

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

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

Mr. Reeves for the Joint Select Committee on Jobs to which was referred the study relative to unemployment pursuant to S. P. 391 and S. P. 555 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Require the Employment Service to Provide Services to High School Students" (S. P. 719) (L. D. 2255) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

Study Report — Joint Select Committee on Jobs

Mr. Reeves for the Joint Select Committee on Jobs to which was referred the study relative to unemployment pursuant to S. P. 391 and S. P. 555 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Require an Annual Governor's Report on Employment and the Economy" (S. P. 720) (L. D. 2256) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

Study Report — Joint Select Committee on Jobs

Mr. Reeves for the Joint Select Committee on Jobs to which was referred the study relative to unemployment pursuant to S. P. 391 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Resolve, Requiring Planning for Expansion of Wood Harvesting Programs by the Bureau of Vocational Education of the Department of Education and Cultural Services (S. P. 721) (L. D. 2257) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Which report was Read.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

Committee Reports House

Ought to Pass - As Amended

The Committee on Business Legislation on, Bill, "An Act to Include Mail Order Merchants and Creditors Under the Maine Consumer Credit Code." (H. P. 1973) (L. D. 2162)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-922).

The Committee on Education on, Bill, "An Act Authorizing Central Maine General Hospital School of Nursing to Confer Associate Degrees in Nursing." (H. P. 1964) (L. D. 2153)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-924).

Come from the House, the Bills Passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, Tomorrow Assigned for Second Reading.

Senate

Ought to Pass - As Amended

Mrs. Cummings for the Committee on Public Utilities on, Bill, "An Act Concerning the Charter of the Orono-Veazie Water District." (S. P. 648) (L. D. 2058)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-413).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Mr. Cyr for the Committee on Public Utilities on, Bill, "An Act to Clarify Certain Provisions of the Newport Water District Charter." (S. P. 667) (L. D. 2119)

Reported that the same Ought to Pass as Amended by Committee Amendments "A" (S-411) and "B" (S-412).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted. Committee Amendment "B" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House — As Amended

Bill, "An Act Authorizing Educational Associates, Inc., to Confer Associate in Applied Science Degrees." (H. P. 1851) (L. D. 2020)

Which was Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Reconsidered Matter

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act to Revise Requirements for Permanent Markers under the Land Subdivision Law", (S. P. 717), was referred to the Committee on Judiciary.

On further motion by the same Senator, referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

Enactors

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

An Act to Amend the Real Estate Disclosure Law. (S. P. 658) (L. D. 2083)

Which was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergencies

An Act Authorizing the Legislative Council to Accept Grants from Public and Private Agencies. (S. P. 672) (L. D. 2143)

An Act Amending the Charter of the Caribou Hospital District. (H. P. 2005) (L. D. 2184)

An Act to Clarify the Laws Relating to County Budgets. (H. P. 1818) (L. D. 1976)

These being emergency measures and having received the affirmative votes of 30 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

(Off Record Remarks)

On motion by Mr. Speers of Kennebec,

Recessed until 4 o'clock this afternoon.

After Recess

Called to order by the President.

Order

Out of order and under suspension of the rules, on motion by Mr. Wyman of Washington,

WHEREAS, a measure to control fishing in Toddy Pond or any other small pond in this State is duly advertised and publicly heard by citizens of this State; and

WHEREAS, all legislation is customarily heard before the Legislature at a public hearing even though not required; and

WHEREAS, by means of amendment this Legislature is considering an increase in tax levy from \$18 million to \$23 million dollars without the benefit of any public hearing; now, therefore, be it

ORDERED, the House concurring, that a public hearing be held forthwith by the appropriate Joint Standing Committee of the Legislature on "An Act to Revise the Laws Relating to Funding of Public Schools," L. D. 2196, as amended, prior to further amendments to this legislation. (S. P. 729)

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I want to speak very briefly on this. It means exactly what it says, the right to know. In other words, if we were talking about ice fishing on Toddy Pond, we would advertise it two weeks ahead, we would spend an hour in committee talking about it, and finally the legislation would be enacted or killed. Now, this particular bill is an entirely new bill. It involves some 23 million dollars, and we are pushing it through without any hearing at all. My measure simply provides that we have a hearing on the bill.

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

Mr. SPEERS: Mr. President and Members of the Senate: The good Senator from Washington, Senator Wyman, is to be congratulated for his attempt to call again to the public's attention the issue that is before us here at this hour. But I disagree with his premise, Mr. President, that the public is not fully aware and fully informed of the actions that are being taken by this legislature on this issue. And anyone who is not aware of what this legislature has been wrestling with and attempting to accomplish in the little over one month that we have been here has either not been reading the newspapers or listening to the radio or watching television. And anyone who has not communicated their thoughts to their own representative or senator regarding this issue probably simply does not care what happens this afternoon.

This has been the one item, the top priority, before this legislature for over a month. The public is fully aware of this issue and the suggestions that have been made to solve the problems. The various suggestions and efforts at enacting a bill have been before this body, have been before the other body, have been before joint caucuses of the Senate and the other body, have been before joint caucuses of both parties, time and time again, and we are well aware of the issue that is facing us at the present time. So, Mr. President, I would move the indefinite postponement of this joint order.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, first I want to express my gratitude to the leadership on this particular measure because it would have been very easy to have postponed this until after the enactment, which I presume is coming, of the education bill, and I am truly very grateful for the consideration I have been shown.

I do have to disagree with my leader, Senator Speers. As I said this morning, to quote the minority leader in the House, he spoke on this bill, he gave every reason why we should not pass it at this time, and finally he said, "I am going to hold my nose and vote for it." I just don't feel that way, and I am not going to hold my nose and vote for it.

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

Mr. CARBONNEAU: Mr. President, I stand here to second the motion of good Senator Wyman from Washington, and I would like to sort of make a few remarks about the remarks made by the good majority leader.

Yes, it is true that we have been talking about the school funding bill for a month. Yes, it is true that we have had four or five bills at our disposal, and talking about them, having caucuses, and everything else. But one thing that is not true is that we had the amendment we are talking about right now that is talking about 18 or 23 million dollars. We have had that for two days. And this is possibly the heaviest piece of taxation we are going to pass in this session. So I do think we should have a public hearing and more understanding on it on the part of everyone.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, when the vote is taken, I move it be taken by a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I agree fully with the good Senator from Washington County, Senator Wyman. I was down to taxation, just got back a little while ago, and I find out that there are 382,000 filers of the personal income tax in the State of Maine. If we set the limit at \$15,000, it means that there are only 50,000 individuals in the State of Maine that are going to be paying this tax. And if we look behind the scenes and find out that this is a free ride for the corporate structure of the State of Maine, I think we want to analyze it from that standpoint.

Now, I will vote for the enactment as it stands now today. I will vote for it because I expect the Governor to veto the thing, at which time I think we should discuss fully the property tax versus the personal income tax. Your bank buildings, your insurance buildings, your industry, your stores, your commerce, your businesses will not be affected at all by this bill. They will be getting a free ride on their property tax and won't have to pay anything on the personal income tax because most of them are under corporate tax.

Now, on the corporate tax, we have already given them relief when we passed the exemption of the sales tax for new machinery for industry. That is 5 million

dollars in relief that we gave them. Three years ago we gave them another relief on the inventory tax and on the stock in trade tax, which will become due April 1, 1977. That is another 15 million dollars.

If we pass the property tax as suggested by the Tax Reform Committee, they are suggesting the blend of the property tax to go from 40 to 20 percent. They will get another 20 percent relief through their property tax.

I think we want to look at this from the whole package, the whole blend, and find out who is responsible for what type of tax in this blend, at which time I think we will then be ready to pass a good judgment. But right now what we are doing is giving a free ride to the corporate stockholders.

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

Mr. CURTIS: Mr. President, I am going to oppose the pending motion on this order because it seems to me, as somebody has mentioned today already, there is likely to be significant delay anyway before this bill might become law in Maine, and because of the communities that I represent, a number of them are planning to have their town meetings, they would like to have some answers as to what we intend to do on this very important topic, and the municipalities and the people need the answers now.

I think last year we were in the rather embarrassing situation of requiring some of the municipalities to call for special meetings, and I don't think we want to do that again. So, in order to help the municipalities and the people who are going to be attending town meetings and trying to make their decisions on budgets at that time, I think it is important that we take action as soon as possible.

I have been corrected here. The pending motion is to indefinitely postpone, and I support that motion.

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

Mr. CONLEY: Mr. President and Members of the Senate: I dislike very strongly to take exception with the good Senator from Washington, Senator Wyman, but I have to agree with the majority floor leader. I think everyone here in this Senate is very much aware of the situation that is presently before us since we have been called into session, and the reason for being called into session was to deal with the educational finance problem.

We have had five bills, as it was stated the other day, and I think in order to get into the position that we are currently in that it took a tremendous amount of compromising in both houses, and we are now at the point of either passing this or defeating it.

Now, I know that many members of this Senate that have been here in the sessions past should know that it has not been an unusual occurrence for the Appropriations Committee or the Taxation Committee, for that matter, to report out a bill without a public hearing to raise the revenues needed to fund the existing programs. And it would be my hope that the Senate would vote to defeat the present order before us.

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

Mr. BERRY: Mr. President and Members of the Senate: I think that we are debating a little bit the merits of the bill

that is going to be up for discussion a little bit later, and I think that Senator Wyman's order perhaps hasn't received exactly the attention it deserves on its own particular merits.

I cannot help but take exception to the implication of Senator Speers of Kennebec that the members of the Senate have had full and complete disclosure of the bill under discussion, because the measure which Senator Merrill's amendment, of course, was not conceived apparently until over the weekend and given birth in the wee hours of Monday morning. I think that no one knew the total implications and results of Senator Merrill's amendment, including Senator Merrill, and up until not many hours ago there was a 5 million dollar discrepancy between what this amendment would produce and what it was thought it would produce.

Now, if it would produce this maximum amount of money, it would be a 48 percent increase in the personal income tax in the State of Maine. And if it is the figure that he thought it was, it would produce a 41 percent increase in the income tax in the State of Maine.

Now, contrary to the good Senator from Aroostook, Senator Cyr, I can assure him that the small businessman is affected, Senator Cyr, to the extent of the percentages I just gave you. Any person in business for himself, a small grocery or anybody, is going to be affected to the percentages we just discussed about.

Now, if this is the case, members of the Senate, I strongly suggest that Senator Wyman's order is very much overdue.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Speers, that the order introduced by the Senator from Washington, Senator Wyman, be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those members present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the indefinite postponement of the order, Senate Paper 729. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Cianchette, Collins, Conley, Corson, Cummings, Curtis, Danton, Graffam, Greeley, Huber, Katz, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas and Trotzky.

NAYS: Senators Berry, R.; Carbonneau, Clifford, Cyr, Gahagan, Hichens, Jackson, Johnston, Marcotte, McNally and Wyman.

A roll call was had. 21 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion prevailed.

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

Mr. SPEERS: Mr. President, in reference to Item 4-1, I move that the Senate reconsider its action whereby it indefinitely postponed this order, and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby Item 4-1 was indefinitely