

# 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 Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**May 26, 1977 to July 25, 1977**

**Index**

**Senate Confirmation Session  
September 16, 1977**

**Index**

KJ PRINTING  
AUGUSTA, MAINE

understand the question and therefore I can't give the gentleman an answer.

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

Mr. MORTON: Mr. Speaker, having served on the Taxation Committee for a couple of terms, I know this is a dilemma that we have been facing and haven't faced, and that is the problem. I don't see that any area is going to be taxed more than it presently is being taxed under this. All this does is provide us with a means of avoiding what we are presently doing, which is not obeying the law. This does provide us with the means of doing that and charging the areas of the state for the services that are being performed in those areas, and that is all it is trying to do. I think it is a very ingenious solution, one which we cast our minds on greatly in the last four years, and I was on the Taxation Committee a couple of times, and we were not able to come up with a solution. I think this has been very well handled and I hope you let it go.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair if I could. That is, if the State Government Committee has an indication of the amount of money that is presently tapped in the unorganized territory and the amount of funds which would be raised through a tax, which would go only to provide services in the unorganized territory, what I am interested in is, what kind of services are being provided to the unorganized territories now, what their tax liability would likely be, what the tax revenues from those areas are and whether there is going to be an increase or a decrease in revenue? I have a feeling that we are not providing many services to the unorganized territories that we are not already providing to municipalities or plantations, and what we could see is a substantial decrease in revenue, even if the uniform property tax is kept in place, and if the uniform property tax is repealed, it would be more than a substantial loss of revenue.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: We did not talk in terms of how much money was being collected on that local and state tax, that was not the issue. The issue was the technical problem with the Constitution, and we feel we have an amendment here that no matter what the service is going to be, we will be able to charge them for it and not be in violation with the other communities in the state.

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

Mr. GARSOE: Mr. Speaker, I think what Mr. Curran is making clear to me at least, is that this device is a relief for the organized towns and not relief for the unorganized towns. I think he mentioned we have 180 towns that are in violation of the Constitution, and I endorse the remarks of the gentleman from Farmington, this is a unique and ingenious way to get at this. There are communities that are over the barrel for hundreds of thousands of dollars because of this provision in the Constitution. So, I think if you look at it from that point of view, you would see that we are perhaps looking at a problem that does not exist.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, I started this out with the first question and I am now sorry that I did that. It seems to me to be a reasonable proposal and I think probably we ought to get to a vote on it.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In a way, I hate to get

up because I haven't had the opportunity to study this, but as I understand the current law, all state taxes have to be assessed equally over the whole state, so if we want to tax property on the unorganized territory, we also have to have a uniform tax on all of the areas in the municipalities. That does and has historically resulted in a situation where some municipalities technically should be raising a lot more tax than they actually do and they never have, and it has always been kind of ignored, and that is the problem that ought to be addressed.

The thing that concerns me is that right now with the uniform property tax, there is income to the General Fund that does not reflect services delivered to the unorganized territory. As I understand it anyway, I think that the General Fund of the state derives revenue on a net basis from all of the 10 million acres that are located in the unorganized territory. If the uniform property tax were repealed so that the state was not assessing a uniform property tax, and if the only additional tax that could be imposed was limited to the services provided for the unorganized territory, what my concern is is that we would then lose some of this contribution to the General Fund.

Now, there are several different reasons or underlying premises in any system of property taxation. One is that the property tax should reflect the services delivered to that property. There are other policy considerations however, such as the fact that for the extent that that property reflects well, that perhaps there should be some contribution from that property to the general needs of the state that are not directly tied to property. I am concerned that if we do this way, and as I said, I haven't really had an opportunity to study it to know that what I am saying is correct, but I am concerned that if we do this way and only allow a tax in the unorganized territory to pay the actual costs of services delivered to the unorganized territory, that we may be losing a substantial portion of the tax base of the state.

There is another consideration that comes in here, which is that in many areas of the unorganized territory, the owners have been tremendously reluctant to allow anyone to live in the unorganized territory because then they incur the school costs that are associated with permanent habitation, and that is another side issue that may be wrapped up in this question. I am not at all interested in trying to delay this, but I think that there is a very serious long-range policy question that is at stake here, and I would ask that someone table this either until later today or perhaps until tomorrow so that I could look into this and see if these problems might be created.

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

Mr. GARSOE: Mr. Speaker, I believe this is in acceptance of a Committee Report stage. We still have second reading and two more operations. I wonder if the gentleman would let it ride along.

Thereupon, House Amendment "B" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "B" was adopted and the Resolution assigned for second reading tomorrow.

The Chair laid before the House the following matter:

Bill, "An Act to Amend the Child Abuse and Neglect Laws" (S. P. 337) (L. D. 1122) (C. "A" S-283; S. "A" S-297) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mr. Talbot of Portland, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-798) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: All this amendment does is insert a phrase which appeared on the original bill which inadvertently was omitted when the amendment was drawn up.

Thereupon, Mr. Talbot of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-825) was read by the Clerk.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: All this amendment does is bring the penalty in line with other provisions in the act.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and Senate Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

#### Passed to Be Enacted Bond Issue

"An Act to Authorize Bond Issue in the Amount of \$2,100,000 to Establish a Maine Veterans Home" (H. P. 795) (L. D. 939) (C. "A" H-691)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 81 voted in favor of same and 16 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Constitutional Amendment Tabled and Assigned

RESOLUTION, Proposing an Amendment to the Constitution, to delegate Certain Emergency Budgetary Powers to a Joint Legislative Committee to be Exercised when the Legislature is not in Session. (H. P. 1397) (L. D. 1658) (C. "A" H-676)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken.

Thereupon, Mr. Kelleher 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.

On motion of Mr. Kelleher of Bangor, tabled pending Final Passage and tomorrow assigned.

#### Passed to Be Enacted Emergency Measure

"An Act to Protect the State Retirement System from the Cost of Abnormal Disability Claims" (S. P. 428) (L. D. 1486) (C. "A" S-269)

Was reported by the Committee on Engrossed