

# 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 Seventh  
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL  
AUGUSTA, MAINE

island of North Haven and several other areas which are affected by this particular bill on the clam ordinances, I feel I would like to speak of it.

Representative Goodwin made the statement that there was a court decision several months ago, or several weeks ago, which said that — and I think it is a quote — that you have to have a pretty good reason to close out your flats to non-residents. Actually, the quote went a little bit further than that. What they said was, in order for a town to close its clam flats to non-residents, it had to have a sound conservation practice and that that decision of limiting entry had to be based on sound conservation practices and the biological evidence and right now, the Department of Marine Resources has been spending a great deal of time with these communities while they go to work and try to set up some basic conservation programs. What the community of North Haven had tried to say before was simply because they were an island community, they were isolated and had no other industries to fall back on, that they needed the protection for this industry. The court says you can no longer do that.

The decision now on whether to close a clam flat either to residents or non-residents can be made only on the basis of what is good for the clams themselves or what is good for the industry itself, not on whether you want to protect your own turf.

I think perhaps a year ago there might have been a basis for this kind of proposal, and perhaps it was needed a year ago. I think it is very clear to those of us who have read the decision and studied its implications to the state, feel that this bill is no longer needed because, in fact, the communities cannot close its flats to any non-resident unless there is sound conservation reasons for doing so, and I think that we certainly all want to go along with that process. So I ask you to accept the majority "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would just like to point out that it is true that only four towns limit to residents only, but there are actually 18 towns, unless you are a property owner that you can't dig them. So there are more towns if you are a non-resident, Maine resident, living near these towns, you won't be able to dig in them unless you own property there.

I would like to point out that what I am saying in this bill is not that I want to open up all the clam flats to everybody in this state to dig these flats out. What I am trying to say is, if the town of Kittery feels that their Braeboat Harbor, and I know this place well, I used to lobster out of there, that this place can only handle a hundred licenses, or X-number of licenses, that that X-number of license should be open to all Maine residents, because I feel that the tax dollars are going to support the research behind the clam industry to aid in a variety of services for the clam industry. I think it is the same thing as, you know, if our deer herds are getting a little low in South Berwick, we can't close off our forest areas to York or Kittery residents or any other resident of the state. I think this is a natural resource that is available to all members of the state, and I just feel that by allowing the present situation to continue that we are discriminating against any person simply

because they may live on the wrong side of a town border.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker and Members of the House: I have a question I would like to pose through the Chair to anyone who might like to answer it. Having been on the Natural Resources Committee and hearing many times that the state owns the land under water at high tide and all, governing it by great ponds act, wetlands act and shoreline zoning act, my question I guess would be, who owns the land that these clam flats occupy?

The SPEAKER: The gentleman from Rangeley, Mr. Doak, has posed a question through the Chair to any member who may care to answer.

The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, to answer the gentleman's question, it is my understanding that the state owns the clam resources that we are talking about today.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I can't really answer the question of the gentleman from Rangeley except that it has always been my understanding if a clam resource is non-polluted, that the municipality has the power to set up rules and regulations concerning it. If the area is polluted, then the state has control of it.

We have a situation in the town of York where we have three places where one can clam; two of those are polluted and under the jurisdiction of the state and the other is the opposite side of Braeboat Harbor, that the gentleman from Kittery has mentioned. The pressure for clamming has been such because that is now the only area in the town where any clamming is allowed. Braeboat Harbor has been closed on the York side, simply because the clams have been dug out.

I would address myself to one of the statements made by the gentleman from South Berwick which has me a little bit puzzled, because he equates this to a hunting situation and says that no town can stop a non-resident from hunting in their town. However, it is my understanding that that is a decision that is generally left up to the individual landowner and that he can post his land if he wants to against anybody, resident of his town or non-resident. I know in our town, we have areas in the town that are zoned against hunting by anybody, whether they are residents or non-residents.

The SPEAKER: The pending question before the House is the motion of the gentleman from Stonington, Mr. Greenlaw, that the House accept the Majority "Ought not to pass" Report. The Chair will order a division. If you are in favor of the Majority "Ought not to pass" Report, you will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 18 in the negative, the motion did prevail.

Sent up for concurrence.

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

**Passed to Be Enacted  
Emergency Measure**

An Act to Fund Public School Education  
(H. P. 1437) (L. D. 1452)

Was reported by the Committee on

Engrossed Bills as truly and strictly engrossed.

Mr. Cooney of Sabattus requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise here today, and I fully realize that what I am about to say will have no effect on the people here voting on the passage of this bill, but I do want to get my feelings into the record and why I don't feel that I can vote for this bill.

Personally, I don't think we have been made fully aware of the problems that we will be facing in the second year in the area of funding the second year of the biennium. I feel there has been a very concentrated effort made to patch this bill up and send it on its way and to get a patchwork job done. I think when we come back in the special session that we will really have to face up to the problems.

I also have serious doubts as to taking any part of bond money to fund a deficit. I have heard so many times in the legislature, anytime we have been discussing bills, very recently in the case of the retirement for teachers, that this could set a dangerous precedent. Well, in the case of the teachers, it was only about a half dozen and they were 70 or 80 years old, so there won't be much precedent there. Also, in the veto message that came back from the Governor in regard to National Guard plates, he mentions the dangerous precedent and I quote: "My concern is that the bill is discriminatory and it might set a dangerous precedent for legislators and Governors to follow." There, again, he uses the words "dangerous precedent" and this is what I feel we are doing here today.

I feel that even if the issue is not a legal one, and it well could be, that it is certainly a moral one. I think my real and most serious reservation about not voting in favor of this bill is the treatment of one town in the State of Maine, namely the town of Wiscasset. I strongly feel that all communities should be treated equally and treated alike. The mere fact that one company is paying the bulk of the taxes in a community should not enter into the picture at all. That town should be treated the same as all other towns.

I can also see where this will possibly be used in the future by those that oppose nuclear power generating facilities in the State of Maine in their arguments in the communities where these plants are proposed. I ask you people today, what is any better argument for anyone opposed to nuclear power than to go into a community where this question is being considered and say what good will it do you to have this in your community because it is not going to help you people too much because the State is going to rob this money from you. Maybe this was considered when the treatment of Wiscasset was taken into consideration. Maybe, already, there are those in opposition of nuclear power that would love to see this section stay in the bill so it can be used.

I do strongly feel that this is actually a deterrent to any community that would go

out and seek new industry to broaden their tax base because, there again, what good does it do to that community to bring additional taxes into their town or into that community if only to be robbed by the State of Maine? I think when you try to increase your tax base, you try to retain that money. I think when the communities do this, they do it with the expectations that in all future legislation passed in this state, that each community will treat it fairly and squarely. I don't think this has been done in this case. I think if there is any case of discrimination that I have ever seen in the six years that I have been here, and I am starting my seventh, then this is the case today.

I can only ask myself, as I stand here, the question that was asked the other day by one of the Representatives, what town next? I ask myself, what town or what city will be next? If we can do it with one town, we can do it with others; the precedent has been set.

There is one feature in the bill that I do buy and that is the limitation on spending. I think this is something that is due and it should be there but with these reservations that I have, I could not vote for the passage of this bill and I want the record to show this.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I spoke the other day and, as you know, I don't favor this. I would just make a couple of final comments before I guess we will vote for this bill.

We hear an awful lot of talk from legislators that the Judiciary is not following legislative intent as they do their job. The court declared our taxing scheme unconstitutional — and it was a scheme — and they were just plain right. I wonder if we are following judicial intent as we override that opinion today. I wonder if what we are doing today by our rebate program, our unconscionable rebate program in the case of Wiscasset, if we are not violating the very spirit of the Constitution. To me, this bill is just downright unethical. In fact, for this body to pass it is, I think, shameful. Regardless of your parochial interests, whether your town gets money or doesn't get money, the bill is just plain wrong.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MACLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I plan to vote for this piece of legislation today and I don't want to be a stumbling block here to hold it up any longer. However, having come into the legislature in the 105th and the 106th, I saw the formation of L. D. 1994 and I voted against it in its entirety in its original package when it came into this House.

I formerly represented the town of Mt. Desert, which went with Bar Harbor, Tremont and Southwest Harbor, and through effort and diligence and hard work over the years, formed a lovely regional high school on Mt. Desert Island. Today, one of those communities, which encompasses the three small villages of Seal Harbor, Somesville and Northeast Harbor, which go to make up the town of Mt. Desert, is being overlooked in this bill.

The gentleman from Nobleboro made a tremendous effort on behalf of the power company in Wiscasset and I agree with that amendment tremendously. However, in light of all this, with this one community

down there on the coast, due to the fact that it has high evaluated property, brought on by over the years we have had many summer people there and it is a delightful place to come and play and it is a delightful place to live and we enjoy it very much. However, I would be remiss in my duties, if I did not bring forth today and have written in the record that this town is still contributing to the tune of \$263,000 minus about \$16,000 in pay-back funds.

The SPEAKER: The Chair recognizes the gentleman from East Milinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I agree and concur completely with the comments that have been made by the previous three speakers. I long recognized during the development of 1994 that some of the situations that have developed would occur. I had an experience last summer of a person coming to me from a town some distance from where I live and saying that we had a large industry considering moving into town and what would be the result? In looking over the situation, I recognized that they were in the process of paying for a new schoolhouse, so they probably would not have any pay-back features but eventually, this could happen.

I think there are many factors that probably, in 1994 and the whole educational funding act, could be a deterrent to a large industry moving into the state. Assuming that a situation should develop like it did and was kicked around in the papers a little bit last summer, that Volkswagen was considering building a \$200 million plant somewhere in the United States and Maine was one of the areas and if they moved into a small town in Maine, they would be faced with picking up a major share of the tax load of that community, plus also making some contributions to the state which would result in a situation whereby it would not be economically practical for them to move into the state.

I think there are some real serious problems with the whole funding program of L. D. 1994 that should be considered. I would hope that in making these remarks that when the bill is later on studied and some work is done this summer, that many of the comments made this morning will be given serious consideration.

I also agree completely with the remarks of the gentleman from Sabattus, Mr. Cooney, that, well, it almost seems to me that we are flaunting the Supreme Court in our efforts, but with all of these thoughts and realizing the tremendous problems of trying to get budgets on the way, I will vote for this bill, this morning, but I will do it very reluctantly.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think I have given my ideas on this situation on several occasions. Just to be certain, I have discussed with the Speaker, and he is going to discuss this with the leadership of both parties before the Order is presented. I am preparing an Order which would set up an interim commission on the Education Committee and what have you to put some law on the books, directing them to come out with a bill so that we would have the proper guidelines so that the towns and cities would very definitely, on the statutes, be on notice as to what damage may not be done.

I shall support this measure.

The SPEAKER: The Chair recognizes

the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: As I vote for this measure, I, as I imagine many people do, in doing it, recognize the fact that it is not in any way a long-term solution to our school funding program. I don't think anyone has pretended that it is. This is a solution to what is now a crisis situation and I think that all of us are going to have to put in many hours, whether it is in one of the commissions appointed by the Governor or by the legislature itself, but there are going to be many of us who are going to be concerned with this problem, who are going to have to put in many hours over the summer and in the fall and then when we come back in January try to deal with this problem.

I only extend an invitation to those who rise at the eleventh hour who oppose this program to come and work with us, those of us who have been working for the past four months and the past year on some solutions to this problem.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the previous speakers in their mention of a study being made and I rise also to support the remarks of the gentleman from Bar Harbor in that I too represent these towns which are grievously affected by this \$260,000 tax outlay over and above their maintenance efforts to keep their schools going.

I will support this bill this morning because I feel it is an emergency situation but I will also look forward to the time when a study can be made to do something with this law which hands free spending in the name of 1994.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. MCMAHON: Mr. Speaker, Ladies and Gentlemen of the House: This whole issue has been a trying one for me from my first vote against L. D. 1994 in the 106th Legislature. I agree wholeheartedly with the gentleman from Sabattus, Mr. Cooney. I think we are attempting to make an end run around what is right by making this bill all things to all people, with the exclusion of a single town. However, I am in the unfortunate position of having to support this bill because of the action of a majority of my constituents who have opted to build a new high school in my district.

I believe this issue will be back to trouble us again in the future, and this time, I will be a party to it because of my vote here today.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to any member who would like to try to clarify this for me. It is reference to Section 101-A, and this is on the fiscal year bit. I will tell you what brought this about. Last week, I had occasion to meet the treasurer of the city of Portland, and he posed the question to me. What do you think of that school funding bill? What is it going to do to you? What are you paying for taxes now? I said about \$3,500 I turned in this year in real estate taxes. He said, well, next year, under this bill, you will be paying \$5,000. He said, you will be paying on an 18-month year.

Now, I understand there is a lot of magical ways that this probably can be moved around, but eventually we have got to get caught up to that 18 months.

The gentleman, Mr. Lynch from Livermore Falls, explained that the superintendent of schools in Portland, in speaking before the Education Committee, said that it would be no problem to Portland. Well, apparently it will be a problem to the treasurer in Portland.

I thought that I could let this thing pass by today, but while watching the news on Channel 6 last night, a very respected newsmen, Fred Nutter from Channel 6, asked his correspondent here in Augusta, Gene, what is the story on this? What is it, going to do to my taxes? I would like somebody here to give that answer to Fred Nutter and I would like it myself.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I took up perhaps too much of your time the other evening on amendment, but I do want to say just a word or two before I vote against final passage of this measure, give you my reason.

I appreciate the remarks of the gentlelady from Owls Head, Mrs. Post, in asking for us to work together to find a solution to this measure. I just wanted the record to show that I have worked now for one year to try to find a solution to this measure, very diligently as a member of this House and as a member of the Educational Subsidy Commission, and I had hoped that on this day, or before now, we would have a measure before us which would be beneficial, which would correct inequities and would do something to perhaps finalize this thing so we would not have it coming back to us year after year. I fail to see where we have done that. I think today we are going to pass a patched up piece of "work" which is a mess, and I would like to call it also a million and a half dollar rip-off. It is to me a situation in which we have not only faced up to the whole total problem of 1994, which is basically depending too much on the property tax as a measure of a man's wealth. We have failed to face up to the real funding problems of the bill and, in addition to that, we have, of course, put through a formula which deals with everybody just alike except one. I cannot now and never can buy any such bill, and I am forced today to vote against its passage.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This all puts me in mind of some great creature that wanders into a tar pit and the more it struggles the deeper it sinks and the more sticky the town becomes and the further in it goes.

I think this is a faulty solution. We have our backs to the wall. We are told we have to do this, because our backs to the wall we have postponed the budget dates twice, so we are faced with a faulty solution that we are told we have to accept.

I think Mr. Palmer has pointed up one great flaw with it, and I think Mr. Leonard has pointed up the other flaw with it, and I hope that we will set up a study commission and maybe can solve these problems, but even with this in mind, I cannot vote for it.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Now that many of the members of the House have made their brownie points, I hope we can get down and take care of this bill today.

In answer to the questions raised by the gentleman from Portland, I think they were quite adequately answered yesterday by the gentleman from Waterville, Mr. Carey.

I, as a member of the Education Committee, kind of resent the implication that in arriving at the amendment to 1452 that we have arrived at, that we are disregarding the Supreme Court opinion. My feeling is that we have gone in the direction that the Supreme Court indicated we should go. I don't think it is underhanded. I think we took the Supreme Court's opinion and said, where do we go, and they pointed the direction and we went in that direction.

Now that many of you have voiced your objections to the bill, I hope you recognize that we need 101 votes. If you are not in favor of the bill and it is defeated, then I assume that you will get together and one of you will postpone the statutory deadlines, because I have done it twice and I will not do it again.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to speak for the silent majority. For about a year now, we have been getting headlines from the very articulate opponents of this piece of legislation. I would just like to remind us where we started from.

This bill, with all faults and with all the cracks that have been papered over, benefitted 90 percent of the people in this state. When you listen to the rip-off descriptions and so forth, I would like to have you realize that what has brought this about is the fact that the educational effort has been raised to 14 mills, and when this bill was in its formative stages, we were looking at the communities to raise 20 mills, 30 mills, 40 mills for education, and I think if you can keep this in mind, you will see one of the basic points that was behind this legislation was that we had this unbelievable disparity that could not be changed. Repeated efforts had failed to change this subsidy formula, and this has brought it about. But the outcry is because the communities have been raised to 14 mills, in spite of the fact that prior to this we had communities raising three times that and still not coming up to the state average for the expenses for their children's education.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I believe that perhaps I have been one of the most severe critics of 1994 and of this bill, 1452, but I believe also that at this point there is an overriding need for passage of this bill. There is an overriding need by our schools and by our communities to have a decision made by us at this time. We can no longer put it off. Therefore, I think we should all do the responsible thing in this case and pass 1452, recognizing that it is far from an ideal document; in fact, I think all the criticism that has been levied towards this document I think is justified, but we do

have this overriding consideration, and a decision is necessary, it is necessary right now. There is no alternative in sight at the moment.

I think those of us who have been combating 1994 should accept the fact that there is a commission to be established and we should place our faith in this commission coming up with a good, workable, sensible solution for the following year.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a couple of points, and they are not brownie points, I don't believe.

I am going to vote for passage of this act because I think at this point it would be irresponsible not to, not for this body's sake, but for the people in the towns and communities are entitled to something, even if it is lame, and I am of the opinion that this is lame. We are about to do today what every thinking person knew last November, or last January, that we were going to do, but as far as making points with constituents though, I don't believe my constituency and I hope not yours sent you here to seek advantage of anybody. If my constituents sent me here to seek and advantage for them, they have misunderstood me, or even worse, I have misunderstood them.

I think it is unfortunate not to recognize that people's objections to substantial inequities are reasonable.

The SPEAKER: A roll call has been ordered. 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 of this bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cote, Cox, Curran, P.; Curran, R.; Curtis, DeVane, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Ingengeri, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairey, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Sprowl, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Tyndale, Usher, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Blodgett, Carey, Cooney, Dam, Davies, Doak, Hughes, Jackson, Lizotte, Palmer, Smith, Spencer, Talbot, Tierney, Truman, Wagner.

ABSENT — Bennett, Carroll, Faucher, Hobbins, Lunt, Pierce, Strout.

Yes, 127; No, 16; Absent, 7.

The SPEAKER: One hundred and

twenty-seven having voted in the affirmative and sixteen in the negative, with seven being absent, the motion does prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Increase the Property Tax Exemption for Property Used by a Religious Society as a Parsonage" (H. P. 894) (L. D. 1083)

Report was signed by the following members:

Mr. MERRILL of Cumberland  
— of the Senate.  
Messrs. MORTON of Farmington  
SUSI of Pittsfield  
TWITCHELL of Norway  
FINEMORE of Bridgewater  
COX of Brewer  
IMMONEN of West Paris  
— of the House.

Minority Report on same Bill reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. WYMAN of Washington  
JACKSON of Cumberland  
— of the Senate.  
Messrs. MAXWELL of Jay  
DRIGOTAS of Auburn  
MULKERN of Portland  
DAM of Skowhegan  
— of the House.

Reports were read.

Mr. Drigotas of Auburn moved that the House accept the Minority "Ought to pass" Report.

Mr. Davies of Orono requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Drigotas, that the House accept the Minority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Susi of Pittsfield requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I have the feeling that many of you weren't acquainted with this bill and what it does. It is a very simple bill; it would increase the exemption for parsonages from the present amount of \$20,000 to \$35,000. It has no effect on the state finances. If you approve the bill, then the first \$35,000 in value of a parsonage would be property tax exempt in a town. The effect of that within the town would be to shift this burden onto the other taxpayers in the town. If you vote against the "ought to pass" report, then you would be supporting the present \$20,000 property tax exemption for parsonages.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: After the trimming I got yesterday, I said I wouldn't rise today, but I will try it once more.

In this hearing, we had one minister from down around the coast, Portland or somewhere — many here know him anyway, they told me that afterwards, and he made a great plea for this, to cut the churches down.

As you know, you are giving the churches a lot of services. We give them fire protection; we give them snow removal, even for the parking lots and the church grounds, and this minister told us he was giving us a real good time telling us how hard up the churches were and so on and so forth, and there are members here who go to his church. I asked him the question after it was over what his salary was, he said in front of the whole of us; his salary was \$18,000 a year, plus his house rent, plus his utilities and I asked him, I said "the church is hard up?" He said, "it wasn't having too good a time," or something to that effect.

We had another minister present who said he traveled all over who didn't even make enough to pay an income tax and he had seven, eight or ten churches. I made the remark to him, very casual-like, maybe the income tax should check his salary, because if he wasn't paying an income tax he must be getting a mighty small one. I know and it's hard for me to stand up here, we have three churches in my town and it's very hard for me to stand up here and say that \$20,000 isn't enough exemption for the tax property, it should be raised to thirty-five. Well, I cannot agree with this. I help support the churches, I help two of them in my town, at least, and probably I should be helping on the third one, but at the same time I think we are putting too much tax-exempt property in our towns.

I know Portland down there has millions of dollars worth of tax-exempt properties and they are giving them all the services of the city and I think that's very unfair to the taxpayers. As I say, I am taking a lot of chance standing up here telling this but at this time, I believe we should vote against the motion "Ought to Pass" and go along with the "ought not to pass" report, the majority "ought not to pass" report, for the simple reason the towns cannot stand this tax loss base and if every time we do this — now we just got done debating a bill here, 1452, the Education Bill, we just got done and it takes a lot of money, and it takes a lot of money on a tax base. It takes 13¼ mills at a hundred percent valuation. You take a little town that is carrying 10 percent of the state valuation rather than 100 percent or 90 percent or 75 percent, it's quite an increase in their taxes, because you only have a 10 percent valuation. I hope this morning you will go along and defeat this "ought to pass" report and accept the "ought not to pass" report and give the town \$15,000 in most cases more. In my town, there are three churches and if they were, they aren't of course worth the \$35,000 but if they were, this would mean \$45,000 tax base to that town or city.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker Ladies and Gentlemen of the House: It seems to me — I am speaking not in regard to my own case because I belong to the Methodist Church in Winthrop and we sold our parsonage because our minister prefers to own his own home so he can build up a

little equity so that when he retires he will have a place to live. So it doesn't affect our church directly, but it seems to me that we should either accept the "ought to pass" report on this thing and go along with simply increasing the total exemption in accordance with increased valuations. Most towns are not taxing their church parsonage anyway, even though it may be actually worth more than that, so it wouldn't affect very many towns. Many parsonages are not worth over \$20,000 anyway, so it wouldn't affect too many towns.

I think we should accept the fact that inflation has raised the valuation, or we should do away with exemptions entirely. Now if that question comes up, I am inclined to think probably I would vote to do away with all exemptions, but as long as we have exemptions and as long as that \$20,000 has been out for some time and the valuation has gone way above that in a few cases, I think we ought to accept the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you all to vote for the "ought to pass" report and this may seem kind of strange to some of you coming from me, being one that does not want to erode the tax base, but I feel that in the case of churches or parsonages that these should be tax exempt. Personally, I don't think we should even be talking about a figure when it comes to a parsonage at all, because I think the better parsonages we can have in our communities and the better churches we can have, the better effect it will have on the people.

I am not a church-goer, but I would hate to travel across this state and see churches closed up because some of those churches couldn't afford to pay their taxes on the parsonages. I would certainly hate to travel across this state and see the ministers living in dilapidated and rundown buildings.

Now, we have changed the tax structure in the state and to raise this to \$35,000 is not doing much, is not changing too much in most of the communities. It will in some, and I go along with what the good gentleman, Mr. Bagley, previously said, that maybe we should look over the whole tax situation later on and take away some of these exemptions that we have been so free with, but in the meantime, let's not start with just the churches. If we're going to do it, let's do it as a package and in the meantime, let's let our ministers or the priests, or whatever you want to call them, live in the state of Maine and live in decent housing that the people who are going to that church can afford for them to have without putting this additional burden of an increased tax on them. They need this tax exemption increase, they should have it and maybe the next session when we come back we can look at the whole tax structure. So I urge you to vote for the "ought to pass" report.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I hope you'll support the "ought not to pass" report. I know it has been said this morning that maybe it wouldn't affect many towns. I know in the city of Portland it will mean \$40,000 in property tax loss.

The gentleman that Mr. Finemore referred to who testified before the hearing