

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Monday, May 12, 1975

Senate called to order by the President.
Prayer by the Honorable Bennett D. Katz of Augusta:

A very old lady said, "Every day is a blessing from God." If this is indeed true, and of course it is, God has given us a very special blessing today with the countryside covered with a very special Maine spring green to inspire us and to make us thank God for the opportunities of service which we have here in the Maine Senate.

Reading of the Journal of Friday, May 9, 1975.

**Papers from the House
Non-concurrent Matter**

Bill, "An Act to Grant Liquor Enforcement Inspectors the Same Powers of Arrest as Sheriffs." (S. P. 359) (L. D. 1163)

In the Senate May 8, 1975, the Minority report Read and Accepted and the Bill Passed to be Engrossed.

Comes from the House, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Mr. Conley of Cumberland moved that the Senate Recede and Concur.

On motion by Mr. Hichens of York, a division was had. 13 having voted in the affirmative and 11 having voted in the negative, the motion prevailed.

Non-concurrent Matter

Bill, "An Act Relating to Minimum Finance Charges Under the Maine Consumer Credit Code." (S. P. 219) (L. D. 718)

In the Senate April 29, 1975, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-288), in non-concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to Recede and Concur.

**Joint Order
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Anne Curry of Houlton State of Maine Spelling Champion for 1975

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. (H. P. 1572)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-five.

WHEREAS, The Legislature has

learned of the Outstanding Achievement and Exceptional Accomplishment of University of Maine Woodsmen's A and B Team 1st and 3rd Place Winners at the 28th Annual New England Intercollegiate Woodsmen's Meet at University of Maine at Orono on May 2 and 3, 1975

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. (H. P. 1574)

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

**Joint Resolution
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-five

Joint Resolution Memorializing the President and Congress of the United States to Aid and Assist Vietnamese Refugees

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Seventh Legislative Session assembled, most respectfully present and petition the President and Congress of the United States as follows:

WHEREAS, the Governor of this State, with whom We, your Memorialists concur, has offered to do all within the capacity of this State to assist in the resettlement of Vietnamese refugees; and

WHEREAS, it is in the best, most noble and strongest tradition of the American people to provide succor and shelter to those who, for whatever reason, are forced to flee their homeland; now, therefore; be it

RESOLVED: That We, your Memorialists, respectfully request that the United States Government live up to its most noble traditions by providing sufficient financial aid to resettle Vietnamese refugees in peace and dignity; and be it further

RESOLVED: That We, your Memorialists, request guidance as to how the State of Maine can best support the efforts of the United States Government in resettling Vietnamese refugees, knowing that our citizens will offer their time, their homes and other means, to assist these refugees in their time of need; and be it further

RESOLVED: That suitable copies of this resolution be prepared and transmitted forthwith by the Secretary of State to the Honorable Gerald R. Ford, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to each member of the Maine Congressional Delegation and to such organizations in this State as may be assembled to aid and assist in the resettlement of Vietnamese refugees. (H. P. 1575)

Comes from the House, Read and Adopted.

Which was Read.
On motion by Mr. Curtis of Penobscot,

tabled and Tomorrow Assigned, pending Adoption.

**Communications
STATE OF MAINE**
One Hundred and Seventh Legislature
House of Representatives
Office of the Clerk
Augusta, Maine 04330

May 7, 1975

Honorable Harry N. Starbranch
Secretary of the Senate
107th Legislature
Augusta, Maine 04330

Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Increasing the Number of Associate Justices of the Supreme Judicial Court" (S. P. 147) (L. D. 510):

Rep. SNOW of Falmouth
Rep. CARPENTER of Houlton
Rep. HEWES of Cape Elizabeth

Signed: Respectfully,

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Trotzky of Penobscot,
STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mr. Jay E. Alley upon his Retirement May 12, 1975, Following 28 Years of Dedicated Public Service as City Clerk of the City of Bangor

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. (S. P. 518)

Which was Read and Passed.
Sent down for concurrence.

**Committee Reports
House**

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 to Require Mandatory Training for Certain Persons Hunting with Firearms." (H. P. 1203) (L. D. 1498)

Bill, "An Act Concerning the Sale of Certain Drugs." (H. P. 986) (L. D. 1251)

Leave to Withdraw

The Committee on Fisheries and Wildlife on, Bill, "An Act to Increase the Fee for Nonresident Big Game Hunting Licenses." (H. P. 147) (L. D. 166)

Reported that the same be granted Leave to Withdraw.

The Committee on Fisheries and Wildlife on, Bill, "An Act Establishing a Controlled Open Season on Moose." (H. P. 168) (L. D. 198)

Reported that the same be granted Leave to Withdraw.

The Committee on Health and

Institutional Services on, Bill, "An Act Relating to the Furnishing of Family Planning Services to Minors." (H. P. 218) (L. D. 273)

Reported that the same be granted Leave to Withdraw.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Increase Archery Hunting License Fees for Nonresidents." (H. P. 522) (L. D. 639)

Reported that the same be granted Leave to Withdraw.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Provide for a Hunting Stamp in Order to Hunt Bear." (H. P. 661) (L. D. 835)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act Providing for Payment of Sales Tax on Motor Vehicles at Time of Registrations." (H. P. 243) (L. D. 297)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act Providing for a Change in Standard Deductions in the Maine Income Tax Law." (H. P. 1363) (L. D. 1665)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Increase the Special Tax on Fire Insurance Premiums and Provide Payment of Part of it to Municipalities for Fire Protection Purposes." (H. P. 1439) (L. D. 1748)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on State Government on, Bill, "An Act to Redefine the Political Activity Rights of Classified Employees of the State." (H. P. 1093) (L. D. 1434)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for the Osteopathic Student Loan Fund." (H. P. 1037) (L. D. 1323)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-263).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to Programs for Retarded Individuals in Boarding and Nursing Homes." (H. P. 1052) (L. D. 1326)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-262).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Authorize Bond Issue in the Amount of \$6,500,000 for the Construction and Renovations of Higher Education Facilities at the University of Maine." (H. P. 1061) (L. D. 1341)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-264).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Redirect the Use of Plumbing Permit Fees." (H. P. 1092) (L. D. 1371)

Reported that the same Ought to Pass as

Amended by Committee Amendment "A" (H-261).

Come from the House, the Bills Passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and adopted in concurrence and the Bills, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Legal Affairs on, Resolve, to Reimburse Michael Forrester of Arundel for Loss of Livestock Destroyed by Dogs. (H. P. 1508) (L. D. 1839)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-271).

Signed:

Senators:

CORSON of Somerset

CIANCHETTE of Somerset

Representatives:

GOULD of Old Town

PERKINS of Blue Hill

HUNTER of Benton

SHUTE of Stockton Springs

JOYCE of Portland

FAUCHER of Solon

COTE of Lewiston

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

CAREY of Wterville

BURNS of North Anson

Comes from the House, the Majority report Read and Accepted and the Resolve Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

Thereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Resolve Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Resolve, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act Providing Minimum Retirement Benefits for Certain Teachers." (H. P. 991) (L. D. 1255)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox

O'LEARY of Oxford

Representatives:

MORTON of Farmington

THERIAULT of Rumford

LEONARD of Woolwich

NADEAU of Sanford

MacEACHERN of Lincoln

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-265).

Signed:

Representatives:

LAVERY of Millinocket

CURTIS of Rockland

POWELL of Wallagrass Pt.

KELLEY of Machias

USHER of Westbrook

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

Mr. Conley of Cumberland then moved that the Senate accept the Minority Ought to Pass as Amended Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I would ask for a division. This is another one of these bills where our committee has adopted a policy of not admitting any, and this would be in the neighborhood of another \$75,000.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I rise to support the position of the Senator from Oxford, Senator O'Leary. This particular bill includes six people, and again we have this question of shall we make the retirement fund a welfare organization or shall we keep it a retirement fund? It has been the consistent policy to turn down these requests in this legislature.

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

Mr. PRAY: Mr. President, I would like to pose a question through the Chair to the Senator from Oxford, Senator O'Leary, if the fiscal note on that was \$75,000 or \$7,500? He stated \$75,000.

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair to the Senator from Oxford, Senator O'Leary, who may answer if he so desires.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, the Senator from Oxford, Senator O'Leary, has suggested that I respond to that question. This is a case where there would be a minimum pension to each of six persons, which would be 1200 times six, so it would be 7200. But each of these persons would then be on the rolls and it would be a continuing matter until each of the persons dies. Each of these persons is in advanced years, I think, ranging from about age 75 to age 85 or 86. But nonetheless, we undertake a responsibility once we start, and if we are going to do it for a few we are going to open the gates to do it for many. And as I have reminded the Senate, the total price tag, if we open the gates on this sort of thing, is going to range from a quarter of a million to half a million dollars.

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

Mr. CONLEY: Mr. President, I agree that this is unusual, but I think, on the other hand, that because of the fact these people are well along in years it might be a bill that we could consider once it did get to the appropriation table. I hope that the Senate would move to accept the Minority Ought to Pass Report for us to give it further consideration at the time we will dispose of most of these matters.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate accept the Minority Ought to Pass as Amended Report of the Committee. Will all those Senators in favor of accepting the Minority Ought to Pass as Amended Report please rise in their places until counted.

A division was had. Nine having voted in the affirmative, and 16 having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

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:

Resolve, Authorizing the State Director of Public Improvements to Lease Land in Augusta to the Maine State Employees Credit Union for the Erection of an Office Building. (S. P. 308) (L. D. 1039)

Bill, "An Act Providing Funds to Improve the Dental Health of Adults in Maine." (S. P. 336) (L. D. 1124)

Bill, "An Act to Establish a Zero Base Budget for the State." (S. P. 434) (L. D. 1426)

Resolution, Proposing an Amendment to the Constitution to Provide for Selection of the Executive Council by Popular Election in such Areas as Provided by Law. (S. P. 463) (L. D. 1516)

Leave to Withdraw

Mr. Johnston for the Committee on Business Legislation on, Bill, "An Act Relating to Credit Insurance Payments under the Maine Consumer Credit Code." (S. P. 199) (L. D. 666)

Reported that the same be granted Leave to Withdraw.

Mr. Graham for the Committee on State Government on, Bill, "An Act to Establish Revised Boundaries for the Master Plan of the Capitol Complex at Augusta." (S. P. 343) (L. D. 1235)

Reported that the same be granted Leave to Withdraw.

Mr. Wyman for the Committee on Taxation on, Bill, "An Act Exempting Certain Energy-Conserving Building Construction Materials from Taxation." (S. P. 461) (L. D. 1514)

Reported that the same be granted Leave to Withdraw.

Mr. Wyman for the Committee on Taxation on, Bill, "An Act to Change the Sales Tax Basis on Fuel Oil From Price to Volume." (S. P. 197) (L. D. 665)

Reported that the same be granted Leave to Withdraw.

Mr. Marcotte for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Funds to Enable the Bureau of Parks and Recreation to Develop the Kennebec River Greenbelt." (S. P. 436) (L. D. 1421)

Reported that the same be granted Leave to Withdraw.

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act Relating to Student Loans under the Maine Consumer Credit Code." (S. P. 403) (L. D. 1288)

Reported that the same be granted Leave to Withdraw.

Mr. Katz for the Committee on Education on, Bill, "An Act Concerning Construction for the University of Maine Funded by Nonstate Moneys." (S. P. 435) (L. D. 1420)

Reported that the same be granted Leave to Withdraw.

Mr. Greeley for the Committee on Transportation on, Bill, "An Act to Change Weight Provisions for Commercial Vehicles." (S. P. 94) (L. D. 265)

Reported that the same be granted Leave to Withdraw.

Mr. Gahagan for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for the Continuation of Sheltered Group Care Homes for Girls." (S. P. 341) (L. D. 1143)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted. Sent down for concurrence.

Ought to Pass

Mr. Johnston for the Committee on Business Legislation on, Bill, "An Act Relating to Deferral Charges under the Maine Consumer Credit Code." (S. P. 198) (L. D. 684)

Reported that the same Ought to Pass.

Mr. Wyman for the Committee on State Government on, Bill, "An Act to Permit Housing Authority Commissioners to Serve Concurrently as Commissioners of a Renewal Authority in Certain Places." (S. P. 317) (L. D. 1094)

Reported that the same Ought to Pass.

Mr. Wyman for the Committee on Taxation on, Bill, "An Act Exempting Alcohol and Drug Abuse Centers from Payment of State Sales Tax." (S. P. 265) (L. D. 864)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Mr. Carbonneau for the Committee on Local and County Government on, Bill, "An Act to Authorize the County of Hancock to Collect and Dispose of Solid Waste on a Regional Basis." (S. P. 128) (L. D. 414)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-139).

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act Relating to Closing Costs under the Maine Consumer Credit Code." (S. P. 218) (L. D. 717)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-136).

Mr. Jackson for the Committee on Local and County Government on, Bill, "An Act to Authorize Knox County to Raise \$700,000 for Construction of a County Jail and a District Court Facility." (S. P. 285) (L. D. 995)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-137).

Mr. Graham for the Committee on State Government on, Bill, "An Act Concerning Publication and Public Inspection of Executive Orders." (S. P. 449) (L. D. 1508)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-135).

Mr. Katz for the Committee on Education on, Bill, "An Act Creating the Post-secondary Education Commission of Maine." (S. P. 344) (L. D. 1160)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-134).

Mr. Carbonneau for the Committee on Local and County Government on, Bill, "An Act Repealing the York Harbor Village Corporation." (S. P. 468) (L. D. 1563)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-138).

Which reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Establish Job Development, Placement and

Follow-up Services in Secondary Schools." (S. P. 476) (L. D. 1609)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec
THOMAS of Kennebec
BERRY of Androscoggin

Representatives:

LYNCH of Livermore Falls
CARROLL of Limerick
INGEGNERI of Bangor
BAGLEY of Winthrop
LEWIS of Auburn
FENLASON of Danforth

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

Signed:

Representatives:

CONNOLLY of Portland
MITCHELL of Vassalboro
POWELL of Wallagrosa Pt.
TYNDAL of Kennebunkport

Which reports were Read.

On motion by Mr. Conley of Cumberland, tabled and Specially Assigned for May 14, 1975, pending Acceptance of Either Committee Report.

Second Readers

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

House

Resolve, to Reimburse Norman Call of Levant for Loss of Cattle Destroyed by Bear. (H. P. 959) (L. D. 1207)

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

House — As Amended

Bill, "An Act Relating to Playing Card Games for Prizes." (H. P. 573) (L. D. 708)

Bill, "An Act Appropriating Funds to the Attorney General for the Purpose of Participating in Proceedings before the Public Utilities Commission." (H. P. 720) (L. D. 882)

Bill, "An Act to Enable the State to Recover 100 Percent of the Cost of Extended Benefits under Certain Conditions as Provided by Federal Legislation." (H. P. 758) (L. D. 932)

Bill, "An Act to Provide for Supervision of Elections by Municipal Clerks." (H. P. 907) (L. D. 1106)

Which were Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Senate — As Amended

Bill, "An Act to Provide for the Transcription of Testimony Taken in the Investigation of Consumer Complaints in Order to Protect Constitutional Rights." (S. P. 339) (L. D. 1127)

Which was Read a Second Time and Passed to be Engrossed, as Amended. Sent down for concurrence.

Bill, "An Act Concerning the Landlord-Tenant Relationship in Mobile Home Parks." (S. P. 432) (L. D. 1418)

Which was Read a Second Time. On motion by Mr. Corson of Somerset, tabled and Specially Assigned for May 14, 1975, pending Passage to be Engrossed.

Enactors

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

An Act Relating to Maternity Benefits for Unmarried Women Health Insurance Policyholders and Minor Dependents of

Health Insurance Policyholders. (S. P. 121) (L. D. 407)

An Act to Authorize the Governor and Executive Council to Approve or Disapprove Certain Claims Against the State. (H. P. 366) (L. D. 460)

An Act to Provide a Uniform Filing Deadline for Candidates for State and National Office within the State of Maine. (H. P. 1128) (L. D. 1404)

An Act Extending Eagle Lake Water and Sewer District to the Plantation of Wallgrass. (H. P. 1153) (L. D. 1447)

An Act Authorizing the Use of Facsimile Signature on Certain Documents by the Secretary of State. (H. P. 1270) (L. D. 1570)

An Act to Extend the Territorial Limits of the Hallowell Water District. (H. P. 1311) (L. D. 1589)

An Act Creating the Advisory Committee on State Telecommunications. (H. P. 1443) (L. D. 1744)

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

Emergency

An Act Relating to Compensation of Full-time Deputies in All Counties. (H. P. 1556) (L. D. 1869)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

House Reports — from the Committee on Taxation — Bill, "An Act Relating to the Valuation of Farmland." (H. P. 550) (L. D. 678) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-237).

Tabled — May 7, 1975 by Senator Merrill of Cumberland.

Pending — Acceptance of Either Report. (In the House — Indefinitely Postponed.)

Mr. Merrill of Cumberland then moved that the Senate accept the Minority Ought to Pass as Amended Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I rise to oppose that motion. This has been a bill that has been before us since it was passed in the 105th regular session which protects the elderly people living on our farm lands. There are many cases where these people have spent their whole life on a farm and now have retired, and do not have any income from that farm and should be protected from rises in taxes as to the potential use of that land with all the building developments going on. With these bills being passed, they are cutting down on the restrictions which are now on them. They say they have to have so much of an income, and the acreage of the farm gets smaller all the time, so we are putting a handicap on these people to pass a bill like this. I would oppose the motion and hope we can go along with the House and indefinitely postpone the whole measure.

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

Mr. MERRILL: Mr. President, I would like to offer a brief word of explanation to

this bill because it is my sincere belief that the remarks of the Senator from York, Senator Hichens, although well taken, aren't relevant to this bill.

The fact of the matter is that at the present time, in order to take advantage of special tax treatment that the people of Maine provided for farm land about four or five years ago when they enacted a constitutional amendment, that allows for the land to be taxed at less than its maximum use value, a farm has to meet really two requirements: it has to be ten contiguous acres and it has to produce \$1,000 a year gross income. This bill makes two changes. It doesn't touch the ten contiguous acres. It ups the \$1,000 to \$2,000, but at the same time it allows to be included in gross income those goods that are produced on the farm for consumption on the farm. Now, there is obviously a trade-off here. The attempt is to find somebody who is seriously doing something more on the land than just having a small garden out back, but it is also to include the person who is doing a lot of serious farming on his land but is producing the food for consumption by himself and by his family. I think that none of us need to reflect too long to know that there is a growing number of people in Maine who are making serious farming efforts which are really centered around producing food for the home, and they may have a job also or a part-time job where they get the money they need to take care of the other matters.

Really what this bill is an attempt to do, it is an attempt to allow more people to come under this exemption than presently do. It is an attempt to do what I think the bill originally intended to do, and that is allow for land that is being used for farming in Maine to be protected from the pressures of the property tax which would put that land into some other use. It seems to me to be a bill that is limited in scope, but one that is very important to some of the people who are living on subsistence farms today.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, for the edification of the members of the Senate, I would like to read the amendment in its entirety. It says, "Farmland means any tract or tracts of land including woodland and wasteland constituting a farm unit of at least 10 contiguous acres on which farming activities produce a gross income of at least \$2,000 per year for three of the five calendar years preceding the date of application for classification. Gross income as used in this section includes the value of commodities produced for consumption by the farm household. Any applicant for such a tax exemption bears the burden of proof as to his or her qualification." And as the good Senator from Cumberland, Senator Merrill, has stated, the statement of fact says, "The intent of this amendment is to make it possible for persons growing a significant part of their own consumption needs to qualify their land as farmland for tax purposes."

That is the basis of my argument. We have hundreds of retired farmers in the state who are just living out their lives on this land reflecting on the memories of a good productive land, and yet not being in many cases physically able to derive an income of \$2,000 a year from that land. I believe that the bill as presented and voted on, and coming into law several years ago, with having the farm unit at ten contiguous

acres and an income of \$1,000, is enough of a penalty for these people to have to pay.

So along with the Farm Bureau of the State of Maine, which has made a study and a recommendation on this bill, I now move that it be indefinitely postponed.

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

Mr. MERRILL: Mr. President, as I understand the objection of the Senator from York, Senator Hichens, it is not that we include into this bill the fact that goods raised by people for their own consumption can be added into the income produced, but the fact that it goes from \$1,000 to \$2,000. It isn't important to me whether this goes from \$1,000 to \$2,000. It was an attempt to make an honest statement out of this bill that I included that, because right now it includes the gross income from the things that the farm produces, which means the stuff that the farmer sells, which means wholesale price the farmer receives.

If we allow the value of goods produced to be taken for those consumed on the farm, I assume that those would be calculated on the basis of retail price, and so you could produce less and have the same amount. In other words, milk is worth roughly ninety-two cents a gallon if the farmer sells it; if we let him deduct the value to himself to keep it, it is a dollar sixty-two, or whatever it has been recently reduced to.

But I don't care whether we up this from \$1,000 to \$2,000, if we can accept the ought to pass report of the committee, to get this basic idea that what you produce for yourself can be used to figure out the value, then an amendment can be offered tomorrow to change the \$2,000 back down to the \$1,000, and I would be glad to support that amendment.

I think the important idea in this bill is the fact that these people who are running subsistence farms, many of whom are trying to get into the business so that they can farm full-time, so that these people can be allowed to get this tax treatment and that this land that is being used as farmland be taxed as farmland so that it won't be lost.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that this bill and all accompanying papers be indefinitely postponed. The Chair will order a division. All those Senators in favor of the motion to indefinitely postpone will please rise in their places until counted.

A division was had. Three having voted in the affirmative, and 24 having voted in the negative, the motion did not prevail.

Thereupon, the Minority Ought to Pass as Amended Report of the Committee was Accepted in non-concurrence, and the Bill Read Once. Committee Amendment "A" was Read.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Adoption of Committee Amendment "A".

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act Providing for the Observance of Memorial Day on May 30th." (S. P. 371) (L. D. 1198)

Tabled — May 8, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Conley of Cumberland to Reconsider Action

whereby Bill was Indefinitely Postponed.

(In the House — Passed to be Enacted.)

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

Mr. BERRY: Mr. President, when the vote is taken I would request a division.

The PRESIDENT: A division has been requested. The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. Conley of Cumberland then withdrew his motion to Reconsider.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President, I move that the Senate reconsider its action whereby this bill was indefinitely postponed.

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

Mr. CONLEY: Mr. President, a point of order: I would ask through the Chair if the good Senator from Somerset, Senator Corson, was on the prevailing side?

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President, I apologize, I was in error. I was not on the prevailing side on this motion.

The PRESIDENT: The Senator from Somerset withdraws his motion. The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, having voted on the prevailing side, I now move that the Senate reconsider its action whereby this bill was indefinitely postponed.

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

Mr. CONLEY: Mr. President, it is always good not to converse with the Majority Floor Leader and let him know in advance what you are going to do. I would hope, Mr. President and Members of the Senate, that you would vote against reconsideration this morning. I think that this bill has been debated on several occasions, and everyone obviously knows as to the good and bad about this piece of legislation.

I honestly think to turn this back to May 30th would create many, many problems. Leaving it the way it currently stands, after the change made by federal legislation over the years, that it would give a lot of Maine people an opportunity to have a three day weekend to enjoy Memorial Day and to make something of it. So it would be my hope, again, that the Senate would vote against reconsideration.

When the vote is taken, Mr. President, I would request the "Yeas" and "Nays."

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate reconsider its action whereby this Bill was indefinitely postponed. The Chair would advise the Senate that for this reconsideration motion to prevail will require a two-thirds vote of those present and voting.

The Secretary will call the roll.

ROLLCALL

YEAS: Senators Berry, E.; Corson, Curtis, Cyr, Gahagan, Graffam, Graham, Greeley, Hichens, McNally, O'Leary, Speers, Thomas.

NAYS: Senators Carbonneau, Cianchette, Clifford, Collins, Conley, Cummings, Danton, Huber, Johnston, Katz, Marcotte, Merrill, Pray, Trotzky.

ABSENT: Senators Berry, R.; Jackson, Reeves, Roberts, Wyman.

A roll call was had. 13 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with five Senators being absent, the motion did not prevail.

The President laid before the Senate the third tabled and Specially Assigned matter:

Bill, An Act to Amend the Protection and Improvement of Air Statutes. (H. P. 694) (L. D. 881)

Tabled — May 9, 1975 by Senator Wyman of Washington.

Pending — Enactment.

(In the House — Passed to be Enacted.)

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Enactment.

The President laid before the Senate the fourth tabled and Specially Assigned matter:

Bill, "An Act to Equalize the Retail Price of Alcoholic Beverages Throughout the State." (H. P. 403) (L. D. 492)

Tabled — May 9, 1975 by Senator Graham of Cumberland.

Pending — Motion of Senator Conley of Cumberland to Recede and Concur.

(In the House — Passed to be Engrossed.)

(In the Senate — Majority Ought Not to Pass Report was Read and Accepted, in non-concurrence.)

(Comes from the House, that body having Insisted.)

On motion by Mr. Danton of York, retabled and Specially Assigned for May 14, 1975, pending the motion by Mr. Conley of Cumberland to Recede and Concur.

Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

Enactors

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

An Act to Permit the Disposal of Moose Killed in Motor Vehicle Accidents. (H. P. 977) (L. D. 1224)

An Act to Correct Technical Errors in Laws Relating to Marine Resources. (H. P. 1338) (L. D. 1624)

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

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,
Adjourned until 9:30 tomorrow morning.