

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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August 4, 1983

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islature:
Committee
Labor

Bill

H. P. 1299 L. D. 1724

Comes from the House, Read and Passed.
Which was Read and Passed, in concurrence.

There being no objections all matters previously acted upon were sent forthwith.

On motion by Senator Pray of Penobscot, Recessed until the sound of the bell.

Recess**After Recess**

The Senate called to order by the President.

Under Suspension of the Rules, the Senate voted to consider the following:

Communications

The Following Communication:

State of Maine
House of Representatives
Augusta 04333

June 24, 1983

Honorable Joy J. O'Brien
Secretary of the Senate
111th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

The House voted today to adhere to its former action whereby it Failed to Enact An Act to Establish Funding for Programs of Preventive Intervention and Family Support (H. P. 1268) (L. D. 1682) (S. "A" S-261)

Sincerely,
/S/ EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

At this point, a message was received from the House of Representatives, through Representative Mitchell of Vassalboro, the Majority Floor Leader of the House, that the House had transacted all business before it and was ready to Adjourn, Without Day.

The Following Communication:

State of Maine
House of Representatives
Augusta 04333

June 24, 1983

The Honorable Joy J. O'Brien
Secretary of the Senate
111th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

House Paper 713, Legislative Document 904, AN ACT to Create Boothbay Region Waterfowl Sanctuary, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Fifty voted in favor and eighty against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
/S/ EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Enactor

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

RESOLVE, Authorizing and Directing the Commissioner of Agriculture, Food and Rural Resources to Promote Regional and International Cooperation in the Development of Agricultural Programs Designed to Encourage Greater Good Production, Marketing and Food Self-sufficiency Among the States of New England and Quebec and the Maritimes (S. P. 324)

(L. D. 969)

Which was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Out or Order and Under Suspension of the Rules, the Senate voted to consider the following:

Committee Report
Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on RESOLVE, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells for \$10,000 (H. P. 1024) (L. D. 1325) have had the same under consideration, and ask leave to report: that they are unable to agree.

Comes from the House, Read and Accepted.
Which Report was Read and Accepted, in concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Paper from the House
Joint Order

The following Joint Order (H. P. 1359)
ORDERED, the Senate concurring, that the following specified matter be held over to the next special or regular session of the 111th Legislature:

Committee **Bill**
Taxation H. P. 359 L. D. 417
Comes from the House, Read and Passed.
Which was Read and Passed, in concurrence.

Senator Wood of York was granted unanimous consent to address the Senate, On the Record.

Senator WOOD: Thank you, Mr. President. Mr. President and Members of the Senate: It seems we began this Session talking about tax policy and we are going to end it talking about tax policy. Several questions have arisen in the last couple of days, regarding the Unitary Method and I would like to read something into the Record on that.

"House Amendment 412 to the Unitary Method Bill, provides that corporations not required to file a Federal Income Tax Return are not to be included in the combined report which is used with Unitary Method.

Questions have arisen whether H-412 clearly resolves the issue of exempting corporations which are not subject to United States Corporate Income Taxation from being included in the concept of unitary business and thus subject to combined reporting.

As a prime mover behind the adoption of the Unitary System of taxing corporations, I wish to make it absolutely clear that in adopting this system of taxation, this legislation does not intend that unitary business, either in concept of definition, include the income, property, payroll or sales or corporations that are not subject to income taxation under the laws of the United States. That such a corporation may, at some time, or even on the regular basis, have to file an informational return, or any other such form, with the Federal Government in order to prove they are exempt from U.S. Tax Laws, or to supply certain information, or to recover certain payments, or otherwise, is not intended to make that company subject to the Unitary Tax. The key is whether a corporation is subject to income taxation as a corporation under the laws of the United States. Whether such a corporation may, at some time, have to file some form or return with the Federal Government is immaterial.

I also wish to make clear that in apportioning the taxes of those corporations subject to the Unitary Tax, it is intended that the same three factor formula of property, sales and payroll, as is presently used to apportion corporate taxes, will continue to be used."

As you can see those obviously were not my smooth flowing words but that of a tax lawyer. Thank you.

Out of Order and Under Suspension of the Rules:

On motion by Senator PRAY of Penobscot, the following Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President appointed Senator Pray of Penobscot to convey the message to the House of Representatives. The Senator then retired to the Hall of the House, and subsequently reported that he had delivered the message with which he was charged.

Out of Order and Under Suspension of the Rules:

On motion by Senator CARPENTER of Aroostook, the following Order:

ORDERED, that a message be sent to His Excellency, the Governor, informing him that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President appointed Senator Carpenter of Aroostook to convey the message to his Excellency the Governor. Subsequently, Senator Carpenter of Aroostook reported that he had delivered the message with which he was charged and the Governor will attend the Session forthwith.

(Senate at Ease)

The Senate called to order by the President.

The Sergeant-at-Arms escorted the Governor of Maine, the Honorable Joseph E. Brennan to the rostrum. (Amid applause of the Senate, the Members rising.)

The PRESIDENT: The Chair is pleased to welcome His Excellency, the Honorable Joseph E. Brennan, Governor of the State of Maine. (Applause, the Members rising.)

Governor BRENNAN: Mr. President and Members of the Senate, I am honored to come before you to express my congratulations on the completion of the work of this Session.

I believe that this Legislature will be remembered for a number of important and long-lasting achievements. It was this Senate and this Legislature that said "enough is enough" for runaway hospital costs. It was this Senate and this Legislature that Enacted a comprehensive plan for the wise and careful protection and development of our rivers. It was this Senate and this Legislature that strengthened the prospects for business growth and jobs by improving the Maine State Loan Guarantee Authority and giving new financial support for our farmers. It was this Senate and this Legislature that served the cause of social justice for public higher education by making possible a campus for the University of Maine at Lewiston.

In transportation, resource conservation, economic development, equal rights for women, human needs, public safety and many areas of concern to the people of Maine, I believe that you acted with vision and with a belief that those in public office ought to leave the State a little better than they found it.

It was with special pride that I observed the workings of this Senate, for more than the other Body, the eyes of the State were on you. As you know, not a single member of the Majority Party had ever before, served in the Maine Senate as a member of the Majority, and many wondered, and really wondered just how you'd perform.

More than thirty years ago, Adlai Stevenson