

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

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Legislature

OF THE

STATE OF MAINE

VOLUME I

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recommendation in a letter from the Department of Corrections and a recommendation from the Attorney General that I pursue this route. That is why I am offering this amendment in the hopes that, even though this is probably a very small sum compared to what it is to lose your hand, it would represent something to make up for the injustice that was done to Mr. Warren, while the state was his legal guardian.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Men and Women of the House: I would like to pose a question to the Representative from Portland. Will this grant be an outright grant to the individual or would it be set up in trust or in a pro-rated amount?

The SPEAKER: The Representative from Lisbon, Representative Jalbert, has posed a question through the Chair to the Representative from Portland, Representative Baker, who may respond if he so desires.

The Chair recognizes that Representative.

Representative BAKER: Mr. Speaker, Men and Women of the House: I have consulted with an attorney, who was the person acting on Mr. Warren's behalf. He said that this was fine. This is an outright grant. That is it. It is a final settlement, the amount you see on the amendment. That is essentially what it would be.

Subsequently, House Amendment "A" was adopted.

The Resolve was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

The Chair laid before the House the following matter: "An Act to Extend the Trust Land Designation of the Penobscot Nation (S.P. 721) (L.D. 1844) (S. "A" S-412 to C. "A" S-402) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: The reason this was tabled was the question was raised whether this would require reimbursement by the state to the city of Old Town for land lost or property taxes lost by land being designated as a trust land for the Penobscot Nation.

After researching that issue today, I think that it has a very remote possibility. The only way that could happen would be if the land was placed in trust and then used by the Penobscot Nation for governmental purposes. That is not the intent of this bill. The purpose of this bill as far as the city of Old Town is concerned is to develop an industrial park. They will pursue that end and certainly not make any applications to the State of Maine for reimbursement under property tax provisions of the Constitution.

After researching that problem, I feel that there isn't any exposure here to the State.

Subsequently, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: An Act to Modernize the Telephone Excise Tax (H.P. 1595) (L.D. 2240) which was tabled earlier in the day and later today assigned pending passage to

be enacted.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: This item was tabled for the same reason. This is a rather complicated bill that deals with the telecommunications tax and one of the aspects of the bill is that it extends the gross receipts tax to MCI and SPRINT and other new companies that are involved in telecommunications.

Previously, this tax was only applied to AT&T and NET. These other companies that have come forth since the breakup of the Bell system were escaping the tax. As we extended our gross receipts tax, the question was raised because of the fact these companies are not subject to property taxes, if by extending the gross receipts tax, we were providing an exemption for which the state would have to reimburse the communities.

At the present time, if this bill passes, neither MCI or SPRINT have anything in the state that is subject to the property tax to the best of our knowledge so there is no need for reimbursement because there is nothing being taxed presently.

Subsequently, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Conform State Income Tax Laws Relative to Premature Retirement Plan Distributions" (H.P. 1403) (L.D. 1979) reporting "Ought to Pass" in New Draft (H.P. 1609) (L.D. 2265) which was tabled earlier in the day and later today assigned pending acceptance of the Committee Report from the Committee on Taxation.

Subsequently, the Committee Report was accepted, the bill read once read once and assigned for Second Reading, Monday, March 31, 1986.

The Chair laid before the House the following matter: Bill "An Act to Revise the Energy Building Standards Act" (H.P. 1385) (L.D. 1954) on which the Majority "Ought Not to Pass" Report of the Committee on Energy and Natural Resources was read and accepted in the House on March 25, 1986, which was tabled earlier in the day and later today assigned pending further consideration.

(Comes from the Senate, with the Minority "Ought to Pass" as amended Report of the Committee on Energy and Natural Resources read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-598) in non-concurrence.)

Representative Michaud of Medway moved that the House Insist and ask for a Committee of Conference.

Representative Brown of Livermore Falls moved to Adhere and requested a division.

The SPEAKER: The pending question before the House is the motion of Representative Michaud of Medway that the House Insist and ask for a Committee of Conference. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.