

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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AUGUSTA, MAINE

Governor and he can make any amount of transfer that he wants to so it is completely out of our hands when we are out of session.

Just to clear up a few statements that were made earlier. The amendment I put on yesterday, it is the Committee on Appropriations and Financial Affairs that will be doing this and not the Legislative Council, that is number one. Number two, the next legislature can do nothing with this if they so choose. It says the legislature "may" delegate this authority to the Committee on Appropriations and Financial Affairs. The decision is still up to the next legislature whether or not they want to do this. It is very permissive.

The SPEAKER pro tem: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Madam Speaker, Ladies and Gentlemen of the House: I hope today that we won't vote to enact this study before us. It has been on the table for some time. I have asked several questions about it. I have a lot of reservations about it. I am a member of this legislature. I am not going to be able to say where this money is going and neither is Representative Mills, or Representative Cote, it can pick you all out. Who is going to say where this money goes? The Appropriations Committee and I don't believe that the members of the Appropriations Committee should rule for us what we may want to do with that money. First of all, it isn't going to be available until the fiscal year, which is in the middle of the summer. We are back every year. How long does it take Congress to designate money for different states? How long? It takes a long time and we will be here by then. As far as leaving it up to the Governor, whoever he may be, whether he is this Governor or another Governor, when it comes to handling the people's money, I have faith in the Governor. Why? Because the majority of the people chose that man to be Governor, regardless of who he is. We may have a new Governor next time or in four more years we may have a new Governor. I don't believe that the Appropriations Committee is going to represent 184 members of this legislature. At least, I don't want them to represent me on something that they would spend money on that I don't know about. If it all comes before this Legislature and the majority of the members say that is the way it will be, I will accept it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Millinocket, Mr. Birt.

Mr. BIRT: Madam Speaker, Ladies and Gentlemen of the House: I appreciate the problems that are involved in this particular bill and the desire to want to have some agency monitor the federal funding in the amount of money that is involved. However, I, for one, am particularly disappointed that a bill of this magnitude, which is an amendment to the Constitution, a particular document that we should be most careful as to how we treat and what we add to it is being debated and probably the decision being made without one member of the leadership of this House on the floor of the Legislature. I think that is completely wrong. I think if they are busy, and I don't care how busy they are, they have the responsibility to be back here. The big problem I see with this is, you are putting into the Constitution, particular committees. There has been a reluctance over many, many years to put into the Constitution established committees. The amendment that was put on yesterday makes it even worse in that it particularly specifies what the committee is. If the name of that committee is ever changed by one word in any of the Joint Rules, then that automatically nullifies the entire action of this Constitutional Amendment. I don't think we should put articles of this type into the Constitution. To put them in statutorily, and put

them into the statutes, yes, this could be done. I have no problems with that. I can understand and I have read many of the articles about this, about the federal funding and how it should be monitored by the Legislature. If this is done by statute, I would take a good look at it, but to put it in the Constitution, establish a committee which will be appointed by two people, regardless of who they are, one of them being the President of the Senate, the other the Speaker of the House, and giving them almost complete authority when the Legislature is out of session to monitor the disposition of all federal funds, I think is completely wrong. I hope that you will not vote on this. Frankly, I think it should be tabled until at least the leadership is back here.

The SPEAKER pro tem: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Madam Speaker, Ladies and Gentlemen of the House: I would agree with the remarks of the gentleman from East Millinocket, Mr. Birt. I have watched the power of this Legislature go from the legislative body into the leadership and now it is going from the leadership into special committees, hand picked committees of the leadership, and I am kind of tired of seeing the legislative power being delegated to certain committees within the leadership of this body. I think if the Legislature or the leadership has any intentions of passing a Constitutional Amendment such as this, they should be elected by the membership of this body. They shouldn't be elected by the leadership, they shouldn't be appointed by the leadership, they should be elected by this body.

The SPEAKER pro tem: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Madam Speaker, I move this item lay on the table until later in Today's Session.

Mr. Kelleher of Bangor requested a Division.

The SPEAKER pro tem: The pending question before the House is on the motion of the gentleman from Farmington, Mr. Morton, that this be tabled until later in the session. Those in favor will vote yes; those opposed will vote no.

Mr. Raymond of Lewiston requested a roll call.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and obviously more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER pro tem: A roll call has been ordered. The pending question before the House is the motion of the gentleman from Farmington, Mr. Morton, that this be tabled until later in the day's session. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Beaulieu, Bennett, Benoit, Berry, Birt, Brenerman, Brown, K. L.; Brown, K. C.; Burns, Carey, Carroll, Carter, F.; Connolly, Cote, Cunningham, Curran, Davies, Dexter, Drinkwater, Dutremble, Fenlason, Flanagan, Goodwin, K.; Gould, Gray, Huber, Hughes, Jacques, Jalbert, Jensen, Kany, Kilcoyne, LaPlante, Littlefield, Locke, MacEachern, Mackel, Mahany, Masterton, Maxwell, McBairty, McKean, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Peterson, Post, Prescott, Rideout, Rollins, Shute, Smith, Spencer, Sprowl, Stubbs, Teague, Tierney, Torrey, Tozier, Trafton, Twitchell, Wilfong.

NAY — Aloupis, Ault, Bagley, Blodgett, Boudreau, P.; Bunker, Bustin, Carrier, Carter, D.; Churchill, Clark, Cox, Devoe, Diamond,

Dow, Elias, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Green, Henderson, Higgins, Howe, Hunter, Hutchings, Jackson, Joyce, Kane, Kelleher, Kerry, Laffin, Lewis, Lynch, Marshall, Martin, A.; Masterman, McHenry, McMahon, McPherson, Mills, Moody, Norris, Pearson, Peltier, Perkins, Raymond, Sewall, Silsby, Stover, Strout, Talbot, Tarbell, Tarr, Theriault, Valentine, Wood, Wyman.

ABSENT — Berube, Biron, Boudreau, A.; Chonko, Connors, Dudley, Durgin, Gauthier, Greenlaw, Hall, Hickey, Hobbins, Immonen, LeBlanc, Lizotte, Lougee, Lunt, Plourde, Quinn, Truman, Tyndale, Whittemore, The Speaker.

Yes, 69; No, 59; Absent, 22.

The SPEAKER pro tem: Sixty-nine having voted in the affirmative and fifty-nine in the negative, with twenty-two being absent, the motion does prevail.

By unanimous consent, all previous matters acted upon were ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

Committee of Conference Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission" (H. P. 1128) (L. D. 1345) asks leave to report:

that the House recede from enactment, recede from passage to be engrossed, recede from adoption of Committee Amendment "A." (H-496), indefinitely postpone Committee Amendment "A." read and adopt Committee of Conference "A." (H-936) submitted herewith and pass the bill to be engrossed as amended by Committee of Conference Amendment "A."

That the Senate recede from passage to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" (S-251) thereto, recede from adoption of Committee Amendment "A" as amended by Senate Amendment "A" thereto, recede from adoption of Senate Amendment "A" to Committee Amendment "A", indefinitely postpone Senate Amendment "A" to Committee Amendment "A", indefinitely postpone Committee Amendment "A", read and adopt Committee of Conference "A", submitted herewith and pass the bill to be engrossed as amended by Committee of Conference Amendment "A" in concurrence.

(Signed)

Mr. CURRAN of South Portland
DIAMOND of Windham
Mrs. MASTERTON of Cape Elizabeth
— of the House.
Mr. MORRELL of Cumberland
CARPENTER of Aroostook
— of the Senate.

The Committee of Conference Report was read and accepted.

The House receded from enactment and passage to be engrossed; receded from adoption of Committee Amendment "A" and indefinitely postponed Committee Amendment "A".

Committee of Conference Amendment "A" (H-936) was read by the Clerk and Adopted.

The Bill was passed to be engrossed as amended by Committee of Conference Amendment "A" in non-concurrence and sent up for concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on RESOLUTION, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipality for at least 50% of Property Tax Exemption Losses (S. P. 366) (L. D. 1227) asks leave to report:

that the House recede from passage to be engrossed as amended by House Amendment "C" (H-884), recede from adoption of House Amendment "C", indefinitely postpone House Amendment "C," read and adopt Committee of Conference Amendment "A" (H-937) submitted herewith and pass the bill to be engrossed as amended by Committee of Conference Amendment "A".

that the Senate recede from passage to be engrossed as amended by House Amendment "B" (H-817) as amended by Senate Amendment "A" (S-332) thereto, recede from adoption of House Amendment "B" as amended by Senate Amendment "A" thereto, recede from adoption of Senate Amendment "A" to House Amendment "B," indefinitely postpone Senate Amendment "A" to House Amendment "B", indefinitely postpone House Amendment "B", read and adopt Committee of Conference Amendment "A" submitted herewith and pass the bill to be engrossed as amended by Committee of Conference Amendment "A" in concurrence.

(Signed)

Mrs. KANY of Waterville
Ms. BACHRACH of Brunswick
Mr. STUBBS of Hallowell

— of the House.

Mr. COLLINS of Aroostook
Mrs. SNOWE of Androscoggin
Mr. MERRILL of Cumberland

— of the Senate.

The Committee of Conference Report was read and accepted.

The House receded from passage to be engrossed as amended by House Amendment "C"; receded from adoption of House Amendment "C", and indefinitely postponed same.

The Committee of Conference Amendment "A" (H-937) was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. Green.

Mr. GREEN: Madam Speaker, could I just have a brief explanation of this please?

The SPEAKER pro tem: The Chair gratefully acknowledges the gentlelady from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Madam Chairman, Members of the House: I would just like to say that this Conference Committee Amendment embodies exactly what I wanted to do in Amendment "C", which was to say that if the state imposed any more tax exemptions or credits that they would be responsible for reimbursing the municipalities from state sources rather than from the General Fund. That is the principal change in the amendment, from state tax sources for 50 percent of the property tax revenue loss. This will insure that any new exemptions that are allowed by the state will be looked at very carefully by the legislature before they are imposed and the cost of reimbursement will not be returned to the municipality.

The SPEAKER pro tem: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Madam Speaker, Members of the House: Does the bill and amendment now provide that a municipality may impose a sales tax or an income tax on the people within the municipality?

The SPEAKER pro tem: The gentleman from Stockton Springs Mr. Shute, poses a question through the Chair to anyone who may care to answer.

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

Mrs. KANY: Madam Speaker, Members of the House: The answer is, no. The reimbursement to the municipality would have to be from state tax sources, not from municipal sources.

Whereupon, the Committee of Conference Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee of Conference Amendment "A" in non-concurrence and sent up for concurrence.

The following Communication:
THE SENATE OF MAINE
AUGUSTA

July 8, 1977

The Honorable Edwin H. Pert
Clerk of the House
108th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today voted to Adhere on Bill, "An Act Concerning Prosecution of Fish and Wildlife Law Violators Who are 16 Years of Age or Older" (H. P. 193) (L. D. 255).

Respectfully,

Signed: MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Order, an Expression of Legislative Sentiment recognizing that: Carleton Day Reed, Jr. and Cynthia Murray-Beliveau are retiring as members of the Board of Trustees of the University of Maine after having served with personal dedication and great distinction (S. P. 595)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

The following Joint Order, An Expression of Legislative Sentiment recognizing that: Rudolph Marcoux, William Labine and Edward Stanley are retiring as members of the Board of Trustees of the Maine Maritime Academy after having served at personal sacrifice and with high distinction (S. P. 596)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

The following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKERS' OFFICE
AUGUSTA, MAINE

July 8, 1977

Mr. Edwin H. Pert
Clerk of the House
State House
Augusta, Maine 04333
Dear Mr. Pert:

I am pleased to authorize and direct you to serve on a full-time basis when the Legislature is not in regular or special session, as provided in Section 22 of Title 3 of the Maine Revised Statutes Annotated, for the 108th Maine Legislature.

Sincerely,

Signed: JOHN L. MARTIN
Speaker of the House

The Communication was read and ordered placed on file.

On motion of Ms. Clark of Freeport, the following Joint Order: (H. P. 1819) (Cosponsor: Senator Pierce of Kennebec)

WHEREAS, The Joint Standing Committee on Business Legislation had referred to it, during the First Regular Session of the 108th Legislature, many legislative documents affecting complex business transactions; and

WHEREAS, the number of bills and their complexity made it impossible within the time available to the committee for them to completely and properly study these various matters; now, therefore, be it

ORDERED, the Senate concurring, that the

Joint Standing Committee on Business Legislation shall study the following matters:

1. Insurance company practices regarding the renewal and cancellation of property and casualty insurance, health insurance and life insurance;

2. The sale of credit, life and disability insurance;

3. Variable interest rate mortgages;

4. The activities of financial institutions and financial institution holding companies; and

5. The authority, adequacy and effectiveness of the Bureau of Insurance and the statutes regarding the regulation of insurance; and be it further

ORDERED, that the committee in conducting these studies shall have all the powers set forth in Title 3, Section 165, Subsection 7; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977 and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

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

On motion of Mr. Spencer of Standish, the following Joint Order: (H. P. 1820) (Cosponsors: Mr. Carey of Waterville, Mr. Tierney of Lisbon Falls, Senator Collins of Aroostook)

WHEREAS, the Local and State Government property tax currently may be being assessed in an unconstitutional manner; and

WHEREAS, to cure such unconstitutional taxation requires a mechanism whereby property in the unorganized territory may be efficiently and equitably taxed; and

WHEREAS, the possible repeal of the Uniform Property Tax lends great urgency to the resolution of how the property in the unorganized territory should best be taxed; now, therefore, be it

ORDERED, that the Committee on Taxation study the different ways in which property in the unorganized territory can most equitably and efficiently be taxed; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977 and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

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

An Expression of Legislative Sentiment (H. P. 1821) recognizing that: the hard-won skills, calm efficiency and great labors of the members of the Office of Legislative Assistants have been instrumental in the successful labors of the joint standing committees and individual members of the First Regular Session of the 108th Legislature

Presented by Mr. Ault of Wayne.

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

An Expression of Legislative Sentiment (H. P. 1822) recognizing that: the Legislative Research Office and Information Office personnel, through their dedication, special knowledge and tireless hard work have contributed immeasurable to the success of this session

Presented by Mr. Ault of Wayne.

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

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate.