

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 Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

INDEX

FIRST CONFIRMATION SESSION

August 4, 1983

INDEX

FIRST SPECIAL SESSION

September 6 and 7, 1983

INDEX

SECOND CONFIRMATION SESSION

September 23, 1983

INDEX

THIRD CONFIRMATION SESSION

October 28, 1983

INDEX

SECOND SPECIAL SESSION

November 18, 1983

INDEX

HOUSE

Tuesday, June 21, 1983

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend Paul Cates of the East Vassaboro Friends' Meeting Church.

The journal of the previous session was read and approved.

Messages and Documents

State of Maine

One Hundred and Eleventh Legislature
Committee on Election Laws

The Honorable John L. Martin
Speaker of the House
State House

Augusta Maine 04333
Dear Speaker Martin,

The Committee on Election Laws is pleased to report that it has completed all business placed before it by the First Regular Session of the 111th Legislature.

Total number of bills received	48
Unanimous reports	41
Leave to Withdraw	18
Ought Not to Pass	7
Ought to Pass	4
Ought to Pass as Amended	8
Ought to Pass in New Draft	4
Divided reports	6
Carry-over bills	1

Respectfully submitted,
S/GREGORY G. NADEAU
House Chairman

The Communication was read and ordered placed on file.

The following Communication:
State of Maine

One Hundred and Eleventh Legislature
Committee on State Government

June 20, 1983

The Honorable John L. Martin
Speaker of the House of Representatives
State House

Augusta, Maine 04333
Dear Speaker Martin,

The Joint Standing Committee on State Government is pleased to report it has completed all business placed before it by the First Regular Session of the 111th Maine Legislature.

Total number of bills received	79
Unanimous reports	67
Ought to Pass	12
Ought to Pass as Amended	9
Ought to Pass in New Draft	16
Ought Not to Pass	3
Leave to Withdraw	26
Refer to another Committee	1
Divided Reports	12

Sincerely,
S/DAN A. GWADOSKY
House Chairman

The Communication was read and ordered placed on file.

**Petitions, Bills and Resolves
Requiring Reference**

Bill "An Act to Amend the Military Laws of the State of Maine" (H. P. 1337) (L. D. 1777) (Presented by Representative Hickey of Augusta) (Cosponsor: Senator Dow of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Aging, Retirement and Veterans was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

Bill "An Act to Validate the Procedure for Selection of Members of the Maine Real Estate Commission" (H. P. 1335) (L. D. 1775) (Presented by Representative Brannigan of Portland) (Submitted by the Department of Busi-

ness Regulation pursuant to Joint Rule 24)

Committee on Business Legislation was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

Later Today Assigned

Bill "An Act to Provide for the Use of Major Credit Cards at State Liquor Stores" (H. P. 1340) (L. D. 1780) (Presented by Speaker Martin of Eagle Lake) (Governor's Bill)

Committee on Business Legislation was suggested.

On motion of Mr. Diamond of Bangor, tabled pending reference and later today assigned.

Bill "An Act to Amend the Statutes Regarding Mental Health and Mental Retardation" (H. P. 1336) (L. D. 1776) (Presented by Representative Nelson of Portland) (Cosponsors: Representative Manning of Portland, Senators Bustin of Kennebec, and Gill of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Amend the Statutes Regarding Corrections" (H. P. 1339) (L. D. 1779) (Presented by Representative Manning of Portland) (Cosponsors: Senators Gill of Cumberland, Bustin of Kennebec, and Representative Nelson of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Health and Institutional Services was suggested.

Under suspension of the rules, the Bills were read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

Orders

On motion of Representative McSweeney of Old Orchard Beach, it was

ORDERED, that Representative Susan J. Pines of Limestone be excused June 15 and 16 due to illness;

AND BE IT FURTHER ORDERED, that Representative Robert E. Murray, Jr. of Bangor be excused June 22, 23 and 24 for personal reasons.

House Reports of Committees

Ought to Pass in New Draft

Representative Gwadosky from the Committee on State Government on Bill "An Act to Permit an Air National Guard Officer to be Eligible to Serve as Deputy Adjutant General" (H. P. 350) (L. D. 408) reporting "Ought to Pass" in New Draft (H. P. 1338) (L. D. 1778)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

Ought to Pass in New Draft/New Title

Representative Chonko from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Additional Allocations for the Expenditures of State Government in Response to United States Emergency Jobs and Humanitarian Aid Programs for the Fiscal Years Ending June 30, 1983, 1984, and 1985" (Emergency) (H. P. 1289) (L. D. 1709) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Making Additional Allocations for the Expenditures of State Government in Response to United States Emergency Jobs and Humanitarian Aid Programs for the Fiscal Year Ending June 30, 1984" (Emergency) (H. P. 1333) (L. D. 1773)

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Sohio Oil Company Overcharge Funds to the Energy Resources Development Fund" (H. P. 1010) (L. D. 1335)

reporting "Ought to Pass" in New Draft/under New Title Bill "An Act to Appropriate Oil Company Overcharge Funds" (H. P. 1334) (L. D. 1774)

Reports were read and accepted and the New Drafts read once. Under suspension of the rules, the New Drafts were read the second time, passed to be engrossed and sent up for concurrence.

Passed to Be Enacted

Emergency Measure

An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine (S. P. 622) (L. D. 1760)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

Later Today Assigned

An Act Relating to Involuntary Admission (H. P. 1321) (L. D. 1756) (H. "A" H-398)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Mrs. Nelson of Portland, tabled pending passage to be enacted and later today assigned.

Emergency Measure

An Act to Delay the Effective Date of the Property Tax Exemption for Naturally Occurring Metallic Minerals (S. P. 629) (L. D. 1769) (H. "A" H-406)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: This bill and L. D. 652 are companion bills which continue the process begun last year establishing a mining excise tax for Maine. Let me briefly explain the purpose of this bill in its relationship to L. D. 652.

You may recall that when L. D. 652 was brought to the floor approximately two weeks ago, I indicated that I had concerns about the bill which would cause me to vote against it when it came up for final enactment. My concern stemmed from the requirement that the Constitution imposes on the state to reimburse municipalities for revenue losses resulting from property tax exemptions.

The mining excise tax passed by the 110th Legislature created a property tax exemption for minerals which went into effect on March 1 of this year. When the mining excise tax was enacted last year, it was hoped that a constitutional amendment could be submitted to the voters last November to relieve the state of the mandatory obligation to reimburse for minerals. Unfortunately, time was not available last year to submit this and related amendments to the voters.

There was an agreement among all parties last year that the state should not be required to reimburse for the minerals exemption because of the numerous practical difficulties involved in valuing minerals in the ground but that the legislature should be free to reimburse for minerals if it was to so choose.

There was also agreement that the state should not be unreasonably exposed to a reimbursement obligation prior to the passage of these constitutional amendments.

Although it is extremely unlikely that a reimbursement claim will be made, I believe that the law should be clarified to ensure that the state is not at risk for any reimbursement payments this year.

We have had some difficulties in finding a way of assuring that the state would not be obligated to pay this reimbursement that was sa-

tisfactory to the committee, the administration and the mining industry, but we have been able to resolve those difficulties and the result was L. D. 926, and in its new draft, L. D. 1769.

This bill moves the date on which minerals will become exempt from property taxation to March 1, 1984, and requires that prior to the exemption becoming effective, the amendments have to be approved by the voters.

In addition to moving the exemption date, a requirement that the owners of the minerals reimburse the state for any property tax exemption reimbursement claims is also included and it is additional protection for the state.

With these interim protections for the state in place, the constitutional amendments contained in L. D. 652 should be sent to the voters for their approval. These amendment will allow but not require reimbursement for minerals and also clarify the authority of the legislature to reimburse municipalities for more than the 50 percent of the property tax revenue losses resulting from the exemptions if the state wishes to do so.

The amendments will also remove minerals from the tree growth tax penalty, a change which is needed to assure that the state's tax laws do not entirely foreclose a possibility of developing a minerals industry by subjecting the minerals to potentially large penalties.

The amendments will allow for the full implementation of the mining excise tax. As many of you will recall, that tax places a property tax on minerals and mines with a far more efficient and fair form of taxation based on the value of the minerals when they are actually sold. The mining excise tax provides both a fair return to the state when its non-renewable mineral resources are mined and provides positive incentives towards a full development of the state's mineral potential.

Mining companies have not come to the state to ask for state aid or guarantees; they have only requested that a fair and rational form of taxation be established, and this is what we have done.

I join with the rest of the 110th Legislature's Taxation Committee in supporting the mining excise tax and I want to urge you to join me today in supporting the amendments contained in L. D. 652 and this bill to complete what I think will prove to be an important part of Maine's tax policies and a major boost to the economic development of the State of Maine.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

106 voted in favor of same and none against, and accordingly the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Conform the Meaning of Approved Training in the Employment Security Law to Federal Definitions (H. P. 1331) (L. D. 1771)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, I would like to pose a question through the Chair. I would like to ask somebody in the House that might have the information just what this bill does.

The SPEAKER: The gentleman from Belfast, Mr. Drinkwater, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: In our state we have a program where individuals who are collecting unemployment compensation can participate

in approved training programs and still receive the unemployment compensation. We have a set of rules that the state and the officials in the Employment Security Commission have to follow in order to allow that to happen. Because of a change in the U. S. Public Law 97-300, it has been deemed that our Maine employment security law does not conform with the United States Public Law, and the result is that we could wind up with a loss of unemployment benefits and putting people out of these training programs.

What this legislation is doing, it is putting us in compliance with the federal law so that people can still participate and there won't be any loss of federal revenue for the program.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

102 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Affecting the Organization of the Department of Business Regulation (S. P. 541) (L. D. 1580) (C. "A" S-197)

An Act to Provide Workers' Compensation Coverage to Emergency Medical Services' Persons (S. P. 563) (L. D. 1637) (C. "A" S-160)

An Act to Revise the General Assistance Laws (S. P. 626) (L. D. 1764) (S. "A" S-212)

An Act to License Home Health Care Services (S. P. 527) (L. D. 1550) (H. "A" H-403; S. "A" S-202; C. "A" S-180)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

RESOLUTION, Proposing Amendments to the Constitution of Maine to Change the Municipal Property Tax Loss Reimbursement Formula, to Change the Penalty for the Change of Use of Land Subject to Current Use Valuation and to Require a Two-thirds Vote for the Expenditure of Funds from the Mining Excise Tax Trust Fund (Constitutional Amendment) (H. P. 502) (L. D. 652) (H. "A" H-331 to C. "A" H-317)

Tabled — June 15, 1983 (Till Later Today) by Representative Higgins of Portland.

Pending — Final Passage.

The SPEAKER: The pending question is on final passage. This being a Constitutional Amendment, it requires a two-thirds vote of all the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

113 voted in favor of same and 2 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act Creating a Maine Milk Pool" (H. P. 1323) (L. D. 1754)

— In House, Bill and Accompanying Papers Indefinitely Postponed on June 14, 1983.

— In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-210) in non-concurrence.

Tabled — June 16, 1983 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending — Further Consideration.

On motion of Mr. Michael of Auburn, tabled pending further consideration and later today

assigned.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-408) on Bill "An Act Providing for Administrative Changes in Maine Tax Laws" (H. P. 1054) (L. D. 1398)

Report was signed by the following members:

Senators:

WOOD of York
TWITCHELL of Oxford
TEAGUE of Somerset

— of the Senate.

Representatives:

HIGGINS of Portland
ANDREWS of Portland
CASHMAN of Old Town
KANE of South Portland
KILCOYNE of Gardiner
McCOLLISTER of Canton

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-409) on same Bill.

Report was signed by the following members:

Representatives:

BROWN of Bethel
DAY of Westbrook
INGRAHAM of Houlton
MASTERMAN of Milo

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I move acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from Portland, Mr. Higgins, moves that the House accept the majority "Ought to Pass" Report. The gentleman may proceed.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: In the two reports before us there is only one difference. The bipartisan majority "Ought to Pass" Report seeks to clarify the authority of the Bureau of Taxation to continue a current and past practice involving a method of collecting the fair revenues owed the state through the corporate income tax.

Legislation banning apportionment in determining the tax liability of multi-national corporations doing business in Maine is nothing more than a massive tax. Subsidy for multi-national corporations. It will increase the tax burden on small businesses and individuals and will contribute to the state's fiscal crisis by denying Maine tax dollars to which it is rightfully entitled. This corporate giveaway, like the other corporate subsidies, could not come at a worse time. Not only is the state already spending millions of dollars as a result of its conformity to faster business depreciation, but Reagan Administration cuts in federal aid have fallen disproportionately on Maine and other northern industrial states. Every tax dollar not paid by a multi-national corporation because it is able to hide its Maine profits is a dollar paid for by either reduced state services or higher taxes on domestic businesses, wage earners and consumers.

The state already faces hard choices between tax increases and reduced public services. A ban on unitary apportionment will add to Maine's fiscal dilemma by crippling the state's ability to fairly and accurately tax some of the largest corporate taxpayers in the state.

Nowhere is the need for effective tax enforcement more evident than in the taxation of multi-state and multi-national corporations. Unlike the federal government, which can tax all the income of U. S. corporations, a state can constitutionally tax only the income originat-