

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, February 27, 1976

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

Prayer by Father Emund Hogan of Waterville.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 725)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Red Riots of Orono High School Eastern Maine Girls Indoor Track Champions

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate:

Bill "An Act to Revise Requirements for Permanent Markers under the Land Subdivision Law" (S. P. 717) (L. D. 2268) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order S. P. 635, as amended)

Came from the Senate referred to the Committee on Natural Resources and ordered printed.

In the House, referred to the Committee on Natural Resources in concurrence.

**Study Report
Agriculture**

Committee on Agriculture to which was referred the study relative to Maine's potato licensing and bonding laws and the effect on the Maine potato industry, pursuant to S. P. 530 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish an Agriculture Lien Law" (S. P. 726) (L. D. 2261) be referred to this committee for public hearing and printed pursuant to Joint Rule 3.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Agriculture and ordered printed.

In the House, the Report was read and accepted and the Bill referred to the Committee on Agriculture in concurrence.

Study Reports**Joint Select Committee on Jobs**

The Joint Select Committee on Jobs to which was referred the study relative to unemployment pursuant to S. P. 391 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Resolve, Requiring Planning for Expansion of Wood Harvesting Programs by the Bureau of Vocational Education of the Department of Education and Cultural Services, (S. P. 721) (L. D. 2257) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Education and ordered printed.

In the House, the Report was read and accepted, the Bill referred to the Committee on Education in concurrence.

The Joint Select Committee on Jobs to which was referred the study relative to unemployment pursuant to S. P. 391 and S. P. 555 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Require an Annual Governor's Report on Employment and the Economy" (S. P. 720) (L. D. 2256) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on State Government and ordered printed.

In the House, the Report was read and accepted and the Bill referred to the Committee on state government in concurrence.

The Joint Select Committee on Jobs to which was referred the study relative to unemployment pursuant to S. P. 391 and S. P. 555 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Require the Employment Service to Provide Services to High School Students" (S. P. 719) (L. D. 2255) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Labor and ordered printed.

In the House, the Report was read and accepted and the Bill referred to the Committee on Labor in concurrence.

Tabled and Assigned

The Joint Select Committee on Jobs to which was referred the study relative to unemployment pursuant to S. P. 391 and S. P. 555 of the 107th Legislature, have had the same under consideration, and a majority ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish a Maine Community Jobs Act" (S. P. 723) (L. D. 2260) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Labor and ordered printed.

In the House, the Report was read and accepted.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure exactly just what motion I want to make on this bill right now. We can table it if somebody would like.

I would call your attention, however, that one of the provisions in this L. D. is a raise in the corporate income tax. As such, although it was a committee study, it originated in the Senate, you will notice it is a Senate paper and therefore is unconstitutional. For that reason, I think we are going to table this bill and bring out the same bill as a House paper so that it will meet the constitutional requirements.

Thereupon, on motion of Mr. Rolde of York, tabled pending reference in concurrence.

Reports of Committees**Ought Not to Pass**

Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Encourage the Development of Career Education Programs in Maine Public Schools" (S. P. 685) (L. D. 2194)

Was placed in the Legislative Files without further action, pursuant to Joint Rule 17-A, in concurrence.

Non-Concurrent Matter

Bill "An Act to Include Grain in Weight Tolerances for Certain Vehicles Operated on State Highways" (H. P. 1887) (L. D. 2065) which was passed to be enacted in the House on February 19, 1976.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

Mr. Fraser of Mexico moved that the House insist and ask for a Committee of Conference.

Mr. Kelleher of Bangor moved that the House recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Jacques of Lewiston requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I was out, but I heard the good gentleman from Mexico, Mr. Fraser, make a motion to insist and ask for a committee of conference. Then I heard the gentleman from Bangor, Mr. Kelleher, make a motion to recede and concur.

I have been in favor of this proposal. I think in the essence of saving time, I will go along with the motion to recede and concur, because at this point in time, I see no reason where we are going to satisfy what maybe some of us would like by going to a committee of conference. I just feel that this is not the right way to go, and I would urge you to vote to recede and concur.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of committee 12 to 1 in favor of letting the grain truck have their load of grain from the mill to the consumer.

This bill had a very good hearing. We had maybe two in opposition to this bill. I think that the other body, and three Senators voted in favor of it on the committee, I would think the members of our committee didn't do their work in the other body, so I would think that this House would stick to what they have done and go along with the motion of Mr. Fraser.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't throw the sponge in that easy. I think it is wrong to recede and concur, and I hope that we insist and ask for a committee of conference, please.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, I would like to pair my vote on this with the gentleman from Saco, Mr. Hobbins. If Mr. Hobbins were here, he would be voting yes and I would be voting no.

The SPEAKER: The gentleman from York, Mr. Rolde, wishes to pair his vote with the gentleman from Saco, Mr. Hobbins. If Mr. Hobbins were present, he would be voting yes, and Mr. Rolde would be voting no.

The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I don't know as you can say that we didn't do our work in the other body. There were two floors of this building and the other building that did the work for us in lobbying. So I would ask that you go along with asking for a committee of conference. We are going to be here for a month and it won't take that much more time.

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

Mr. JALBERT: Mr. Speaker, may I be excused under Rule 19?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, is excused pursuant to House Rule 19.

A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Berry, P. P.; Birt, Blodgett, Boudreau, Carey, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Davies, DeVane, Dow, Durgin, Dyer, Farnham, Faucher, Flanagan, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Higgins, Inggeri, Inggeri, Jackson, Jensen, Joyce, Kany, Kelleher, Laverty, Littlefield, Lizotte, Lynch, Martin, A.; McBreairty, McMahon, Mitchell, Mulhern, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Peterson, T.; Post, Saunders, Snow, Snowe, Spencer, Talbot, Tierney, Truman, Twitchell, Usher, Wagner, Walker, Wilfong, Winship.

NAY — Albert, Bennett, Berry, G. W.; Berube, Bowie, Burns, Bustin, Byers, Call, Carpenter, Connors, Cote, Curran, R.; Dam, Doak, Drigotas, Dudley, Farley, Fenlason, Finemore, Fraser, Garsoe, Gould, Gray, Hennessey, Hewes, Hunter, Hutchings, Immonen, Jacques, Kauffman, Kelley, Kennedy, Waffin, LeBlanc, Lewin, Lewis, Lovell, Lunt, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McKernan, Mills, Miskavage, Morin, Pearson, Perkins, T.; Peterson, P.; Pierce, Powell, Quinn, Raymond, Rideout, Rollins, Shute, Silverman, Smith, Sprowl, Strout, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Webber.

ABSENT — Carroll, Curtis, Gauthier, Hinds, LaPointe, Leonard, Morton, Peakes, Stubbs, Tyndale.

PAIRED — Hobbins, Rolde.

EXCUSED — Jalbert.

Yes, 67; No, 70; Absent, 10; Paired, 2; Excused, 1.

The SPEAKER: Sixty-seven having voted in the affirmative and seventy in the negative, with ten being absent, two paired and one excused, the motion does not prevail.

Thereupon, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Prohibit Telephone Charges for Information or Directory Assistance Calls" (H. P. 1911) (L. D. 2098) on which the House accepted the Minority "Ought to Pass" Report of the Committee on Public Utilities and passed the Bill to be engrossed in the House on February 25, 1976.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Public Utilities accepted in non-concurrence.

In the House:

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

Mr. KELLEHER: Mr. Speaker, I move this lie on the table two legislative days pending further consideration.

Whereupon, Mr. Berry of Buxton requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this matter be tabled pending further consideration and specially assigned for Tuesday, March 2. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 45 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Report "A" Bill "An Act to Improve Solid Waste Management in this State" (H. P. 2089) (L. D. 2248) which was referred to the Committee on Natural Resources in the House on February 24, 1976.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

Report "B" Bill "An Act to Improve Solid Waste Management" (H. P. 2090) (L. D. 2249) which was referred to the Committee on Natural Resources in the House on February 24, 1976.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

Report "C" Bill "An Act to Provide Funding for Action on Solid Waste and Litter" (H. P. 2091) (L. D. 2250) which was referred to the Committee on Natural Resources in the House on February 24, 1976.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, may I pose a parliamentary inquiry before I make a motion?

There has been some confusion. The House did refer this to the Committee on Natural Resources. The other body referred it to the Taxation Committee. If we were to insist that it be referred to the Committee on Natural Resources and it were to go to the other body, would it end up dead if they adhered to their position?

The SPEAKER: The Chair would answer in the negative. If the other body chose to remain in its original position, they could adhere and at that point, this body then would have no choice but to recede and concur. At the moment, they are not in any position to defeat the measures.

Mr. PETERSON: Mr. Speaker, I would then move that we insist.

The SPEAKER: The gentleman from Windham, Mr. Peterson, moves that the House insist.

The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, I have spoken with the good gentleman from Windham, Mr. Peterson, a bit earlier, and I suggested to him that to try and resolve this question about reference to committee we should insist and request a committee of conference so it can be done together. Apparently that point of view doesn't seem to prevail on some members of this legislature.

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

Mr. MCKERNAN: Mr. Speaker, I am not going to speak on the motion in front of us, but I would like to mention that insisting and asking for a committee of conference could in fact create the decision that Mr. Peterson is trying to avoid if there was an inability to agree.

Thereupon, the House voted to insist on its former action whereby the Bills in Reports A, B and C were referred to the Committee on Natural Resources.

Messages and Documents

The following Communication: (H. P. 2120)

STATE OF MAINE
ONE HUNDRED AND SEVENTH
LEGISLATURE
COMMITTEE ON LEGAL AFFAIRS
February 25, 1976

Senator Jerrold B. Speers
Chairman, Legislative Council
State House
Augusta, Maine 04333
Dear Senator Speers:

This is to advise you that the Committee on Legal Affairs, pursuant to House Paper 1597, has conducted several meetings this summer, and, based upon what has transpired at these meetings, presents the following legislation for consideration to the 107th Special Session:

1. An Act to Permit an Employee to Review His Personnel File.
2. An Act Relating to Disclosure of Consumer Reports.

Additional legislation will be forth coming as it is in the last stages of drafting.

Very truly yours,

Signed:

NEAL C. CORSON
Senate Chairman

Signed:

RAYMOND N. FAUCHER
House Chairman

The Communication was read and ordered placed on file and sent for concurrence.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

February 26, 1976

To the Honorable Members of the House of Representatives and Senate of the 107th Maine Legislature

I am returning without my approval House Paper 1910, Legislative Document 2097, "An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission."

On June 13, 1975 I vetoed a similar bill and the members of this same Legislature

sustained that veto. I do not believe that this matter previously resolved in the Regular Session should have been allowed to have been filed at this emergency Special Session.

Essentially, L. D. 2097 would establish assessments against public utilities at a rate discretionary with the Public Utilities Commission for the purpose of paying consultants involved in rate cases before the Public Utilities Commission. Although I agree that the general public and specific consumers deserve expert advice that may sometimes require consultants, I do not support the use of special earmarked taxes to fund those services. The needs of the Public Utilities Commission should be requested and funded through the normal budget process as recommended by the Governor and reviewed and appropriated by the Legislature. Proper budgetary planning should ensure that the total operational costs of the PUC should be covered by one appropriation, instead of resorting to another special revenue account.

I furthermore believe that the special tax powers in L. D. 2097 could set a damaging precedent by enabling one bureaucracy to circumvent normal funding practices. This bill singles out one agency, the Public Utilities Commission, for special consideration without regard to the over-all priorities and needs of the people of the State. Traditionally one of the purposes of the Contingent Account appropriated by the Governor and the Executive Council is to meet any unexpected funding needs of agencies if financial emergencies arise when the Legislature is out of session. I think this system has worked responsibly and I am not convinced that the circumvention of the review by the Legislature or the Governor and Council can be justified.

This Legislature should be aware that the New England Governors are presently working together to cooperatively fund expert testimony that could represent the public's interest in rate cases involving utilities whose rate structure affects all the New England region. I am actively supporting that movement and believe that this coupled with our present State funding process provides a better method of protecting consumer interests.

Therefore, I can only conclude that this would lead to additional and unnecessary taxation and/or costs for the people of Maine. As already stated this would be an unnecessary duplication of consultant capability being provided by the New England Regional Commission. This concept was embraced originally by Governor Curtis and subsequently by myself. I am advised that this effort on the part of the New England Governors will be available within the next few months.

For these reasons, I respectfully request that my objections be considered and sustained.

Very truly yours,
Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The question now before the House is, shall An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission, House Paper 1910, L. D. 2097, become law notwithstanding the objections of the Governor?

(On motion of Mr. Kelleher of Bangor, tabled pending consideration and specially assigned for Monday, March 1.)

**Study Report
Election Laws**

Mr. Birt from the Committee on Election Laws to which was referred the study relative to the election laws as provided in Title 21 of the Maine Revised Statutes and Related Titles, pursuant to H. P. 1646 of the 107th Legislature, have had the same under consideration, and ask leave to submit its minority findings and to report that the accompanying Bill "An Act Relating to Absentee Voting" (H. P. 2122) (L. D. 2271) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Report was read and accepted, the Bill referred to the Committee on Election Laws, ordered printed and sent up for concurrence.

**Study Reports
Legal Affairs**

Mr. Faucher from the Committee on Legal Affairs to which was referred the study relative to the various kinds of record-keeping practices in use today in both the public and private sectors of the State of Maine, pursuant to H. P. 1597 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Permit an Employee to Review His Personnel File" (H. P. 2121) (L. D. 2270) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Report was read and accepted, the Bill referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Mr. Faucher from the Committee on Legal Affairs to which was referred the study relative to the various kinds of record-keeping practices in use today in both the public and private sectors of the State of Maine, pursuant to H. P. 1597 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Disclosure of Consumer Reports" (H. P. 2123) (L. D. 2272) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Report was read and accepted, the Bill referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Orders

Mr. Walker of Island Falls presented the following Joint Order and moved its passage: (H. P. 2124) (Cosponsor: Mr. Carpenter of Houlton)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Hodgdon High School Eastern Maine Class D Basketball Champions for 1976

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Order was read and passed and sent up for concurrence.

Mr. Lewin of Augusta presented the following Joint Order and moved its passage: (H. P. 2125)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Kimo The Clown 1976 Ambassador of Good Will on His Bicentennial Tour Sponsored by the Pittsburgh, Pennsylvania Rotary Club

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Order was read.

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

Mr. LEWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would speak briefly about Kimo the Clown. As 1976 Ambassador of Good Will on his Bicentennial tour, he is covering all the state capitals and we have the honor of being the first capital for him to visit. He is sponsored by the Pittsburgh Rotary Club. If you read your KJ this morning, a letter that was put in there by one of our local teachers and the class, he was reputed to be advertising for chocolate bars, and I would like to tell you that that is not true.

Thereupon, the Order received passage and was sent up for concurrence.

**House Reports of Committees
Leave to Withdraw**

Mr. Truman from the Committee on Local and County Government on Bill "An Act to Clarify the Advisory Status of Comprehensive Municipal Zoning Plans" (H. P. 1868) (L. D. 2039) reporting "Leave to Withdraw"

Mr. Dam from the Committee on Local and County Government on Bill "An Act to Redistrict Certain Towns in Knox County" (H. P. 1824) (L. D. 1985) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Taxation on Resolution, Proposing an Amendment to the Constitution to Provide for the Assessment of All Real and Personal Property on the Basis of Current Use (H. P. 2028) (L. D. 2204) reporting "Ought Not to Pass"

Report was signed by the following members:

Messrs. JACKSON of Cumberland
MERRILL of Cumberland
— of the Senate.

Messrs. MAXWELL of Jay
TWITCHELL of Norway
SUSI of Pittsfield
MORTON of Farmington
IMMONEN of West Paris
DAM of Skowhegan
COX of Brewer
DRIGOTAS of Auburn
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Resolution.

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.
Messrs. MULKERN of Portland
FINEMORE of Bridgewater
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker, I would move we accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Auburn, Mr. Drigotas, moves the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: L. D. 2204 is my bill, and I was asked to sponsor this measure at the request of a number of concerned citizens from the Town of Freeport. Freeport has been reevaluated for the second time in eight years, and there is some concern as to the method of taxation, and I am sure that this is not unique across the state or unique only to Freeport.

L. D. 2204 would provide for the assessment of all real and personal property on the basis of current use. Presently, Section 8 of Article IX of the Constitution calls for the assessment of real and personal property on the basis of just value. This was amended by the legislature in 1970 by a constitutional amendment, ratified by the people, which calls for valuation of four types of land at current use. These kinds of lands include farm and agricultural lands, timber land and woodlands, open-space lands which are used for recreation or the enjoyment of scenic or natural beauty and, lastly, lands used for game management or wildlife sanctuaries. This was done because just value principle raised the property tax of land such as farmland higher than it could yield as farmland.

If the farmland, for example, was land which the local assessors felt could be used as house lots, it could be taxed according to the rate as a house lot. The results, then as today, was to force many farmers to sell land they did not desire to sell, because the land taxes were so high.

Under the measure before us, all real and personal property would be taxed at its current use. This would eliminate the possibility that any landowner would be forced to sell simply because the assessment of their land was more valuable in some use other than its current use. In addition, this measure would tend to slow up the subdivision of land simply because Maine landowners could not afford to pay property tax based on someone's assessment of what the land is good for as opposed to what it is presently used for.

I urge your consideration of the motion before you.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker and Members of the House: There is presently no state that uses a current use value as a valuation criteria for property tax valuations. The terms "full value," "fair market value," or "full and true value" in many cases are used, which correspond with Maine's "just value." There is a lot here, but I guess the final part will sum it up.

It says that the proposed constitutional amendment would open a Pandora's Box full of assessing problems. Just look at the property lying vacant in Maine. What would it be worth at its current use? A vacant lot on Congress Street, a vacant lot on Turner Avenue in Auburn or Western Avenue in Augusta just sitting there without any use being made, what would be the current use? Nothing. The value would be nothing.

We have made some progress in

property tax assessing the past few years in Maine, and this constitutional amendment would not only destroy that progress but would possibly create chaos throughout the state in municipal tax rates.

Ladies and gentlemen of the House, as a result of the Governor's Tax Study Policy Committee, a lot of the things we considered have not been implemented and one of the areas discussed was just this same problem and I think this would more properly be addressed in the next session. I urge acceptance of the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I believe there was a case that was decided by the law court without within a matter of a few weeks concerning this very question. I would hope perhaps this could be tabled one day and I will look it up.

On motion of Mr. McKernan of Bangor, tabled pending the motion of Mr. Drigotas of Auburn to accept the Majority Report and specially assigned for Tuesday, March 2.

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act to Establish a Single Maine Estate Tax Based Upon a Percentage of Federal Taxable Estate" (H. P. 1951) (L. D. 2142) reporting "Ought to Pass"

Report was signed by the following members:

Mr. MERRILL of Cumberland
— of the Senate.
Messrs. DRIGOTAS of Auburn
MAXWELL of Jay
MULKERN of Portland
SUSI of Pittsfield
MORTON of Farmington
IMMONEN of West Paris
COX of Brewer
DAM of Skowhegan
— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Messrs. WYMAN of Washington
JACKSON of Cumberland
— of the Senate.
Messrs. TWITCHELL of Norway
FINEMORE of Bridgewater
— of the House.

Reports were read.

On motion of Mr. Drigotas of Auburn, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Consent Calendar First Day

In accordance with House Rule 49-A, the following items appeared on the Consent Calendar for the First Day:

Bill "An Act to Classify the Positions of Director of Program Review and Evaluation in the Department of Audit, Director of Fraud Investigation in the Department of Audit, and of Employees of the Fraud Investigation Division in the Department of Audit" — Committee on Performance Audit reporting "Ought to Pass" as amended by Committee Amendment "A" (H-936) (H. P. 1992) (L. D. 2174)

Bill "An Act to Remove the Vassalboro Sanitary District from the Kennebec Sanitary District Before the Kennebec District Issues Bonds this Spring" —

Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-937) (H. P. 2035) (L. D. 2208)

Bill "An Act Concerning the Charter of the Orono-Veazie Water District" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-413) (S. P. 648) (L. D. 2058)

Bill "An Act to Clarify Certain Provisions of the Newport Water District Charter" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendments "A" (S-411) and "B" (S-412) (S. P. 667) (L. D. 2119)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 1, under listing of the Second Day.

Consent Calendar Second Day

In accordance with House Rule 49-A, the following item appeared on the Consent Calendar for the Second Day:

Bill "An Act Increasing Borrowing Capacity of Community School District Consisting of the Towns of Crystal, Dyer Brook, Island Falls, Merrill, Oakfield and Smyrna" (C. "A" H-929) (H. P. 1928) (L. D. 2115)

No objections having been noted at the end of the Second Legislative Day, the above item was passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed Amended Bills

Bill "An Act to Change the Statutory Qualifications and Salary Limit for Director of Personnel" (Emergency) (H. P. 1937) (L. D. 2125) (C. "A" H-931)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. Farnham of Hampden offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-938) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: This amendment was necessary because if we had let the bill go as written with Committee Amendment "A", it would have left an indefinite ceiling as to the salary of the personnel director. This corrects it and would put him in the classification he now is, and I believe it is Class III in the salary schedule.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent up for concurrence.

Bill "An Act to Provide Adequate Funds for the Operation of a Bureau of Veterans Services Office in Aroostook County" (Emergency) (H. P. 1847) (L. D. 2016) (C. "A" H-930)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

Bill "An Act to Permit a Manufacturer of Alcoholic Beverages to be a Stockholder in a Corporation which is a Licensee" (H. P. 1892) (L. D. 2072) (C. "A" H-932)

Was reported by the Committee on Bills

in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker and Members of the House: I am not against drinking, because I do it myself, but this bill here, to me, smells of self serving and money making for a few people. I shall vote against it when the time comes.

On motion of Mr. Pierce of Waterville, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-939) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, I wonder if the sponsor of the amendment might explain it to us.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: You will recall that this bill first passed through here on what I believe was a 10 to 2 vote. I was one of those two members who could not in good faith sign this bill. I have offered this amendment today, and while I still do not like the bill as a whole and since I feel I cannot kill it, it does make the bill palatable.

In the State of Maine, we have a three-tiered system of liquor control. On the top, you have your manufacturers, in the middle your wholesalers, and on the bottom the retailers. These, by law and practice, and I think in good judgment, have always been kept separated. What this bill intends to do is allow a manufacturer now to become involved in the retail business in the State of Maine. I, personally, do not think that is a good idea. However, as I said, I was on the short end of the committee vote.

The bill also said, not originally but in the hearing, through the suggestion of the wholesalers, that they be added onto this.

There are two manufacturers in the State of Maine, but there are 29 wholesalers. So this really made a big difference in the bill. All my amendment does is take out the wholesalers where I think the real abuse might well come. And while I don't buy the concept of the whole bill if only the two manufacturers become involved in the business, but I feel I certainly cannot live with it with those two plus 29 wholesalers involved in the retail business.

Thereupon, House Amendment "B" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

Mrs. Martin of Brunswick requested a roll call vote on passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if this bill which could pass here today has an amendment on it that says that one of these two manufacturers does not buy the Evergreen Valley, which I guess is what it is intended for, or if they do not buy it, then will we retain our original law which says that manufacturers are not allowed to get into the retail business of selling liquor.

One major danger in this and why we have the law on the books is, if a retail outlet of liquor is controlled by the manufacturer of liquor, then naturally he can push his product out of that retail outlet and possibly could avoid competition to some extent.

I think we are working in a very gray area in how we are going to more liberally control our liquor laws, and I wish some one would answer me. If there is an amendment to this, if because of our financial position where we must try to sell Evergreen at a tremendous loss, and that is what is taking place here, and we have a buyer of the manufacturers of liquor who wish to buy it and we are willing to make this one exception, that possibly is one thing. But is this bill going to control that it doesn't happen again without going through the legislature of the State of Maine? That is my question.

The SPEAKER: The gentleman from Calais, Mr. Silverman, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: This bill had a real good hearing. It came out of committee with a 10 to 2 "ought to pass" report and it doesn't do all the things that some people are afraid it is going to.

I would point out to you that if a wholesaler who manufactures liquor is connected with any retail outlet, this retail outlet has to buy its liquor from the State Liquor Commission and not from a wholesaler, even though he may be owning it. I wonder if I made my point clear.

I would hope this morning that we would pass this, let it go on its way, and I, for one, am very happy with it.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Like Representative Maxwell has just said, this bill had a good hearing. No one opposed it. Why should we discriminate against these people. They have money. They want to purchase this establishment and just because they have the money and they want to buy, we are saying, well, you can't have it because you hold a wholesaler's license. This is absurd. This man is being discriminated against. He has got money, he wants to leave it in the State of Maine, why don't we let him have it?

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, Ladies and Gentlemen of the House: As the fellow says, this is my bill. The manufacturer is in my district, the City of Gardiner. I don't know all the inner workings of the negotiations that have been going on between this manufacturer and the Maine Guarantee Authority, but I know it has been extensive.

Monday is the deadline for the bids to be open. I understand it can be extended because I think there has only been one bid that has come in, from the latest reports that I have. I think it really is too bad, after the debate the other day on another bill that had to do with the Maine Guarantee Authority, that we should close the door in the State of Maine and say to the people, well, because of a 46 year old liquor law, that probably at the time it was put in was a very, very good law, but today we do have a company in the State of Maine that wants to invest more money in the State of

Maine. They are in a 'go' position to do something for this state. My understanding is it will employ some 60 people when this is in operation and the State of Maine doesn't have to guarantee anything to these people. They don't have to go through the Maine Guarantee Authority or any other backing that has to do with the taxpayers of the State of Maine.

I really hope that you will support this measure today.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Members of the House: I think some of our fears today are unfounded. I believe I know who these people are. They do not manufacture liquor that is commonly sold at cocktail bars. I am sure that the liquor is bought someplace else.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This to me appears to be first class 'class' legislation. My seatmate here put an amendment on the bill that would eliminate wholesalers from entering in upon this type of business practice, and here we are this morning — and I understand and appreciate the possibility of the sale of that property over there in Oxford County, but all we are doing here is making class legislation for a certain industry in this state to be able to turn around and go right back or integrate into another part of the industry.

I move the indefinite postponement of this bill and all its accompanying papers.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: As we were saying at the committee hearing, what stops the Holiday Inn from owning Fleishmann or part of Fleishmann, I know they have stock in that company and what stops Jim Beam from owning stock in the hotel business where they sell liquor? What difference does that make? Having this man having a license to be able to operate a hotel because he owns a wholesale company, what is the difference? I would like to have someone explain that to me. Another thing, if this place is not sold, this little town over there is just about ready to go bankrupt, so that is another reason that we went along with it. I can't see why we can't let this man invest his money in the State of Maine. Do we want to send him out somewhere else and invest his money? He has the money, so let him invest it in this company if he wants to.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps I can simplify this whole matter. We have heard about Evergreen Valley and we have heard about jobs and we have heard about the Holiday Inn, we have heard about everything else. That is not the question before us today. The question before us is very simple, do we or do we not want to allow manufacturers into the retail liquor business? If you do, you will vote no. If you don't, you will vote yes.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the committee who signed the "ought to

pass" on this bill, I feel that I must speak. The committee was very concerned about opening the door and letting manufacturers have licenses in this area and this is why we limited it to exactly one. The number is one that one manufacturer can have, and this is precisely what this legislation is to do. If we are to discriminate and say that the Maine Manufacturers, whatever they be, cannot enlarge or have any other thing, then I think we should let this 46 year old law stay on the books. If you are in favor of Evergreen Valley becoming something besides an empty shell, I think we should vote no.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Maxwell touched on a point. He asked if it were clear and I still have a little question about it and my question to anyone who might want to answer is, when the liquor or whatever this manufacturer manufactures is placed on the market, through what channel is it placed? Can he take his product and place it in the bar and sell it from there or does it have to go through channels?

The SPEAKER: The gentleman from Rangeley, Mr. Doak, has posed a question through the Chair to anyone who may answer if they so desire.

The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I perhaps didn't make myself clear, but this manufacturer has to sell his product to the State of Maine, to the Maine State Liquor Commission, then he, even though it is his own place, has to turn around and purchase this back from the Maine State Liquor Commission and give the State of Maine a nice fat profit. Did I make myself clear that time?

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I did ask a question and it hasn't been answered. That is, are we or does this bill allow any protection that if the so-called manufacturer does not buy Evergreen Valley, is it possible that there is an amendment to this bill that says that we will continue our old law of the past where a manufacturer can't buy a retail liquor establishment? No one answered this, and that is important to me.

If we are putting this bill in to help the State of Maine and the MGA find a purchaser of Evergreen, that is one thing, but if we are putting this bill in to allow two manufacturers to be able to buy an establishment that retails liquor, that is another thing, I would like an answer to that.

The SPEAKER: The gentleman from Calais, Mr. Silverman, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Waterville, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman's question, and the answer is very simple, this bill not only does not guarantee that he will buy Evergreen Valley, it does not guarantee that he will even bid on Evergreen Valley, that is complete supposition.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Bowle.

Mr. BOWIE: Mr. Speaker, Ladies and Gentlemen of the House: The company

that I am referring to cannot bid on Evergreen Valley until we have cleared through this body and this legislature that the law will allow them to do this. Now, they are not going to put up a lot of money and go through the procedure to buy a place that they can't even operate.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Just to answer my fine friend from Kennebec County, it seems to me, if I understand the legal processes of this state and the bidding processes, that they certainly could bid on Evergreen Valley. The question is, could they run the liquor establishment there? There is nothing in the law, as far as I can see, that would prohibit them from bidding on Evergreen Valley.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: I am concerned with this bill. Evergreen Valley is not in my town but it is close to it and employed people when it was going full blast from my area, but I just want somebody to go through that one more time, that if the manufacturer, if he manufactures the liquor, that it will not go right then to Evergreen Valley per se, he would have to use all the procedures that everybody else has to use? Is that right?

The SPEAKER: The gentlewoman from Bridgton, Mrs. Tarr, has posed a question through the Chair to anyone who may answer if they so desire.

The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the lady's question is that whether this man is a manufacturer or whatever he is, he will be treated like any other licensee and will have to purchase his liquor through the normal sources, which is through the state liquor store.

Secondly, if you are afraid that this is going to be an undue proliferation of manufacturers—opening outlets—in the state, we have two manufacturers within the state and this bill says that each manufacturer or a manufacturer can have only one, so that means by passing this bill there will be no proliferation, because there can only be a maximum of two outlets.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, from the debate I have heard this morning, the one thing I wanted to add to it is that the MGA is the proud possessor of several dead horses; this happens to be one of them. If there is any way that this state can get a buyer interested that has money enough to go ahead on their own, then that is the way we ought to act, because we have all kinds of industries and businesses that need \$1.8 million and I agree that that is the way to go. But for goodness sake, this morning, if we have somebody that is remotely interested in this dead horse, let's give him a chance to buy it.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, a question for the House. We only have two liquor manufacturers in the state. Is it possible the only reason that we have two manufacturers in the state is because they are limited in this way and cannot compete in other fields?

Mrs. Martin of Brunswick has requested a roll call.

The SPEAKER: In order for the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor 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 before the House is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Blodgett, Call, Chonko, Connolly, Cox, Curran, P.; Dam, Davies, DeVane, Goodwin, H.; Goodwin, K.; Gray, Hughes, Ingegneri, Kelleher, Lewis, Lynch, Martin, A.; Mulhern, Pearson, Pierce, Powell, Raymond, Shute, Silverman, Spencer, Tierney, Tozier.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Carey, Carpenter, Carter, Churchill, Clark, Conners, Cooney, Cote, Curran, R.; Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Littlefield, Lizotte, Lovell, Lunt, MacEachern, Mackel, MacLeod, Martin, R.; Maxwell, McBrearty, McKernan, McMahon, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Post, Quinn, Rideout, Rolde, Rollins, Saunders, Smith, Snow, Snowe, Sprowl, Strout, Susi, Tarr, Teague, Theriault, Torrey, Truman, Twitchell, Usher, Wagner, Walker, Webber, Wilfong.

ABSENT — Byers, Carroll, Curtis, Farnham, Gauthier, Hobbins, LaPointe, Leonard, Mahany, Mills, Peakes, Peterson, T.; Stubbs, Talbot, Tyndale.

Yes, 30; No, 105; Absent, 15.

The SPEAKER: Thirty having voted in the affirmative and one hundred and five in the negative, with fifteen being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, having voted on the prevailing side, I now move that the House reconsider its action whereby this bill was passed to be engrossed, and hope you will vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House reconsider its action whereby this bill was passed to be engrossed as amended. All in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Sent up for concurrence.

Enactor

Tabled and Assigned

An Act Relating to the Right of Rescission Under the Truth-in-Lending Act (S. P. 711) (L. D. 2234)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I guess it is my day to ask questions. My seatmate and myself are trying to figure out what "right of rescission" means and I wonder if someone could explain that term to us.

The SPEAKER: The gentleman from Portland, Mr. Connolly, has posed a question through the Chair to anyone who may care to answer if they so desire.

The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 2234 is a bill that was passed out unanimously by the Committee on Business Legislation. It simply places a reasonable time limit on the ability of a citizen in the state to receive from his or her actions. That reasonable time limit is three years. This is under the Maine Truth in Lending and makes Maine's laws in compliance with the Federal Truth in Lending.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I must confess that I still don't understand what this is all about. I move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, I move that item be tabled for one legislative day.

Mrs. Clark of Freeport requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Nobleboro, Mr. Palmer, that this matter be tabled pending the motion of Mr. Connolly of Portland to indefinitely postpone and specially assigned for Monday, March 1. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.
79 having voted in the affirmative and 40 having voted in the negative, the motion did prevail.

Passed to Be Enacted

An Act Authorizing Educational Associates, Inc., to Confer Associate in Applied Science Degrees (H. P. 1851) (L. D. 2020) (C. "A" H-919)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

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

Joint Order (H. P. 2108) — Relative to Legislative Finance Officer being directed to pay \$200 to each member for constituent services — In the House, read February 26

Tabled — February 26 by Mrs. Najarian of Portland.

Pending — Passage

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: In regard to this order, it was authorized in the special session of the 106th Legislature that each

legislator shall be paid \$200 annually for constituent services. This order simply states the date on which it shall be paid and I believe it has the concurrence of the Legislative Finance Office.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of this joint order.

I have had problems with this for some time and when it came out on the calendar yesterday, I did some checking into it. It is a matter of conscience with me and I think maybe we have something better to do with \$36,800. We are in bad straits. I think the money could be better used elsewhere. I may get run out of this House for this but, nevertheless, it is my conscience speaking.

There is a problem with the law, as indicated by the Attorney General, it says "shall be paid." There is another vehicle coming along that is currently in State Government, L. D. 2087, that could rectify this with an amendment. It is also noted in 2087 that the Representatives will be authorized \$300 a year and the gentlemen at the other end of the hall \$600 a year, thereby having a price tag on it of \$65,100.

One of my big points against this is there is no accountability for this money. It is granted to be used in any manner in which the individual desires to; it is to be spent for constituent services, but there is no assurance that that is where the money is going to go.

I dislike being negative on any one subject without offering an alternative though, and if we are bound and determined to spend this \$36,800, I would like to suggest that in a constituent area, we might establish wats lines whereby our constituents could call us. It would be an answering service whereby we could make contact with our constituents. We have other constituent services while we are here and if we could establish this wats line for during the year as well as when we are here, I think it would be very beneficial. I request a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I have no conscience, so this doesn't bother me any. I don't know how big Mr. Burns' territory is or anything about it, but I am not speaking for myself, although in my district, I travel all summer. Last summer I didn't quite get through all of it because I was in the hospital, but I have made it a point in all the years I have been here, and that is 12 years, to cover my constituents. I believe you will find it out if you ask anyone in this district that I am from. You take anyone from Arrostook, like our own Speaker, who has a district like he has, if he gets a call from Fort Kent or Ashland, down through there, look at the distance he travels. It is no trouble to pick up \$200 today in mileage. Supposing you don't figure your meals or anything else, you are not figuring your time. But I will tell you, in Washington County, for instance, look at the territory the people have there, look at the Davenport one and Danforth, the one in Island Falls, why, \$200 isn't a drop of what it would cost you to be a Representative in that area.

I will still give my constituents the same amount of service if I don't get it, but there are a lot of them who are a little different than I am and I think they need it and I hope today that you will vote against this motion and go along with this, because this

was passed in the 107th in the regular session. I think this would be hurting the Representatives here today if you take this away from them. As far as telephone calls are concerned, we all are allowed to use our credit cards within our district anyway, so that isn't an expense to us.

I tell you, this mileage today with automobiles is a lot of money. You start going the length of my territory or the Speaker's territory, it is a lot of miles.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: There is one aspect to Mr. Burns' motion that I would suggest. He is in fact writing a new law without hearing. This is a matter of law already, all we are doing is fixing a date. If we vote no now, in effect we are amending a law we have not had committee hearings on or anything else. I concur very strongly with Mr. Finemore.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would just point out one fact, that if you kill this order, it isn't really going to accomplish what Mr. Burns wants done. It is simply going to delay the payment until December 31 rather than the date on the order.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Nobleboro. This may be a kind of nonsensical debate here today, but I thought just because there were so many of you who are here for the first time, it might be interesting for you to know the background of this item.

It has been a source of constant controversy, since I have been in the legislature at least, that legislators have been paid so little that we have been unable to attract a great number of people as candidates. This has been a matter of some concern. As a matter of fact, between the first and second legislatures that I served in, we had a committee that was established to come up with all kinds of legislative reform, and everything was discussed from pay increases to increasing staff for the legislature, and this item, among others, was one that came up. As it is presently constituted, you will recall that it was part of a larger package, really, designed to increase the compensation to legislators and one of the underlying reasons was that we would then be able to attract many of the middle class and working people of this state to public office without costing them a whole lot of money out of their pockets.

I don't think this is a giveaway program. It was part of the efforts of a previous legislature to come up with an improved situation whereby many more people in Maine would be capable of serving.

I don't think you should regard this as something that has been slipped through or something that is secretive or something that some person has tried to undermine the legislative process with because it simply is not the case, it was very deliberate effort. Many individuals are in the situation that the gentleman from Bridgewater, Mr. Finemore, has described and it is an attempt to help in that situation.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I ask to be excused under Rule 19.

The SPEAKER: The Chair will deny the request on the basis that all members are affected. Regardless whether the order passes or not, the \$200 will be paid.

The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: When I heard the good gentleman from Somerset County say that we should be accountable for \$200, last week I went to Jackman three times, that was 400 miles, I don't think I should be accountable for that. I think if anybody would be good enough to table this, I would like to raise it to a thousand dollars.

The SPEAKER: A roll call has 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 those 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 Anson, Mr. Burns, that this Order, H. P. 2108, be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berube, Birt, Blodgett, Burns, Byers, Carter, Cooney, Dam, Doak, Durgin, Dyer, Farnham, Goodwin, H.; Greenlaw, Hewes, Jalbert, Kelleher, Laffin, Lewis, Littlefield, Lynch, Martin, A.; Morin, Pierce, Rideout, Rollins, Tarr, Truman.

NAY — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Boudreau, Bowie, Bustin, Call, Carey, Chonko, Churchill, Clark, Conners, Connolly, Cox, Curran, P.; Curran, R.; Davies, DeVane, Dow, Drigotas, Dudley, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, K.; Gould, Gray, Hall, Henderson, Hennessey, Higgins, Hinds, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laverty, LeBlanc, Lewin, Lizotte, Lovell, Lunt, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Post, Powell, Quinn, Raymond, Rolde, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Susi, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Usher, Walker, Webber, Wilfong, Winship.

ABSENT — Bachrach, Carpenter, Carroll, Cote, Curtis, Gauthier, Hobbins, LaPointe, Leonard, Mills, Peakes, Peterson, T.; Strout, Stubbs, Talbot, Tyndale, Wagner.

Yes, 28; No, 105; Absent, 17.

The SPEAKER: Twenty-eight having voted in the affirmative and one hundred five in the negative, with seventeen being absent, the motion does not prevail.

Thereupon, the Order received passage and was sent up for concurrence.

Mr. Susi of Pittsfield was granted unanimous consent to address the House.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak to you briefly about a letter and a fact sheet which was laid on our desks expressing the views of the Executive Office on the educational funding bill that is currently in the legislature.

The principal thrust of the presentation which we received is that should the finance proposal, which is a part of the educational funding bill, be enacted, and I will quote from the presentation which we received, "Only one half of the tax shift proposed in L. D. 2196 could be of any direct benefit to Maine families." In my opinion, this is an extensive charge that is vital to the entire issue. The impression is created that the Maine Legislature has somehow connived against Maine people to impose — and again I quote from the presentation — "nearly three dollars in new taxation for every dollar of supposed tax relief."

This conclusion is, in my opinion, developed through a completely specious process. It is based on a representation that, first, 15 percent of the property is owned by out-of-state residents here in Maine; and, secondly, 35 percent of Maine property is owned by corporations; and, thirdly, by some process which is inconceivable to me, these percentages should somehow be added together and this indicates that one half of any savings in property-tax-increase would accrue to out-of-state and corporate interests.

In all my exposure to state tax matters through the years here, I had never heard nor been exposed to these percentages of 15 percent and 35 percent, so when I read this presentation, my curiosity was aroused. I checked around over some period in attempting to find out what the source of these percentages was. I finally found a person in the Taxation Division, who admitted that he had come up with these figures. He acknowledged that they were estimates, that he had one basis, in fact, for both figures, that sometime in the past several years the Maine Municipal Association had done a check on some 20-odd communities here in the state with no indication as to what the selection process was in establishing which communities were checked to determine what percentage of the property in those communities was owned by out-of-state people. He had no information as to what percentage of Maine property is owned by corporations.

It occurs to me that in the field of Maine taxation, which has no limit to the amount of dependable statistics that are available, the Executive Office went out of its way to base a policy recommendation in a field in which there is no information.

So, we have this situation where a far-reaching policy recommendation is based on an unsupported estimate by a person who displayed to me an extreme lack of enthusiasm for his efforts in this regard.

This presentation from the Executive Office indicates to me a considerable lack of knowledge in the field of state taxation and at best could be considered an extremely irresponsible to what to me is a very vital issue here in the State of Maine.

I would hope that you would join with me in attempting to counteract the considerable harm that could develop from this representation, were it to go unchallenged.

Mr. Spencer of Standish was granted unanimous consent to address the House.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: With regard to the 15 percent figure of property taxes which are derived from nonresidents of the State of Maine, it is my understanding, from talking to John Salisbury several weeks ago, that the figures of the Maine Municipal Association indicated that roughly 15 percent of the property taxes

statewide were paid by nonresidents of the municipalities in which taxes are collected.

The tourism study that was done last year indicates that a substantial percentage of the nonresident property tax paid in each town are paid by Maine residents of other towns. I think that the figures in the tourism study indicate that something over 40 percent of the second homes in Maine are owned by Maine residents. I don't know the exact figure, but I think that is an element that ought to be considered in evaluating these figures.

I would also point out that if the reason that we ought not to have a tax increase in the personal income tax is because of the effect that that will have on new industry in the state, the fact that a substantial part of the property tax is paid by corporations would suggest that the shift from the property tax to the personal income tax would actually be of benefit in attempting to attract new industry.

(Off Record Remarks)

Mr. Jensen of Portland was granted unanimous consent to address the House.

Mr. JENSEN: Mr. Speaker and Members of the House: I would just like to state briefly for the record the reason that I was absent for the school funding bill yesterday, or the tax cut bill, whatever you want to call it. The reason was that I had expected that piece of legislation to go flying through this chamber with no problems whatsoever. Just in case, however, I had contacted my leadership and informed them that should they feel the vote was going to be close or should they feel that there would be problems, I would be glad to stay in spite of the previous commitment I had in the City of Portland. I did stay until about 12:15. No one contacted me, I had no indication that the vote would be close and therefore went home. I apologize for not being here.

(Off Record Remarks)

On motion of Mr. Gould of Old Town, Adjourned until Monday, March 1, at eleven o'clock in the morning.