

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 Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

Index

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-345) was read by the Clerk and adopted in concurrence, and the Bill assigned for third reading the next legislative day.

Orders

Mr. Hewes of Cape Elizabeth presented the following Joint Order and moved its passage:

ORDERED, that the Senate concurring, that the Legislative Research Committee is directed to study the subject matter of the Bill, "An Act Creating the Maine Motor Vehicle Certificate of Title and Anti-theft Act," House Paper 1481, Legislative Document 1924 introduced at the First Special Session of the 105th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee is authorized to accept, to the extent possible, such information and services as the Maine Municipal Association may be willing to provide in the conduct of this study; and be it further

ORDERED, that the State Police, State Highway Commission, Attorney General and Division of Motor Vehicles are respectfully requested to provide the Committee with technical advice and other needed assistance; and be it further

ORDERED, that the Committee report its findings, together with any necessary recommendations or implementing legislation, at the next regular session of the Legislature; and be it further

ORDERED, upon passage of this Order, in concurrence, that each association and agency specified herein be notified accordingly of the pending study. (H. P. 1578)

The Joint Order received passage and was sent up for concurrence.

House Reports of Committees Leave to Withdraw

Mrs. Cummings from the Committee on Health and Institu-

tional Services on Bill "An Act relating to the Administration of State Funds Appropriated to Charitable and Benevolent Institutions" (H. P. 1528) (L. D. 1971) reported Leave to Withdraw.

Mr. Bernier from the Committee on County Government on Bill "An Act relating to Charges for Keeping Certain Prisoners" (H. P. 1462) (L. D. 1905) reported Leave to Withdraw, as covered by other legislation.

Reports were read and accepted and sent up for concurrence.

Referred to Next Legislature

Mrs. Wheeler from the Committee on Judiciary on Bill "An Act Creating the Maine Motor Vehicle Certificate of Title and Anti-theft Act" (H. P. 1481) (L. D. 1924) reported that it be referred to the 106th Legislature.

Report was read and accepted, the Bill referred to the 106th Legislature, and sent up for concurrence.

Ought to Pass with Committee Amendment Tabled and Assigned

Mr. Gill from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds to Town of Mattawamkeag to Construct Municipal Buildings Destroyed by Fire" (H. P. 1525) (L. D. 1968) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-552) was read by the Clerk.

(On motion of Mr. Bragdon of Perham, tabled pending adoption of Committee Amendment "A" and specially assigned for Tuesday, February 22.)

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act Establishing a Forest Lands Taxation Policy Using a Productivity Approach" (H. P. 1557) (L. D. 2018) reporting same in a new draft (H. P. 1577) (L. D. 2034) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. HICHENS of York
 FORTIER of Oxford
 WYMAN of Washington
 — of the Senate.
 Messrs. ROSS of Bath
 FINEMORE
 — of Bridgewater
 COLLINS of Caribou
 MORRELL of Brunswick
 DAM of Skowhegan
 CYR of Madawaska
 TRASK of Milo
 COTTRELL of Portland
 — of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following member:

Mr. McCLOSKEY of Bangor
 — of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Bath, Mr. Ross moves the acceptance of the Majority "Ought to pass" Report. The gentleman may proceed.

Mr. ROSS: Mr. Speaker and Members of the House: This is an extremely complicated bill, but it has received a very thorough study during the past many months. The last session we passed a bill taxing our forests according to productivity. But the Governor wasn't quite satisfied with this and so he appointed a committee to make a thorough study of this and come up with a better law.

This is the results of that with a few changes in the redraft. The Minority Report, which was signed by one gentleman, incorporates all the changes that the Majority Report does except one. But there are still several amendments to be offered in the House or the Senate, and I would suggest that we have our first two readings of this bill and discuss it thoroughly at third reading and present amendments at that time.

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

Mr. McCLOSKEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to explain to you a little bit why my name is on the Minority Report and perhaps explain to you what the difference in the bills are.

As Mr. Ross has said, the main difference is one section of the bill, but that section of the bill happens to be the most important section. The Forest Taxation Task Force set up by the Governor was composed generally of three landowners, three large landowners, six public figures — two economists included in that number, and the Task Force recommended essentially my report. The report of that Task Force Committee was six to three in favor of the bill that I signed.

As Mr. Ross said, this is a complicated bill and it is a bill that has extreme and long-term implications for taxation in the State of Maine. I think that all of us should consider very seriously what we are doing here, because we are talking about a tax policy that will affect this State for the next two hundred years in all likelihood. I think that since we as a legislature oftentimes cannot spend a great deal of time studying such things as forest taxation, that we abuse this method of a Task Force study committee to study the problems. This Task Force study committee, as I say, came up with a recommendation six to three to implement the bill that I have signed.

If you are going along with this type of use of a tax committee, a special tax committee to recommend legislation, and then come in and make what I would consider somewhat major changes in it, let me explain to you a little bit what the major change is.

The Task Force study committee recommended that the forest lands in this state be taxed in the unorganized on a hundred per cent valuation at a mill rate of 16½ mills to increase the rate of one and a half mills per year up until it

reaches the average weighted mill rate of the municipalities. This rate at this time is 33. So if we assume a standard rate of 33 it would take ten years to implement this.

The Taxation Committee of this Legislature decided that ten years was a time too long in the future to look at it and that six years would be better. So they compromised on a figure of six years. But personally I am not too unhappy with this six-year period. It was originally five in committee but they have since amended it to six. I think that we should look at the theory behind the method of taxation.

The reason for the ten-year period is that after ten years it would reach this weighted average municipal mill rate, which is 33 at the present time. If you do not go on that theory, and the theory behind this is that there should be some equality between the unorganized and organized territories in terms of taxation of forest lands, if you do not go along with this theory, then there really isn't any reason for, say, a six-year period versus a five-year period versus a seven-year period. It is all quite arbitrary. And really there is no way to justify that six is the right year, or seven or five.

So I felt somewhat strongly that since this tax committee had spent a great deal of time studying this proposal, and I had talked at length with a number of these people concerning their proposal, that the mill rate should perhaps reach the weighted average municipal mill rate. And we have to realize that this average weighted mill rate may well go down in the next few years, especially if the State takes over the cost of elementary and secondary education. So we are not saying that this mill rate will go up or that it will stay at 33; it may well go down.

Finally I would like to point out — I am not going to object to the motion of Mr. Ross because I have no illusions that my motion, whatever it would be, could carry with a committee report such as this. But let me say, that even after ten years the tax on this

forest land would be 84 cents an acre. It is now presently 42, when this goes into effect, 16½ mills at one hundred per cent valuation; and after ten years if it did go to that figure of 33, the weighted average municipal mill rate would be 84 cents an acre. The people that I have talked to on this committee, and other people who have dealt for a long time in forest taxation, feel that this 84 cents is not an overly burdensome figure. And that is why I signed the Minority Report and the reason I am standing up here to explain this is that again I think this is a bill that has long term results for the State of Maine in terms of forest taxation, and we should be aware of what we are doing.

Thereupon, the Majority "Ought to pass" Report was accepted, the New Draft read twice and assigned the next legislative day.

Passed to Be Engrossed

Bill "An Act Implementing the Reorganization of the Department of Transportation" (H. P. 1541) (L. D. 2013)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen: I am not speaking as an occupant of seat number two this morning, simply a legislator who is opposed to this method of reorganizing our State Government. I think there must be a better way.

First of all, I see this reorganization as a plan to strengthen the seat of the Governor. I know it is a difference of opinion. Some states and some people in this room feel we should have a strong executive. I happen to disagree and it is nothing against the present incumbent, it is simply a philosophy. I think Maine has gotten along with a weak executive position, and I see no harm in continuing it.

Another objection, back on January 24, His Excellency stood before us and tried to sell us the idea of reorganization, stating that there would be a savings of state