

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

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1st Special Session

January 24, 1972 to March 10, 1972

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as well as those who request these rate cases in these fields.

Of course, it has been my understanding that at various times when the Commission finds itself in a bind, and needs additional money, that it can go to the Governor and Council and request some additional money. However, this money is only available at the discretion of the Governor and Council, and there is no positive guarantee that it can receive this money. I think in such an important situation as this that the legislature ought to provide the money that the Public Utilities Commission needs in order to do the best job possible in considering these major rate cases. I hope you would oppose the motion for reconsideration, and I would request a roll call on the motion.

The PRESIDENT: A roll call has been requested. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby it adopted Senate Amendment "H". Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby it adopted Senate Amendment "H" to Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973." A Yes vote will be in favor of reconsideration; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Katz, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

NAYS: Senators Bernard, Carswell, Clifford, Fortier, Graham,

Harding, Kellam, Marcotte, Martin, Minkowsky, and Violette.

ABSENT: Senators Conley, Danton and Levine.

A roll call was had. 18 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with three Senators absent, the motion prevailed.

The PRESIDENT: The pending question before the Senate now is the adoption of Senate Amendment "H".

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I think I can't argue this very much one way or the other. It is a question of whether we think the Public Utilities Commission has got to go outside and bring in a lot of help to do the job that they have to do here, and I guess each one of us will have to decide on whether we think we should set up this money for that purpose. I would ask for a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the adoption of Senate Amendment "H" will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 11 Senators having voted in the affirmative, and 18 Senators having voted in the negative, Senate Amendment "H" was not Adopted.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

Under suspension of the rules, sent down forthwith for concurrence.

The President laid before the Senate the fifth tabled and specially assigned matter:

Bill, (S. P. 767) (L. D. 2045) "An Act to Revise the Site Location of Development Law."

Tabled—February 28, 1972 by Senator Moore of Cumberland.

Pending—Passage to be Engrossed.

On motion by Mr. Moore of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the sixth tabled and specially assigned matter:

HOUSE REPORTS—from the Committee on Taxation on Bill, "An Act Establishing a Forest Lands Taxation Policy Using a Productivity Approach." (H. P. 1557) (L. D. 2018) Majority Report, Ought to pass in New Draft (H. P. 1577) (L. D. 2034); Minority Report, Ought to pass as Amended by Committee Amendment "A". Filing H-553.

Tabled—February 28, 1972 by Senator Berry of Cumberland.

Pending—Motion by Senator Hichens of York to Accept the Majority Report.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: At first thought, it may seem that this is too important to consider at a special session and that it should be given further study.

While it is important, it already has received a great deal of study. At the regular session one year ago this proposal for a productivity tax was studied at length, and a bill to accomplish this purpose was enacted by an overwhelming vote of both branches.

However, our Governor in his wisdom did not approve of the bill as written, and instead appointed a blue ribbon committee of nine, which included only three landowners, but did include six others with expertise in this field.

The present bill before you follows closely the recommendation of the Governor's committee, and forest land has been redefined to exclude non-productive areas, which will be left under the present ad valorem system.

There have been other minor changes and four amendments added by the other branch, all of which, to the best of my knowledge, are agreeable to those concerned.

This bill provides for an increase in the tax rate of one and one half mills each year through 1978. Some felt we should provide for this increase to continue longer, but how far can we see ahead?

There will be other legislatures and changes. Certainly succeeding legislatures will provide for increases additional to those in the bill either before 1978 or thereafter, if such additional increases appear to be desirable.

The most important point about this report of the Taxation Committee is that it wholeheartedly endorses the principle of taxing forest lands on a productivity basis. By doing this, we change from the ad valorem system which taxes forest lands on the basis of how much wood there is on the land. The method we have been using often causes the owner to strip his land either for profit or to cut taxes. If we want to protect Maine forest lands as part of our environment, we must take some action now.

While few bills, if any, are perfect, I cannot recall a taxation program which has been more thoroughly studied and more thoroughly revised, not only by the regular session of this legislature one year ago, but by your Taxation Committee of this special session, as well as by the blue ribbon committee of the Governor, and it is my sincere hope, therefore that this Senate will adopt the 9-1 Ought to Pass Report of the committee. And when the vote is taken, I ask that it be taken by a division. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass in New Draft Report of the Committee in concurrence?

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: I do not intend to go into the technical aspects of this bill at this late hour. I appreciate that it is technical, and I doubt very much if there is a single member of the legislature who probably hasn't had his arm twisted somewhat on this bill, but I would just like to review very, very briefly some of the facts that the good Senator Wyman has brought out.

There has been two Governor's Task Forces that have worked on this project. The Taxation Committee of the 104th, as well as that of the 105th Legislature, has put in

considerable work. The big surprise to me is how close all these people came to the one solution after they had studied this subject.

I do admit there are some unknown factors in the bill. There are some phases of it which may be a little vague. But I tell you now, whether we put this off to the 106th, the 107th, the 108th, or to any other legislature, until such a time as we have tested this principle of productivity tax, these areas will be just as vague as they are now. Everyone seems to admit that our present situation in regard to wild land taxes is intolerable. I do hope you will vote with me as I urge you to accept this bill.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President, the hour is late and I guess we are all tired and hungry, so I will reserve my comments until the next reading.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass in New Draft Report of the Committee in concurrence?

The motion prevailed and the Bill in New Draft was Read Once.

House Amendments "A", "B", "C" and "F" were Read and Adopted in concurrence and the bill, as Amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the seventh tabled and specially assigned matter:

Bill, "An Act Implementing the Reorganization of the Department of Educational and Cultural Services." (S. P. 721) (L. D. 2010)

Tabled — February 28, 1972 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

On motion by Mr. Katz of Kennebec, retabled until later in today's session, pending Passage to be Engrossed.

On motion by Mr. Hoffses of Knox,

Recessed until 2 o'clock this afternoon.

(After Recess)

Called to order by the President.

On motion by Mr. Hoffses of Knox,
Recessed until the sound of the bell.

(After Recess)

Called to order by the President. The President laid before the Senate the first matter tabled earlier in today's session, by Mr. Berry of Cumberland:

Bill, "An Act Reallocating Funds for Professional Contractual Employees for the Joint Standing Committees of the Legislature." (H. P. 1450) (L. D. 1893)

Pending — Passage to be Engrossed.

On motion by Mr. Graham of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the second matter tabled earlier in today's session, by Mr. Schulten of Sagadahoc:

Bill, "An Act to Review the Maine Land Use Regulation Commission Law." (S. P. 709) (L. D. 1890)

Pending — Passage to be Engrossed.

On motion by Mr. Schulten of Sagadahoc, retabled and Tomorrow Assigned pending Passage to be Engrossed.

The President laid before the Senate the third matter tabled earlier in today's session, by Mr. Berry of Cumberland:

JOINT ORDER — Relative to Maine Education Council.

Pending — Passage.

Thereupon, the Joint Order received Passage in concurrence.

The President laid before the Senate the fourth matter tabled earlier in today's session, by Mr. Shute of Franklin:

Bill, "An Act Relating to Penalty for Sale of Certain Drugs." (H. P. 1582) (L. D. 2040)

Pending — Passage to be Engrossed.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Earlier today I mentioned