

# MAINE STATE LEGISLATURE

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**Legislative Record**

OF THE

**One Hundred and Seventh Legislature**

(First Special Session)

OF THE

STATE OF MAINE

**1976**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

report and when it arrives I shall be in a better position to determine the most effective course of action to pursue. You may be assured that I shall do everything I can to forestall or minimize the severe adverse impact on Aroostook County's already depressed economy which would surely accompany the proposed cutback.

With best regards,

Sincerely,  
(Signed) BILL HATHAWAY  
U. S. Senator

Maine  
Congressional  
Delegation

March 18, 1976

The Hon. Thomas C. Reed  
Secretary  
Department of the Air Force  
The Pentagon  
Washington, D.C. 20230

Dear Secretary Reed:

We are writing to express our profound concern over and opposition to the recent Air Force proposal for massive reductions at Loring Air Force Base. It appears to us most unwise, damaging and unwarranted.

We have been asked to believe that Loring has been nominated for a personnel reduction of 83 per cent, and for the removal of its B-52's and KC-135's, simply in order to meet an Air Force goal of saving \$150 million, to which goal Loring would contribute \$24 million.

While we appreciate the need to reduce federal spending and to eliminate needless military expenditures, we are not prepared to accept or condone the Air Force proposal for Loring because we are not persuaded that the proposal has merit. For thirty years we have been told that Loring is vital to our national defense by virtue of its proximity to the Soviet Union. Millions of dollars have been spent to create and maintain Loring largely on the strength of that fact. Thousands of people in Aroostook County irrevocably altered their way of life in order to fulfill the myriad demands of Loring A.F.B. and its people.

Yet this proposal to reduce and realign Loring ignores all of this. It has been presented to us without adequate justification. No evidence has been offered to suggest that Loring's mission is no longer vital to our nation's security. Furthermore, inadequate consideration seems to have been given to the economic havoc that severe cutbacks at Loring would necessarily have on thousands of citizens in northern Maine.

Beyond the national security and economic implications of the proposed action, we are concerned about the criteria upon which you based your preliminary decision.

We intend to inquire into and examine this matter in great depth and provide you with information which we believe will demonstrate the wisdom of retaining Loring at present strength. We ask that your final judgment in this matter not be made until you have had the benefit of the information with which we shall provide you.

In order that we may carefully assess this matter, we request that you provide, in writing, the following:

- 1) Copies of all studies, choices of options, surveys, and economic impact estimates, and other materials used in order to reach the proposed decision;
- 2) The standards by which you will make a final decision on Loring (and, if they differ, the standards for intermediate decisions) and the relative weight or value to be accorded to each standard;
- 3) A detailed description of what changes, if any, have occurred that have altered Loring's role, and why;

4) A detailed description of Loring's future role as you foresee it;

5) How our future security is to be assured were Loring to be reduced as you propose;

6) The sums you expect to spend on regular and normal base operations at Loring for each of the five consecutive fiscal quarters following June 30, 1976;

6) The sums you expect to spend on regular and normal base operations at Loring for each of the five consecutive fiscal quarters following June 30, 1976;

7) A detailed list of all actions (and their estimated date of occurrence) contemplated between now and the date on which you hope to have reduced and realigned Loring A.F.B.;

8) A list of all personnel reassignments and other activities tending to reduce the personnel and assets of Loring Air Force Base whether already undertaken or merely contemplated to be undertaken prior to a final decision to reduce and realign the base;

9) For all of the foregoing, the name, business address and telephone number of the official charged with making each study, policy decision, estimate, etc.

Because of the urgency of this situation and its importance to the people of Maine, we request that you furnish the above information and materials within ten days. As new information becomes available to you, we request that it be furnished to us. Given the dearth of information in our possession, and the depth of concern on this issue in Maine, we believe this request is not unreasonable.

Sincerely,  
WILLIAM D. HATHAWAY  
U.S. Senator  
DAVID F. EMERY  
Member of Congress  
(S. P. 779)

Which was Read and Ordered Placed on File.  
Sent down for concurrence.

Edwin H. Pert  
Clerk  
Maine  
House of Representatives  
Augusta, Maine 04333

March 29, 1976

Honorable Harry N. Starbranch  
Secretary of the Senate  
107th Legislature  
Augusta, Maine

Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites" (H. P. 1948) (L. D. 2134):

Rep. QUINN of Gorham  
Rep. CLARK of Freeport  
Rep. AULT of Wayne

Respectfully,  
(Signed) EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

Edwin H. Pert  
Clerk  
Maine  
House of Representatives  
Augusta, Maine 04333

March 29, 1976

Honorable Harry N. Starbranch  
Secretary of the Senate  
107th Legislature  
Augusta, Maine

Dear Mr. Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act

Relating to Costs in Contested Cases and Depositions in Probate Court" (S. P. 709) (L. D. 2236)

The Speaker appointed the following members of the House to the Committee:

Rep. BERRY of Buxton  
Rep. LOVELL of Sanford  
Rep. McMAHON of Kennebunk

Respectfully,  
(Signed) EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

**Committee Reports  
House**

**Ought to Pass in New Draft**

The Committee on Labor on, Bill, "An Act Concerning the Statutes Relating to Labor." (H. P. 2041) (L. D. 2215)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Clarify the Labor and Industry Statutes." (H. P. 2259) (L. D. 2332).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-1136).

Which report was Read and Accepted in concurrence and the Bill in New Draft Read Once. House Amendment "A" was Read and Adopted in concurrence.

Thereupon, under suspension of the rules, the Bill, as Amended, was Read a Second Time and Passed to be Engrossed in concurrence.

The Committee on Taxation on, Bill, "An Act to Clarify and Strengthen the Statute Governing Current Use Taxation of Farmland." (H. P. 2012) (L. D. 2193)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 2258) (L. D. 2330).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-1129).

Which report was Read and Accepted in concurrence and the Bill in New Draft Read Once. House Amendment "A" was Read.

The PRESIDENT: Is it now the pleasure of the Senate to adopt House Amendment "A"?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I wonder if some member of the Committee on Taxation may be able to explain to the Senate the changes that are being made in the farmland taxation policy?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: Several years ago this legislature and then the people of Maine voted to change the constitution to allow for something other than current year taxation for farmland and timberland. As a result of that, we took two different approaches. In regards to timberland, we wrote a formula by which the value of that timberland as land to produce timber can be taxed. However, in regards to the agriculture land, we just sort of gave a directive to the various assessors that worked for the cities and towns about the State of Maine and directed them to tax it on the basis of it as agriculture use and not the highest and best, if there is a difference between the two. And the experience that the committee found out about when we had the hearing on this, and it wasn't a surprise to a lot of us, was that in many communities the assessors are simply not recognizing the differential.

What this bill does is set up a formula for the determination of the value of farmland which is

really, in a sense, fashioned after the formula that we have set up to determine the value of timberland, and thus it really, I think, honestly can be described as the true legislative enactment of that constitutional amendment that was passed several years ago.

We heard testimony from farmers across the state about the problems that what is actually current use taxation are having on them, and this bill is a response to that problem.

The PRESIDENT: Is it now the pleasure of the Senate to adopt House Amendment "A"?

It is a vote.

Thereupon, under suspension of the rules, the Bill, as Amended, was Read a Second Time.

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

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Revise and Reform the Maine Personal Income Tax Law." (H. P. 2036) (L. D. 2211)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington  
JACKSON of Cumberland

Representatives:

MORTON of Farmington  
DRIGOTAS of Auburn  
MAXWELL of Jay  
TWITCHELL of Norway  
SUSI of Pittsfield  
IMMONEN of W. Paris  
DAM of Skowhegan

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

MERRILL of Cumberland

Representatives:

COX of Brewer  
MULKERN of Portland

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

Mr. Wyman of Washington moved that the Majority Ought Not to Pass Report of the Committee be Accepted.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: This is a rather far-sweeping bill, a very important bill, I suspect the importance of which is evidenced by the number of empty seats in the chamber all of a sudden. I would ask for a roll call on this vote, and I hope that the President rings the bell loud and long so that we can have all of those members who are present here today return to the chambers so that they can vote on this matter.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I take exception to the remarks of the majority leader. There is absolutely nothing to indicate that the people that are absent from the chamber are absent because they don't want to vote on this item. I don't think there is any need for the majority leader to reflect on the integrity of the members of this body.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I notice this is a

divided report, and I have a great deal of respect for the Senator from Cumberland, Senator Merrill, so I would like to hear his views on why he thinks this should pass.

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: As the majority leader said just the other day in referring to another question, he never spoke to me about it. You can talk to me any time, Senator, but I would just like to say that the reason I think it ought to pass is that we had testimony in the committee that actually the effect of this bill would be that it would raise not much more money in toto, and would put into effect some more tax reform. That is really what this is about. This isn't very much of a tax increase.

What it really does is put into effect retirement income credit and some other tax measures and tax protections for middle income earners that are presently in the federal law. So if anybody thinks this is a great chance to vote against a huge tax increase, they are sadly mistaken. It might raise another one or two million dollars.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Washington, Senator Wyman, that the Senate accept the majority ought not to pass report of the committee. A "Yes" vote will be in favor of accepting the ought not to pass report; a "Nay" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators E. Berry, R. Berry, Carbonneau, Clifford, Collins, Corson, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, McNally, O'Leary, Pray, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Cianchette, Conley, Curtis, Danton, Graham, Merrill, Reeves.

ABSENT: Senator Cummings.

A roll call was had. 24 Senators having voted in the affirmative, and seven Senators having voted in the negative, with one Senator being absent, the Majority Ought Not to Pass Report of the Committee was Accepted.

#### Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Provide for More Effective Debt Management and for the Effective Administration of the State's Development Financing Capability." (H. P. 1816) (L. D. 1974)

Reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington  
GRAHAM of Cumberland

Representatives:

COONEY of Sabattus  
KANY of Waterville  
CARPENTER of Houlton  
PELOSI of Portland  
QUINN of Gorham  
WAGNER of Orono

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-949).

Signed:

Senator:

CURTIS of Penobscot

Representatives:

FARNHAM of Hampden  
STUBBS of Hallowell  
LEWIN of Augusta

SNOWE of Auburn

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "E" (H-1121).

Which reports were Read.

Mr. Curtis of Penobscot moved that the Senate Accept the Minority Ought to Pass as Amended Report of the Committee.

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending the motion by Mr. Curtis of Penobscot to Accept the Minority Ought to Pass as Amended Report of the Committee.

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Prohibit Payment of Dependency Allowance to Persons with a Spouse Employed Full Time." (H. P. 2118) (L. D. 2267)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1029).

Signed:

Senators:

ROBERTS of York  
PRAY of Penobscot

Representatives:

SPROWL of Hope  
TIERNEY of Durham  
TEAGUE of Fairfield  
FLANAGAN of Portland  
SNOW of Falmouth  
TARR of Bridgton  
CHONKO of Topsham  
PEARSON of Old Town

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

McNALLY of Hancock

Representatives:

MARTIN of St. Agatha  
LAFFIN of Westbrook

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read, the Majority Ought to Pass as Amended Report of the Committee Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read.

Thereupon, on motion by Mr. Roberts of York, tabled until later in today's session, pending Adoption of Committee Amendment "A".

#### Second Readers

The Committee on Bills in the Second Reading reported the following:

##### Senate

Bill, "An Act to Revise the Maine Criminal Code as Recommended by the Criminal Law Revision Commission." (S. P. 777) (L. D. 2334)

Which was Read a Second Time.

Mr. Clifford of Androscoggin presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-488, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: This amendment does two things. It first tightens up the language in the section which we debated and talked about yesterday. Section 104 of the code. Secondly, it gives the legislative intention to have the judges, when they are considering probation, to seriously consider restitution, requiring the criminal to make restitution to the victim and/or to the state or the county by moving the order in which restitution is listed, and also to allow the court to consider the ability of the