

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL  
AUGUSTA, MAINE

Thereupon, on motion by Mr. Richardson of Cumberland, a division was had. 16 Senators having voted in the affirmative, and nine Senators having voted in the negative, the motion prevailed.

#### Non-concurrent Matter

Bill, "An Act Equalizing the Financial Support of School Units." (H. P. 1561) (L. D. 1994)

In the Senate June 13, 1973, Passed to be Engrossed as Amended by Senate Amendment "A" (S-227).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-227), House Amendment "A" (H-579), and House Amendment "B" (H-586), in non-concurrence.

Mr. Katz of Kennebec moved that the Senate Recede and Concur.

Mr. Clifford of Androscoggin then moved that the matter be tabled and Tomorrow Assigned, pending the motion by Mr. Katz of Kennebec to Recede and Concur.

On motion by Mr. Katz of Kennebec, a division was had. Nine Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion did not prevail.

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

Mr. JOLY: Mr. President and Members of the Senate: During the past few months we have seen editorials in Maine papers demanding tax reform — editorials calling for Maine citizens to communicate with their legislators demanding tax reform.

Last Saturday in the Bangor News, John Day said "to date there's been virtually no public outcry, except in newspaper editorials, for major tax reform."

I have had 341 letters during the session from Maine voters and citizens regarding such subjects as vivisection, plumbing, Frye Island, boarding homes and regional libraries. I have had 97 letters dealing with non-returnable bottles and 60 concerned with chiropractors. I have 13 letters dealing with inventory and sales and gasoline taxes, but not one in reference with local property taxes.

As a legislator, I believe, I should take part in enacting good, sound, progressive legislation, and not to enact legislation solely on the demand of any small group.

An editorial in the Kennebec Journal states that the new proposal must be good news to the low income, elderly and those on fixed incomes, and citizens interested in fair equitable taxation.

Let's examine this statement. Good news for the poor. Our low income citizens live for the most part in apartments. Should this grandiose scheme take place, do you think for a moment that apartment house owners, even though they may get lower tax bills for their apartment buildings, will lower the rents with their personal income tax bill — which word has it may go up 35 per cent — is hiked, or will they maintain or even raise the rents in order to end up with their same net income? And if we must have rent controls to insure the workability of this scheme, I honestly believe we are then asking for more and more government controls which have failed to work in the past and cannot work now.

As for being good news for the elderly and those on fixed incomes — which I take to mean for the most part the retired, I believe we can enact legislation to aid them without changing the entire philosophy of our tax program.

Finally, the editorial states that this is good news for those citizens interested in fair and equitable taxation. I question this statement. All taxes — sales, income, corporation and property—are fair in that they rise steadily, some proportionally and some graduated.

The big point — the only point really — is which tax is the one that can get away from us into the hands of the big spenders, and I refer to those who would have us spend and spend and spend, and my answer is all of them are to some degree. But the property tax, under the control of local taxpayers, is the one tax the big spenders cannot control. For this reason, plus others that I shall refer to, I am unalterably opposed to this entire plan of changing our philosophy of taxation.

For some time now we have been hearing about property tax reform. Webster's dictionary says that reform means to change into a new and improved reform or condition; it goes on to say that reform means to rectify or to better; it also says that reform is to bring from bad to good.

I seriously question that reform is the proper term to use when we are talking about property tax and the means of financing education costs.

What we should be discussing is philosophy.

The Maine Education Council has recommended that the state fund the full cost of local education and that the state impose a statewide property tax.

The majority of the Special Joint Interim Committee formed to study the tax structure of the State of Maine recommends the State assume 60 per cent of the total cost of public education and also recommends the institution of a uniform statewide property tax.

Both of these groups anticipated that the United States Supreme Court would rule that present financing of schools was unconstitutional. The court failed to do so.

To judge from the continual cries of recent years, one would be led to believe that the property tax is the most oppressive levy Americans have to bear, and that it is increasing at a rate above and beyond that reached by other taxes. The truth, however, is exactly the opposite.

While there are legitimate criticisms to be made of the system of property levies — untrained assessors and discrimination among property owners — and of the present state education subsidy formula, the simple fact is that the aggregate burden of the property tax is considerably less than the burden of other taxes.

The Brookings Institution notes that in 1927 property taxes accounted for 4.9 per cent of the gross national product, and fell as a percentage until 1956 when they stood at only 2.6. Then it rose to 3.4 per cent in 1971. This rise from 1956 to 1971 reflects in considerable

measure an almost incredible binge of spending for public education. Since 1957-58 United States spending on public schools has tripled, to a level of \$46 billion a year, or an increase from \$335 per pupil in 1957-59 to \$867 per pupil in 1970-71. Brookings goes on to say that almost two-thirds of the increase per pupil outlays was related to increases in the amount spent for teachers and other instructional personnel such as librarians and guidance counselors. While the average wage for full-time employees in all industries was rising by 74 per cent, teachers salaries went up by 90 per cent, and the salaries of other instructional personnel grew by more than 100 per cent.

Property taxes have doubled from 19 billion in 1962 to more than 38 billion in 1971. But, during this same period, other state and local taxes zoomed from 22.5 billion to more than 56 billion.

Why then the specific outcry over property taxes?

The answer is simple — proper taxes are visible, they are painful and they are locally imposed. The public is more conscious of property taxes and there is, therefore, a limit of the spending that can be financed from such taxation.

So the educationalists and other political spenders realize that property taxes have reached their limit as a funding source. These spenders have thousands of exciting ideas of what they want to do with our money, if only the property tax with its built-in limits weren't standing in their path.

So, reasons for getting away from the property tax at the local level are being put forth — inequality being the most current and popular reason now being used.

Some years ago a pamphlet from the National Education Association frankly stated, "Once public education has been made as much a federal responsibility as national defense or national highways, more money than was ever dreamed of will be spent on it." And, to transfer the funding from local to state is a step to eventual transfer to the federal government.

Let me direct my remarks towards this current argument of inequality between our schools.

First of all, there appears to be no constitutional requirement that we are all entitled to an equal education. Secondly, if all children of one state are to obtain the same education, why stop at state borders — and the moment you go beyond the state borders, you make a case for having complete federal control of the matter, which is what the NEA wants most desperately in order to pursue their dream as stated in their pamphlet.

Let's go a bit deeper — inequality of local schools is based on the levels of spending for education in different communities. Yet, spending money doesn't always help education.

In 1960 New York City spent 540 million on its schools, and by 1971 it was spending more than 2 billion, nearly four times as much, with only a slight increase in enrollment. Yet during those same years, the percentage of pupils reading below normal rose from 54 percent to 66 percent. Moreover, in New York City, where reading achievement in its schools is below the national norm, there is one teacher for every 26 pupils.

If we buy the idea that every student is entitled to have spent upon him the same amount throughout the state, why cannot every citizen demand that he have the same fire and police protection as his fellow residents in other communities in the state?

In summary, now that the Supreme Court has brought us all down to reality again, let us look over this entire matter without listening solely to the cries of the educators and the spenders.

Let us examine the state's formula for the present subsidy system and see if changes could be made to make the formula a better one.

Let us follow attentively the results of the new legislation we have passed creating assessment districts throughout the state and continue to encourage communities to have tax maps made.

Let us consider property tax breaks for retired citizens.

Let us seek ways to encourage our communities to allow their property taxpayers to pay their property taxes in installments, as we now pay income, corporate and other taxes, thus softening the blow that one gets now upon receipt of one's local property tax bill.

Let us encourage our local school boards and public-minded citizens to take a more active part in local education policies. National studies have shown that small classes do not necessarily mean better education and that greater expenditures of money does not guarantee better scholars.

Let us study the report of the Maine Management and Cost Survey Committee that is presently working diligently assessing our mode of operations at all levels of state government.

We all want the children of our state to have good education and good schools, but it is time that we as citizens stop allowing the big spenders to scare us into taking steps that will not bring the results they promise will follow.

In conclusion, let us not forget we are talking not about tax reform but philosophy. If you agree with the philosophy of letting control of spending be shifted from local school boards and local government to state, and eventually federal government, then this is your kind of change. If, on the other hand, you believe that such a change in philosophy after over a century is not in the best of interest for all concerned, you will not buy this shifting of responsibilities and will instead do all possible to perfect and improve the present system by some of the actions I have referred to.

Let us move cautiously in this field. Let us not be diverted by the outcry of those that would have us change, with no guaranty that such change will actually better our system. Thank you.

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

Mr. KATZ: Mr. President, I would like to state for the record that in general I would rather have my colleague, the Senator from Kennebec, Senator Joly, on my team supporting my legislation

than opposing it, because when he opposes he does an extraordinarily good job.

I was aware of the fact that Senator Joly had some remarks prepared which would not enhance the progress of the legislation I was supporting, and I had some fears about its existence. Now my fears have been realized.

Actually, what Senator Joly did was to express a basic philosophy that he holds near and dear to his heart, and on that he is extremely consistent. If I were to criticize the unfolding of his philosophy in any extent, I would say that he reads into this legislation shadows that do not exist. There is nothing new about the state assuming a portion of the cost of education. Presently it is at the level of 33 percent. I know of no one in this State House, no one in this State House, certainly not in this chamber, who feels that the full cost of funding education should be on the state's shoulders, and I certainly would resist that with all the enthusiastic being that I have.

I think it is wrong to say that because you increase the level of the sharing of costs that you are moving the control of the spending from the local community to the state. And I think it is particularly wrong then to say "And it is just one more step to national control."

Control of education in the state is spelled out specifically in Title 20 of our revised statutes, and no one is going to take away the control of our educational system without some future legislature, elected by the people, moving in that direction.

One thing I haven't heard very much is the fears of local control. And if you were here at the briefing immediately after the session, you will find that there is no interference with local control in spending for other than education needs.

I guess that I should say that the Education Committee agreed completely with the Senator from Kennebec, Senator Joly, that the important thing is the philosophy of the change. And consequently, although it was very hard, we prohibited the reproduction of any computer printouts until after we had decided on the philosophy of

the bill and after we had agreed on the direction that we were going, so none of us would be influenced by what specifically happened in the communities that we represent, and we were extremely rigid in that attitude.

I guess I would say that I do not claim that money makes a difference. At least, it is not demonstrable. But when I say that it is going to cost \$211 million to fund the cost of education in the next year, and I think that is the correct figure, it is going to cost \$211 million anyway; it is just a question of who pays the bill.

I find it difficult to find very many people, either in the State of Maine or amongst any students of taxation, who claim that the local property tax, which in revolutionary times and pre-revolutionary times was an adequate measurement of a person's wealth, is in any way qualified to sustain the burden that we have placed on it in recent years. I just don't find people who feel that way. And every legislative session that I have been a part of, every Governor that I have served under, every legislature that I have served with, has talked longingly about the need to remove the burden of the local property tax, and I think this is our opportunity here today. I think it is a responsible bill, and I hope the Senate supports the motion to recede and concur.

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

Mr. SPEERS: Mr. President, I think every member of this body has discussed property tax reform — if not in the campaign last fall, then certainly in the halls of the legislature during this winter and spring, and now on into the summer. I don't feel that when we talk about property tax reform that we are responsibly talking about it if we have in mind that this is going to mean solely a reduction in property taxes and nothing else. I certainly haven't approached it from this aspect, and I don't think any of us have approached it from this aspect.

When we talk about property tax reform, we are talking about shifting the burden of taxes from what

most of us consider to be an inequitable, inefficient, poorly administered tax base to a more equitable, more efficient and better administered tax base. I think that is what we mean by property tax reform. And I don't think that we are attempting to kid anyone by indicating that it will be simply a reduction of taxes and that the resulting loss in revenue would not have to be made up in some other manner.

The good Senator from Kennebec, Senator Joly, mentioned that he did not feel the property tax was a regressive tax. I hope I am quoting him correctly, and if I am not I hope that he will correct me. I think I heard him say that he did not feel that the property tax was a regressive tax.

Senator Katz did mention that the problem with the property tax at the present time is that it is not a measure of an individual's wealth. In days long gone by, the property that an individual owned could be considered to be a measure of the individual's wealth. That is certainly no longer the case at the present time. And if we agree that the taxes should be paid on the basis of the ability to pay, then I think we must conclude that the property tax at the present time would be an inequitable and regressive tax.

I would support the motion of the good Senator from Kennebec, Senator Katz, to recede and concur on this bill. I feel that we are going a long way toward fulfilling the campaign pledges that many of us made last fall in bringing about significant property tax reform for the State of Maine.

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

Mr. CLIFFORD: Mr. President, there is no other issue before this legislature concerning which I have had stronger feelings. It is very emotional and it is intertwined in politics, and I think to call it tax relief is a misnomer. What it is, at best, in my opinion, is tax transfer; transfer from the property tax to the income tax of some of the burden which our taxpayers have to pay.

Unlike the Senator from Kennebec, Senator Joly, I support that concept of the transfer from the property tax to the income tax. I served as mayor of Lewiston, and two years ago I was active lobbying in this legislature for the revenue sharing bill which the 105th Legislature passed. The property tax is, in my opinion, regressive and not broad-based, and the income tax is, in my opinion, more broad-based and more reflective of an ability to pay. So I support the concept of transferring some of the burden from the property tax to the income tax.

It seems to me that if we are going to take a major step to do that, that we ought to do our utmost to make sure that what we do is fair and equitable. And the reason I oppose this bill is, in my opinion, that it is not fair and not equitable. By voting for this bill — and no one can be kidded on this — we are taking the step to raise the income taxes. There is no question about that; we are going to go on record as taking the steps that are going to insure the necessity of an income tax increase. But the bill before us today is here for a peculiar and a particular reason. The bill is here before us because of a Supreme Court case, Serrano versus Priest and the Rodriguez case, which was pending when positions became locked in an organization such as the Maine Municipal Association. The principle involved in that case, Mr. President and Members of the Senate, was whether or not the financing of education from the property tax, be it unequal from town to town, violated the equal protection clause of the United States Constitution. The Supreme Court, in its wisdom, said that it did not. That theory, advanced by the proponents of the Rodriguez and Serrano case, I think had a fatal defect, as pointed out possibly by the good Senator from Kennebec, Senator Joly, because if in fact it was unequal in the area of education; if the children in City A did not get as much money spent on them for education as the children in City B, then why isn't it just as violative of the equal

protection clause if the senior citizens in City A don't get as much money spent on them, either in housing or in recreation, as the senior citizens in City B? And if it is violative of the equal protection clause between City A and City B, why is it not equally as violative of the equal protection clause for the children in Mississippi and California? The children in Mississippi apparently don't have as much money spent on them in education as the children in California. I think the Supreme Court in its wisdom, saw the fatal defect in that theory, and rejected both the Rodriguez and the Serano cases.

So we now are not faced with any judicial mandate to force us to pass this bill, 1994. And it seems to me that if we are going to take the steps which are going to lead us inevitably to an income tax increase — and I am not against that — that we ought to make sure that the money which is going back to the communities is distributed fairly. We shouldn't distribute it, in my opinion, according to a court decision which, in fact, did not come about.

I am against this, not so much because it puts the money all in education, although I do have reservations about this because it seems to me that a good deal of the local discretion is taken away from the municipality and the people in education do not have to compete at the same level as the people in public works, police protection and fire protection for the local tax dollar, and I am not so sure they shouldn't have to compete as the others do for the local tax dollar. I am against it essentially, Mr. President, because the formula which is used, in my opinion, is unfair. One of the reasons it is unfair is that in part, at least, it is based on the valuation of a community divided by the number of public school enrollees to get the value of the community per public school enrollee. If you have a fairly high valuation and a low number of public school enrollees, then you come out on the formula looking like a rich town, whereas the true facts

of the case oftentimes are just the opposite.

It is unfair to cities with low per capita income, those cities with less ability to pay. It is unfair to those communities which have parochial schools, those parochial schools paid for by the taxpaying citizens of the community. The citizen effort in the whole non-school area; all the non-school tax effort is not computed in this formula. The citizen effort in paying for their children to attend parochial schools is not computed in these formulas. And it seems to me that if we are talking about transferring that burden from the property tax because it no longer reflects a person's wealth to the income tax, then we ought to go a step further and make sure that the income which is going to be distributed to the communities under this formula takes into account that income of those people in those communities.

My community, the City of Lewiston, has a particular situation, but I think it is not untypical. It is a mill town. It is very near the bottom as far as per capita income. Under the 50 percent funding which this bill now has — this bill does not now in its present form go to 60 percent — under the 50 percent income formula, comparing the anticipated aid for 1974-1975 to the aid under this bill, under the printout, there is a loss of \$70,000.

Now, if the City of Lewiston were a tax haven, if the City of Lewiston had an abundance of wealthy citizens, if the City of Lewiston had a \$250 million power plant, then I wouldn't be up here speaking on this bill; I would be voting for this bill probably. But that is not the case. Lewiston is not a tax haven, Lewiston citizens do not have high per capita incomes; they are poor people who happen to believe, some of them, that their children can best be educated, 1,500 of them, in parochial schools. We lose \$70,000, and we lose it under the title of tax relief. Mr. President and Members of the Senate, this doesn't make sense to me. This doesn't seem to me to be fair nor equitable.



I ask you and I plead with you — I am not against a plan to transfer the burden of the property tax to the income — but please let's be fair, and let's not crucify my community on the cross of tax relief. Thank you, Mr. President.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: This seems to be the session in which the strategically timed tabling motion which fails somehow sets the course of conduct of the legislative deliberations. Myself and the Senator from Androscoggin, Senator Clifford, and others wanted an opportunity to review this bill in its present form, which now has House Amendment "B" on it, under Filing Number H-586. This is a very complex amendment, which may have significant importance to the final outcome of this legislation.

Simply because I believe that although there may not be, as the Senator from Kennebec, Senator Joly, says, any constitutional right to educational opportunity, I believe that we have a moral obligation to provide equal educational opportunity to Maine young people without reference to the fortuitous circumstance of where they happen to live or whether their parents happen to be wealthy or poor. For that reason I support, as I know a great majority of you do, reallocation of responsibility for public education, with the state assuming a greater share of the burden of doing so.

This bill is not really tax reform. It is instead realignment of the responsibility for educational funding. This bill is not a new idea. It is a restatement of an idea that has been considered by previous sessions. The only limitation which I oppose as a member of this Senate is the responsibility to responsibly finance any bill that we pass of this magnitude. My quarrel with 1994 in its original state was that it constituted, in my opinion, funny money financing; that we are going to pass the program now and look to 1976 or 1975, the legislators of that era,

to have the courage to increase the income tax by 40 percent.

I have received assurances that this bill in its present form can be funded for the second year of the next biennium and successive bienniums on the basis of revenue estimates or revenues in keeping with estimates that have been arrived at and offered by the Governor's office. If that is true, and I can't decide that yet and I don't see how anyone else can, if that is true, then I shall vote for 1994 in its present form. If it is not true, I would insist, and I hope you members of the Senate would too, that instead of taking the politically easy way out, the fly now pay later business, that we not pass a program in this session unless we have the courage to responsibly finance it. I don't know whether this program is now being offered to meet that test or not, but certainly as a preliminary matter I think we should recede and concur now, and then make the hard decision as to whether or not this bill is in fact responsibly financed.

Mr. President and Members of the Senate: If it is not, I will not vote for it, threats of full-page newspaper ads to the contrary notwithstanding; if it is, I hope that every one of you will see your way clear to vote for it.

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

Mr. Danton of York then moved that the Bill be tabled and Tomorrow Assigned, pending the motion of Mr. Katz of Kennebec to Recede and Concur.

On motion by Mr. Katz of Kennebec, a division was had. 14 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion to table did not prevail.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would urge you to support the motion to recede and concur. I understand the concern of Senator Clifford from Androscoggin about this bill. I can't help but

believe he has overstated it a little bit when he said "Please don't crucify my city in the name of tax relief." I believe that is an overstatement.

Frankly, I have sympathy that perhaps the bill doesn't do all for Lewiston than it might for some other towns. But if we look at the state as a broad state, and I believe we have to base our decision on this, I don't think there is any question in anybody's mind that the majority of Maine people will benefit from this bill, 1994. Rather than get hung up in looking for that perfect bill that I feel we will never find, let's take the step now. It is a small step, but it is in the right direction. I am sure in my own opinion that Lewiston certainly will not be crucified. Again, I urge you to support the motion.

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

Mr. KATZ: Mr. President and Members of the Senate: In a conciliatory manner, I don't want the people of Lewiston to feel that they are going to lose \$75,000. I don't have my figures in front of me but I am absolutely confident that the Senator from Androscoggin, Senator Clifford, if he is quoting from column one, is overlooking a very substantial return to the people of Lewiston because of the capital construction and debt services for a regional vocational center and high school in excess of \$7 million. I think inclusion of those figures will show that the cash flow to Lewiston will be substantially improved.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate recede and concur with the House.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I would like to ask a question through the Chair of Senator Katz. I understand that this particular bill has a governor on it as to the amount the municipality may raise in real estate taxes relative to educational purposes. I wonder if this governor, so-called, contained

in this bill would apply to the whole spectrum of raising money at the local level from real estate taxes.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, has posed a question through the Chair which the Senator from Kennebec, Senator Katz, may answer if he desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: The answer is no, this bill does nothing to non-educational costs. It was the feeling of the committee, the unanimous feeling, that it would be completely inappropriate for bureaucrats and legislators sitting in Augusta to try to attempt to tell towns and cities whether they need new fire stations. Consequently, the full right to control their non-educational expenditures rests where it properly should be, with the people.

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

Mr. TANOUS: Mr. President and Members of the Senate: I am going to vote for this bill today; I don't want you to get the impression that I am locking myself in with my vote. This area bothers me considerably when you grant tax relief to municipalities. In one particular area you dedicate the funds strictly for education so, in essence, you are dedicating funds for one purpose. This bothers me, dedication of funds, number one. I think it should bother all of us because I have heard much debate on dedication of funds.

The other area that bothers me is that we are trying to give municipalities real estate tax relief, and yet we are not placing any control on what a town can do as far as raising taxes are concerned. What assurance have we got, and I am sure we have none, that three years from now, if not sooner, or four years from now, that the municipalities are not going to be in the same position that they are now in. They feel the weight of their local real estate taxes, but yet they have been the municipalities or autonomists, they have

their own government, and they can raise their own taxes. This is a right that the legislature has given them by statute. But now they find themselves in a bind, they need relief, and I grant you we should give them relief. Because of the great area of expansion in education, we feel that we should give them the relief in one single area.

Personally I would like to see the money sent to a municipality on a broad basis, without dedicating the funds to one area of expenditure. I think it ought to be a revenue sharing type of deal so that one spectrum of local expense will not feel that they have all of this money available to them to use, and this is what is apt to happen. Human nature as it is, and I am sure you are familiar with it, you are going to dedicate the funds for one area, and these towns certainly are going to spend every bit of this money, and perhaps more, and three or four years from now their real estate tax problem is going to be exactly where it is today, crying need for relief, and what will happen then? Do the municipalities come back again and cry for tax relief, and come to the legislature for a bigger chunk? These are things that bother me. I agree with the concept. I think it is something we should give some consideration to.

I have been here for three sessions, and I know how Augusta works. When I was in East Millinocket and I went to town meetings, I was convinced that the people in the community knew better how to handle their own affairs. I am still convinced of this. But I notice that after three sessions here in Augusta, in our discussions among Senators and members of the other body, all of a sudden we seem to think that all of the answers can be solved here in Augusta, that towns no longer have the answers to the problems. I am leading up to something when I argue this, because I am convinced that when the towns commence to increase their expenditures to a point where they are going to need further tax relief at the local level, to the

point where they need further money from the state, that Augusta and the members of the legislature will suddenly realize that we have no control whatsoever on what the towns can do, and yet we are funding this to an area of 60 to 70 percent. Lo and behold, the impossible that everybody says can't happen, is that the state takes control of education, and this is what you have to consider. This is my opinion of what eventually will probably happen if we fund local educational programs to a greater degree than the local towns do. The state will want to have some method of control. And the only way the state will control local educational will be by taking control of it, and you are going to take education away from the hands of the local people.

Some people have a name for this form of government, and this worries me, this bothers me, because then you have one body, one legislature, that controls the minds of your children. I know it sounds silly, Senator Katz; you may seem to think it sounds silly, and this bothers me. Maybe it bothers others of you, and it could well transpire. These are the things I think of when I think of voting for tax reform. I frankly would like to see a bill or an amendment that would give the money to the communities on a revenue sharing basis rather than dedicating the funds to one area. I say this because I think then we would perhaps avoid the inevitable, that one day the state would have to take control of education.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: I am impressed by the words of the Senator from Penobscot, Senator Tanous, and it brings back memories of about forty years ago when one of the questions used in high school debate was: "Shall the state make use of federal aid to education," and one could assume either side, as you did in those days, in the process of debate. One week you might be on an affirmative team and the next week you might be on

the negative team. One of the main arguments was used precisely as Senator Tanous has used it, that federal funding of education to the states would amount to federal control. We all know that in the intervening years this has not transpired, and I don't believe it will transpire in the case of enactment of 1994. Mr. President, when the vote is taken, I move it be taken by the yeas and nays.

The PRESIDENT: A roll call has been requested. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate recede and concur with the House on Bill, "An Act Equalizing the Financial Support of School Units." A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate recede and concur with the House on Bill, "An Act Equalizing the Financial Support of School Units." A "Yes" vote will be in favor of the motion to recede and concur; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Aldrich, Brennan, Cianchette, Conley, Cox, Cummings, Cyr, Danton, Fortier, Grafam, Greeley, Katz, Kelley, Morrill, Olfene, Peabody, Richardson, Roberts, Shute, Speers, Tanous, MacLeod.

NAYS: Senators Anderson, Berry, Clifford, Huber, Joly, Marcotte, Sewall, Wyman.

ABSENT: Senators Hichens, Minkowsky, Schulten.

A roll call was had. 22 Senators having voted in the affirmative, and eight Senators having voted in the negative, with three Senators being absent, the motion prevailed.

Thereupon, on motion by Mr. Berry of Cumberland, and under suspension of the rules, the Bill

was sent forthwith to the Engrossing Department.

#### Joint Order

Whereas, Miss Karlene Carter of Bangor, a senior at Bangor High School has been named Miss Black Teenage Maine for 1973; and

Whereas, Miss Carter at sixteen years of age received this honor and distinction at the second statewide Miss Black Teenage pageant held at Portland on June 16th; and

Whereas, the charming and accomplished Miss Carter has brought credit to herself and the State and may now represent the State in the forthcoming national pageant at New York City next month; now, therefore, be it

Ordered, the Senate concurring, that we the Members of the 106th Legislature of the State of Maine, now assembled in regular session, pause to extend to Miss Carter our congratulations on her outstanding achievement and offer our warmest wishes for her future happiness and success; and be it further

Ordered, that suitable copies of this Joint Order be immediately transmitted to Miss Carter and her proud parents in honor of the occasion.

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Joint Order

Whereas, promotion of the State's vacation and travel programs by means of information centers, mail inquiry services, literature, production and recreational advertising is considered essential for development of the industry; and

Whereas, at present such efforts are being performed by both the Department of Commerce and Industry and the Maine Publicity Bureau; and

Whereas, legislation has been proposed to eliminate this needless duplication of effort as well as terminate town assessments and the practice of transferring promotional efforts at various issues; and

Whereas, information is not sufficient to adequately evaluate the proposal should such responsibil-