

# 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**

**Index**

**1st Special Session**

**January 24, 1972 to March 10, 1972**

**Index**

**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**HOUSE**

Thursday, January 27, 1972

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Calvin Alexander of Gardiner.

The journal of yesterday was read and approved.

**Order Out of Order**

On motion of Mr. Whitzell of Gardiner, it was

ORDERED, that Robert Dana of Gardiner be appointed to serve as Honorary Page for today.

**Papers from the Senate**

From the Senate: The following Communication: (S. P. 740)

STATE OF MAINE  
SENATE CHAMBER  
AUGUSTA

January 26, 1972

To the Honorable Senate and House of Representatives of the One Hundred and Fifth Legislature:

In accordance with the wishes of the 105th Maine Legislature as expressed in the provisions of S. P. 566 to study the expense to the State of assuming cost of court systems, the Court Study Committee herewith submits the enclosed report.

Respectfully,

(Signed) WAKINE G. TANOUS  
Chairman

Court Study Committee

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

From the Senate: The following Communication: (S. P. 741)

January 26, 1972

To the Honorable Senate and House of Representatives of the One Hundred and Fifth Legislature:

In accordance with the wishes of the 105th Maine Legislature to study the provisions of H. P. 8, L. D. 8, "AN ACT to Revise and Clarify Laws Relating to Group

Life Insurance Under Maine State Retirement System" to determine the advisability and feasibility of making the changes proposed, the study group named in H. P. 1069, herewith submits the enclosed report.

Respectfully,

(Signed)

FRANK M. HOGERTY, JR.  
Insurance Commissioner

(Signed)

EDWARD L. WALTER  
Exec. Director, MSRS

(Signed)

WILLIAM H. GARSIDE  
Legis. Finance Officer

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

**Tabled and Assigned**

From the Senate: The following Order:

ORDERED, the House concurring, that the Speaker of the House be authorized to appoint an additional Member to the Joint Standing Committee on State Government (S. P. 742)

Came from the Senate read and passed.

In the House: On motion of Mr. Martin of Eagle Lake, tabled pending passage in concurrence and tomorrow assigned.

**Messages and Documents**

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA

January 26, 1972

To the Honorable Members of the House of Representatives and the Senate of the 105th Maine State Legislature:

I am returning without my signature of approval, Legislative Document 1837, House Paper 1419, "AN ACT to Encourage Improvement in Forest Growth by Creating a Method of Taxation Based Upon the Productivity of Various Classes of Forest Lands". At this time I am recommending for your consideration at this Special Session a substitute measure to

establish a new tax policy for our woodland areas.

The development of this policy for the taxation of woodlands in Maine is a complicated and important subject.

In 1968, the Task Force on Municipal and State Revenues pointed out the need to review the method of taxing woodlands. Several proposals were presented suggesting alternative approaches. None of these became law. Early in 1970, I established the Woodlands Taxation Study Committee which prepared legislation, L. D. 1666, that was introduced to the 105th Legislature at its regular session. The Legislature, departing from some of the concepts of the Study Committee, enacted L. D. 1837. As the bill would have established a new system for appraising and assessing woodlands, I decided to hold it for further study and I appointed the Forest Lands Taxation Review Committee to review this bill. This broadly representative Committee under the Chairmanship of Dr. John Coupe was instructed to carry out this review.

The Forest Lands Taxation Review Committee has advised that there are many technical and substantive changes necessary in L. D. 1837. Therefore, I have decided to veto this measure and submit for your consideration a revised bill as recommended by the majority of the Committee, entitled "AN ACT Establishing a Forest Lands Taxation Policy Using a Productivity Approach".

The revised bill contains more than twenty amendments to L. D. 1837 which clearly indicate the weaknesses of the bill in its present form.

These are some of the most important changes recommended by the Committee:

1. The State Property Tax rate on forest land in the unorganized townships is revised upward from 20 mills on a 50 per cent valuation to 16.5 mills on a 100 per cent valuation effective April 1, 1973 and increasing 1.5 mills per year until reaching the weighted average municipal tax rate.

2. The mandatory application of the law has been changed from

100 to more than 500 acres to provide an optional tax policy for the small landowner.

3. A new section provides an Advisory Council for consultation with the State Tax Assessor.

4. A public appeal provision has been added which includes municipalities or citizens upon petition to the Attorney General.

5. The provision governing withdrawal of land from forest use has been revised to attain a somewhat more adequate recovery of tax losses to the State municipality when a change in land use occurs.

6. Standards to guide the State Tax Assessor have been clarified.

A number of other changes have been written into the new bill. Taken together they indicate serious deficiencies in L. D. 1837 and provide objective and sufficient reasons for disapproving L. D. 1837 and considering the Committee's recommendations as a better basis for a new system of woodlands taxation.

Respectfully,

(Signed)

KENNETH M. CURTIS  
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question before this body is, shall this Bill become law notwithstanding the objections of the Governor?

The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: This was my bill. It was a new concept in the taxation of forest land; I think it was a wise concept. However, it was new and I recognized the good judgment of the Governor in taking a long and hard look at it, and out of that a committee was appointed that has studied this matter, and from the activities of this committee we have before us at this time legislation which does not change the concept that was embodied in this new material.

Out of the measures that are before us now, I assume that we will come to a meeting of the minds on this new legislation that is before this session for consideration. And for these reasons I hope

that you do go along and confirm the veto of the Governor.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I also will be very brief. I think the gentleman from Perham, Mr. Bragdon, has laid it out very well. I think there are two bills before us now, that we can work out a compromise on this bill. So I would therefore ask you to vote no to sustain the Governor's veto — obviously vote no, but that will sustain the Governor's veto.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Section 2 of the Constitution, the yeas and nays are in order. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YES — None.

NO — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Carey Churchill, Clark, Clemente, Collins, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Doyle, Dudley, Dyar, Emery, D. F.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Good, Goodwin, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lesard, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lucas, Lynch, MacLeod, Maddox, Mahany, Marsh, Marstaller, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Millett, Mills, Morrell, Mosher, Murchison, Murray, O'Brien, Orestis, Parks, Payson, Porter, Pratt, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.;

Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Tanguay, Theriault, Trask, Vincent, Webber, Wheeler, White, Whitzell, Wight, Williams, Wood, M. E.; Woodbury.

ABSENT — Bedard, Carrier, Carter, Conley, Crosby, Drigotas, Emery, E. M.; Genest, Gill, Jutras, Lund, Manchester, Norris, Page, Pontbriand, Santoro, Tyn d a l e , Whitson, Wood, M. W.

Yes, None; No, 131; Absent, 19.

The SPEAKER: None having voted in the affirmative and one hundred thirty-one in the negative, the veto of the Governor is sustained.

#### Orders

On motion of Mr. Brawn of Oakland, it was

ORDERED, that Rev. Edith Morton of Oakland be invited to officiate as Chaplain of the House on Monday, February 7, 1972.

Mr. Porter of Lincoln presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Election Laws be directed to report out an emergency bill to clarify party enrollment requirements for filing nomination petitions under the election laws. (H. P. 1558)

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

#### House Reports of Committees Ought Not to Pass

Mr. Scott from the Committee on Business Legislation reported "Ought not to pass" on Bill "An Act relating to the Powers of Savings Banks" (H. P. 1526) (L. D. 1969)

Mr. Bither from the Committee on Education reported same on Bill "An Act Permitting the Commissioner of Education to Make Advance Payments of School Subsidy When a System is Forced to Close Schools for Lack of Adequate Funds" (H. P. 1467) (L. D. 1910)

In accordance with Joint Rule 17-A, were placed in the legislative files and sent to the Senate.

### Ought to Pass Printed Bills

Mr. Woodbury from the Committee on Education reported "Ought to pass" on Bill "An Act relating to the School Year" (H. P. 1464) (L. D. 1907)

Mr. Farrington from the Committee on State Government reported same on Resolve Authorizing the Maine Military Defense Commission to Convey Certain Land in Brunswick (H. P. 1509) (L. D. 1951)

Mr. Marsteller from same Committee reported same on Bill "An Act Clarifying the Duties of the Treasurer of State Relating to the Care and Custody of Guaranty Funds" (H. P. 1506) (L. D. 1948)

Mr. Keyte from the Committee on Transportation reported same on Bill "An Act to Create a New Highway Classification Designated Seasonal Parkways" (H. P. 1512) (L. D. 1954)

Mr. McNally from same Committee reported same on Resolve Designating U.S. Route No. 2 and State Route No. 3 in Maine as Blue Star Memorial Highway (H. P. 1515) (L. D. 1957)

Reports were read and accepted, the Bills read twice, Resolves read once and tomorrow assigned.

### Passed to Be Engrossed

Bill "An Act relating to Unusual School Enrollment Increases" (H. P. 1465) (L. D. 1908)

Bill "An Act relating to School Construction Aid Payments" (H. P. 1469) (L. D. 1912)

Bill "An Act relating to Number of Corporators of Oak Grove School" (H. P. 1486) (L. D. 1929)

Bill "An Act Authorizing the Use of the Name Maine School Management Association" (H. P. 1487) (L. D. 1930)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair observes the presence in the hall of the House of the gentleman from Lisbon, Mr. Lessard, in seat number 72, and the Clerk will correct the rolls accordingly.

### Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act relating to Revenue Sharing and Financial Relief to Counties for Expenses of the Superior and Supreme Judicial Courts" (S. P. 712) (L. D. 1986) — In Senate referred to Committee on State Government.

Tabled — January 26, by Mr. Hewes of Cape Elizabeth.

Pending — Motion of Mr. Kelleher of Bangor to refer to the Committee on County Government.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would ask that we refer the bill again to the Committee on State Government. I would take just a moment or two to discuss with you the contents of the bill so that the House may make the decision on proper reference.

The Senate, as you know, has referred the bill to State Government. If my memory is correct, we dealt with a similar bill during the regular session, which was also heard by the Committee on State Government. The basic plan is to remove the burden from the real estate taxation imposed from the county tax and put this at a state level.

This is a bill that has originated out of the State of Maine Judicial Council and I think it is properly a bill that goes before the State Government Committee rather than the County Government Committee.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I beg your indulgence for just a few moments this morning in concerning the life of this bill, where it originally did go to State Government. This bill was presented at this particular special session and was assigned for the Appropriations Committee. I have discussed the bill with the sponsor and felt where this was involving county government insofar as the costs of the courts and the

improvements that we have made in the court judicial system in the sixteen counties and the number of improvements financially as well as staff concerning the courts, it was my idea in talking over with the County Government Committee we felt that this is going to be kind of a controversial item. This is going to take some time in fact finding.

We are much more familiar with county budget and the operation of the courts than our brothers that are on the State Government Committee. That committee is overworked now. They have got 12 or 13 major reorganization bills and I feel, that due to this and due to our knowledge of the operation of county government, our committee can more effectively bring an answer back to this group.

This bill hasn't got a price tag on it. I think it was estimated last time at \$3.5 million. So when you take a bill as large as this, and considering the cost of what it is going to be, it is going to take some time to study it very thoroughly.

My committee is up on county budgets. We have worked on them, some of these gentlemen for many years. I have been on the committee myself for only one session, but I feel this bill belongs in County Government and not State Government.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker and Members of the House: I am also a member of the County Committee. The thing that is mystifying me is why our attorneys are attempting to have this transferred from Appropriations to State Government with a price tag of \$3.5 million on it.

We have had rumors in our County Committee of this bill previously and wondered why it wasn't committed before. I think in all fairness to every member in this House, we should have it before the County Committee.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I am

at somewhat of a disadvantage because I just reached my seat this morning and haven't had the benefit of the prior debate on it, but I hear the attorneys being whittled at again and I feel I have got to answer with some response. And that is I think the reason why the suggestion was that this be referred to State Government is that we have a serious problem with law enforcement in the state, and the problem is not simply one of dealing with a problem in one county or in another county. We have an overall problem of establishing a system so that not only can we apprehend people and charge them with crimes, but so that we can process the cases through the courts over the whole state on a basis that will take care of the business fairly and speedily.

I was requested to serve and did serve on the Interim Committee that dealt with this subject matter, and I think the reason that this bill was not referred to Appropriations — and I am going on recollection here — I believe that there already is an item in the Appropriation bill dealing with the subject matter. So the thought was that the issue of how we should handle the expenses of our state courts was thought to be a proper item for the State Government Committee.

Now I can appreciate that there is interest on the part of the Committee on County Government to consider this item, and perhaps if I explain some of the history of what happened here, you can understand why.

Like it or not, we are involved in a struggle in this state. The county government officials in the state are looking very carefully at every action that is taken at the State level to see whether somebody is trying to do away with state government. And in an effort to try to find out what the price tag was to have the cost of our court system carried at the state level, we requested the County Commissioners to provide that information to the committee. It seemed to some of us, at least, that this ought not to be a difficult thing to get, and yet, with the exception of one county, we could

not get estimates from the County Commissioners in the state as to what the cost was or the reasonable cost was of the court rooms and the court services in the state.

Now, it is early to get into the issue, but I think at least before you vote on the pending motion, I think the House members ought to have benefit of some of the history of what has been involved here.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Members of the House: As a member of County Committee and coming from Lincoln County, I would like to point out to you people that Lincoln County is in the process of spending over \$350,000 to provide additional courtroom space in the county. I feel this is a county function. The fact that a committee asked the county for figures and estimates of cost, it wasn't mentioned that they were given less than two weeks to provide these figures, and with our county government setups the way they are they didn't feel that they could adequately answer it. I believe this bill belongs before the County Government Committee.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Prior to 1957, when you paid your fine you also paid costs of court. The attorneys thought this should be done away with, and I, although I am not an attorney, I submitted a bill eliminating costs of court.

But I have a question that I would like to ask the attorneys now, because when we passed that, it was the opinion that the judges were going to make their fines high enough to take care of all the costs of court. Are they not doing that?

The SPEAKER: The Gentleman from Bath, Mr. Ross, poses a question through the Chair and any member may answer if they so desire.

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

Mr. HEWES: Mr. Speaker, in answer to the gentleman from Bath's question, Mr. Ross, it is felt that a system by which judges receive income based on the amount of their fines is not a good system. Several years ago, the fines, the income received by the District Courts was voted to be turned into the General Fund after withholding a certain amount for new District Court construction. So in answer to your question, it is felt by legal scholars that imposing fines which will inure to the increased salary or benefits of the judges in the court system is not a good way to do it.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, and Members of the House: It chagrins me to get up and take issue with the gentleman from Augusta, Mr. Lund, and the good gentleman from Cape Elizabeth, Mr. Hewes, because of my true feeling of respect for them, I, as Mr. Lund, was honored by the Speaker to be named on this subcommittee making a study of this problem. I did not attend one meeting because I stated that I was opposed to this thing, this program, from the outset, for several reasons. One being that it is my concentrated opinion that this is one way to get at county government and just strike it out.

One thing that amazes me is the question that was posed by the gentleman from Bath, Mr. Ross. I see nothing in here that says that the Clerk of Courts program and their high costs would be taken over in this part of the program.

I am also a member of the Appropriations Committee and I don't believe either that this bill belongs before the Appropriations Committee. I think this is strictly and purely a County Government matter. And I would like very much to see it go down to the County Government so that they could kill it in committee or else we'd kill it up here because it is gone anyway, wherever it goes. But at least let's start out right with the axe by putting it in its proper perspective, and that is the County Government, so that the



County Sub-committee on County Government that I hear will be able to make that part of the agenda that I have here which is two pages long. We intend to travel all over the State of Maine.

If we are going to eliminate County Government, let's not do it in this fashion. Besides that, this is a built-in again of some \$3.5 million which would quickly come to \$5 million which the State would have to pay with. We have already got — and I will prove in this talk later on — a built-in to keep the store open of \$55 million besides what we are going to build in out of the \$13.5 million that survives, plus this bauble here.

So let's put things in their proper perspective. If we are going to give something the axe, let's get it in the right shed first, and then we can go from there. And when the vote — I certainly hope, with due deference to the two gentlemen, the two attorneys that spoke, I certainly hope this bill will be referred to the Committee on County Government, and when the vote is taken I move it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I too feel as though this should go to County Government. I know that we have a very able committee in County Government that really understand the bill, and I would like to expedite matters and get out of this session as quickly as possible. I think this is one of the things that can save us a few days in time.

First of all, I think it's already been pointed out that the State Government has all these reorganization bills, and they are really going to have — most of the legislation before us is going before the State Government Committee. The County Government Committee has very few bills and is in a much better position to handle this bill, and in all due respect I think it should go there. I hope you will see fit to send it there, to County Government.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr.

Kelleher, that this matter be referred to the Joint Standing Committee on County Government in non-concurrence. The yeas and nays have been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that Bill "An Act relating to Revenue Sharing and Financial Relief to Counties for Expenses of the Superior and Supreme Judicial Courts," Senate Paper 712, L. D. 1986, be referred to the Committee on County Government in non-concurrence. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YES — Albert, Bailey, Barnes, Bartlett, Bernier, Berry, G. W.; Berube, Binnette, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Carey, Churchill, Clark, Clemente, Cote, Cottrell, Cummings, Curran, Curtis, A. P.; Cyr, Dam, Doyle, Dudley, Dyar, Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Gauthier, Genest, Good, Goodwin, Hall, Hancock, Hardy, Haskell, Hawkens, Henley, Herrick, Hodgdon, Immonen, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lucas, Lynch, MacLeod, Maddox, Mahany, Marsh, Martin, McCormick, McKinnon, McNally, Mills, Mosher, Murchison, Murray, Norris, Page, Parks, Payson, Pontbriand, Porter, Rand, Rocheleau, Rollins Ross, Santoro, Scott, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Tangway, Theriault, Trask, Vincent, Webber, Wheeler, White, Whitzell, Wight, Williams, Wood, M. E.; Woodbury.

NO — Ault, Baker, Berry, P. P.; Birt, Bourgoin, Carter, Collins, Cooney, Curtis, T. S., Jr.; Donaghy, Dow, Emery, D. F.; Gagnon, Hayes, Hewes, Lessard, Lund, Marstaller, McCloskey, McTeague, Millett, Morrell, Orestis, Pratt, Shaw, Smith, D. M.; Smith, E. H.; Stillings, Susi.

ABSENT — Bedard, Carrier, Conley, Crosby, Drigotas, Gill, Manchester, O'Brien, T y n d a l e , Whitson, Wood, M. W.

Yes, 110; No, 29; Absent, 11.

The SPEAKER: One hundred ten having voted in the affirmative and twenty-nine in the negative, with eleven being absent, the motion does prevail.

Sent up for concurrence.

Mr. Bither of Houlton was granted unanimous consent to address the House.

Mr. BITHER: Mr. Speaker and Members of the House: I have just been reminded by my colleague on

my right, the gentleman from Old Orchard Beach, that he got a letter from me last summer relative to mining laws. At least twice a day someone has mentioned this very thing, that they got a letter from me. It was mailed from Houlton; it was unsigned. Why I was supposed to have sent it out I do not know, except he said "Well, you are a geologist and I naturally thought you sent it out." I would like to tell the members of this House that I did not send it out, I know nothing about it. I also assure you, I can speak for Mr. Haskell, he did not send it out because we have talked about it. And if anyone has a copy of that letter — I threw mine away — it is unsigned; anytime I send the members of this House a letter it will be signed.

On motion of Mr. Porter of Lincoln,

Adjourned until nine o'clock tomorrow morning.