

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

*1st Special Session*

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

MARCH 7, 1974 TO MARCH 29, 1974

**Index**

**Legislative Ethics Committee Report**

Kennebec Journal  
Augusta, Maine

### SENATE

Friday, March 8, 1974

Senate called to order by the President.

Prayer by Father Donald W. Jacques of Gardiner:

Let us pray. God our Father, who knows the secrets of all hearts and from whom is hidden no word, deed or omission, this day we pray to you for light, wisdom and strength. May your inspiration bring insight and vision so that truth may ever be revealed and error avoided. Grant too a share of your wisdom so that decisions may be prudently and intelligently made, and that the fulfillment of these decisions may bring peace, concord and well-being to the citizens of this state and to all society. Grant finally that each member of this Senate and all who serve it may be inspired by your strengthening grace, that they may steadfastly and unflinching fulfill their duties under the law without weakness or favoritism or time-saving, that your will may be done on earth as it is in heaven. Amen.

Reading of the Journal of yesterday.

### Orders

On motion by Mr. Huber of Knox,

ORDERED, the House concurring, that the Joint Standing Committee on Marine Resources report out a bill to establish a moratorium on the issuance of lobster and crab fishing licenses. (S. P. 930)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Katz of Kennebec,

WHEREAS, the Maine Management and Cost Survey recommended divesting the State Board of Education of responsibilities; and

WHEREAS, the State Board of Education has responsibilities related to approval of school administrative and community school districts, standards for elementary and secondary schools, standards for school construction, establishment and operation of technical and vocational institutes and other matters relating to governance of

elementary and secondary education; and

WHEREAS, the survey commission further recommended the creation of an Advisory Board of Education to act in an advisory capacity to the Commissioner of Educational and Cultural Services; and

WHEREAS, Governor Kenneth M. Curtis in a special message to the 106th Legislature on January 10, 1974 reported that there are certain duties and functions relating to federal programs and state affairs which require a policy-making board rather than an advisory group and advised that before these recommendations are adopted, the duties of the State Board of Education be carefully studied and that any matters which are primarily administrative in nature be transferred to the commissioner; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be directed to conduct a study through the Joint Standing Committee on Education of the subject matter of the following bill: "AN ACT Abolishing the State Board of Education and Creating an Advisory Board," Senate Paper 863, Legislative Document 2432, introduced at the first special session of the 106th Legislature to determine whether the best interests of the State would be served by adoption of such legislation; and be it further

ORDERED, that the Council report the results of its study to the 107th Legislature. (S. P. 929)

Which was Read.

Thereupon, on motion by Mr. Berry of Cumberland, tabled pending Passage.

### Committee Reports House

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules.

Bill, "An Act to Regulate Credit Terms in the Retail Sale of Heating Oil for Residential Use." (H. P. 1949) (L. D. 2487) (Senator Cox of Penobscot — Abstained)

### Refer to 107th Legislature

The Committee on Business Legislation on,

Bill, "An Act to Abolish the Assigned Risk Plan and to Establish the Maine Motor Vehicle Reinsurance Facility." (H. P. 1860) (L. D. 2365)

Reported that the same be referred to the 107th Legislature.

The Committee on Labor on,

Bill, "An Act to Reduce the Appointed Members of the Industrial Accident Commission from Four to Two and Reevaluate the Pay Range." (H. P. 1883) (L. D. 2393)

Reported that the same be referred to the 107th Legislature.

The Committee on Labor on,

Bill, "An Act Relating to Appeal Tribunals under Employment Security Law." (H. P. 1884) (L. D. 2394)

Reported that the same be referred to the 107th Legislature.

The Committee on Labor on,

Bill, "An Act to Establish an Occupational Safety and Health Program for the State of Maine in Accordance with Federal Guidelines." (H. P. 1933) (L. D. 2474)

Reported that the same be referred to the 107th Legislature.

Come from the House, the reports Read and Accepted and the Bills Referred to the 107th Legislature.

Which reports were Read and Accepted in concurrence and the Bills Referred to the 107th Legislature.

#### **Divided Report**

The Majority of the Committee on Taxation on,

Bill, "An Act to Correct the Administration and Collection of Real Property Taxes for Education Purposes." (H. P. 1773) (L. D. 2245)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COX of Penobscot

FORTIER of Oxford

Representatives:

FINEMORE of Bridgewater

SUSI of Pittsfield

IMMONEN of West Paris

DAM of Skowhegan

MERRILL of Bowdoinham

COTTRELL of Portland

DOW of West Gardiner

DRIGOTAS of Auburn

MORTON of Farmington

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-736).

Signed:

Senator:

WYMAN of Washington

Representative:

MAXWELL of Jay

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

(See Action later in today's session)

#### **Senate**

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Repealing the Budget Laws Providing for Work Programs and Allotments." (S. P. 881) (L. D. 2467)

Bill, "An Act Providing Appropriations and Allocations to Implement Various Recommendations of the Maine Management and Cost Survey Commission Report." (S. P. 835) (L. D. 2376)

#### **Ought to Pass in New Draft**

Mr. Greeley for the Committee on Transportation on,

Bill, "An Act Relating to the Powers of Maine Port Authority." (S. P. 801) (L. D. 2295)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 931) (L. D. 2564)

Which report was Read and Accepted and the Bill in New Draft Read Once.

Thereupon, on motion by Mr. Greeley of Waldo, tabled and Tomorrow Assigned, pending Assignment for Second Reading.

#### **Divided Report**

The Majority of the Committee on Veterans and Retirement on,

Bill, "An Act Relating to Retirement of Justices of the Supreme Judicial and Superior Courts and Judges of the District Court." (S. P. 825) (L. D. 2352)

Reported that the same Ought Not to Pass.

Signed:

Senator:

HENLEY of Oxford

Representatives:

PRATT of Parsonsfield

TWITCHELL of Norway

LYNCH of Livermore Falls

KELLEY of Machias

BERRY of Buxton

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

Signed:

Senators:

RICHARDSON of Cumberland

DANTON of York

Representatives:

THERIAULT of Rumford

GAHAGAN of Caribou

Which reports were Read.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and tomorrow Assigned, pending Acceptance of Either Report.

### Second Readers

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

#### House

Resolve, Authorizing Robert A. Denticio to Bring Action Against the State of Maine. (H. P. 1921) (L. D. 2456)

Which was Read a Second Time and Passed to be Engrossed in concurrence.

#### House — As Amended

Bill, "An Act to Correct Errors and Inconsistencies in the Motor Vehicle Laws." (H. P. 1788) (L. D. 2260)

(On motion by Mr. Cianchette of Somerset, temporarily set aside.)

Bill, "An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expense." (H. P. 1991) (L. D. 2535)

(On motion by Mr. Cox of Penobscot, tabled and Specially Assigned for March 12, 1974, pending passage to be engrossed.)

Resolve, Providing for the Replacement of Babb's Covered Bridge in Windham and Gorham. (H. P. 2004) (L. D. 2548)

Which were Read a Second Time and, except for the tabled matters, Passed to be Engrossed, as Amended, in concurrence.

The President laid before the Senate

the matter set aside by Mr. Cianchette of Somerset:

Bill, "An Act to Correct Errors and Inconsistencies in the Motor Vehicle Laws." (H. P. 1788) (L. D. 2260)

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-385, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would like to explain this amendment. This amendment would repeal a law that was earlier enacted in this session of the legislature and signed into law by the Governor. It has to do with the law that makes mandatory lighted headlights on motorcycles during the daytime as well as night.

I believe there has been much new evidence presented since this law was enacted and I would like to explain briefly some of those facts that have been brought out. If you will bear with me, I will read a few items. Those who argue in favor of "lights on" laws claim that burning lights during daylight hours reminds drivers to be careful, attract attention, increases visibility, and indicates direction of travel, thus reducing accidents and saving lives. Although these appear to be valid reasons for enacting such laws, other facts and statistics indicate that these points may not be valid.

The fact is that a single centrally burning headlight does not serve as a good direction indicator. Additionally, the effectiveness of tail and brake lights are lost during daylight hours due to the small differential in intensity of the lights. Invariably, if a motorcycle is involved in an accident, especially of a front-end nature, the first thing which is destroyed is the headlight, making it nearly impossible for the cyclist to establish that his headlight was burning. Hence, in many states he may be found negligent and liable in an accident which was more than likely not his fault.

In the long term, motorists become immune to the impact of the lighted motorcycle lights. Seemingly, legislators, in their zest to protect

motorcyclists from accidents, have ignored the most important factor. It has been established that in seventy percent of car-bike accidents cyclists are victims of discourteous, unthinking, or perhaps even a consciously hostile motorist. There are charts that show that states that have the headlight law have no better safety record than those who do not.

What does all this mean? I think that Eric Sevareid really summed it all up in this quotation that I would like to read to you. We are talking about passing laws that infringe on people's rights. Let me read this. "The special nature of liberties is that they can be defended only as long as we still have them. So the very first signs of their erosion must be resisted. It is an eternal error to believe that a cause considered righteous sanctifies unrighteous methods."

Now, Mr. President, because this amendment is a substantive change, I believe the rules say that this needs to be posted for three days notice before any action may be taken on this amendment. Therefore, I would ask if someone would table this bill and the amendment for at least three legislative days.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

#### Senate

Bill, "An Act Relating to Applicability of Workmen's Compensation Law to Employers." (S. P. 802) (L. D. 2296)

Bill, "An Act to Provide Information to Used Car Purchasers." (S. P. 928) (L. D. 2560)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act Providing Minimum Retirement Benefits for Certain Teachers." (S. P. 787) (L. D. 2267)

Which was Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action whereby it passed to be Engrossed Bill, "An Act to Provide Information to Used Car Purchasers." (S. P. 928) (L. D. 2560)

On further motion by the same Senator, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

#### Enactors

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

An Act to Establish Better Interlocal Cooperation in Preparedness for Civil Disasters and Emergencies. (S. P. 828) (L. D. 2362)

An Act Relating to the Real Estate Commission. (S. P. 841) (L. D. 2382)

An Act Relating to Citizenship and Residency Requirements for Employment in the State's Classified Service. (S. P. 909) (L. D. 2516)

An Act to Repeal the Corporate Franchise Tax and Recover Losses by an Adjustment in the Annual Report Fee. (S. P. 915) (L. D. 2536)

An Act to Collect the Tax on Insurance Premiums Quarterly. (H. P. 1873) (L. D. 2372)

An Act Increasing Salaries of Various County Officers. (H. P. 1982) (L. D. 2525)

(On motion by Mr. Minkowsky of Androscoggin, temporarily set aside.)

An Act Relating to Fees Charged by the Department of Public Safety. (H. P. 1989) (L. D. 2533)

An Act Amending the Insurance Laws. (H. P. 1990) (L. D. 2534)

An Act relating to Standards for Selection of State Auditor and Duties of the Office. (H. P. 1996) (L. D. 2538)

(On motion by Mr. Sewall of Penobscot, placed on the special Appropriations Table.)

Which, except for the tabled matters, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

The President laid before the Senate the matter set aside by Mr. Minkowsky of Androscoggin: An Act Increasing Salaries of Various County Officers. (H. P. 1982) (L. D. 2525)

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: I just want to make the record perfectly clear that I oppose the increases in salaries of various county officers and I would want to be on record as opposing this. In that particular case, Mr. President, I would ask for a division on this particular vote.

The PRESIDENT: A division has been requested. This bill, having had its two several readings in the House and having been passed to be engrossed, and having had its two several readings in the Senate and having been passed to be engrossed, having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, and having been passed to be enacted in the House and signed by the Speaker, is it now the pleasure of the Senate that this bill be passed to be enacted. A division has been requested. As many Senators as are in favor that this bill be passed to be enacted will please rise and remain standing until counted.

A division was had. 21 Senators having voted in the affirmative, and eight Senators having voted in the negative, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### **Emergency**

An Act Making Current Service Appropriations from the General Fund and Allocating Money from the Federal Revenue Sharing Fund for the Fiscal Year Ending June 30, 1975. (S. P. 905) (L. D. 2508)

Mr. Hichens of York moved that the Bill be tabled and Tomorrow Assigned, pending Enactment.

On motion by Mr. Sewall of Penobscot, a division was had. Five Senators having voted in the affirmative, and 26 Senators having voted in the negative, the tabling motion did not prevail.

This being an emergency measure and having received the affirmative votes of 27 Senators, with four Senators voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary

presented to the Governor for his approval.

#### **Emergency**

An Act Establishing a Full-time Administrative Assistant for the State Parole Board. (S. P. 892) (L. D. 2494)

On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.

#### **Reconsidered Matter**

Mr. Richardson of Cumberland moved that the Senate Reconsider its action whereby it Accepted the Majority Ought Not to Pass Report on Bill, "An Act to Correct the Administration and Collection of Real Property Taxes for Education Purposes." (H. P. 1773) (L. D. 2245)

A viva voce vote being taken and in doubt, a division was ordered.

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

Mr. RICHARDSON: Mr. President, I would like an opportunity to debate this, and I would appreciate it if some member would table this matter, pending reconsideration, until Tuesday next.

Mr. Morrell of Cumberland then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Richardson of Cumberland to Reconsider.

On motion by Mr. Katz of Kennebec, a division was had. 13 Senators having voted in the affirmative, and 18 Senators having voted in the negative, the tabling motion did not prevail.

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

Mr. RICHARDSON: Mr. President, in support of my motion for reconsideration, first of all, I would like to apologize to the members of the Senate for allowing this to get to the reconsideration stage. I suppose it would have been more appropriate to debate this matter on the acceptance of the committee report.

L. D. 1994 was, as its proponents have suggested, a significant milestone in financing public education in Maine, but it has become a significant millstone to a

great many communities here in Maine who are trapped by pure fortuitous circumstance in a spiralling cost, and I want to call it to your attention.

Now, I have attended two meetings in the past year that I will never forget. One of them was in Harpswell the other night. As you know, Harpswell is a coastal community and, because of increased leisure time, better transportation and the population explosion to the south, developers and speculators, many of them from out-of-state, are exerting significant impact and increased costs on coastal property all over the State of Maine. This is an event in our land use pattern which is troublesome to every one of us. More and more coastal property in Maine is becoming less and less accessible to Maine people because of the ad valorem property tax, which effects a kind of de facto zoning that drives up the cost of real property.

Now, when 1994 came along, there were those of us here in the Senate who thought it would have been more appropriate in order to determine a municipality's wealth to consider not only real property, members of the Senate, but also other valid indications of wealth, such as per capita income. Unfortunately, 1994 in the last session totally relied on the property tax to make judgment as to the wealth of a community, and I say that was wrong. I don't think we ought to be ashamed or embarrassed to say that it was wrong, and I don't think that we ought to walk away from correcting what I think is a tragic injustice to those communities who, because they happen to be located along the coast such as Harpswell, Boothbay Harbor, and these other communities such as Raymond, I don't think that we ought to lock in our valuation so that we are doing exactly what we don't want to do, that is, place more and more burden on the property tax and those who have to pay it. I think there has been a significant injustice and inequitable treatment worked against these people who live in these communities and I think we ought to do something about it.

Maybe this particular piece of legislation that is under consideration is

not the best vehicle. Perhaps it has to be amended. Basically what it does, however, is provide that in the communities such as Harpswell, Boothbay, and these other communities, that they may retain the excess over fifty percent of the real property tax and put that excess to other bona fide municipal governmental purposes to pay for other services.

Now, somebody is going to say the magic word "Wiscasset", and then we are all supposed to run off into the night screeching and howling because we can't do anything that would possibly favor Wiscasset, which fortuitously happens to have located within its borders a power generating facility. The same argument is made with respect to communities like Yarmouth. But there is a very delicate balance here that I believe ought to be struck. I think that there ought to be a formula for determining the value of a community because I think the day has long since passed when real property is any real true indication, and certainly not the sole indication, of a man's wealth.

I believe that 1994 worked into the law an undesirable rigidity in the method by which we determine a municipality's wealth. I believe that this Senate ought to be a place where justice is done, and I think a significant wrong was done to the people who happen to live in these coastal communities where the real property tax is as high as it is.

Everybody says well, the appropriation is too much on the bill, we can't get it through, we can't do anything about it. Well, I am not ready to give up on it, and I don't understand the great steaming rush to prevent the matter even being tabled for a day or two in order to permit discussion. There is no more important bill before this session than we face up honestly to what I say we ought not to be ashamed to admit, and that is that in the question of how we determine a municipality's wealth we made a mistake. I think it ought to be corrected, and I think it is a tragic injustice if it is not corrected.

On the motion for reconsideration, Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested.



The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I oppose the tabling motion because I think we should handle this item today. I will agree with the Senator from Cumberland that, even though overall perhaps this bill has been a benefit to the majority of the towns and communities in our state, that the ones that are hurting are hurting a lot worse than the ones that are being helped.

I have six towns in my district; 1994 benefits four of them and it hurts two. The two that are hurting are receiving a great deal more hurt than the four that are being helped. So I would stand up and support the Senator from Cumberland because I feel we should reconsider this matter and get this bill along the way.

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

Mr. MORRELL: Mr. President and Members of the Senate: It seems to me that every day and in every session this legislature or this Senate is preoccupied, and quite properly so, with what is good for the majority, and I think we deal with these problems very adequately. At the same time I think we also do a responsible job in most instances in dealing with problems of minorities, particularly when those minorities have been unduly treated in relationship to legislation that tried to handle a legitimate problem.

Now, I agree thoroughly with the thrust and intent of 1994, but I think because it isn't perfect I think we should seriously consider how we can make it a little bit better. I think we have some situations, particularly along the coast, and particularly with communities like Harpswell, peninsula types, where the relationship of shorefront property to back property is very, very low, that with the particular kind of legislation that 1994 is, we have created a significant and very severe hardship for this group.

I would hope that this morning we would reconsider so that we will have a chance to discuss this and reflect a little bit as to how we might deal with a real problem for a small number of

communities essentially around bodies of water where the value of the land has begun to skyrocket for reasons, in many instances, beyond their individual control.

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

Mr. KATZ: Mr. President and Members of the Senate: I appreciate the opportunity to respond to some of the comments here this morning. This is March 8th, the question of 1994 has been before us now for 14 months, and nothing has changed. The very real concerns that have been expressed here this morning existed in the minds of many of us 14 months ago, two years before that when we considered a similar bill, and two years before that when we wrestled with the question of the importance of property tax.

The one thing that I can agree with, with respect to the arguments of the Senator from Cumberland, Senator Richardson, is that property taxes should not be relied on too heavily as a measure of wealth. And if there is one thing that L. D. 1994 did, it was to reduce the reliance on property tax. This is the lowest reliance on property tax for the funding of education ever enacted by the State of Maine. So if you are in favor of reducing the reliance on property tax, you ought to love L. D. 1994.

I am deeply concerned at the plight of the people on the coast, but I will not share the comments of the Senator from Cumberland, Senator Richardson, which he made, according to reports, in Harpswell that the Committee on Education did not do its job, that it acted irresponsibly, that it didn't understand the implications of the bill, because I can tell you that we spent more man hours on that bill, I suspect, than any other bill I have been involved in since I have been in the legislature. And our work did not stop with the adjournment of the regular session. We are working on it today, and we will continue to watch it and continue to monitor it because we feel a sense of responsibility. On a regular basis we get reports as to what is happening in each community in the state.

I want to tell you that a poor person in the Town of Chelsea outside of Augusta

is no less worthy of my sympathy than a poor person living in the Town of Harpswell. A person with limited income is a person with limited income. So to say that there are poor people in Harpswell overlooks the fact that there are poor people in Chelsea, Augusta, Vassalboro, and all the other communities I represent.

The fact that we are sharing more and more of the cost of the personal income tax places a higher commensurate responsibility for the payment on those who can afford to pay. To a greater extent possibly this bill puts the burden on people who can afford to pay by the reliance on the state's share, which increasingly is going to be the personal income tax.

Now, there has been a law suit that has been threatened against the state and some pretty capable attorneys have been involved. And you have read in the press that we are going to be attacked because this bill is unconstitutional. If the bill were patently unconstitutional, there would have been a law suit a long time ago. I know of no justification for saying that this bill is unconstitutional, and the fact that the law suit has not been launched indicates that the relief that was being sought through the legislature was the best bet.

Let me tell you what happened when they started to tinker with a very complicated bill. They ran into the situation where at the public hearing on this bill they acknowledged that the bill they were attempting to introduced had constitutional problems with it, so they offered an amendment. And I will mention Wiscasset, because it only goes to show you the vagaries of the approach that they are taking. If you enact this bill in its present form, as modified, Wiscasset will have something over a million tax dollars that cannot be used in education, that must be used for non-educational purposes. I think, if you have been in the community, you have noticed they have got a very nice town hall and they have got other nice facilities within the community that many of us would love to have. I am not picking on Wiscasset, because the Wiscasset story will be told elsewhere in other communities which will have to

raise the money, but instead of sending it to the state, use it for local purposes. And I am sure that in some communities they have no legitimate local purposes to spend the money, so you are going to have some awfully nice city halls and new fire trucks and the like, and create a disparity of our ability to meet our needs.

Shall we consider more than the property tax on this bill as we measure the ability to pay? Well, we considered everything. We considered the per capita income. We were lucky enough to be able to get from the census per capita income for every community in the state, but we decided that per capita income is not a valid thing to try to build into this bill.

The thing that really disturbs me here today is that I tried to equate the posture of the Senator from Cumberland, Senator Richardson, during the regular session when I was desperately anxious to get support, and I had the feeling that he was not supportive, but finally on enactment day he spoke up in glowing terms as to the great nature of this bill, and the only problem that was expressed was our ability to fund it. There were not any reservations about the poor communities along the coast. Well, today I share concern for the poor communities along the coast, but I want to tell you that there are thousands of taxpayers in the State of Maine today who for the first time, the first time in my memory, are going to pay an equitable tax, an equitable tax that my constituents and your constituents have been paying right along.

I told you last year about the study we did about how much individual property owners are paying in the State of Maine, and I can tell you that if you wanted to find taxpayers who are getting a free ride compared to your constituents, your next door neighbors, and the people who sent you here, you examine the tax rolls along the coast. One community that just swarmed over our public hearing had a home that was sold for \$25,000, and the tax was \$135 a year. How much are you paying on your home? How much are the people who sent you here paying on their homes? I say that there are injustices and there are inequities, but they can't

be solved by attempting to gut the whole concept of equity.

I won't keep you much longer but I want to point out one thing to you. It doesn't make any difference where you live in the State of Maine as to how much sales tax you pay. You pay 5% whether you live in Senator Greeley's district or you live in Kennebec County. You pay 5%. You pay an equal tax. And when you drive up to the gas pump, regardless of whether you are in Kittery or you are in Fort Kent, you pay the same gasoline tax. And those of you who are perplexing as I am over my state income tax know that the schedule is the same no matter where you live in the state. There is only one tax now on the books which has an inequity built into it, and it has something to do with the tax on liquor in Kittery, and I understand to some extent that is controversial. But for the first time we have taken the local property tax and we have made it equal all around the state.

So for the first time, regardless of the difficulty of the transition period, regardless of the difficulty of the people who have been paying at a lower level to bring it up to the higher level, there is a sense of equity and fairness. And if you think that the pregnancy has been difficult and the delivery of this baby called L.D., 1994 has been painful, I will agree, but don't kill the baby just because of the difficulties in the delivery of the child.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: At the risk of coming back to the point of this piece of legislation, the sales tax is equal wherever you go, the income tax is applied equally to certain levels of income, regardless of where you happen to live, the gasoline tax is paid by you, whatever size car you drive or wherever you happen to come from. The inequity and injustice here is that you have frozen into cement property tax valuations in those very high property tax evaluation areas of the state, such as the coast of Maine which is being subjected to more and more development pressure, where the prices are going up and up and up for

real property, and you are in 1994 taking an action which I think is totally inconsistent with this legislature's actions over the past several years when we proposed a constitutional amendment which was adopted by the people of this state to permit land to be taxed at its highest and best legally permissible use.

In other words, what I am telling you is that 1994, geared as it is directly to property tax valuation as being the sole indication of a community's wealth, is grossly unfair and totally inconsistent with the long-term interests of Maine people on the coast of Maine.

Now, what repels me about the arguments that seem to be implied here is some concept of quantitative morality. In other words, we will accept so many wrongs until you get up to the magic number—and I suppose politically that is when you get up to 51 out of 100 — we will accept so many wrongs as long as we have at least a few rights to balance. That is quantitative morality, and it is just as wrong as it can be, and the thinking that leads to it, I suggest to you, is erroneous.

Harpswell, I believe the figures would show, has a very low per capita income. Tell me what reason there is in any enlightened legislative body to say well, tough luck to you, Harpswell and all other coastal communities, regardless of your per capita income, regardless of the fact that the majority of your people make their livelihood going out to fish for lobsters or participate in a fishery, that is tough luck, Harpswell, we are crossing you off for the greater good. Well, I reject that argument.

As far as the comments about this bill, I would remind the Senator from Kennebec, Senator Katz, that as Majority Leader of the House in the 103rd and again in the 104th, I repeatedly supported tax measures necessary to increase public support for education because I believe, as I indicated in the debate on 1994 in the last session, that there is something really wrong when you make the quality of a child's education depend on where he happens to live. I support 1994. I support the concept of broad-based tax support for public education. I will continue to

support it. What I reject is the cynical proposition by which we say tough luck, Harpswell, or Boothbay, or any of these other communities, we are doing all these other things and we are too busy to look at your problem. I think we have got to look at it. That is the reason I asked for reconsideration, and frankly ladies and gentlemen of the Senate, I am appalled to think that we are not even going to give this bill time to really look at it and try to work this problem out now. What we are doing by saying "Oh, we are looking at it, we are monitoring it" - I believe that was the expression — that is nothing but plain old-fashioned lip service. I was about to use another expression and I had to change gears there very quickly.

Mr. President, I think that we ought to keep this bill before us and we ought to stay here as long as is necessary to correct this injustice. I hope that the other members of the Senate will agree.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Haskell.

Mr. HASKELL: Mr. President and Members of the Senate: I served on the Education Committee and spent most of the winter listening to small communities whose story was that basically there was not enough valuation in the community to support an adequate educational system. This fact is the principal reason and the principal thrust behind the development of 1994. A way had to be found to reduce the reliance on property tax for the very simple reason that there were scores of communities in the state that simply did not have the valuation to support an adequate educational system.

Now, the problem that is being belabored here this morning is very obviously a problem of valuation. This is the area that should be dealt with. If valuations were equalized throughout the state, and if there are special situations where speculative activity is inflating values, then this should be dealt with through special consideration on state valuation, not by attacking what is an equitable law for the support of education. The problem, to me, is being attacked through the wrong vehicle. If we have to have adjustments in

valuation, if we have to achieve equitable valuation so that in fact we wind up with everybody paying equally for the support of education, which is the intent and the thrust of 1994, then we have to get the problem out of valuation. And the facts of the matter are that for the great majority of the communities in the state 1994 is achieving what was sought to be achieved, namely: a lessening of reliance on property tax. Scores of communities this year, for the first time, are going to experience either tax rates held in check or in many cases reduced because of the effects of 1994. This is the end that was sought when the legislation was written and when it was passed, and it seems to me that we would be making at this point a tragic mistake to try to dismantle what is a good law, and equitable law, because of deficiencies in our valuation system.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: It seems to me the issue this morning is not whether you ultimately agree or disagree with either philosophy, but the issue is to keep the bill alive so that at least we can take another look at it. I think that really is the issue.

It seems to me there is one important difference that we should keep in mind. When the good Senator from Kennebec, Senator Katz, says that the reliance on the property tax for educational purposes has been reduced, he is correct. On the other hand, we are locked into determining how wealthy a town is solely on the basis of property valuation, and certainly that has not only the possibilities but the realities of some grave injustices. It seems to me the whole thrust of 1994 is to move away from reliance on the property tax, yet it moves more solidly toward a reliance on the property tax as a measure of the community's wealth, and I think there is an inconsistency in those two philosophies.

It seems to me that I would be in favor of continuing to keep this bill alive so that we can look at the problem and perhaps improve on the situation. Because the good Senator from

Kennebec, Senator Katz, says per capita income was considered by the Education Committee, it seems to me, does not foreclose the Senate as a whole and the legislature as a whole considering that element as perhaps being built into this formula for reducing the property tax or reducing reliance on the property tax. So I would hope that you would keep this bill alive because, if you don't, you are forever closing the door. If you do, you are merely keeping the door open for another look. Thank you, Mr. President.

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

Mr. KATZ: Mr. President and Members of the Senate: I really don't feel that there are any doors here being closed. I venture to say that the concept of this bill will be before every session of the legislature for the foreseeable future.

I want to make just a couple more comments about saying tough luck to the people who live in an over-correction community. It sounds callous to say "tough luck", and I think it is an improper phrase. But I think what this bill does is that it says if you live in a home that is worth \$25,000 and inflation has been modest in your community, and if you live in a home that is worth \$25,000 which is substantially more inflated because you live in a coastal community, the fact is that you have an asset of \$25,000. And based upon that asset of \$25,000, your tax is going to be equalized.

Now, it may be that your personal income in the first instance is higher than your personal income in the second instance and, consequently, you are going to be paying more in personal income tax in the first instance and less in the second instance, so to a very real degree the question of personal income is involved. And it will be increasingly involved next session when we reach the fact of life as to how to finance the \$30 million that we transferred.

I think that to say we should keep this bill alive on March 8th in the hope that somebody is going to get some magical insight into improving on a solution which has been considered for the last eight years, to my experience, is

unrealistic. The proponent of this bill, the sponsor of this bill, who is the majority leader in the other chamber, I am sure gave an awful lot of thought to how he could correct this "injustice". The bill that was introduced had constitutional implications, and the amendment that was put on was extremely unsatisfactory. And there isn't any wisdom that is going to come forth in the last couple of weeks of this session to take an extremely complicated mechanism and do some Robin Hood act for some people you want to help.

I say let the bill live, let the bill have a chance. The performance is exactly as we predicted, and none of the things that are happening in these coastal communities should be surprising to anybody who, after any degree of homework last session, voted for enactment of the bill. It is a good bill. Ten years from now we will be saying that perhaps it was the most splendid thing we did. Let's give it a chance.

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

Mr. MORRELL: Mr. President and Members of the Senate: With all due respect to the Senator from Kennebec, I thoroughly disagree. He says it would be an act of Robin Hoodism to consider this bill. An Act of Robin Hoodism is to take from the well-to-do and give to the poor, but we are doing just the reverse with regard to many of the communities along the Maine coast. We are taking from modest, hard-working, low income to a great extent, communities with no industry and we are giving it to the more affluent.

I represent Brunswick and I represent Harpswell, and I think it is ludicrous to feel that Harpswell should be contributing to Brunswick's education. Now these people, to be sure, are living on an asset which, through no fault of their own and in many instances beyond their absolute control, is skyrocketing in value. They can't eat it, and they can't pay any of their day to day expenses from it. They are trapped.

Now, I think it is one thing to say that 1994 helps an awful lot of communities, and it certainly does, but then to totally

ignore those communities which it badgers and batters is totally unjustified. I think that, regardless of how late it is in the game, to ignore the fact that we have created an extreme hardship for some communities, and not want to deal with it seriously and conscientiously, is an injustice to those communities. I hope we would reconsider and discuss it and see if there isn't some way that the blow can at least be somewhat softened and done in the spirit of fair play.

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

Mr. TANOUS: Mr. President and Members of the Senate: I don't know if you recall last year when we were debating 1994, but I stood up here and mentioned all of the matters that we feared 1994 would bring to us. And after that particular debate, I was assured by the Chairman of the Education committee that my fears were far too exaggerated and that I need not worry about the matters that I mentioned in my debate. Well, if I had been a little more knowledgeable, I guess, in taxation and the education sphere or our school systems and what the bill proposed to do, the mechanics of the bill, I probably would not have depended on what he had mentioned to me and would have been able to interpret the legislation by myself, but unfortunately, being chairman of two busy committees, I didn't get around to interpret the mechanics of the bill.

The philosophy or concept of 1994, there is no question about it, is plausible. It tends to help education in those communities that don't have the tax revenue that other communities have. But the philosophy of it perhaps is what bothers me, I guess, or is what disturbs me somewhat. When the legislature grants an unorganized area the right to form a community, or the right to vote to form a township, we also grant these municipalities the right to tax real estate to run their corporations with. This is the only tax revenue that your corporation has, that is, to tax the real estate of the people to run the corporation with.

Now, what we have done with 1994 is that we have at the state level, in an area

of finances on the basis of rich towns and poor towns, we have told the wealthy towns and the more affluent communities that because you are able to collect money more than other communities, that we should have a share of that money up here at the state house, and we will turn around and distribute that to the poor communities. Now we have invaded a concept that has been in effect since the organization of this state or since this state became a state in 1820. We have invaded the local real estate tax structure, and we have asked that this money be sent to the state house, and that we in turn are much more smarter and more brilliant, you see, and we will distribute this money to the communities in the state as we see fit, and that is what we did. We have deprived again the local communities of some areas of self government by requesting that their funds be sent to us.

Now, we have opened the door to a most serious concept when we did this, and what will next year bring, what will the next legislature bring? If we need more funds here and we don't want to go and raise the income tax or sales tax, or other areas, are we going to go to the local communities and again ask them to send us more money?

The concept of it has got to be looked over, no question about it. I think there are inequities in it. When we discuss inequities we are discussing, as Senator Morrell from Cumberland mentioned, fine, it isn't all as sweet as it is, and you rob the rich to help the poor. Well, that is the concept of that bill. Unfortunately, Harpswell and Wiscasset and East Millinocket, and the other wealthy towns, as we refer to them in this state, we have our poor people, we have our elderly, we have those that are just moderate of income, and yet these people, you see, are being subjected to the inequities of this bill as well. Just because we have a big mill that pays a good percentage of our taxes doesn't mean that they pay the taxes of the old people and widows and those who are living on social security. You see, they get raised like everybody else.

What we have done, I guess, is as Senator Richardson from Cumberland mentioned. You know, just because

percentages are smaller, politically speaking, it is easy to enact legislation that is going to hit those in a small minority.

But I think that this bill that is before us, and I am proud to say I had something to do with the preparation and draftsmanship of this bill, I am pleased to say I support this bill, and I think it will remove at least one inequity that exists in the present law. It would tend, at least, to take away the inequity in that the rich shall support the poor. I say this because you know the whole concept of this destroys the communities' desire to increase the betterment of their localities and their communities. Now, who is going to go out with great enthusiasm trying to attract new industry when the added tax dollars are going to be sent to the state house for instance? This is basically what is happening; you destroy the local initiative for communities to improve themselves.

We do have some wealthy communities, thanks to the local people who have had the initiative perhaps to bring industries to their communities, and what we have done is that we have destroyed that initiative. I feel that if we really can't protect those communities that have the initiative to try to have for themselves a better mode of living, if we can't afford to protect them, those that have it, if we can't afford to protect them, gentlemen and madam, we can ill afford to protect our poorer communities as well.

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

Mr. JOLY: Mr. President and Members of the Senate: As one of the few members of this body that voted against the original bill, I think it might be well for me to say a few words. What bothers me about this bill before us today is the same thing that has bothered me about some other bills we have had. We don't give anything a chance to work. We had a bill on snowmobiles this year and we haven't had two weeks of snow this year to try out last year's snowmobile bill. Now we are talking about lights on motorcycles today that was just signed by the

Governor a few weeks ago, and now here is another one. Therefore, I am going to vote against this bill on the basis that the original bill hasn't had the time to try itself out. I think that these emergency sessions we have caused a lot of trouble, and this is one of the things that it has brought up. I think we could have done without an emergency session altogether.

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

Mr. SPEERS: Mr. President and Members of the Senate: In talking about the concept of L. D. 1994, which was passed last year, as I recall there were two basic concepts on that particular bill. I must confess that I am somewhat confused as to the reaction on those concepts that this particular piece of legislation before us today would have.

The concepts in L. D. 1994 were primarily an equalization of educational funding and educational opportunities for all of the children in the State of Maine, equalization between the towns or among the towns and cities of the state, regardless of the wealth of those particular cities and towns. Now, that is regardless of the wealth, whether you base that wealth upon real estate, upon property valuation, or whether you base the wealth in addition to property evaluation upon the per capita income of the particular towns or cities, or whatever you base your wealth upon, there is still the basic concept of 1994 that there should be an equalization of educational funding for each and every single individual student within the State of Maine. That was precipitated by the Supreme Court decision requiring that concept in many states, and it is a decision which I agree with wholeheartedly and support wholeheartedly, and so stated at the time 1994 was enacted.

The second concept in 1994 is an attempt to get away from a reliance upon the property tax for funding and in that particular bill for funding for educational purposes. But I don't see a great thrust in this legislature, and I certainly don't see it in this legislation that is before us today, of an attempt to get away from reliance upon property

tax for funding of other town and municipal purposes. And if that is really what we are after, if that is really what we are considering or proposing, or if that is really the direction in which we wish to move, we certainly are not spelling that out very clearly. The fact of the matter is that we do not have an authorization for towns and cities to enact their own income tax provision, their own sales tax provision, or any other taxing except reliance upon the properties.

There have been comments made today that this particular legislation before us would move away from the test of the wealth of a town or away from the property tax and take into account per capita income as well. I guess that is where I personally become confused, and I would very much welcome an explanation of how that is to be taken into account as a result of this legislation. But I think the two concepts of 1994 were excellent concepts, and I certainly do not wish to renege on either one of those concepts, that is, an equalization of funding for educational purposes and, secondly, moving away from the reliance upon the property tax.

The PRESIDENT: The Chair would interrupt debate to ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Berry, to the rostrum to act as President pro tem.

Thereupon, the Sergeant-at-Arms escorted Senator Berry to the rostrum where he assumed the duties of President pro tem, and President MacLeod retired from the Senate Chamber.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I have enjoyed the debate very much this morning, and I want to say I am pleased to agree with the good Senator Joly from Kennebec. I think this bill ought to be given some time to work.

I think it is interesting to look at the committee report. It is an overwhelming committee report to reject the premises on which this bill is based. It is a ten to two report. Now, I don't think you can have it both ways. If you support the

concept of equalization of effort premise on a property tax base, this bill is going to be an attempt to try to undo that. I frankly think that L.D., 1994 was landmark legislation.

I don't see how people can oppose equality of effort. If problems do develop during the next six or eight months, we will be here next January to do something about them, but I think the bill as drafted last session makes a great deal of sense and I can't see trying to undo it at this stage. So I would oppose any reconsideration.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: I simply will not permit this vote to be taken cast in the terms which Senator Brennan from Cumberland has just cast it.

Many of us who have been here long enough trying to increase state support for public education realize that it is a difficult battle and we have all had a difficult time meeting our responsibilities, I am sure. We have raised taxes, and some of us still wear the scars of those efforts. The equalization of educational opportunity in Maine is a great dream that all of us have, something we really want to work for and have worked for. As I said, I don't think that there is anyone in this Senate who wants to make the quality of a child's education dependent upon where he happens to live, and nothing proposed in this legislation suggests that we abandon the principle that all Maine people, regardless of income or regardless of where they happen to live, ought to have an opportunity for a quality education.

I quarrel with the method. I don't know why we don't adopt an income formula. Why isn't per capita income worked into this legislation, the present 1994? Why not? Why isn't that a legitimate and valid measure of a community wealth?

To talk about this bill as dismantling the education subsidy law of the last session I think, you know, is just a little bit of an overstatement. The question before the Senate now is reconsideration. It is perfectly possible



that L.D. 2245 now before us is not the appropriate vehicle to remedy what I think is a horrible injustice to these people.

Senator Katz of Kennebec suggested that if you own a home down in Harpswell which may be worth, say, \$5,000 in Chelsea, but because it happens to be located on the coast it is \$25,000 valuation, that you have an asset. Well, sure you do. There is a Senator from — is it Cumberland or Sagadahoc, Mr. President, I can't recall which — Senator Morrell, as he points out, you can't eat that increased valuation, and what you are saying to these people cynically is don't bother to follow your trade as a fisherman or don't bother to work at whatever you are doing; sell the place, take the additional monies you have got, go back into the woods somewhere and buy a house that you know you can afford to live in. I think that is incredibly cynical, and I am very surprised that the Senator from Cumberland, Senator Brennan, would endorse any such concept.

The question before the Senate is reconsideration of this bill, and I can't for the life of me understand any suggestion that 1994 is being dismantled. These communities that are now getting the increased educational subsidy, these communities that are now getting the better treatment under the real property tax, will continue to get that. It doesn't take anything away from them.

Finally, I would say that earlier I was talking about qualitative morality, and what I meant to say was quantitative morality. It is numbers; it is the old numbers game. If you have got more than the other guy you are the winner. Well, I think that is wrong. I think it is wrong when it is applied to Maine education and I think it is wrong when applied to the tax. I think it is wrong for this legislature to start saying that this is no emergency. It is an emergency.

The PRESIDENT pro tem: The Chair recognizes the Senator from Oxford, Senator Henley.

Mr. HENLEY: Mr. President and Members of the Senate: I voted before to oppose reconsideration. I will vote to reconsider. The reasons being that, in spite of the fact that I voted against 1994

last year, mainly it was because I was choosing. I was choosing another method which I had hoped would pass and did not. That is water over the dam.

I agree somewhat with the concept of what 1994 has attempted and in some degree has achieved, but I have had misgivings. There are so many imponderables that some of us who are not perhaps adapted to mathematics are unable to grasp. We have to depend upon the proof of the cake is in the eating. There are lot of questions why these things come out. For instance, because my home happens to be within sight of a body of water which is becoming very choice, and because all of the bordering, abounding land has been bought up and is increasing in value by leaps and bounds, my home is what you might say three times removed from being a border on the lake, nevertheless the valuation has quadrupled in five years. What is the answer? If the time comes that myself and my wife, who will be on fixed income, retired, if the times come when that keeps on increasing in valuation, I am going to be caught in the mesh of this land valuation crunch and perhaps I won't be able to afford that anymore. I will just have to sell that home and get a trailer and go off into the boondocks in north overcoat or something. I don't know whether there is anything that this legislature can do to correct that or not, but that is one of the things that we get caught up in.

Now, relative to 1994 and its repercussions, I was discussing within the last few days with a gentleman. He and his wife are retired, and they purchased a lodge or a camp, you might say, they call it a camp, in a small town that has almost no income, but they paid fourteen or fifteen thousand dollars for this little camp, this small lot, because it is a choice area in a hunting area, but they only pay \$44 dollars a year taxes. Now that seems to enter into this thing somewhere. I would like to see it in towns like Wiscasset and some of the others where we realize the installations are there and they have not been paying through the property tax medium their share of the cost of education, fine, and this bill purports to do it. But on the other hand, if it does catch a few towns, like

my friend Senator Morrell states, in this thing that are rich towns only because of their situation landwise, why it puts them in a bad spot. Where are they going to get the money?

The reason that I am taking this length of time today is that in my ignorance of the full understanding of just exactly what 1994 does, if there is any way that possibly it could be modified, I will be glad to lay this bill on the table and give it a chance to be modified, changed or discussed. If there is anything that can be done to help some of these towns, and still not jeopardize the whole bill and its entirety, I will be glad to do it. So I will vote for reconsideration.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I am sorry my good friend, the Senator from Cumberland, Senator Richardson, has left — oh, here he is. The problem I have is that I can't be a big supporter of equalization of effort on the one hand and be against it on the other hand. I have a difficult time maintaining sort of contradictory positions. That is one of the problems I have.

I would like to direct a question to the good Senator from Cumberland, Senator Richardson. Now, a certain amount of money is going to be lost. As I read the statement of fact, it says "This bill amends 36 M.S.R.A., Section 453, so that if a municipality raises more than its allocation through the uniform property tax, it does not pay the excess to the Treasurer of State." I would ask the good Senator from Cumberland, Senator Richardson, if he could tell us how much money is going to be lost over next year, the following year, and what proposal he has to make up for that loss?

The PRESIDENT pro tem: The Senator from Cumberland, Senator Brennan, has posed a question through the Chair to the Senator from Cumberland, Senator Richardson, who may answer if he desires.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: I was seated just in the rear of the chamber here

listening attentively to the remarks of the Senator from Cumberland, Senator Brennan, and I don't think that there is any inconsistency whatever in my suggesting to you that this proposal now before you for reconsideration does not take money away from the educational system. It does not adversely affect those communities who by uniform effort gained more than they lost.

The proposal now before the Senate is to reconsider our action by which we accepted the majority ought not to pass report. I want to leave this matter before the Senate. I do not want to see it cynically disregarded in haste and a lot of labels being pinned on the bill such as "It is going to gut L. D. 1994." I want to keep it before us for whatever time is necessary so that this Senate in all conscience can try to remedy what I think is a terrible injustice.

Now, as far as the cost implications of this bill are concerned, I believe that the figure is about \$1.6 million. I don't have the details of the cost implications. That is one of the reasons I would suggest my good friend from Cumberland, Senator Brennan, that we ought to keep the bill around long enough to find out what the cost implications are, and how we can best correct an injustice to these communities and to these people.

The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I can assure the Senate that the cost is \$1.6 million. And because it is one of the more important bills of the session, I took the time to find out the cost, even though it was before a different committee. It is a \$1.6 million. And the bill in its form that the minority of the Committee on Taxation reported out does not give a nickel's worth tax relief to anybody; they have to raise the money under the requirements of the Maine Constitution. But the thing is that they can keep their money. The poor lobstermen are going to have to raise the money anyway, but instead of seeing the money go to some other community, which is really a rather difficult thing for them to accept, they are going to have to pay the taxes, but it will be kept in the community for non-educational problems.

On June 25th of last year, the Senator from Cumberland was, along with others, perplexed at the fact that the bill as we were considering it raised the state's share of education to fifty percent, then to fifty-five percent, and then to sixty percent, and this was the only thing that bothered him. And in debate he said, "Now, it is because of the note of caution that has been heeded, and because this bill has been reduced to fifty percent, and leaves to subsequent sessions of the legislature the determination as to whether or not to implement the statement of intent to at some time in the future go to fifty-five or sixty percent, that I now support L.D. 1994 in its present form." There is nobody in this whole Senate who didn't realize that the present form involved over-collection from some small communities. There is nothing new that has been changed. The bill is not in any respect working out differently than those who voted for it anticipated was going to happen. If there are any new features that have been introduced, they are completely beyond my ken.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: I disagree with the Senator from Kennebec. One thing we didn't anticipate was the fact that in some communities the state valuation was going to skyrocket along with the value. Now, we have some communities along the Maine coast, and I suspect adjacent to other bodies of water in the State of Maine, whose state's valuation have gone up almost 40 percent, or it is anticipated, based on early estimates, that the state valuation will go up forty percent, and that really is perhaps a good significant part of the problem.

Now, I think it is not inconsistent to say that we agree with 1994 and what it attempts to do, and what it does do to a great many communities, but the fact is that there are a great many communities for which it does exactly the reverse. I hate to say that all right, we accept that and it is just too bad, and that we are not going to seriously reconsider what we have before us today because it is just too late and we are

going to say to heck with those communities. I think it is a dirty trick.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: I am certainly violating my own rule about speaking repeatedly on one bill, but I will not leave on the record unchallenged the proposition advanced by the Senator from Kennebec, Senator Katz. I raised objections during the last session to a commitment that was being made to the L.D. reported out of the Education Committee to go to 50 percent, then commit us to go to 55 percent, and then go to 60 percent without the foggiest notion of where and how we were going to get the monies to pay for that bill. And in the Senate caucus of Senate Republicans I raised the issue and suggested that we ought not to attempt to make the commitment to go to 55 and then to 60 percent unless we were to have the courage then to raise the taxes necessary to pay for it. And repeatedly during this session I have requested of the leadership and of the Appropriations Committee that we go back and examine the assumptions that we made when we passed L.D. 1994. We assumed Maine's economy would be performing splendidly as it has in the past. We assumed the most generous assumptions possible about performance of our various tax measures. I think that we should re-examine the cost implications of 1994. That was an issue I raised in the last session and have raised again now.

The point in this case is that it is, I think, really almost childish to suggest that anybody who didn't fully appreciate the implications of 1994, as we look at it today, somehow hadn't done his homework. As the Senator from Penobscot, Senator Tanous, indicates, he is the chairman of two legislative committees and he is busy, and he accepts legislation reported out by committees and accepts descriptions of legislation on faith. I am a member of three legislative committees and am chairman of two. I accepted on faith the proposition that L. D. 1994 was going to do what I have always wanted to do, and that is equalize educational

opportunities and equalize educational funding. No one could have possibly have known of the tremendously adverse implications that this bill has with communities like Harpswell, Maine and others. I didn't realize it. I don't see how anybody could possibly have forecast what has happened. It has happened, and I plead with you to not cynically turn your backs on these communities. I plead with you to allow this bill to remain alive, and let us work together in good faith and intelligence and courage to find the solution.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I have been listening to the debate ring around primarily the good Senators from Cumberland, and what strikes me is that I don't think we are really looking at the heart of the matter. I know what it really boils down to is the evaluation of property in our communities on a statewide basis, and for years the smaller communities have never been taxed in the same manner as, we will say, in my community, the City of Portland, whereas we have a full-time tax assessor and right now the taxpayers of Portland are paying some quarter of a million dollars for a revaluation of the community and their properties are assessed accordingly.

I am sure that a home in Portland, Maine, valued at \$15,000 or \$20,000, if you take the same home and put it up in Belfast or Harpswell, whereas there isn't a fulltime tax assessor — I can recall very vividly a few years ago when I sat with a gentleman friend, I am sure, of the good Senator from Brunswick, Senator Morrell, the gentleman's name was Harry Shulman, who said that he ran for the town selectman and he was elected. The three of them got together and he says as he was sitting there they started naming various committees they were going to serve on, and two of the gentlemen pointed their finger at him and told him he was the local town assessor. He says that he didn't know how to go out and assess taxes on a home anymore than I would, and I certainly wouldn't know how to go out and assess

taxation on any home. They take three, four or five homes in an area and use a median, and say all right this is what the average tax is going to be, and we know that is ludicrous. So when we look at 1994 and we start talking about equality, what we are saying really is that we are going to have quality in tax assessment right across the state. We recognize that when we are talking about equality in the education of our children, and we are saying the same thing as far as taxation, and that is what it all boils down to.

I know that we have talked about tax assessing districts, establishing such across the state and, as far as I am concerned, there have been many of the communities across the state who have not been properly taxed. This is what they are looking at straight in the eye, and this is what the whole core of the problem is. For the first time in the history of this state, property, particularly in the rural areas of Maine, is being finally assessed what the property is actually worth. This is where the burden comes.

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

Mr. WYMAN: Mr. President and Members of the Senate: Apparently this bill must have some faults with it because it is causing a lot of controversy. The Taxation Committee struggled with this particular bill and, as you know, came out with a divided report. However, it seems to me that, while the debate has been centered on 1994, the motion is whether we are going to hold this bill for a day or two days and give other minds a chance to see if they can come up with something that we can accept.

It disturbs me greatly that we take the position that this bill has to be killed definitely today, and I certainly subscribe to the motion, I am not sure who made the motion, but to move for a roll call on reconsideration, and the thoughts of the good Senator from Oxford and the good Senator from Cumberland, Senator Richardson. I hope that we will leave this alive. If it dies in a few days, then okay, but I just can't see why this haste to kill this at once when certainly it is a very good controversial bill.

The PRESIDENT pro tem: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Richardson, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee. A roll call has been requested. 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 motion before the Senate is the motion of the Senator from Cumberland, Senator Richardson, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee on "An Act to Correct the Administration and Collection of Real Property Taxes for Education Purposes". 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 Clifford, Danton, Graffam, Greeley, Henley, Hichens, Huber, Marcotte, Morrell, Richardson, Roberts, Sewell, Tanous, Wyman, MacLeod.

NAYS: Senators Berry, Brennan, Cianchette, Conley, Cox, Cummings, Cyr, Fortier, Haskell, Joly, Katz, Kelley, Minkowsky, Olfene, Shute, Speers.

ABSENT — Senators Anderson, Schulten.

A roll call was had. 15 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

#### Orders of the Day

The President pro tem laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 895) (L. D. 2488)

Tabled — March 6, 1974 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

(Senate Amendment "A" (S-371)

(Senate Amendment "B" (S-379)

On motion by Mr. Katz of Kennebec, retabled and specially assigned for March 12, 1974, pending Passage to be Engrossed.

The President pro tem laid before the Senate the second tabled and specially assigned matter:

Joint Order — Relative to Joint Standing Committee on Marine Resources report out a bill for Maine Residency Statutes for Fishing Lobster. (H. P. 2008)

Tabled — March 7, 1974 by Senator Huber of Knox.

Pending — Passage.

On motion by Mr. Huber of Knox, retabled and specially assigned for March 12, 1974, pending Passage.

The President pro tem laid before the Senate the third tabled and specially assigned matter:

Bill, "An Act to Transfer Certain Unexpended Dedicated Funds at End of Fiscal Year." (H. P. 1895) (L. D. 2406)

Tabled — March 7, 1974 by Senate Sewall of Penobscot.

Pending — Adoption of House Amendment "A" (H-732)

On motion by Mr. Sewall of Penobscot, retabled and Tomorrow Assigned, pending Adoption of House Amendment "A".

The President pro tem laid before the Senate the fourth tabled and specially assigned matter:

Bill, An Act Establishing a Commission on Maine's Future. (H. P. 1984) (L. D. 2528)

Tabled — March 7, 1974 by Senator Berry of Cumberland.

Pending — Enactment.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate, the pending question before the Senate is the enactment of this legislation to establish a commission on Maine's future. I asked that it be tabled yesterday because I did not have a copy of the engrossed bill before me and there was a typographical

error in the printed L. D. Having reviewed the engrossed copy of the bill, I see that the error I had noted has been corrected.

Because this legislation is so important, before we enact it I think we should note that this is one of the areas where the Longley Commission, I think, has made a very significant and important recommendation for our consideration. I think every one of you is as impressed as I am with the fact that we sometimes in state government seem to lack a sense of direction. We have too many departments, bureaus, and agencies of state government headed off in different directions trying to achieve different goals. The purpose of this recommendation, as I understand it, is to establish a commission on Maine's future and to try to, using the best talents that Maine has to offer, identify long-term goals and try to bring some sense of continuity and purpose to state government.

I think the Longley Commission is to be commended for recommending this legislation. I am pleased to endorse it and I hope you are. The Longley Commission has, I am afraid, been somewhat maligned, or at least the press has created the impression that we in the legislature are unappreciative and are ignoring their efforts. I don't think that is true, and I think we should adopt this legislation and indicate that we appreciate what I think was a very significant recommendation for the future.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Sewall.

Thereupon, on motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.

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On motion by Mr. Sewall of Penobscot,  
Adjourned until Monday, March 11,  
1974, at 1 o'clock in the afternoon.