residential Property Used to Provide Rental Income." (H. P. 1403) (L. D.

1657) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass with Committee Amendment "A" (H-674)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Motion of Senator Conley of Cumberland to Accept Minority Report

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Accept the Minority Ought to Pass as Amended Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed to the Motion to Accept the Minority Ought to Pass as Amended Report of the Committee, please rise in their places to be counted.

24 Senators having voted in the affirmative, and 4 Senators in the negative, the Motion to Accept the Minority Ought to Pass as Amended Report does prevail.

The Bill Read Once. Committee Amendment "A" Read and Adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate:

Bill, "An Act to Increase the Exemption on Estates of Veterans." (H. P. 70) (L. D. 94)

Tabled — Earlier in the Day by Senator Jackson of Cumberland

Pending — Motion of Senator Collins of Knox to Indefinitely Postpone Bill and Papers

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate: I must respectfully disagree with the Senator from Knox, Senator Collins. Because of the way the valuation has changed in the state in the last few years from the valuation that was used by the municipalities to assess property in one fashion a few years ago and now they have to use the true valuation, the veterans have been, in effect, hurt. They have less credit now than they had a few years ago, so this bill is not a major change. It does not put them back where they were a few years ago, but it is a step in the right direction.

I hope you will vote against the pending motion to indefinitely postpone.

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

Mr. CONLEY: Mr. President and Members of the Senate: I honestly believe that if we are to take a look at the exemptions dealing with real estate property taxes, that the Senator from Knox is hitting the nail squarely on the head.

If we want to give exemptions, I think that the exemptions should be given to those veterans of World War I, but the veterans of World War II are able today to meet the adjustments of rising costs, that those veterans of World War I and their spouses who now are presently retired find it extremely difficult because of the cost of living today, and the fact is that many of them under their pension plans or Social Security do not really get the benefits that we are talking about.

I would like to see the bill honestly amended to include only those veterans to that era of World War I, and I would support the Senator from Knox wholeheartedly if he could agree to amending the bill under that fashion, because I believe if we continue to extend these exemptions, as I have said in the past, that the exemption you give here in Augusta is to be picked up by those people back home, and in many cases are people that can least afford the burden that you are passing on to them.

I do feel though that this is the opportunity of at least clarifying the statutes and the laws dealing with exemptions on property tax for veterans. I think the veterans should look at the

facts, too, and in spite of what the good Senator from Kennebec, Senator Levine, said this morning that many of those veterans did come parading, they did march out, but there was one thing they were fighting for, too, and it is the same strong belief and faith in the country that the good Senator from Kennebec has, and that is the privilege of living in this country. But that privilege, I would say, has been honored many, many times for the sacrifice and the devotion that they have given to this country, many times through Federal legislation with all the college benefits etc., right down the line that we are all familiar with, but I believe in all honesty that there is a serious problem on the veterans of World War I trying to cope with very high property tax rates that we do have in our cities and our towns, and I would hope that if possible that this could be amended to that portion.

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

Mr. HEWES: Mr. President and Members of the Senate: I do not follow the logic of the Senator from Cumberland, Senator Conley. As I understand it, he said he favors the idea of increased benefits. He would like to make some Amendments to it, and then I thought he concluded by saying let us kill the bill.

I submit that we should keep the bill alive, and I hope you will vote against indefinite postponement because our servicemen who did so much for us, and they should when they reach 62 or older, have certain benefits. This is the least we can do for them.

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

Mr. LEVINE: Mr. President and Members of the Senate: I rise to agree with the good Senator from Cumberland, Senator Hewes. Surprisingly enough, we have found an issue where we have wholehearted agreement.

Veterans exemptions have typically been given on property tax in the State of Maine. They have for quite a length of time now. We seem to have a problem in every session, and every session we have another bill come in with another dollar amount for exemptions. I think we are approaching it from the wrong direction entirely.

I am in favor of this bill. I do ask you to vote against indefinite postponement. I think it is a step in the right direction, but I think we are going to come down to a point in time where we are going to say if it is fair and reasonable to give these exemptions, we have to stop thinking in terms of dollar amounts and think in terms of percentage amounts. If the evaluation on property increases by a certain percentage rate, then perhaps the exemption should also increase by the same exemption rate. I would hope that someday we will be able to do that, and until that time I oppose the pending motion to indefinitely postpone, and hope we can pass this bill and perhaps help these people who have helped us so much.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President and Members of the Senate: Just a minor observation. Generally speaking if an individual entered the military services in 1917, toward the close of the First World War at the age of 20, he would be somewhere in the vicinity of 80 years old today. I can understand that fixed incomes will be probably serving very few. However, in 1940, those who were members of the military services who fought in the Second World War, averaged in age from 20 to 35 at the time of enlistment, and I know most of them did enlist, a few were drafted, and today their age brackets would be anywhere from 57-72 years of age, and I think they would be prime for this matter, and if it is amended, I would suggest that not only the First but also the Second World War be included in this, and I would urge the passage of this.