

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

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the City of Portland did very well as far as the revenue from the original L. D. 1994 was concerned. But I want to share with you the reason that I voted against that bill, and it goes along the lines with some of the remarks made by the gentleman from Kennebunk, Mr. McMahon.

I am very concerned, and one of the reasons I wanted to be on the Taxation Committee would be inequities of the uniform property tax, of property taxation in general. I felt that the original education funding law did not really deal with this issue, what in effect was going to happen was that local communities were just going to go hog wild in spending and once more the property owner was going to be left in left field.

Why did I change my mind? Why have I done this? Why did I support L. D. 1452 and why am I supporting this compromise? I think we are living right now in a little bit different world than we did perhaps two or three years ago in the 106th Legislature. Some lessons have been learned all over the country. We have seen what happened to New York City, for instance, and I think that relates very much to the problems we are having. I think what is going to happen, most governments at the local level are going to be more responsible. I don't feel now that you are going to have a situation where communities are going to go hog wild, because I think the people of Maine have made the message very clear to us. They want to see us cut back on taxes and they want more equity in their taxes.

They want their taxes based on the ability to pay and I, as a member of the Taxation Committee, as long as I am serving this legislature, I will continue to support legislation which will bring more equity in taxes of all types.

I believe that this bill, the compromise before us today, is not perfect. There are a lot of things I would like to see. I would like to see the hundred percent funding for special education, but I am willing to compromise that. I felt that House Amendment "O" was not a good measure because it called for a 26 percent surtax and a 5 percent increase in the cigarette tax, which, to me, was just an avoidance of the issue. However, I feel that this particular amendment is a definite large step in the right direction and I urge you to support this amendment today.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have listened with great interest to this debate today and there are just two or three points I would like to make in connection with some of the remarks that have been made.

In connection with local units, I want to assure you that the local units are looking at their future funding, looking at it very closely and looking hard for ways in the next year to make some changes which will reduce the cost of education in the local areas. This is going to be very difficult, but they are addressing themselves to it and I know this from personal knowledge in my own area.

The best we can do here is to give them some tools to work with, and this bill is an excellent tool.

We do lose revenue to out-of-state owners with property with this shift, and that is an issue which is a real big policy issue that this legislature or the next one has got to address itself to. Probably it

should be carefully considered at the regular session, as the Governor has indicated. It is a policy decision, and whether or not we land at 50-50, 45-55 or 40-60, wherever we land, this is something which the legislature is going to have to make its decision on, and they probably will have to make and we probably will have to remake it. As times change, circumstances change, and that is about the only thing we can bank on, is that one thing that is constant is change.

As I vote for this, and I certainly am going to, I do not feel that it compels me to vote for any other particular program. Each one, whether it is wages, the University of Maine, all of them will stand on their own feet. Priorities will have to be decided, but as the gentleman from Nobleboro said, this measure here and now is the top priority. This is the one we must address ourselves to at the present time.

It is a good tool, because it does give some scope to the local units, and further on in further tax reform, we can address it at another session, someone can, some of us won't be here, of course.

But I want you to remember one thing, that this comes within eight-tenths of one percent of the Governor's figure for the funding of education. That is pretty close, ladies and gentlemen, that is shooting for a target and coming pretty close to the bullseye. In no way can I characterize this, or I don't think the people of Maine can characterize it as wild spending. This is a good compromise measure. I urge you to support it.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: One point that was raised was the question of the revenue estimates, whether the tax on this amendment would raise the amount of money that it purports to do.

I did receive a call a few minutes ago from Bill Garside and he has been in touch with a gentleman by the name of Bob Meskers, who is an assistant to Ray Halperin in the Bureau of Taxation, and while they do not have an exact certified figure, Mr. Meskers has said that he feels the department will go along with these revenue estimates and that they are in the ball park. So I did want to put that piece of information before you.

I would like to say, we have been here just about five weeks. We have been criticized; we have actually been the target of two legislative report cards, which I personally feel have been somewhat insulting to this legislative body, that we have not done anything from the time that we have been here to solve the education problem.

My real fear is that we will do absolutely nothing and then that type of criticism will be absolutely justified, that we have been here day after day at a cost of thousands of dollars per day and that we were not able to resolve the most important problem facing this or probably any other legislature.

Everyone has his own idea and his own objection concerning this particular bill. I have my objection, as does my counterpart in the other corner. I am willing to overcome mine, as he is willing to overcome his. I am particularly willing to do something positive that will enhance our image, the image of this entire legislature, that will make people believe that the democratic process can produce

results, that we can resolve complex and difficult problems.

I hope you will all look beyond your own immediate objections and fears and rally around the one positive measure that seems to have any chance of passage.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from York, Mr. Rolde, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Blodgett, Boudreau, Bowie, Bustin, Byers, Carey, Carpenter, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Davies, Doak, Dow, Drigotas, Farley, Farnham, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hinds, Hobbins, Hughes, Hutchings, Immonen, Ingegneri, Jensen, Joyce, Kany, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Lewin, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Mills, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Teague, Tierney, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Berry, G. W.; Berry, P. P.; Berube, Birt, Burns, Call, Carter, Churchill, Conners, Cote, Dam, DeVane, Dudley, Durgin, Dyer, Faucher, Finemore, Hewes, Higgins, Hunter, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Leonard, Lewis, Littlefield, Lovell, Mackel, MacLeod, McMahon, Morin, Perkins, T.; Pierce, Raymond, Shute, Silverman, Strout, Tarr, Torrey, Tozier, Truman, Twitchell, Tyndale, Webber.

ABSENT — Carroll, Curtis, Gauthier, Lizotte, Theriault.

Yes, 100; No, 46; Absent, 5.

The SPEAKER: One hundred having voted in the affirmative and forty-six in the negative, with five being absent, the motion does prevail.

By unanimous consent, ordered sent forthwith to engrossing.

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent:

An Act to Revise the Laws Relating to Funding of Public Schools (H. P. 2020) (L. D. 2196) (H. "C" H-880) (H. "O" H-920 as amended by S. "F" S-407, S. "G" S-408, S. "H" S-409, thereto) (S. "A" S-404)

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: It is perhaps presumptuous on the part of any one of us to stand on the floor of this House this afternoon, particularly after debate that has lasted an hour, in an attempt to deliver some remarks designed to convince members of this body to vote one way or the other on this very important issue before us. Nevertheless, that is exactly what I would hope to do in a few short and concise sentences.

I, together with other members of this

House, who represent high valuation communities in this state, have perhaps more reason to vote against this proposal than anyone else. This piece of legislation, or this concept that is embodied in this legislation, has been discussed the length and breadth of the state as property tax reform and equal education opportunity and has caused great dissention among many of the people that I represent.

Those of us who feel that the uniform property tax is unfair and inequitable have had our opportunity on the floor of this House to change the law and we were not successful.

Legislative leadership has assumed the responsibility with which we charged them over a year ago. They put together a compromise education funding bill which I am going to support this afternoon. The vast majority of people I have contacted in my constituency in the past few weeks have indicated conclusively to me that given the choice they would prefer to pay increased income taxes rather than higher property taxes. No one wants to pay either increased income taxes or increased property taxes. But if this legislature fails to act on this bill today, the fact remains that every community in the State of Maine would be paying higher property taxes for education in 1976.

I think we all realize that the enactment of this bill will not be a final solution to the education funding problems in Maine. I have already made the personal commitment to attempt to develop a new education funding law which will benefit all Maine communities, not just most.

The two houses of this legislature have been polarized by a variety of forces, both internal and external. Those forces have at least temporarily come to rest in this House this afternoon where we must ultimately make the decision. I trust that today we shall cast a vote in favor of this bill on behalf of the people we represent, and I trust that we are doing so in their best interest. So I would particularly ask my colleagues, who represent high valuation communities and who with me have worked so hard to bring about some change in our education funding law, to support this measure in the spirit of compromise that it is offered, fully cognizant that it is only a temporary solution to our long-range problems.

Mr. Finemore of Bridgewater 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 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. 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, Bennett, Blodgett, Boudreau, Bowie, Bustin, Byers, Carey, Carpenter, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Davies, Doak, Dow, Drigotas, Farley, Farnham, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall,

Henderson, Hennessey, Hinds, Hobbins, Hughes, Hutchings, Immonen, Ingegneri, Jackson, Jensen, Joyce, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Mills, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Teague, Tierney, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Berry, G. W.; Berry, P. P.; Berube, Birt, Burns, Call, Carter, Churchill, Conners, Cote, Dam, DeVane, Dudley, Durgin, Dyer, Faucher, Finemore, Hewes, Higgins, Hunter, Jacques, Jalbert, Kauffman, Kelleher, Lewis, Lovell, Mackel, MacLeod, McMahon, Perkins, T.; Pierce, Raymond, Shute, Silverman, Strout, Tarr, Torrey, Tozier, Truman, Twitchell, Tyndale, Webber.

ABSENT — Carroll, Curtis, Gauthier, Kany, Littlefield, Lizotte, Miskavage, Theriault.

Yes, 101; No, 42; Absent, 8.

The SPEAKER: One hundred one having voted in the affirmative and forty-two in the negative, with eight being absent, the motion does prevail.

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

Mr. ROLDE: Mr. Speaker, having voted on the prevailing side, I move that we reconsider our vote whereby we enacted this measure and I hope you all vote against me.

The SPEAKER: The gentleman from York, Mr. Rolde, having voted on the prevailing side, now moves we reconsider our action whereby this Bill was passed to be enacted. All those in favor will say yes; those opposed will say no.

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

Mr. Birt of East Millinocket presented the following Joint Order and moved its passage: (H. P. 2087)

ORDERED, the Senate concurring, that the State Archivist is directed to deliver 300 copies of the Maine State Archives publication *Dubros Times: Selected Depositions of Maine Revolutionary War Veterans*, to the Clerk of the House of Representatives for distribution to the Members of the Legislature.

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

By unanimous consent, ordered sent forthwith.

Mr. Mills of Eastport was granted unanimous consent to address the House.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Ten years ago when I was here, there was a gentleman who sat right down in here that was a Representative from the Town of Lubec in Washington County. This gentleman was a very distinguished person. I am talking about Sumner Pike from Lubec who is being buried today.

Mr. Speaker, I move the House stand adjourned until ten o'clock tomorrow morning and that this adjournment be in memory of the late Sumner Pike of Lubec, a very fine, honorable gentleman.

On motion of Mr. Mills of Eastport,

Adjourned until ten o'clock tomorrow morning in memory of Sumner Pike of Lubec.