

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

the people did realize that April first, the date was too early.

Again I would say that this does not present an opportunity for the issues of the people who would be running in an election to have crystalized at that time and I still think it discriminates against independent candidates, which I don't see any need of discriminating against at this time.

When this bill comes up for enactment I will speak against its passage.

(Off Record Remarks)

Thereupon, on motion of Mr. Martin of Eagle Lake, recessed until the sound of the gong.

After Recess

Called to order by the Speaker.

The following papers were taken up out of order by unanimous consent.

**House Report of Committee
Ought to Pass
Passed to Be Engrossed**

Mr. Wight from the Committee on County Government reported "Ought to pass" on Resolve for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-one and Nineteen Hundred and Seventy-two (H. P. 1233) (L. D. 1520)

Report was read and accepted and the Resolve read once.

Under suspension of the rules, the Resolve was given its second reading, passed to be engrossed and sent to the Senate.

**Senate Report of Committee
Divided Report**

Majority Report of the Committee on Judiciary to which was referred the initiative petitions relative to a bill entitled "An Act Repealing the "Maine Income Tax Law" (I. B. 1) have had the same under consideration and asks leave to report that 814 petitions were filed with the Secretary of State on February 18, 1971 at 11:00 a.m., containing 41,348 signatures; that 801 petitions are in the form required by Article IV, Part Third, Section 18 and Section 20 of the

Constitution and that said petitions contain the valid signatures of 36,775 electors; that the Committee found 13 invalid petitions and also found 4,573 invalid signatures.

The majority of the Committee further reports that the petitions and signatures contained therein are valid and sufficient in number and that said bill is properly initiated for the Legislature under the provisions of Article IV, Part Third, Section 18 of the Constitution, and that said bill be referred to the Committee on Taxation.

Messrs. TANOUS of Penobscot

QUINN of Penobscot

—of the Senate

Messrs. HENLEY of Norway

PAGE of Fryeburg

Mrs. WHITE of Guilford

Mrs. BAKER of Orrington

Messrs. LUND of Augusta

CARRIER of Westbrook

HEWES of Cape Elizabeth

Mrs. WHEELER of Portland

— of the House

Minority Report of same Committee on same initiative petitions and bill reporting that they do not have sufficient knowledge and information upon which to form a belief as to the validity and sufficiency of the signatures on the petition.

Mr. HARDING of Aroostook

— of the Senate.

Messrs. KELLEY of Caribou

ORESTIS of Lewiston

— of the House

Came from the Senate with the Majority Report accepted, the petitions ordered placed on file in the office of the Secretary of State, the Initiated Bill No. 1 referred to the Committee on Taxation and ordered printed.

In the House: Reports were read.

On motion of Mr. Hewes of Cape Elizabeth, the Majority Report was accepted in concurrence, the petitions ordered placed on file in the office of the Secretary of State and the Initiated Bill No. 1 referred to the Committee on Taxation in concurrence.

Tabled and Assigned

Mr. Susi of Pittsfield presented the following Joint Order and moved its passage: (H. P. 1241)

WHEREAS, the Legislature has determined that Initiated Bill (1) entitled "AN ACT to Repeal the Maine State Income Tax" has been validly initiated pursuant to Article IV, Part Third, Section 18, and

WHEREAS, the Legislature proposes to neither enact or reject the Initiated Bill and proposes that the measure be referred to the people without a competing measure at the earliest possible date, and

WHEREAS, the revenue for the operation of State Government and source thereof is of extreme importance to the 105th Legislature, and

WHEREAS, the 105th Legislature desires to fulfill its constitutional duties under Article IV, Part Third, Section 1, during this regular session;

NOW THEREFORE, BE IT ORDERED, the Senate concurring, that the Secretary of State is hereby directed to hold a referendum on Initiated Bill (1) within sixty (60) days of the passage of this Order. The referendum shall be conducted pursuant to the requirements of Title 21 MRSA Section I et. seq. Pursuant to Article IV, Part Third, Section 20 the Legislature hereby orders that the question on the ballot shall appear as follows:

Shall the Maine State Income Tax be repealed? Yes No

Whereupon, on motion of Mr. Porter of Lincoln, tabled pending passage and tomorrow assigned.

Tabled and Assigned

Mr. Porter of Lincoln presented the following Order and moved its passage:

WHEREAS, it appears to the Members of the House of the 105th Legislature that the following is an important question of law and the occasion is a solemn one, and

WHEREAS, a Bill, Initiated Bill (1) entitled "AN ACT to Repeal the Maine State Income Tax" has been determined by the Legislature to be validly initiated pursuant to Article IV, Part Third, Section 18, of the Maine Constitution, and

WHEREAS, the Legislature proposes to neither enact nor reject

the initiated bill and proposes that it be submitted to the people without a competing measure at the earliest possible date, and

WHEREAS, the Petitioners in each and every petition have made the following request, "The undersigned electors further request that should the Legislature not enact said measure without change, that said measure be referred to the people at a Special Election, ordered by proclamation of the Governor, to be held not less than four (4) nor more than six (6) months after such proclamation and that such proclamation shall be made not less than ten (10) days after the recess of the Legislature", and

WHEREAS, the House considers it of extreme importance to know whether said Initiated Bill will be enacted or rejected by the people, in order that the Legislature may fulfill its constitutional duties during this regular session to raise and appropriate monies to operate State Government under Article IV, Part Third, Section 1, and

WHEREAS, a Joint Order has been introduced into the House (H. P. 1241) ordering and directing the Secretary of State to hold a referendum on said Initiated Bill within sixty (60) days after the passage of the Joint Order (Exhibit A),

NOW, THEREFORE, BE IT ORDERED, that in accordance with the provisions of the Constitution of the State, the Justices of the Supreme Judicial Court are respectfully requested to give the House an opinion on the following question:

I.

Does the Legislature have the authority pursuant to Article IV, Part Third, Section 18 of the Constitution which in part states: "The Legislature may order a special election on any measure that is subject to a vote of the people", to order a special election on Initiated Bill (1), "AN ACT to Repeal the Maine Income Tax" despite the request of the Petitioners?"

II.

If the answer to question number I is in the affirmative, may

the Legislature set the date for the referendum and direct the form of the ballot with the attached Joint Order?

The SPEAKER: Pursuant to House Rule number 41, this will lie upon the table until the next legislative day pending passage.

House Reports of Committees Ought Not to Pass

Mr. Littlefield from the Committee on Business Legislation reported "Ought not to pass" on Bill "An Act relating to Interest, Restrictions and Method of Computation under Small Loan Agency Law" (H. P. 551) (L. D. 727)

In accordance with Joint Rule 17-A, was placed in the legislative files and sent to the Senate.

Leave to Withdraw

Mr. Carey from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funds to Improve the Wiscasset Airport" (H. P. 902) (L. D. 1240) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Maddox from the Committee on Business Legislation on Bill "An Act Authorizing Emergency Closing of Financial Institutions" (H. P. 732) (L. D. 994) reported same in a new draft (H. P. 1239) (L. D. 1525) under same title and that it "Ought to pass"

Mr. Haskell from the Committee on Education on Bill "An Act relating to a Transfer of Municipalities from One School Administrative District to Another" (H. P. 642) (L. D. 872) reported same in a new draft (H. P. 1235) (L. D. 1521) under same title and that it "Ought to pass"

Mr. Lawry from same Committee on Bill "An Act relating to Approval of Schools Enrolling Non-resident Pupils" (H. P. 644) (L. D. 874) reported same in a new draft (H. P. 1236) (L. D. 1522) under title of "An Act relating to Approval of Schools Enrolling Out-of-State Students" and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act relating to School Administrative District Elections" (H. P. 647) (L. D. 878) reported same in a new draft (H. P. 1237) (L. D. 1523) under same title and that it "Ought to pass"

Mr. Emery from the Committee on Legal Affairs on Bill "An Act relating to Precautions at Railroad Crossings" (H. P. 354) (L. D. 463) which was recommitted, reported same in a new draft (H. P. 1240) (L. D. 1527) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Sheltra from the Committee on Business Legislation on Bill "An Act Revising the Laws Relating to Licensed Small Loan Agencies" (H. P. 552) (L. D. 728) reported "Ought to pass" as amended by Committee Amendment "A" (H-86) submitted therewith.

Mr. Woodbury from the Committee on Education on Bill "An Act relating to Reimbursement Rates for Transportation and Special Educational Expenditures" (H. P. 587) (L. D. 782) reported "Ought to pass" as amended by Committee Amendment "A" (H-87) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bills.

Divided Report

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act to Create a School Administrative District in the Town of Madawaska" (H. P. 641) (L. D. 871)

Report was signed by the following members:

Messrs. KATZ of Kennebec
CHICK of Kennebec
MINKOWSKY

of Androscoggin
— of the Senate.

Messrs. MILLETT of Dixmont
HASKELL of Houlton