

# 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**

Wednesday, March 3, 1976

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

Prayer by Doctor Thomas Longstaff of Waterville.

The journal of yesterday was read and approved.

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

**State Government**

Bill "An Act to Reorganize or Repeal Certain Activities and Agencies in Maine State Government" (Emergency) (H. P. 2143) (Presented by Mr. Hinds of South Portland)

(Ordered Printed)

Sent up for concurrence.

**Study Report**

**Health and Institutional Services**

Mr. Goodwin from the Committee on Health and Institutional Services to which was referred the study relative to Relating to Persons Residing in Community Residential Facilities, pursuant to H. P. 1724 of the 107th Legislature, have had the same under consideration, and ask leave to submit its majority findings and to report that the accompanying Bill "An Act Relating to Persons Residing in Community Residential Facilities" (H. P. 2142) (L. D. 2282) 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 Health and Institutional Services, ordered printed and sent up for concurrence.

**Orders**

Mrs. Saunders of Bethel presented the following Joint Order and moved its passage: (H. P. 2141)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The "Huskies" of Gould Academy and Their Coach, Charley Hurd State 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.

**House Reports of Committees**

**Ought Not to Pass**

Mr. Maxwell from the Committee on Taxation on Bill "An Act Concerning Taxes on Alcoholic Beverages" (H. P. 1855) (L. D. 2023) reporting "Ought Not to Pass"

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

**Consent Calendar**

**First Day**

In accordance with House Rule 49-A, the

following items appeared on the Consent Calendar for the First Day:

(H. P. 1883) (L. D. 2061) Bill "An Act Concerning the Identification by Fingerprints of Past Offenders" — Committee on Legal Affairs reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-945)

(S. P. 689) (L. D. 2206) Resolution Proposing an Amendment to the Constitution to Assure Revenues for Bond Service and Prohibit State Bonding of Current Expenditures — Committee on State Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-416)

(S. P. 650) (L. D. 2057) Bill "An Act to Correct and Clarify the Maine Banking Code" — Committee on Business Legislation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-417)

(S. P. 661) (L. D. 2086) Resolve Authorizing the Bureau of Public Lands to Convey the State's Interest in 4 Lots in Kingman, Penobscot County — Committee on State Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-414)

(H. P. 2034) (L. D. 2207) Bill "An Act to Amend the Protection and Improvement of Air Statutes" Committee on Natural Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-946)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 4, under listing of the Second Day.

**Passed to Be Engrossed  
Amended Bill**

Resolution Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money (H. P. 1981) (L. D. 2170) (C. "B" H-942 as amended by H. "A" H-943, thereto)

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.

**Passed to Be Enacted  
Emergency Measure**

An Act to Clarify Certain Provisions of the Newport Water District Charter (S. P. 667) (L. D. 2119) (C. "A" S-411, C. "B" S-412)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act Creating the Winter Harbor Utilities District (H. P. 1838) (L. D. 2003) (C. "A" H-928)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act Prohibiting the Use of Seine or Gill Nets on a Certain Portion of the Union River (H. P. 1945) (L. D. 2131) (C. "A" H-927)

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:

Bill "An Act to Establish a Single Maine Estate Tax Based Upon a Percentage of Federal Taxable Estate" (H. P. 1951) (L. D. 2142) In the House, read a second time.

Tabled — March 1 by Mrs. Snowe of Auburn.

Pending — Passage to be Engrossed (Roll Call Ordered)

Mr. Morton of Farmington offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-948) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the action of the House the other day in tabling this matter, because there were some technical objections raised, and if there is one thing I want to attempt to do around here is to make sure that a bill is technically correct if nothing else.

This change was the one that was suggested by the gentlelady from Auburn, and in Section 4141 of the bill, which is on page 5, it deals with the length of time which the state has to advise the estate that its assessment was correct. If you delay it for three years, as the bill originally called for, which was taken from the federal, the impact on the taxpayer, of course, is greater by the fact that he has got three years of interest to pay rather than one.

The state has acknowledged, the department has acknowledged, as it states in the statement of fact, that the necessity for three years at the state level is not great, that the federals may need three years to compute the problems if there are any, but the state can handle it in one. That is why the amendment is in and I move its adoption.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: As I understand this amendment, it says one year. They weren't satisfied with giving us a little raise in the difference, now they want to add six percent interest on it after one year.

With this in mind and disliking very much working against the gentleman from Farmington, Mr. Morton, I move for indefinite postponement of this amendment.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the indefinite postponement of House Amendment "A".

The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I am afraid the gentleman from Bridgewater, Mr. Finemore, completely misunderstands the thrust of this amendment. This amendment is designed to be of help to the taxpayer and not a burden on the taxpayer.

The interest is due, if you read page 6 of

Section 4141, subsection 2, it says — this puts the burden on the assessor. We are talking about the State Tax Assessor now. It says, determines from the verification of return that the full amount has not been assessed or is not deemed to be assessed, he may at any time within three years after the date that the return was filed or the date it was required to be filed. In other words, that is the first date that the State Tax Assessor can actually say he has jurisdiction over this return. Whichever occurs later, assess the same with interest at six percent per year, right back from the beginning. So, this six percent is nothing new. That has been in the law for a long time. But the idea here is to make it necessary for the State Tax Assessor to get back to the estate and tell them within a year that they owe more money rather than waiting three years and sock them not only with more money but the higher interest involved.

As I say, the three years was taken from the federal. The state says it doesn't need that much time and they are perfectly willing to get those returns back to the taxpayers within one year.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Snowe.

Mrs. SNOWE: Mr. Speaker and Members of the House: This was an amendment suggested by me, and I just don't think it is necessary for a person to wait three years to hear whether or not the assessments are correct. Oftentimes the valuations by an appraiser and evaluations by a tax assessor differ, and I think in this respect the state can determine within a shorter period of time whether or not these assessments are correct. On the federal level, it is three years, and that is understandable, but here in the state, we are dealing with a less number of people and I think we can do it and expedite it. I think it is an unnecessary harassment for someone to wait for three years to find out whether or not the state agrees with the appraisals.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that House Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

5 having voted in the affirmative and 102 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "A" was adopted.

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

(Off Record Remarks)

Mr. Jackson of Yarmouth was granted unanimous consent to address the House.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry I have to put this on the record, but I think there should be a reply made. It has been bothering me all night and I want to bring it up and at least express my opinion and feeling on it.

This legislature is quite thin skinned when we are criticized in the newspapers and other places, and we tend to react to it. We feel that we are doing a good job, that we are giving of ourselves and performing a service to the state. We have had in the last week or so a great deal of debate regarding the phone company.

All of us have had bad experiences with

the phone company, all of us have feelings one way or the other on it, both good and bad. Some of the terms that have been used though, I think are unworthy of the legislature in referring to the phone company. I have people in my town who have spent much of their lives working as service technicians, pole, wire men, telephone operators and various things. They feel that they are performing a service for the state. They feel their job is important to the state and important to the people of the state, and I think to characterize them in some of the terms that are being used is unfortunate and I for one, do not want to be connected as having supported this characterization.

(Off Record Remarks)

On motion of Mr. Farnham of Hampden, Adjourned until ten o'clock tomorrow morning.