

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

Amendment "B" (S-85) in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: When this bill came out of our committee, it was a good bill. It was beneficial to both the dealer and the consumer. This bill has been played around with, amended to death, and this is a \$50 amendment on there now. I can't see that it is going to do what it was intended to do. I therefore move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair would advise the gentlewoman that the motion to indefinitely postpone the bill at this time would not be in order.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, I would request a division on the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker and Members of the House: I would only point out to the members of the House that this bill comes back identically the same as we sent it to the Senate, other than the fact that it has got a \$50 minimum on it instead of the \$25 minimum that we sent to the other body. I would like to reconsider its action whereby it voted to concur.

The SPEAKER: The pending question is on the motion of the gentleman from Hallowell, Mr. Stubbs, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

Mr. Stubbs of Hallowell moved the House reconsider its action.

The SPEAKER: The gentleman from Hallowell, Mr. Stubbs, moves the House reconsider its action whereby it voted to recede and concur. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

16 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

Non-Concurrent Matter

Bill "An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs" (H. P. 1491) (L. D. 1739) which was passed to be engrossed in the House on April 15.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-74) in non-concurrence.

In the House: On motion of Mr. Cooney of Sabattus, the House voted to insist and ask for a committee of conference.

Orders

On Motion of Mr. Albert of Limestone, it was

ORDERED, that Steve Gould of Old

Town be excused April 25th and 29th for Health reasons.

AND BE IT FURTHER ORDERED, that Elmont Tyndale of Kennebunkport be excused May 1st and 2nd for Legislative business.

Mr. Hall from Sangerville presented the following Joint Order and moved its passage: (H. P. 1529) (Cosponsor: Mr. Smith of Dover-Foxcroft)

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government of the 107th Legislature report out a bill by May 1, 1975, which provides that the Bureau of Forestry shall undertake random verification of the accuracy of the scaling of truckloads of pulpwood buyers.

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

Mrs. Najarian of Portland presented the following Order and moved its passage:

WHEREAS, it appears to the House of the 107th Legislature that the following is an important question of law and that the occasion is a solemn one; and

WHEREAS, it is the desire of the 107th Legislature to enact legislation to amend public laws relating to education; and

WHEREAS, there is pending before the House of the 107th Legislature a bill entitled: "An Act to Fund Public School Education," House Paper 1437, Legislative Document 1452; which Act is tabled in the House, pending final enactment, having been finally enacted in the Senate, awaiting the Court's response; and

WHEREAS, the Legislature has suspended statutory requirements for the timing of passage of school budgets until April 30, 1975, and is contemplating a further extension of said date; and

WHEREAS, municipalities, School Administrative Districts and other administrative units are unable to raise and appropriate taxes for school purposes until the Legislature acts; and

WHEREAS, Article IX, Section 8, of the Constitution of the State of Maine provides that all taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally, according to the just value thereof; and

WHEREAS, the constitutionality of the "excess assessment" provisions of the proposed bill have been questioned as they relate to the Constitution; and

WHEREAS, it is important that the Legislature be informed as to the answer to the important and serious legal question hereinafter raised; now, therefore, be it

ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House, according to the provisions of the Constitution, their opinion on the following question, to wit:

Question: Would the "excess assessment" provisions of Legislative Document 1452 (Exhibit A), if enacted into law, violate the provision of Article IX, Section 8, of the Maine Constitution, which requires that all taxes upon real and personal estate, assessed by authority of the State, be apportioned and assessed equally, according to the just value thereof?

The Order was read.

Thereupon, the Order was tabled under the rules pending passage and tomorrow assigned.

The following paper was taken up out of order by unanimous consent:

Bill "An Act Extending the Time During Which School Budgets May Be Adopted" (H. P. 1530) (Presented by Mr. Lynch of Livermore Falls) (Approved for Introduction by a Majority of the Committee on Reference of Bills Pursuant to Joint Rule 10)

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, I would pose a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, or someone else, as to what the ultimate time period is to be. I personally hope that it is not just to May 15. We don't have the bill in front of us, and I would hope it would be at least until May 31, or even June 1.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, poses a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, and the Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, the bill spells out May 31, but I think the legislature has to recognize that while we have set the date at May 31, this problem has to be resolved before May 15 in order to provide the municipalities time to take care of what they have to do.

Thereupon, under suspension of the rules, the Bill was read twice and passed to be engrossed without reference to any committee and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

House Reports of Committees

Ought Not to Pass

Mrs. Durgin from the Committee on Election Laws on Bill "An Act to Require the Use of Voting Machines in Municipalities of More than 5,000 Population" (H. P. 392) (L. D. 484) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 17-A.

Mr. Teague from the Committee on Labor on Bill "An Act to Permit Owners of Motor Transport Companies who are Assenting Employers under the Workmen's Compensation Act to Refuse to Insure Themselves or their Families under that Act" (H. P. 783) (L. D. 954) reporting "Ought Not to Pass"

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Members of the House: I just wish to put on the record the notation that item 2 is in error, that this is a fine piece of legislation, sponsored by the Representative from South Portland, Mr. Dyer, but that we have covered this piece of legislation with another bill which is up for enactment today and that is why it was reported like this.

Thereupon, was placed in the Legislative Files pursuant to Joint Rule 17-A.

Leave to Withdraw

Mr. Snow from the Committee on Labor on Bill "An Act Relating to Applicability of Workmen's Compensation to Certain Employees and to Repeal the Penalty Provision" (H. P. 934) (L. D. 1157) reporting Leave to Withdraw

Report was read and accepted and sent up for concurrence.