

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

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OF THE

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Including Certain Political Advertising Material along with Customer Bills" (H. P. 1809) (L. D. 1968) on which Report "A" of the Committee on Public Utilities Read and Accepted and the New Draft (H. P. 2249) (L. D. 2323) was Passed to be Engrossed in the House on March 26, 1976.

Came from the Senate, the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I move the House Insist.

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

Mr. PALMER: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think this House is quite familiar with this bill, "An Act to Prohibit Public Utilities from Including Certain Political Advertising Materials along with the Customer Bills."

This bill was debated quite extensively in this House the other day and it prohibits the utilities from inserting in the customers' bills anything pertaining to political parties, political candidates or referendum questions, both at the state and the national level. However, it does not prohibit the utilities to use the stockholders' money or, in fact, to use their own money as individuals to send out a mailing on any issue whatsoever. One thing this bill does not prohibit any utility from doing, that is allowing them to put into their inserts, as far as customers' bills are concerned, information pertaining to safety measures, as far as utilities are concerned or, in fact, cost-saving measures.

I would urge this House to stand by its actions of before and reject the motion of the gentleman from Nobleboro, Mr. Palmer, to recede and concur and then maybe we can insist.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I realize that the writing is on the wall here in the House but I did not have the opportunity the other day to say a word or two about this bill and I, personally, believe that it is a bad bill. I believe that it is a discriminatory bill and I want to make those statements before we finally vote.

I don't mind if a utility or any other business is denied the right to promote the candidacy of any candidate for public office or making political contributions to people for public office, but there are two passages in here which I think are totally wrong and I think they are discriminatory and I am sure that if the shoe were on the other foot, we would never allow passage of any measure like this.

The first one is to promote the passage or defeat of a measure appearing on a ballot at any election whether local or statewide or national, it also denies them the right to put a flier in any bill to promote, modify or defeat any change in local, state or federal legislation rules or regulations.

I say, regardless of what the situation may be now, that this kind of legislation is discriminatory and it is wrong. To say to a utility that you cannot send a message with a bill, for example, obviously, the two things are aimed at public power and nuclear power, that basically is all that it says, that Central Maine Power or anybody else can't put a little thing in against public power and against nuclear power, I think it is a perfect right that the utilities should have. It isn't costing the taxpayer or the ratepayer one dime and I believe that it is like tying their hands behind a telephone pole and

saying, go ahead, sock it to them baby, all you want to, they can't talk back.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Quite contrary to the remarks made by my good friend from Nobleboro, Mr. Palmer, this legislature, or the committee that passed out this bill, is not tying anyone's hands behind any telephone pole or handcuffing anyone's hands to their automobile wheel.

This legislation simply states that if a utility wants to be persuasive on an issue that is before the people in Maine and it is an interest to themselves, then they should do it on a very separate issue. They shouldn't be using their billing formula. I as a ratepayer, for example, or a consumer to their particular product, shouldn't have to open up their bills and see in there some persuasive pieces of information documenting what their stand is on an issue. No way, and quite contrary to the remarks made by Mr. Palmer, does this bill prohibit them for doing exactly what he wants them to do, but they do it with their money and not your's or your consumer's money.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Nobleboro, Mr. Palmer, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 58 in the negative, the motion did not prevail.

Thereupon, the House voted to insist.

Non-Concurrent Matter

Bill "An Act Concerning the Geologist and Soil Scientist Certification Act" (H. P. 1993) (L. D. 2182) on which the "Ought to Pass" in New Draft under New Title Bill "An Act Relating to the Geologists and Soil Scientists Certification Act" (H. P. 2240) (L. D. 2322) Report of the Committee on Business Legislation was Read and Accepted and the New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-1100) in the House on March 25, 1976.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House:

On motion of Mrs. Clark of Freeport, the House voted to insist and asked for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Relating to Costs in Contested Cases and Depositions in Probate Court" (S. P. 709) (L. D. 2236) which was Indefinitely Postponed in the House on March 24, 1976.

Came from the Senate with that Body having Insisted on its former action whereby the Bill was Passed to be Engrossed as amended by Committee Amendment "A" (S-454) and asked for a Committee of Conference.

Thereupon, on motion of Mr. McMahon of Kennebunk, the House voted to insist and asked to join in a Committee of Conference.

Non-Concurrent Matter

Tabled and Assigned

Bill "An Act to Revise and Clarify the Freedom of Access Law" (H. P. 2226) (L. D. 2316) which was Passed to be Engrossed as Amended by House Amendments "A" (H-1034), "B" (H-1044), and "E" (H-1110) in the House on March 26, 1976.

Came from the Senate Passed to be Engrossed as amended by House Amendments "B" and "E" in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, we have a correction to be made on this bill. I am having an

amendment drafted and I wish somebody would table this bill for one day, please.

On motion of Mr. Rolde of York, tabled pending further consideration and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act to Clarify and Strengthen the Statute Governing Current Use Taxation of Farmland" (H. P. 2258) (L. D. 2330)

Was reported by the Committee on Bills in the Second Reading and read a second time.

Mr. Morton of Farmington offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1129) was read by the Clerk and adopted.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question. Exactly what does House Amendment "A" do?

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, has posed a question through the Chair to anyone who may care to answer.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: It was the clear intention of the Taxation Committee that a maximum of \$2,000 be all that was required to qualify as farmland. There seemed to be some question in the original wording and that is what this does. It changes the wording to make very sure that the Committee on Taxations intent that the total gross income required to qualify for classification as farmland shall not exceed \$2,000.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: This is out of my field, but I move the indefinite postponement of this bill and all its accompanying papers.

A few years ago, the courts ruled that land must be taxed at its highest and best use, so four years ago, the legislature passed a constitutional amendment, which was approved by the people, which allows local assessors to decide how land should be evaluated, whether it should be assessed at its highest and best or its current use or what. So, presently, the law is that the local assessors, at the local level, can decide how land should be assessed.

As I read this L. D., this is by which we are taking from the local people the power to assess.

Since I have been in the legislature, the local people have abdicated their control over welfare. Remember the big fight we had probably three or four terms ago when all welfare costs were given up by the localities. Recently, our local people are losing part of their control over education costs and now, as I see it, they are giving up a power to assess for tax purposes their local land.

I call to your attention Page 3 of L. D. 2330, which says, "The Commissioner of Agriculture, in consultation with the Director of the Cooperative Extension Service and the Maine Agricultural Experiment Station, shall determine and average one hundred percent productivity value for good crop land, orchard land, etc." Then I call your attention further on Page 3, on the bottom of Page 3, it tells about how the Commissioner of Agriculture shall determine the ratios of productivity and then it says that he may change these ratios after a hearing.

I think this bill is a step that takes away from local assessors the power to assess the value of the land at the local level. Maybe that is where we are headed, losing control of welfare, partial control of education. Right now, perhaps, the Commissioner of Agriculture is a good man and will be very fair, but you cannot tell what the