

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

On motion by Mr. Speers of Kennebec, placed on the Special Legislative Research Table.

Papers From the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following:

An Act Relating to Family Planning Services. (H. P. 1367) (L. D. 1823)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

The President laid before the Senate the matter tabled earlier in today's session by Mr. Tanous of Penobscot:

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 554) (L. D. 2044)

Pending — Acceptance of the Committee Report.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: I think you will find on your desks a six or seven page memorandum, which explains the entirety of the errors and inconsistencies bill. This was done so that I wouldn't have to go through the bill explaining each section to every one of you and take up most of the afternoon. I would like to accept the committee report at this time, and perhaps we ought to table it until tomorrow for the second reading.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate accept the unanimous Ought to Pass in New Draft Report of the Committee. Is this the pleasure of the Senate?

Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

On motion by Mr. Berry of Cumberland,

Recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

Out of order and under suspension of the rules, the Senate voted to take up the following:

Non-concurrent Matter

Resolution, Proposing Amendments to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters Which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1983; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the Governor, Representatives and Senators shall be Taken before the Chief Justice of the Supreme Judicial Court. (S. P. 673) (L. D. 2040)

In the Senate June 18, 1973, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "E" (H-600) in non-concurrence.

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

Mr. SPEERS: Mr. President, with a great sense of history on this bill, I do move that the Senate recede and concur with the House.

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves that the Senate recede and concur with the House. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, under suspension of the rules, sent forthwith to the Engrossing Department.

The President laid before the Senate the matter tabled earlier in today's session at the request of Mr. Clifford of Androscoggin:

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

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

Mr. BERRY: Mr. President, in moving enactment of this bill, I would just like to make a comment that the allegations were made earlier in the session, not too long ago, that there was a hold-up on certain financial documents here in an effort to arm twist and force members of the Majority Party to vote for educational assistance. I think that the passage of this bill throws it right back into the teeth of those who said it.

The action of 1994 was in the Republican Party Platform, and the implementation of this carries that mandate out. This does not detract from the statements that have been made about the bill, and no one, unless he resigns, is going to escape the possibility of sitting in his chair at the special session and being forced to vote on a tax to support the measure.

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

Mr. CONLEY: Mr. President, I always like to hear my good friend, the good Senator from Cape Elizabeth, Senator Berry, make comments with reference to taking the Minority Party to task. It is clearly obvious that because of the fact that the Minority Party did take exception to the fact that certain members of the Majority Party were on television and making statements in the news media that no tax reform, or no attempt at tax reform, would be made in this session, clearly indicates the fact that the good Senator from Kennebec, Senator Katz, and the nine members of the Minority Party who did join in preventing the Part I Budget from being enacted at that particular time did lead to some progressive action by the fact that we do have a tax reform bill before us. I move the enactment of this particular measure.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Not to continue the grab for plaudits, but rather to discuss the

merits of the legislation, I would like to point out to you that 1994, as it was originally reported out by the Committee on Education, included a commitment that this legislature was making to go to 50 per cent, thence to 55 per cent, and then to 60 per cent public support for education in the State of Maine. By "public," I mean state support for public education.

Now, myself and other members of the Majority Party are, and have been in the past, repelled by the notion of going on the "fly now pay later" plan, or what I like to refer to as the "funny money" financing plan, and at a caucus of the Republican members of the Senate we discussed in considerable detail the fact that we thought it was financially irresponsible to commit a subsequent session of the legislature to increase this to 55 and then to 60 per cent without having the courage to vote for a tax increase. And as one of those who still bears the scars of having attempted to pass tax measures in the other branch, as its Majority Leader, I can tell you that there is no greater cause of increases in state spending levels than irresponsible legislation which says "We will pass it now and let someone else pay for it."

Now, it is because our note of caution has been heeded, and because this bill has been reduced to 50 percent, and it leaves to subsequent sessions of the legislature the determination as to whether or not to implement the statement of intent to at sometime in the future go to 55 and then to 60 percent, that I support L. D. 1994 in its present form.

Finally, I might say to you that myself and others have discussed this matter with the Governor, that by adopting the Governor's estimates, as to which there is some serious question, but by adopting his estimates, it is my understanding that by implementing this program in the second year of the next biennium there will not be a necessity for a tax increase.

It is my further understanding that in the subsequent biennium this bill, 1994, which lacks some necessary safeguards, in my judgment, concerning the use to which

municipalities put this money, or their ability to control the uses to which the money is put, there is a possibility, and as a matter of fact a probability, of being required to raise \$12 million.

Now, with these reservations, because I don't like to vote for legislation and go back to the people and say "look at the great things we did for you; we didn't have to raise any taxes", with these reservations and hopefully that you share these reservations, I am going to vote for 1994 and I hope that you will because, although my friend from Kennebec, Senator Joly, yesterday said that the Supreme Court of the United States has ruled that there is nothing legally wrong with our present system of using the property tax to fund public education I believe, as I indicated to the members of the Senate yesterday, that it is morally wrong to make the quality of a child's education dependent upon the fortuitious circumstances of where he happens to live.

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

Mr. BERRY: Mr. President, in view of the importance of this, I would request a roll call.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I know it has been discussed as to whether or not the delay in holding up of Part I focused the attention on this program and possibly helped it, and that really is not for me to say; that is for someone else to say. I think the significant thing here is that a real effort and real strides are being made to do something to relieve the burden of the local property taxpayer and, secondly, to hopefully equalize the opportunity for kids in this state to get an education. I think those are the important things. As to who gets credits and who gets plaudits, I think, is completely irrelevant. I hope everyone in the Senate supports L. D. 1994.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: After

the remarks which I made in the Senate yesterday, and being referred to as a poor man's William Jennings Bryan, I think it is incumbent upon me to explain why my vote today will be different than it was yesterday.

I, first of all, have received some revised figures from the Department of Education which indicates that my community does make out under this bill of 50 percent funding better than the indications which I had yesterday.

Secondly, I have, with the help of a lot of people, introduced a bill which is on the Senate Calendar, Supplemental Senate Journal Number 4, which is "An Act to Provide Communities with Subsidies for Private School Enrollments", which I hope will be referred to the Committee on Education. My main objection, as I indicated yesterday, was the formula of distribution, which did not include certain things which I consider to be important, namely: non-school tax efforts and incomes of people in the community. That has not changed in this bill, however, one of the circumstances in my community which makes it particularly difficult is the existence of private schools. The bill which I hope will receive good support from all of you who concurred with my remarks as to some of the inequities in this current bill, and to those of you who really want to see equalized education and really want to see all member communities of the state benefit, I hope you would support that bill, which has been drafted this morning with the help of the good Senator from York, Senator Marcotte, the good Senator from Androscoggin, Senator Minkowsky, the good Senator from Cumberland, Senator Brennan, the Governor's Office, and Mrs. Sue Haven from the Legislative Aides. It seems to me that with this bill and with Senate Paper 685, although I am not real thrilled about 1994, it seems to me that it is the only step to take at this point, and I hope you would support the motion for enactment, the motion of Senator Berry from Cumberland. Thank you.

The PRESIDENT: A roll call has been requested. Under the 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 enactment of An Act Equalizing the Financial Support of School Units. A "Yes" vote will be in favor of enactment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Berry, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Cyr, Danton, Fortier, Greeley, Katz, Kelley, Marcotte, Minkowsky, Morrill, Olfene, Peabody, Richardson, Roberts, Schulten, Sewall, Shute, Speers, Tanous, Wyman, MacLeod.

NAYS: Senators Anderson, Grafam, Huber, Joly.

ABSENT: Senator Hichens.

Mr. Graffam of Cumberland was granted permission to change his vote from Nay to Yea.

A roll call was had. 29 Senators having voted in the affirmative, and three Senators having voted in the negative, with one Senator being absent, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. **KATZ:** Mr. President, I move reconsideration.

The **PRESIDENT:** The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby this bill was passed to be enacted. As many Senators as are in favor of reconsideration will please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion did not prevail.

Senate Papers

Out of Order and under suspension of the rules the Senate voted to take up the following:

Senate Papers

Mr. Clifford of Androscoggin presents, Bill, "An Act to Provide Communities with Subsidies for Private School Enrollments." (S. P. 685)

(Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10).

Which was referred to the Committee on Education and Ordered Printed.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Legislative Research Table:

JOINT ORDER — Relative to Legislative Research Committee Study of Maine State Retirement System. (H. P. 1387)

Tabled — April 5, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Mr. Richardson of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-251, was Read.

The **PRESIDENT:** The Senator has the floor.

Mr. **RICHARDSON:** Mr. President and Members of the Senate: Briefly stated, this amendment to this order is designed to rest responsibility for the conduct of the in-depth review of the Maine State Retirement System in the Committee on Veterans and Retirement, and to grant to the Committee the opportunity to employ outside professional assistance in carrying out the review, which in my judgment is long overdue.

The **PRESIDENT:** Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The motion prevailed.

Thereupon, on motion by Mr. Berry of Cumberland, placed on the Legislative Research Table.

On motion by Mr. Sewall of Penobscot,

Adjourned until 10:00 o'clock tomorrow morning.