

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Wednesday, March 30, 1977

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

Prayer by Father Valmont Gilbert of St. Augustine's Catholic Church, Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

The Following Joint Order, An Expression of Legislative Sentiment recognizing that: Miss Laura Nawfel is the first woman to receive the Waterville Area Chamber of Commerce's Distinguished Community Service Award. (S. P. 376)

Came from the Senate read and passed.

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

Bill "An Act to Appropriate Moneys to the Maine State Housing Authority to Stimulate Housing Construction and Maintenance on Regional and Local Levels" (S. P. 352) (L. D. 1178)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Require that Commercial Home Builders who Accept Earnest Money Deposits be Required to Maintain an Escrow Arrangement to Protect These Funds" (S. P. 354) (L. D. 1179)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Permit Voter Registration and Enrollment at the Polls on Election Day" (S. P. 355) (L. D. 1180)

Came from the Senate referred to the Committee on Election Laws and ordered printed.

In the House, referred to the Committee on Election Laws in concurrence.

Bill "An Act to Require Annual Renewal of Watercraft Certificates of Number and to Distribute Two-fifths of the Fee for Application or Renewal of a Certificate of Number to Municipalities" (S. P. 356) (L. D. 1181)

Came from the Senate referred to the Committee on Fisheries and Wildlife and ordered printed.

In the House, referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Repeal the Definition of Insane Person Contained in Title 1 of the Maine Revised Statutes" (S. P. 357) (L. D. 1182)

Bill "An Act to Clarify the Definition of Professional Nursing and Practical Nursing" (S. P. 358) (L. D. 1183)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act Granting the Industrial Accident Commission the Power to Correct Clerical Errors in Certain of its Documents" (S. P. 347) (L. D. 1175)

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

In the House, referred to the Committee on Judiciary in concurrence.

Bill "An Act to Appropriate Funds to Enable

the Bureau of Parks and Recreation to Develop the Kennebec River Greenbelt" (S. P. 348) (L. D. 1176)

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.

Bill "An Act to Improve Recruiting and Retention of Technical and Professional Classified Service Employee" (S. P. 349) (L. D. 1177)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, referred to the Committee on State Government in concurrence.

Bill "An Act to Clarify and Correct Laws Relating to Aeronautics" (S. P. 340) (L. D. 1154)

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

In the House, referred to the Committee on Transportation in concurrence.

Report of Committee Leave to Withdraw

Report of the Committee on Agriculture reporting "Leave to Withdraw" on Bill "An Act Relating to the Analysis of Commodities" (S. P. 161) (L. D. 437)

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

Non-Concurrent Matter

Bill "An Act to Prohibit the Importation of Nuclear Waste into the State of Maine" (H. P. 915) (L. D. 1111) which was referred to the Committee on Natural Resources in the House on March 17, 1977.

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

In the House: On motion of Mr. Blodgett of Waldoboro, the House voted to adhere.

Non-Concurrent Matter

RESOLVE, Authorizing the Commissioner of Conservation to Convey Land to Somerset County Formerly Known as the Women's Correctional Center at Skowhegan (H. P. 927) (L. D. 1017) (Emergency) which was passed to be engrossed in the House on March 23, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-41) in non-concurrence.

In the House: On motion of Mr. Curran of South Portland the House voted to recede and concur.

Non-Concurrent Matter Later Today Assigned

Bill "An Act Providing Automatic Cost-of-Living Wage Supplements for State, Maine Maritime Academy and University of Maine Employees" (H. P. 950) (L. D. 1144) which was referred to the Committee on Labor in the House on March 22, 1977.

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

In the House: On motion of Mr. Curran of South Portland, tabled pending further consideration and later today assigned.

Messages and Documents

The following Communication:
MAINE-NEW HAMPSHIRE
INTERSTATE BRIDGE AUTHORITY
AUGUSTA, MAINE

March 28, 1977

To the Honorable Senate and House of Representatives of the One Hundred and Eighth Legislature:
Transmitted herewith is the Nineteenth Bien-

nal Report of the Maine-New Hampshire Interstate Bridge Authority which is being presented in accordance with Chapter 18, Article VI, Private and Special Laws of 1937.

Respectfully submitted,

Signed:

ROGER L. MALLAR

Chairman

Maine-New Hampshire

Interstate Bridge Authority

The Communication was read and with accompanying papers ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolution were received and referred to the following Committees:

Agriculture

Bill "An Act Concerning Equine Infectious Anemia" (H. P. 1138) (Presented by Mr. Talbot of Portland)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Relating to Bank Credit Cards under the Maine Consumer Credit Code" (H. P. 1139) (Presented by Mrs. Boudreau of Portland)

Bill "An Act Relating to an Equitable Billing Procedure for Open-end Credit under the Consumer Credit Code" (H. P. 1140) (Presented by Mrs. Boudreau of Portland)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Establish Presidential Primaries in Maine" (H. P. 1141) (Presented by Mr. Laffin of Westbrook)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Approve the Expenditure of Funds from the Mental Health and Mental Retardation Program Improvement Fund for the Fiscal Year ending June 30, 1978" (H. P. 1142) (Presented by Mr. Goodwin of South Berwick)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Authorize the District Court to Order Psychiatric Evaluation in Criminal Cases" (H. P. 1143) (Presented by Mr. Tarbell of Bangor)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Provide a Uniform Basis for Recognizing the Right of the University of Maine Employees, Maine Maritime Academy Employees, Vocational-Technical Institute Employees and State Schools for Practical Nursing Employees to Join Labor Organizations" (H. P. 1144) (Presented by Mr. Green of Auburn) (Cosponsor: Mr. Curran of South Portland)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Require that Androscoggin County Commissioners Live within the District from which they are Elected" (H. P. 1145) (Presented by Mr. Torrey of Poland)

(Ordered Printed)

Sent up for concurrence.

Passed to Be Engrossed

Bill "An Act Extending the Time for Apportionment of County Taxes from April to May in

the Year 1977" (Emergency) (H. P. 1146) (Presented by Mr. Henderson of Bangor) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25) Committee on Local and County Government was suggested.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This item is sort of symbolic of our failure to do what we tried to do; namely, get the county budgets out earlier, at least on the deadline. We still may be able to get them out earlier than usual.

In any event, we had drawbacks with the salary bill and also with a ruling from the Attorney General on the amount of county contributions to Superior Court. We just got that ruling yesterday and worked some time last night on the bill.

Parenthetically, the Indian land claims case in this instance, and maybe in others that you have run into, have slowed down our process both in getting returns from the Attorney General's Office and getting the Governor to sign the salary bill.

This bill will allow the laying of county taxes in April, because some of those county budgets will be passed by that time, and also in May for those that come out later.

I would ask that we suspend the rules and pass this bill over to the other body today.

Thereupon, on motion of Mr. Henderson of Bangor, under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Marine Resources

Bill "An Act to Prohibit Otter Trawling for Scallops in the Penobscot River" (H. P. 1147) (Presented by Mr. Shute of Stockton Springs) (Cosponsor: Mr. Drinkwater of Belfast)

Bill "An Act to Restrict the Hauling of Lobster Pots at Night in Certain State Waters" (H. P. 1148) (Presented by Mr. Greenlaw of Stonington) (Cosponsor: Mr. McMahon of Kennebunk)

Bill "An Act to Require Depuration Companies to Obtain Authorization From Local Authorities Prior to Digging Clams and Other Shellfish in Closed Areas" (H. P. 1149) (Presented by Mr. Tyndale of Kennebunkport)

Bill "An Act to Prohibit Purse Seining for Menhaden, that is, Pogies, in the Penobscot River" (H. P. 1150) (Presented by Mr. Shute of Stockton Springs) (Cosponsor: Mr. Drinkwater of Belfast)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Provide Safeguards Against the Use of Discriminate and Exclusionary Zoning Practice" (H. P. 1151) (Presented by Mrs. Boudreau of Portland)

Committee on Natural Resources was suggested.

On motion of Mr. Blodgett of Waldoboro, the Bill was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

Public Utilities

Bill "An Act to Permit all Telephones in a Building to be on Phone Jacks" (H. P. 1152) (Presented by Mr. Stubbs of Hallowell) (Cosponsor: Mr. Laffin of Westbrook)

Bill "An Act Providing Funds for a Fishway at the Frankfort Dam in Frankfort" (H. P. 1153) (Presented by Mr. Shute of Stockton Springs) (Cosponsor: Mr. Mills of Eastport) (Ordered Printed)

Sent up for concurrence.
(Later Reconsidered)

State Government

Bill "An Act to Prohibit Preference Given to State Employees in Civil Service Positions" (H. P. 1154) (Presented by Mr. Tozier of Unity) (Cosponsor: Mr. Conners of Franklin)

Bill "An Act to Improve the Effectiveness of the State's Development Financing Mechanisms" (H. P. 1155) (Presented by Mr. Curran of South Portland)

Bill "An Act to Increase the Total Aggregate Amount of Bonds which may be Outstanding to Fund the Industrial Building Mortgage Insurance Fund" (H. P. 1156) (Presented by Mr. Greenlaw of Stonington)

RESOLUTION, Proposing an Amendment to the Constitution to Provide that the Secretary of State be Elected by Popular Vote and to Establish the Duties of That Office (H. P. 1157) (Presented by Mrs. Beaulieu of Portland) (Cosponsor: Mr. Laffin of Westbrook)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide for a Multi-Tiered Corporate Income Tax Structure" (H. P. 1158) (Presented by Mr. Higgins of Scarborough)

Bill "An Act Increasing the State Gasoline Tax" (Emergency) (H. P. 1159) (Presented by Mr. Strout of Corinth) (Cosponsor: Mr. McBreairty of Perham)

Bill "An Act Relating to School Funding and Inventory Tax Reimbursement" (Emergency) (H. P. 1160) (Presented by Mr. Greenlaw of Stonington) (Cosponsor: Mr. Blodgett of Waldoboro)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Increasing the Fee for Motor Vehicle Inspection to \$3" (H. P. 1161) (Presented by Mr. Spencer of Standish)

Bill "An Act Providing for the Registration and Regulation of Off-road Vehicles" (H. P. 1162) (Presented by Mr. Morton of Farmington)

(Ordered Printed)

Sent up for concurrence.

On motion of Mr. Kelleher of Bangor, the House reconsidered its action of earlier in the day whereby Bill "An Act Providing Funds for a Fishway at the Frankfort Dam in Frankfort," House Paper 1153, was referred to the Committee on Public Utilities.

On further motion of the same gentleman, the Bill was referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1137) recognizing that: The Gray-New Gloucester High School Rifle Team, coached by Jim Tobin, has won the State Rifery Championship for 1977 (Presented by Mr. Cunningham of New Gloucester)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, we recognized the individual champion who won the individual rifle championship, a young man from a neighboring community in Cumberland County, from Bridgton. Today, we pause to recognize the Gray-New Gloucester High School Patriots Rifle Team who won the State Junior Rifle Championship as a team in 1977. The meet was held at Hampden Rifle Range on

March 5 and 6. The total team score was 1463 and second place went to that same Bridgton team with a score of 1432. This is our third state championship in four years, 1974, 1976 and 1977.

I would like to add that in the year we did not win the championship, that good team from Bridgton won the state championship.

Individual awards went to the second highest individual, who was from Gray-New Gloucester, Tom Tobin. The first prone position from Gray-New Gloucester, Jeff Foster. The first kneeling position from Gray-New Gloucester, Ralph Ridlon. First in the 14-year-old age group, which bodes quite a difficult time in the future for Bridgton, a young man who won the 14-year-old group from Gray-New Gloucester, Glen Durgin. First in the sitting position was a young man who least wanted to come here today, my son, Gordon Cunningham.

As a testimony to the success of the Gray-New Gloucester rifle teams, three recent graduates of the high school are presently on college teams. At Clemson University, the top shooter is a Gray-New Gloucester graduate, Michael Leighton. At the University of Maine, which this year had the New England College championships, there were two shooters who were former Gray-New Gloucester riflemen, Tim Tobin and Wayne Wood.

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

On Motion of Mr. Nadeau of Sanford, it was ORDERED, that Frank Wood of Springvale be excused for the duration of his illness.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until 10:45 a.m.

After Recess
10:45 a.m.

The House was called to order by the Speaker.

House Reports of Committees Ought Not to Pass

Mr. Connolly from the Committee on Education on Bill "An Act to Require the Teaching of the Free Enterprise System" (H. P. 257) (L. D. 326) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 20, and sent up for concurrence.

Mr. Lynch of Livermore Falls was granted unanimous consent to address the House.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: You may wonder why we voted "ought not to pass" on a bill requiring the teaching of the free enterprise system. There were several reasons.

First of all, the Committee on Education has been disturbed by the bills coming into the legislature requiring the school systems and forcing them to teach certain things. Second, we questioned whether the teachers can adequately teach the free enterprise system in a manner that is not biased one way or the other. We do feel that school systems ought to teach a free enterprise system along with the history of Maine, its economic situation and all the other requirements that have been put in law already.

Mr. Laffin from the Committee on Labor on Bill "An Act to Exclude Persons Receiving Armed Forces Retirement Benefits from Eligibility for Unemployment Benefits Based on Armed Forces Employment" (H. P. 576) (L. D. 700) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 20, and sent up for concurrence.

Leave to Withdraw

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Amend the Laws Relating to Payments for Care of Children" (H. P. 866) (L. D. 1059) reporting "Leave to Withdraw"

Mr. Hunter from the Committee on Natural Resources on Bill "An Act to Allow Municipal Approval of Routine Great Pond Permits" (H. P. 169) (L. D. 207) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Referred to the Committee on Marine Resources

Mr. Kelleher from the Committee on Public Utilities on Bill "An Act to Limit the Liability for Damage to Underwater Lines" (H. P. 501) (L. D. 619) reporting that it be referred to the Committee on Marine Resources

Report was read and accepted, the Bill referred to the Committee on Marine Resources and sent up for concurrence.

**Ought to Pass in New Draft
New Draft Printed**

Mr. Wilfong from the Committee on Performance Audit on Bill "An Act to Require Periodic Justification of State Government Programs" (H. P. 202) (L. D. 262) reporting "Ought to Pass" in New Draft under new title, Bill "An Act to Require Periodic Justification of State Government Programs and Independent Agencies" (H. P. 1163) (L. D. 1206)

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act to Provide for 8-person Juries in Civil Cases" (H. P. 574) (L. D. 698)

Report was signed by the following members:

Messrs. HENDERSON of Bangor
BENNETT of Caribou
GAUTHIER of Sanford
TARBELL of Bangor
NORRIS of Brewer
HOBBINS of Saco
Mrs. BYERS of Newcastle

— of the House.

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

Report was signed by the following members:

Messrs. COLLINS of Knox
CURTIS of Penobscot
MANGAN of Androscoggin

— of the Senate.

Messrs. HUGHES of Auburn
DEVOE of Orono
SPENCER of Standish

— of the House.

Reports were read.

Mr. Spencer of Standish moved the House accept the Minority "Ought Not to Pass" Report.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I urge the attention of the House to this issue this morning and would ask that you defeat the pending motion and consider the "ought to pass" report. Maybe we shouldn't discuss this too long today, considering some of the other issues that we have, but I would hate, on the other hand, to kill the bill at this time and not have another opportunity.

This bill basically would provide for eight-person juries. I see my honorable leader says that if we would like to discuss this maybe someone ought to table it and I am certainly willing to do that.

Whereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Spencer of Standish to accept the Minority Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Exempt Small Loggers from the Workmen's Compensation Law" (H. P. 460) (L. D. 565)

Report was signed by the following members:

Messrs. McNALLY of Hancock
REDMOND of Somerset
PRAY of Penobscot

— of the Senate.

Messrs. BUSTIN of Augusta
DUTREMBLE of Biddeford
McHENRY of Madawaska
ELIAS of Madison
PELTIER of Houlton
FLANAGAN of Portland

Mrs. BEAULIEU of Portland

Mrs. TARR of Bridgton

Mrs. LEWIS of Auburn

— of the House.

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

Report was signed by the following member:

Mr. LAFFIN of Westbrook

— of the House.

Reports were read.

Mr. Bustin of Augusta moved that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker and Members of the House: I would ask for a division. This particular bill is a selfish interest bill; that I will admit, but I have sat here for several weeks without saying a word and I have voted for several other special interest bills.

A hundred years ago, we had 53 percent of the people self employed. In 1975, we had 9 percent. We are rapidly killing off the initiative of the small businessman. This particular act imposes a burden, enough so there are 12 jobbers in my town alone when this act was passed and today there are none.

One other thing — everyone isn't college material. Today, we seem to think so, but the young fellow just getting out of high school, if he desires to go into business for himself, let's say he purchases a small skidder, \$35,000 is his investment, he has to hire at least two men in order to make those huge payments. Well, in addition to all the paper work, he is faced with \$13 on a hundred for workmen's compensation, which is payable in advance. It only covers him on the job.

I realize that if it hadn't been for the gentleman from Westbrook, Mr. Laffin, I wouldn't even have a chance to speak today. We have a busy day and therefore I won't take up any more of this body's time.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: As you see, it is an overwhelming "ought not to pass" report. The reason that it came out this way is that I think the committee was convinced that if any group of workers in the state should be covered by workmen's compensation, it would be people who work in the woods.

The premiums of worker's compensation for woods workers is very high, as Mr. Dexter has indicated, and the reason that it is very high is because there is a tremendous amount of injury in that kind of work, and if you are talking about logging, you can figure that out for yourself.

I have developed a great deal of respect over the brief period we have been here for Mr. Dexter and the plea that he made before the Labor

Committee was a good one, but most of the issues that he addressed went to the difficulty, the financial difficulty in doing woods work, and a lot of the committee felt that as an approach to helping with this kind of difficulty, we should examine such things as making small business association loans available more readily for this kind of interest but certainly not to put woods workers in jeopardy of nonpayment for loss of life or limb.

I hope the House, in the division, will go along with the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker and Members of the House: One thing I would like to say in regards to the insurance, I think there are two reasons why the insurance rate is high — one is, it is a vulnerable group of people they can pick on; another one is, there are not enough to establish a very good rate. It is a terrible thing we are going to do to put the insurance rates high on the woodsmen.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I happen to come from an area where a young man came to my house last week, he had just let his hired man go. He no longer could afford to pay all the expenses necessary. Another man also came to my house. He had just lost his tractor, he could no longer make ends meet, and this other young man who had just let his hired man go, he is working in the woods this week and he is all alone. I think we have a sad state of affairs in the wood industry in the State of Maine when the industry is operated in this manner so that a man going out in the woods cannot afford to keep his hired man, he has had to let him go and he is out there alone. What worries me is that if this man is injured, who is going to help him, who is going to be there to help him get out of the woods? He could lay there for hours, trapped like an animal, dying, and nobody knows until he doesn't come home that night.

I think we have a very tragic situation and I would urge the Committee on Labor to devote their efforts to coming up with an answer to the workmen's compensation situation for the little logger in the State of Maine. I think we have an intolerable situation. I recognize that they should have insurance, I recognize it is a necessary item in our sustaining of each other in this society, but I have to think of that man out there today alone in the woods. It is a very hazardous industry, he could be injured very seriously and not be found until tonight when he doesn't arrive and someone has to go out looking for him. I hope that the committee on Labor will devote some of their precious time and attention to this situation.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that the Majority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Sent up for concurrence.

(Off Record Remarks)

The following paper was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act to Establish a State Program for the Support of Education Based on Local Tax Efforts and Local Educational Needs" (H. P. 923) (L. D. 1024) reporting

"Ought to Pass" in New Draft under Same Title (H. P. 1164) (L. D. 1207)

Report was signed by the following members:

Messrs. JACKSON of Cumberland
WYMAN of Washington

— of the Senate.

Messrs. MAXWELL of Jay
CARTER of Bangor
MACKEL of Wells
TWITCHELL of Norway

Mrs. POST of Owls Head

— of the House.

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

Report was signed by the following members:

Mr. MARTIN of Aroostook

— of the Senate.

Mrs. CHONKO of Topsham
Messrs. TEAGUE of Fairfield
IMMONEN of West Paris
CAREY of Waterville
COX of Brewer

— of the House.

Reports were read.

On motion of Mr. Carey of Waterville, the Minority "Ought Not to Pass" Report was accepted.

Whereupon, Mr. Palmer of Nobleboro, moved the House reconsider its action whereby the Minority Report was accepted.

Mr. Carey of Waterville requested a roll call vote.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: You can see we are well orchestrated here this morning. This great drive to repeal the Uniform Property Tax apparently was founded a few minutes ago. I didn't realize I was to be the first speaker on this bill; however, since I have that great opportunity, I will most certainly take advantage of it. What I have to say can be said on whatever kind of motion it is.

We are dealing today with a bill which basically asks for the repeal of the uniform property tax. I am not going to take my time to go into the specifics of this bill as it deals with education. I am going to discuss, for my part, what I feel, sincerely feel, about a uniform property tax. Basically, all this bill does is repeal the uniform property tax.

I think we have to divorce this issue from educational funding, at least for purposes of this discussion. I think we have to understand what the uniform property tax has contributed to in forms of finances for educational funding.

Now, there is a misconception abroad in the land today that the reason why we in Maine have more money for education, the reason why we are distributing more and more in our school districts, state money, is because we have a uniform property tax.

I want to remind you this morning that that is not the case at all, that, indeed, the uniform property tax itself contributes very little to the cost of education in this state as far as the state adding to local effort. The difference is really the amount of the pay-in, a pay-in which figures anywhere from \$4 million to \$7 million, regardless of how you want to figure it.

I want to say initially that I stand here as a Representative from a coastal county, and I might as well say it myself because I am sure it will be said before the day is over that I represent the Town of Wiscasset. So some people may think that I am putting this bill in because Wiscasset is the largest pay-in community in this state, and that is not the reason why I am putting it in. As a matter of fact, I feel that Wiscasset, the problem with Wiscasset could be solved in other ways and should be solved in other ways and should not always be held before

the people of Maine as a stumbling block in educational funding.

There have been many suggestions as to how the Wiscasset situation should be handled, it can be, and one half of the problem of pay-in would be solved by taking care of the Wiscasset situation. So I am not speaking parochially this morning. I am not speaking as a member of the coastal community, I am speaking as a citizen of Maine very much disturbed about the continuation on the books of a uniform property tax.

I was in the legislature here, in the Maine Senate, in 1951, and I believe that the good gentleman from Lewiston, Mr. Jalbert, is the only other member sitting in this legislature today who served in that year when we passed a sales tax which was, at that time, to forever take Maine out of the property tax field. That was a good intention in 1951. Since that time, we have also passed a personal income tax, and now, in 26 years, we have come full circle in putting Maine back into the property tax field again, in addition to the sales tax and the income tax. I object to that, and that is why I believe in this bill before you.

I want to go back a moment to make clear to you the contribution which the uniform property tax makes to the cause of education in this state. Basically, what you are talking about, people will say to me, how could you repeal the uniform property tax? Where is all the money coming from? Now, simple math will tell you it is going to come from the same place it comes from today, which is the local property tax, except for about \$6 million which is involved for the pay-in.

But most people today, I think, feel that the uniform property tax is the reason why we have better school systems, more money to spend on our pupils than we have ever had before. I would remind you that before L. D. 1994, the State of Maine funded, out of the General Fund, about one third of the cost of education in this state, and that bill, that bill there, increased the state funding out of the General Fund to at least 50 percent. Today the figure is close to 55 percent. So just by that bill alone, we move state participation out of the General Fund to education from 33 percent, roughly, to 55 percent, and that is the reason why you have more money for your schools today, and the repeal of the uniform property tax won't change that one iota. You still can contribute 55 percent of the cost of education out of the General Fund.

Before L. D. 1994, the General Fund contributed \$75 million to \$80 million to the cost of education in Maine. The present bills before us, give or take a million or two, are calling for \$158 million and out of the General Fund. That is the reason why we have more money for our schools today, it is not the uniform property tax.

I just want to remind you of the dangers of the continuation of a uniform property tax. You have seen through inflation the increase in the valuation of the properties in the State of Maine. I believe the current figure is \$11.7 billion, up over \$2 billion from the last assessment, the last valuation.

I predict, and it doesn't take any great brain to do it, that we will go to 14 and 15 and 16 and 17, and every time a future legislature of the State of Maine wants to raise some money, it would be a very simple thing to increase the rate by a half a mill or a mill and solve the state's financial ills. You can bet your bottom dollar it is going to be a lot easier to do that than it is to pass a one percent increase in the sales tax or an increase in the personal income tax or any other tax we have in the State of Maine. It is the simplest thing of all to jig. Valuations go up, rates go up, we solve the state's problem, and what happens is that more and more property bears the burden of the cost of govern-

ment in Maine, and more and more, as the state grabs its larger share of the property tax, the less the towns and cities will have to solve their own problems. So we end up in the position of doing more and more for the towns and cities, taking away more and more of their control, taking away more and more of their discretion and being the big daddy to them all by saying we control the funds on the property tax.

I think the issue here today is very clear that we are talking about the repeal of the uniform property tax. I think we can take a lot of the education talk, the jargon and put it on the back burner, because I don't think there are any of those who are for the repeal of the uniform property tax who are anti-education, who are here trying to beat children or do anything else; they just simply want to repeal a uniform property tax. I believe, in looking at the history of other property taxes in other states, and looking at what has happened to the history of taxation in Maine since 1951, you would have to agree that that is a very great, great possibility. Continuation of valuation, upping of the rate, just think how many million you can pick up today by just increasing one mill, think of how many millions you can pick up five years from now and ten years from now by picking up one mill and how much less the communities will have.

I say to you in conclusion that I believe most sincerely that the future of home building in Maine, the future of the commercial developments in Maine, the future of industrial development in Maine, means that we should get rid of a uniform property tax and let's not kid ourselves, it is one big item which day by day is eroding the control at the local level.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I think for too long this House has been brainwashed into only looking at the uniform property tax side in our equation for funding education. There are two halves to that equation; there is also 50 percent from the General Fund, and nobody has ever looked at who pays that tax.

I just want to talk to you a little bit about the definition of a pay-in community as we have come to accept it. The pay-in communities are those communities who raise more money for education than the number of children they have in their schools to educate by multiplying the mill rate established by the state against their total valuation. There are two classes of pay-in towns. There are the towns that have one large industry and there are those towns that have a lot of nonresidents. Wiscasset is an example of the first category of pay-ins. They have a large industry whose valuation is \$253 million — that is Maine Yankee. The Wiscasset residents are not paying that tax, you and I and every consumer of Central Maine Power is paying that tax, because that goes into the rate base.

The nonresident valuation of Wiscasset is \$9,450,000. They have 699 students to educate. That is why their allocation from the state is less and they are a pay-in community.

Let's take the Town of Raymond. The valuation of the residences in that town raises \$20 million. The nonresident property in that town raises \$24 million. So half of their pay in comes from nonresident property, and the children of those nonresident properties are being educated in other towns so that they have only 489 children to educate.

Let's take Portland and Bangor as the opposites. Portland has 11,177 children to educate. Our property tax from the residents is twice as much as it is from our nonresident property. In Bangor, it is \$164 million from the resident property and \$51 million from the nonresident property, and they have 6,000 to educate.

The per capita income in all these towns is about the same, except Raymond has a per capita income a thousand dollars more than Portland and Bangor, and yet their effective tax rate is only \$21 and Wiscasset's is \$17, as compared to \$36 and \$42 for Bangor.

If you look at the amount of money raised in the General Fund for education and where that money comes, you might be surprised to know that Portland and Bangor and Lewiston and Falmouth turn out to be pay-in communities. That is, we raise more in our community than we receive from the state for the total cost of education.

I would just go through Portland. Our total allocation is \$12 million. We raise \$8 million from our local property tax. We get \$4 million from the state. Our non-property or personal income contribution is \$7 million. Subtract \$4 million from \$7 million, and we are a \$2,661,000 pay-in community, right up next to Wiscasset, only a thousand dollars difference, except we can't spread that cost all over the state in utility bills, we pay that, our residents.

You take the same for Bangor. Their total allocation is \$6 million. They get \$3 million from the state, their non-property tax contribution is \$3,661,000, their state subsidy is \$3,362,000. They are a pay-in community of \$299,000.

Let me tell you, we have all kinds of uniform taxes. We have the uniform property tax, we have the uniform personal income tax, we have the uniform sales tax, and if you are going to do away with the uniform property tax, then I am going to put an amendment in here for those communities that pay in on the personal income side to reduce that income so that they no longer pay in. Then what have you? You can see the ridiculousness of my position; it is the same principle as their position. If you are going to have it uniform, all taxes should be uniform, levied by the state and it is absolutely unconstitutional. It is unconstitutional on three counts because the Constitution says that the state shall assess property equally at the uniform tax rate. It says that there shall be equal protection of the children who are being educated, and there is an equal protection for the taxpayers.

I think, in my opinion, this is an ugly bill because it represents avarice and greed. We are all in this together. The more I study this education law, and it has been five years now, the more I learn about it, and the more I see the beauty of it, the more impressed I am by it. We are all in this together, we all raise taxes and we send it to those school districts where they can't raise it so there is equal dollars behind all children, and I move the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I am a little tardy here, but I would like to explain some of the characteristics of the bill so that we know just what we are addressing here. We have taken off in our various approaches in defending and attacking the bill.

I would like to point out that first of all, the total allocation contained in this bill is \$293 million, which was recommended by the Appropriations Committee, with \$158.6 million coming out of the General Fund. Again, these are the figures recommended by the Appropriations Committee.

Within the bill, there is provision comparable to a \$90 leeway provision, which is actually applied to the allocation which is made to each school unit so that each school unit is not required to make the normal 2 mill effort that is made under the current law. Under the current law, if you wanted to raise the \$90 in leeway, as we commonly call it, you would have to make a 2 mill effort to get that \$90. If you could not

raise \$90 with a 2 mill effort, let's assume that you can raise only \$50, then the state would provide you with the additional \$40 that you lack.

Under this particular committee bill, that \$40 is in fact added to the individual school unit's allocation so that that 2 mill effort is not made.

We tried in committee to make this equivalent to \$125 allocation for leeway, but we were not able to do so. The money was not there with the constraints built in by the Appropriations Committee and we were not able to provide that \$125 leeway; however we do provide for it in the second year.

There is one difference. I have heard a number of people say that the \$293 million seems like a lot of money, perhaps too much money, more than we should be spending for education. That \$293 million level is comparable to \$290 million recommended by the Commissioner of Education. There is an extra \$3 million provided in there to bring up to date the payments in leeway. Under the current law, we are always six months behind, so this bill really provides for the payment of leeway for a year and one half in order to bring up to date the payments due to our school units without having them wait for an additional half year to get money that they have expended.

As has already been indicated, we have provided within this bill for repeal of the uniform property tax; that is a key issue. We are not using 12 mills in there as a tax levy; that is a 12 mill effort that I would choose to call perhaps a subsidy index which would identify the towns that need assistance; the towns would not have to make this effort. They would have to make the effort in order to be entitled to the full state subsidy. If they do not make the maximum effort, then their subsidy from the state would be reduced proportionately.

This is an inducement to encourage the communities to make this effort and to provide for the level of funding prescribed by the State Legislature. There is no ceiling provided within this bill, and there is no mandated minimum. I think these things respond really to the needs of some of the communities.

We do provide within this bill the fiscal restraints that are in existing laws. This bill really only amends the existing law; it does not repeal it totally. We really address ourselves primarily to the funding mechanism as it pertains to the uniform property tax. It does provide, we feel, a great deal of local control, in that for once, the first time in a number of years, each community is able to vote on whether or not they are going to make that 12 mill effort to provide their share of the school allocation. In the event that that effort is not considered adequate by a number of people, perhaps, there is an appeals process built into the bill wherein 10 percent of those who have voted for the last gubernatorial election can appeal to the school board and request that this be investigated and that the school board could then take corrective action on the measure.

Basically, those are the main features of the bill. We do retain — and I would like to emphasize the basic concept of the current school funding law. We think there is a lot of good within this law. A lot has been accomplished, and I think primarily in the fiscal area where we have brought on and passed these restraints during the last special session of the legislature and were able to curb the overexpenditures and avoid any deficits. So these portions of the law are retained.

I realize that this explanation is perhaps a little late, but I think because the bill was just distributed early this morning, perhaps some of you have not had an opportunity to read it and I think this explanation is perhaps overdue.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to talk some of the aspects that you have already heard, but I would like to refer you to the Statement of Fact, the second paragraph on page 17. You will see that there is a change in the school finance. An appeals procedure is provided for the voters of any unit who may believe that local tax efforts are insufficient to provide an adequate educational program. This is the key sentence — the State Board of Education is authorized to require additional tax efforts up to the level of the designated tax rate upon a finding that the educational program is inadequate.

Then, if you go back to Page 11, if a municipality or the municipalities constituting a district do not raise and appropriate a sum equal to what would be generated by the designated rate, then upon written petition to the State Board of Education within 45 days of the decision on a local tax effort, by 10 percent of the number of voters in the unit voting for the gubernatorial candidates at the most recent statewide election, alleging that the municipality or district is not providing a suitable elementary or secondary education program, the State Board of Education shall conduct an investigation to determine whether the unit is providing a suitable education program when compared to other units of similar size. If after due notice and public hearing the State Board of Education determines that the unit is not providing suitable education programs, the State Board of Education may compel the municipality or municipalities constituting a district to raise and appropriate sufficient sums for a suitable elementary and secondary education program, not to exceed that which would be generated at the designated tax rate as determined in Section 3767.

Where is local control? If the voters decide that they do not want to raise what the State Board of Education feels that they should raise or that 10 percent of the voters in that district decide they should raise, the State Board of Education shall determine the policy and the tax rate that the municipality is going to have to bear.

On Page 11, Section 5: Local additions to allocation of state funds. In addition to the allocation of state funds provided by this chapter, any administrative unit may raise and expend any further funds for educational purposes. It does say, as present law says, that such funds shall not be included in any future calculations of the state or local average per pupil operating cost.

If you are going to take the ceiling off, then you are going to force the low valuation community, over a period of years, to come up with local tax effort far in excess of what many communities in this state can afford to pay.

Finally, I would say that this is a step in the wrong direction, and if we are going to step backwards and not provide equal opportunities, financial opportunities for public school education, we may be in jeopardy of losing our federal funds, and if you lose federal funds, you have lost a very large proportion of your school funding.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I am not going to respond to all that has been said today, and people probably will be thankful for that, but I would like to sort of let people know why I am supporting repeal of the uniform property tax. My communities are not all pay-in communities. I have maybe one or two, depending on whether you consider geographical isolation. But the people I represent, maybe because we still have town meetings and we are good old Yankees, feel

that the local communities are where the decisions should be made on the level of property taxation.

In 1951, as Representative Palmer has already stated, when we passed the sales tax, we agreed not to collect a state property tax. When 1994 was passed somehow, that commitment was backed down upon. I think the decision we made in 1951 was a proper one, and I trust the people in the district I live in to raise enough in their property taxes to support education.

I also believe that where a child lives should not determine the kind of educational quality that that child gets, and this bill provides for that. This bill provides for equal educational quality, and anyone who wants to dispute that, I would like for them to tell me exactly how it does not.

When I was looking for a quotation to start this out, I was trying to remember who the king was that stood before the on-rushing tide and we couldn't seem to come up with what his name was; I have since gotten the message from someone and I have been told who it is, but in the meantime, we came up with another quotation, thanks to my seatmate here who is actually in opposition to me on this particular issue, but we do all try to help each other out even when we don't agree on an issue.

As far as this particular bill is concerned, I would ask you to vote for this bill if you are in favor of returning the right to local property taxes back to the communities. That is on principle. I know it is very unlikely that this bill is going to be passed here today. I think it is very unlikely that any other bill is going to be passed here today, and the quote that maybe sums it up to where we are at came from somewhere, appropriately New England, two centuries ago. "Truly there is a tide in the affairs of men, but there is not gulf stream setting forever in one direction." Perhaps at this point we ought to at least be looking for the tide that we all can agree on to solve what is for us a major problem and a crisis.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I love the way Mrs. Post can pick and choose which commitment she thinks this legislature ought to keep. In 1950, she said we made a commitment not to restore the uniform property tax. We had had that for 82 years. Going without the uniform property tax is more unusual than having one. She just told me a few minutes ago that she couldn't support the commitment that the legislature made in 1973 to restore those communities who lost money from repealing the inventory tax. I find that very inconsistent and very unfair.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, what I said earlier today in caucus was that I would support a bill that lived up to both those commitments.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker and Members of the House: I have to rise because I represent the Town of Raymond and the Town of Raymond was brought up in debate today. It has been represented that the Town of Raymond, or the position of the Town of Raymond, represents avarice and greed.

I would like to suggest to you that Raymond asks that if Raymond must raise money for schools, that Raymond be allowed to use that money for its schools. By being required to send — and it is estimated that this next year Raymond will be required to send \$200,000 to the communities of Portland, Bangor and other communities, and by sending that money to those communities, this frees those communities to tax their local citizens for the es-

tablishment of an airport, which we all agreed a couple weeks ago is good for the State of Maine, it frees those communities to assess their local people to set up a community-owned harness racing facility. The communities of Portland and Falmouth can build swimming pools for their children, because their local tax burden has been helped by the taxpayers of Raymond and other communities that are in this "pay-in" situation.

Under the present school funding law, the Town of Raymond is not allowed, we are not allowed to build the basic required classroom space that is needed for our children. The people of Raymond only ask to be left alone to solve their local problems, to be allowed to pay for their local solutions, and I question if this really is avarice and greed.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker and Members of the House: I think Mr. Lynch just briefly talked on a part of this bill which I think is extremely important, as important as the repeal of the uniform property tax, and that was the section he addressed on Page 11, Section 5, which deals with the floor or the minimum amount that local communities must raise to fund their education.

I am very much against this. If you remove the floor, then you might as well do away with the whole idea of the education funding law, which is the opportunity for all children in Maine to receive an equal education no matter where they come from, whether it is a wealthy community or a poor community.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: In response to Representative Cunningham's reference, among others, to the City of Bangor, I would like to correct a few errors in his research. One is that the City of Bangor's operation of the airport is in a totally separate fund and is not at all financed by the taxpayers of the City of Bangor. It is financed by the revenues generated by that airport.

Secondly, with respect to the Fair Corporation which he also referred to, that is also a separate, nonprofit corporation which was instituted by the City of Bangor and does not involve the City of Bangor property taxes.

Third, in our local budget hearing at the local level, I asked our municipal finance officer to compare the City of Bangor's tax rate based on the uniform state valuation to that rate of all other communities in the State of Maine, which is an equal measure of what our effort is as compared to somebody else's, and the City of Bangor's effort is second in the State of Maine based on that equalized version. We are putting in a heck of a lot more effort in terms of our own local capabilities based on the uniform assessment than 490-plus other communities. I think we are putting in our effort, but I just wanted to correct those errors.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker and Members of the House: I would like to touch very briefly on the hearings that we held. We did have hearings on whether or not the uniform property tax should be repealed. We held hearings that covered a two-day period under rather adverse weather conditions, and I can say quite honestly that by far the number of people who appeared before us, before the Committee on Taxation, and who did testify, by far the largest number of them favored repeal of the uniform property tax. As a matter of fact, we had a couple of spokesmen from Portland who also testified in favor of repeal of the uniform property tax.

I would also like to point out, relative to the survey that was conducted by the MMA, last year, the same survey was taken and about 48

percent of the municipalities that responded indicated that we should repeal. This year, the results of the survey indicated that 176, or about 58 percent of that number who responded, favored repeal. So there has been reference, on occasions, to the relatively small number of pay-in towns and that perhaps there are only a handful of towns who are concerned about the uniform property tax, there are just a few of us who would like to see it repealed. In fact, there are a good many. As this survey indicates, there are at least 176 municipalities throughout the state who responded to this thing favoring repeal of the uniform property tax.

So, it is not a local issue, it is not an issue that those of us along the coast are concerned about and no one else. It is a feeling that spreads throughout the state that this tax should be repealed.

Of all the bills, really, that we considered, and there were, I believe, three bills that provided for repeal, I would like to reiterate that those were the only bills that received any strong support at the hearings that were held at the Civic Center and the hearing the following day at the Armory, and I do believe that this House should respond to the problem. We should respond to the testimony that was presented to us at that Taxation Committee hearing. I think we should respond to a majority of the members of the Taxation Committee who were influenced by the testimony who did vote and respond to the desires of those people. I don't think we should turn our backs on them. This is a legitimate grievance that they have, and I really believe that this group here in the House should repeal the uniform property tax and vote to reconsider.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: You just heard some more remarks from the gentleman from Wells, Mr. Mackel. He talked about response to mandate of the people at the hearing. He had reference to a poll which the MMA took. Let me just tell you one little story about that poll. I have no quarrel with it. It exists, but one town I am familiar with, which happens to be one of the ones that I am with, voted in that poll to do away with the uniform property tax; yet, when they had their town meeting and it was explained to them that the uniform property tax had cut their school tax requests by approximately 20 percent when it went into effect, they immediately understood where they had been in error and failed to appropriate \$100 that they had in their warrant for the folks who are attempting to do away with the uniform property tax. One of the selectmen there made the observation that they really didn't understand what they were doing and repeal sounded like a good word, so they voted for it.

I think, ladies and gentlemen, that that represents many, many other situations that occurred, but be that as it may, the statistics are nothing more than statistics, and if you take the number of people represented by the towns which responded positively to the MMA's question as to whether or not we should repeal the uniform property tax, it represents considerably less than half of the people that were represented by the municipal officers who responded. Likewise, I think it is clear that the Taxation Committee hearing, which had a lot of folks there, was obviously the people who have been for the last two or three years organized, concerned because it was their ox that was being gored, and the people who were not adversely affected by the uniform property tax had been staying away from hearings in droves. So you can use your own judgment as to what effect that should have.

A great deal has been said this morning about local control, perhaps not as much as you might have expected, because, actually, if you

listened carefully to the words of the gentleman from Livermore Falls, Mr. Lynch, it is kind of a fairy tale.

I would address your attention in the bill, and I do think it is important that we talk about the bill. There have been several speeches here this morning about general principles, but they didn't talk about this bill, and this bill is really what we are here to debate. I would call your attention to page 7, paragraph 8. You will notice that this follows in the section 3767, which is entitled Actions by the Legislature. This is something that the legislature is required to do under this bill. I am going to read a few words, because I think some of them are important.

It says that the legislature will designate a local tax effort. Okay, designate a local tax effort. If that means anything else but telling the local communities what their tax effort should be — I know they are going to get up and say, we are not telling them to raise that much money. That is not the point. That is the local tax effort that is being designated. And if you don't raise that much money, ladies and gentlemen, you won't get any state help, no matter how much you need. So, in effect, that is telling you you have got to raise the 12 mills that is set as this designated local tax effort.

Now, 12 mills raises considerably more money from the uniform property tax, only we wouldn't have it if we had this bill, but it raised considerable money in those communities that have to raise to raise more than 12 mills on their own than it does if you put it at a state mandated 11½ or 11. I have got a bill in that calls for 11, and I would love to have it at 11. I would like to have it at 10, this means that if you have it below 11½, you just tax X-number of dollars more out of the General Fund and you have to raise the money somewhere else, income taxes, sales taxes, you name it. No matter what they may say about this bill, by designating a local tax effort, they are in fact telling you that if you are in a community that needs more money than 12 mills, you are going to have to raise that anyway. Now, if that is local control, fine, but I think, ladies and gentlemen, it is local control to raise more money, and if that is what you want, fine, vote for this bill.

We speak about local control and, incidentally, the amount of money we are talking about here has been variously kicked around, but it is \$5.84 million, which is what a half a mill raises, because the other bills that you will hear about are talking about a state designation of 11½. This comes out of the property taxes. There is nothing in any of these bills that calls for it to come out of sales taxes or other taxes in the General Fund, you have got to raise it locally.

I would like to speak again to one point that the gentleman from Livermore Falls brought up which I think is extremely important. If a town fails to raise — now I am talking about page 11 and I am talking about that section which starts on page 10 at the bottom, C, and it says, "No municipality within an administrative unit shall be required to raise more than its portion of the unit's allocation." That is the crux of this bill, ladies and gentlemen, that is the part that says the pay-in towns will not have to raise more than it costs them to use for education in their towns. I admit, from a motherhood standpoint, you can't beat that argument, it is a great argument. No one wants to raise more money than they need. However, it goes on to say on the next page "When you raise less than your portion" because that is in here now, this is a fundamental change in the principle that each youngster in the State of Maine shall have behind him an equal number of dollars for his education.

I am not going to argue with those people who talk about the word quality. Quality is a very difficult word to define as far as education is concerned, and I don't believe this legislature

can put a handle on quality. The only thing we can do is say that at least we will give every youngster an equal opportunity with respect to dollars.

But let's assume that some unit decides it will raise less than its portion of the unit's allocation, which is what this bill talks about. If that happens, then the commissioner has the right to reduce that municipality's portion of any pay-in in proportion to the amount that they are less than the designated amount for school funding. That is all right. The only thing is, now you may have some parents in this town who are unhappy because their child is not getting what they call an adequate education. So, this bill provides for a very cumbersome and difficult means for those parents to attempt to get that equal number of dollars put behind their youngster. We are talking now about the portion of it which says that within 45 days in a written petition to the State Board of Education by 10 percent of the number of voters in the unit voting for the gubernatorial candidate at the most recent statewide election alleging that the municipality is not providing a suitable elementary and secondary education program, the State Board shall conduct . . . and so forth.

This type of wording would not be in this bill, ladies and gentlemen, if the folks who drafted this bill did not have a concern about this. They know they have got to speak to this, but they don't want to tell you that you have got to provide a certain number of dollars for education. They want to make you go through a long and complicated process, and who has the final say? The gentleman from Livermore Falls put it very succinctly, the State Board of Education has.

If you want to give the State Board of Education your prerogatives on setting the level of education behind each child in this state, then you vote for this bill. If you want to increase your local taxes by half a mill or about \$5.8 million, vote for this bill. I certainly hope that we do not reconsider, and that is the vote, ladies and gentlemen, please remember we are on a reconsideration, because this bill has already been killed.

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

Mr. HOWE: Mr. Speaker and Members of the House: I would like to follow up on the comments of the Representative from Farmington. I find a little assurance somehow in this provision on Page 11 whereby 10 percent of the voters of my school district have 45 days to appeal, if you will, the funding level provided that municipality. It is, indeed, a cumbersome hurdle, particularly given the number of people that turned out in the last election in my district, and I think 45 days is perhaps not very much time for those people to get their act together, so to speak, and for parents to find out what has really happened at their schools.

Beyond that, the petition alone is not enough. Once that petition is turned in, it says that the State Board of Education, just above mid-page on Page 11, "shall conduct an investigation to determine whether the unit is providing a suitable education program" and I think these are key words — "when compared to other units of similar size." It seems to me a real booby trap here in that if, let's say 10 percent of the people in South Portland, should South Portland fail to raise their index, appeal, get the petition in on time with the adequate number of signatures, then the State Board of Education decides to compare South Portland with some other units of similar size — I don't know what they would be, perhaps Waterville or Auburn. If the same thing happened in those towns, if the education funding level had dropped in those towns and they were not doing any better than South Portland was now, the State Board of Education might come back to those 10 percent of parents or voters in South Portland and say,

but you are doing just as well as some of these other units of similar size. You may not be happy with it but you are doing just as well as they are; therefore, the State Board, it seems to me, might not change the situation at all. I find little assurance in this provision.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I consider that we are having a very healthy debate here this morning and commend the members of this body, but this is the kind of debate that can be generated statewide, since enough signatures were collected on the petition so that the bill will go out to referendum in November and I think then every voter in the state can decide rather than just one of these surveys that was taken which people can question. So, I would hope that we would try to educate everybody in the state as to the pros and cons of the uniform property tax so that they will be able to vote intelligently next November.

Mr. Mackel of Wells was granted permission to speak a third time.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I thank you for this opportunity to speak a third time. I would like to comment at this particular moment, before this information gets too old, on some of the comments, in particular one comment made by Mr. Morton of Farmington. I fully appreciate his views but I don't think that he was completely accurate insofar as the quote from the bill is concerned. I hope that he did not explain to those people back home this bill in the same manner he has explained it here on the floor of the House.

That 12 mills, I would like to point out, that that 12 mill effort, you do not have to raise that 12 mill effort to receive any state subsidy as was indicated. You will receive 100 percent of the effort if you do make the 12 mill effort, if you make the entire 12 mill effort, and it will be reduced in proportion to the effort that you make, so you do and can collect and receive a portion of the subsidy based on the effort that you make. The effort that you make is important.

Now, a considerable number of comments have been made relative to local control and it amuses me somewhat to hear the opponents of local control using local control as arguments in debate of a bill which we who are the advocates of local control are supporting, and the appeals process was placed in there in response to the desires of those who do not want local control. It was placed in there to provide for an appeals process to protect the children as the opponents of local control wanted.

It would seem to me that some of the comments, some of the criticisms levied were quite minute, none of which, I would say, are substantive in nature, and I can only conclude that we have a very good bill here, considering that the criticism has been levied at two relatively minor and insignificant points of the bill.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond briefly to Representative Mackel. If you would look at Page 11, Section 5: Local addition to allocations of state funds. Suppose you have a community like Cape Elizabeth that has been very progressive in their educational programs, probably much more so than many units around the state, and then you go back up to the first paragraph on Page 11 detailing what the State Board of Education can do. If 10 percent of the voters petition the State Board of Education, they only have to compare it to other units of similar size. Are you going to take a town with a low valuation that struggles to make its tax effort and compare it to a town that is more than willing to pour money into education? Are you

going to allow the State Board of Education to force that community to meet standards that are set by other communities? That is what I object to.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. McBreairty.

Mr. MCBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: A point that has not been brought out here today, a point that I tried to bring out last year and no one listened, is the fact that regardless of what we do here today, regardless of what we set for a funding level, regardless of what we set for a mill rate, under this un-uniform property tax, only one man will finally decide what your town pays for school funding, a man from the Bureau of Taxation.

When Mr. Halperin from Taxation came before the Appropriations Committee to present his budget, he stated that he did not have enough people to tax uniformly. He stated that the salary he is allowed to pay makes it impossible to hire and hold competent people to assess our towns uniformly.

In the few towns I represent, in the last year one valuation went up 54 percent, one went up 90 percent. I have figures that indicate that one of my towns will go up next year over 100 percent. My own town will go up nearly 100 percent. Your turn may come next year. We presently have just as many inequities between towns on our un-uniform state valuation as we do in many towns between individual property owners.

I, in no way, intend to criticize Mr. Halperin or anyone on his staff. I do intend to say that under his present budget and staff it will be years before state valuation will be anywhere near uniform.

I strongly feel that our un-uniform methods of taxing towns is a ridiculous way to decide what we pay for support of schools. I have to support repeal of the property tax. The man who will finally decide what your towns pay is not the Department of Education, it is not your own people, it is not this body, it will be someone from the Bureau of Taxation.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I sure hope that the statewide coverage is on now and it was on when Mr. Mackel spoke last time, because I am not going to let him hang on me the epitaph of an opponent of local control. That is definitely not true and he knows it.

What his bill does is give us local control to raise more money. Local control of the cost of your local schools comes in right in your local school budget meetings, and that is where you set the school budget. It is not set by the tax assessors, it is not set by the State Board of Education, it is not set by this legislature. For your community, it is set by your community. I know you are going to hear all kinds of arguments on that one but that is what the law says and that is what takes place and you all know it because you go to those meetings. Maybe you don't go, hence, you don't have a voice in setting it, but that is where the problem lies.

As far as local control is concerned, I am 100 percent for it, but I also don't want to have a gun to my head so that I have to raise more money; I want the state to continue its participation in the way it has. I think I have just implied to the last two speakers, Mr. McBreairty made the statement that he did, I leave that to you but it certainly says in the Constitution that the taxes shall be assessed equally and, goodness knows, we are trying to do that and we have improved the laws which do that a great deal in the last three or four sessions of the legislature. We haven't reached heaven yet and I think it will be quite awhile before we do. Meanwhile, we are doing the very best we can, and I would point out with regard to that, all of these allocations are going to be made on the

basis of whatever the state tax assessors put for valuation on the towns, regardless of whether we have a uniform property tax or whether we have a gimmicky, I can't even begin to remember the name that the gentleman from Wells used yesterday, it got a big laugh even from him in the Republican caucus when he brought it up, another name for a ratio. These are all semantics; the issues are, do we have a uniform number of dollars behind each youngster and do we allow some property in the State of Maine to go unscathed?

Mrs. Post of Owls Head was granted permission to speak a third time.

Mrs. POST: Mr. Speaker, Men and Women of the House: I have to say that since this last summer I have sort of missed the sparring between Representative Morton and myself, we are on the Joint Select Committee on Taxation. I just had to respond to the comments he made about local control. It is very true that in many cases we do have local control presently over some of our educational costs. That is fine. Unfortunately, what we don't have any more is local control over our property taxes and that is what this issue is all about. The people in my district and in many towns across this state, they can go to their school board meetings, go through the process, cut the costs that they want to and they have absolutely no control over their property taxes. In some communities, up to 90 percent of the town's property taxes is levied by the State of Maine. That is what the issue is, the issue simply is local control of property taxation.

Mrs. Najarian was granted permission to speak a third time.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I feel I ought to correct a statement made by Mr. Mackel from Wells a moment ago when he said that officials from Portland came up to the Taxation Committee's hearing and supported his bill. That is very untrue. Some officials from Portland came up to the hearing and spoke in support of Representative Greenlaw's bill, which they had not seen. They spoke in favor of it based on what they had been told was in it. When I told my school superintendent that his bill abolished the uniform property tax, he immediately withdrew his support. They have at no time supported this bill.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: To bear out what Mrs. Najarian has said, I attended a meeting last night and Representative Cote was there, Representative Morton was there and Senator Huber was there and there were representatives from several cities and towns throughout the state, and at that point, one of the assistant city managers from Portland, who was accompanied by a councilman from Portland, also bore out the fact that there was a beautiful wedding in the Greenlaw Bill between the inventory tax and the repeal of the uniform property tax, but in no way, and MMA may have possibly led them down the primrose path in this, or at least they claim they misunderstood the Maine Municipal Association, that in no way was the pay-in loss going to be reflected on the bills of the several communities, and that is exactly what has happened. There is a half a mill in this bill, in the Mackel Bill, in the Greenlaw Bill — all of them talk 12 mills when we theoretically need dollar for dollar 11½ mills, and all this extra half mill does is have the other towns pay for the benefits of the Wiscasset and the Southports, the Bowerbanks and what have you.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I shouldn't let the gentleman from Waterville bear the whole burden of supporting the minority posi-

tion for the Taxation Committee. As a member of that committee, I think I should explain my position.

The issue for me is not simply pay-ins vs. what I call pay-to communities; it is coming up with a tax effort or a tax bill which would, at least to some extent, guarantee equal support dollars behind each student in the state. This bill, as it is written, backs too far away from equal support of education. It appears on the surface to fund somewhat equally, but no community in the final analysis is required to make a minimum effort. A community, which for some reason or another failed to make a satisfactory effort, the students of this community are further penalized by having their state subsidy reduced. I think the difficulty of the appeal mechanism in these communities has been adequately dealt with here.

I will be glad to vote to kill the uniform property tax when a satisfactory substitute is offered in the same bill. As far as I am concerned, this bill does not do that.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: One of the chief virtues of this proposed bill is that it will bring us up to current fiscal funding. Right now, we are a year behind. We are talking about \$290 million roughly this year to raise from tax revenues, whether it be from property tax and from the General Fund as well. When, in essence, across the State of Maine we are going to be spending somewhere between \$320 million and \$325 million, \$30 million to \$35 million more. The towns have to make up this difference. They have to wait an entire year for us to come back and reimburse them.

Now, in a low valuation town, in order to make up the difference to provide what they feel is sound quality, good quality education on the local level, in a low valuation town it is going to require them to jack up their mill rate much higher than it does on a high valuation town. So, in essence, what happens is this \$30 million difference, which we don't appropriate this year, which is going to be spent for education, is going to fall inequitably among town to town throughout the State of Maine, depending on whether they are a high valuation or a low valuation town, which is something we cannot control.

The other point that has been raised is that there is no floor, no minimum floor spending for education, and there are fears in the House that if we don't set a minimum floor, there are going to be too many communities that undercut the strides towards equality, high quality education that we have made through the uniform property tax system. I don't see that happening, when in essence every year across the State of Maine the towns are saying we want to spend more than what you are appropriating for the given year. We are talking about \$30 million more roughly that is going to be spent over and above what we are going to raise this year. I don't see the towns undercutting this if we pass this bill.

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: I realize this morning is an exercise in rhetoric, for each of us is going to vote exactly as we perceive our constituency wants us to vote.

Mr. Tarbell has talked about not undercutting education. This is also for the benefit of Mr. Mackel of Wells, I am sorry, who proposes that we can raise money in Windsor, for example, up to 12 mills, to get state reimbursement, where he may not have to go quite that far in Wells and may I point out why. One mill in Wells raises \$149,550; in Windsor, \$11,850. Let me assure you that it is going to be a lot harder to raise things for what is called local leeway or anything else

when I can only get \$25.65 behind each student in Windsor when he can get \$117.71 behind each student in Wells with the same tax effort.

There is one other thing I would like to share with you. This comes from a court case in 1907 and it is shockingly appropriate for 1977. The fundamental question is this — is the purpose for which the tax is assessed a public purpose, not whether any portion of it may find its way back again to the pocket of the taxpayer or to the direct advantage of himself or family? Were the latter the test, the childless man would be exempt from the support of schools and the same in Wells from the support of hospitals. This argument arose because some people were only getting \$2 for their students while others were getting \$19 for their students, so the money is out of phase but the principle is certainly not out of phase. If the assessment is equitable, the distribution can be handed out evenly because it is for the public good. We are talking about all the children of the State of Maine.

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

Mr. HENDERSON: Mr. Speaker, I see that Representative Tarbell is not in his seat but he may be listening. I am wondering if he or anyone else has understood the impact of this bill on the City of Bangor? We had a meeting with our delegation the other day. Mr. Tarbell wasn't able to make it and I am wondering if he could tell me whether he has researched the impact on the property tax rate in the City of Bangor? I am interested in that information before I have to make a decision on it.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I intend to make a few other short remarks, but I will gladly answer Mr. Henderson for Mr. Tarbell — I don't know where he is, but I am sure that anyone who has read the bill knows it does not impact the City of Bangor one dime. As a matter of fact, this bill, as written, would benefit 53 percent of the communities in the State of Maine, would reduce the rates of taxation in 27 and 21 would remain unchanged, so there is no unit in the State of Maine who would receive less assistance under this bill than they do under the current school funding — not one.

I want to talk a little bit and politely chide a couple of my dear friends in this House, as I made some notes, one being the good gentleman from Farmington, Mr. Morton, and my dear friend, the gentledady from Portland, Mrs. Najarian, because they have done precisely what I knew would happen in taking a very simple bill and trying to complicate it, as we have been doing with this issue for the last four or five years.

Mr. Morton made the statement that some selectman in one of his towns said he would never have voted the way he did if he had understood the bill. I don't think that makes him an exception. As a matter of fact, I think there are quite a few of us in the legislature who probably feel the same way.

I think we misunderstand the thrust of this bill by cluttering it up today with the things which have been cluttered up with. For example, I see the periscope of Mrs. Najarian's going up in the back row right now. I want to say this to my dear friend from Portland, I am not covered with avarice and greed. This was called by her a parochial bill and, yet, during her entire remarks, all that was touched upon was the City of Portland and the Town of Wiscasset, and that is what has cluttered this whole educational funding situation for four years now. Avarice and greed, call it what you want to, this is not a parochial bill, it is a statewide bill, we are talking about a uniform property tax.

Portland is a part of Maine; Wiscasset is. I preface my remarks by saying that I was not

thinking of Wiscasset when I introduced this bill or supported this bill and I am not. I am not thinking of the coastal communities in Maine alone. I am thinking of the entire tax structure of the State of Maine.

The gentledady from Portland said we should have a uniform sales tax, a uniform income tax and we should have a uniform property tax and that is where we part company, because we do have a uniform sales tax, we do have a uniform income tax, we have put them upon the people, it is state revenue and I maintain we should not be giving them another one in the form of a uniform property tax. Take the state, pre-empt the towns, pre-empt the cities, have a state revenues all built upon the major taxation issues.

I said before and I will say it again, I believe this issue comes down to one very simple fact, we can clutter it up all we want to, but we fight all the time about Portland and Wiscasset. As a matter of fact, two years ago, we had one bill for reimbursement to the town, a one-shot reimbursement to the towns and, by golly, we even had to jig that one around to accommodate Wiscasset. We gave a formula, we said we will reimburse every town on the basis of this formula except any town that would receive more than \$250,000. We have had this as a stumbling block ever since 1994 was created. I think it is about time we stopped it and one way to do it is to repeal the uniform property tax.

I want to repeat again what I said and I want to be very, very clear about this — you can talk about allocations and leeways and maintenance of effort and everything else you want to, we are still getting down to the one basic issue here which is repeal of a tax which the state doesn't own and shouldn't own, it belongs to the towns and cities with a measure of local control. I will repeat once again what I said earlier — before 1994, the state only paid 33 percent of the cost of education in this state out of the General Fund and now they pay 55 percent. They paid \$75 million and now they are going to pay a \$158 million. That is why we have a better school system. That is why we have more money.

I want to say to you that while I appreciate the problems of Portland and Wiscasset, I think we all trade in Portland, we buy in Portland, we buy in Bangor, we buy in Nobleboro and Wiscasset, we help create jobs — that is not the issue. It is not the issue. Wiscasset, I am sure, would be perfectly willing to have the state collect an excise tax on nuclear power and give them what they need for property taxes and not have to spend \$3 million into the State of Maine out of the uniform property tax. It is just take it from you, bring it in, pass it back, in a field in which we do not belong.

I maintain that that is the thrust of the bill that we have, over a period of the last 25 years, sought to broaden the tax base in the State of Maine. The great issues back in the 50's, the late 40's and early 50's, was that there were so much of a burden on the property tax in Maine, that was the issue and that is where they cross party lines, there is nothing partisan about the whole thing. The legislature, succeeding legislatures in their wisdom, passed sales taxes, income taxes, to take care of the General Fund, and now we move back and say, but we want also your share of the property tax.

It doesn't take a genius to read what is happening, because we have already seen proposals to peel off education from the uniform property tax. One proposal has already come out of the Governor's office; there have been others in this legislature so, basically, you may find yourselves two years from now, not dedicating this to education at all anyway, pumping it into the General Fund and you all stand up for grabs to what you are going to get. In the process, the valuation goes up, as I said, the rate goes up and it is easy to finance the cost of state government. I will tell you it is not as easy — I said it

before and I will say it again, it is not as easy to increase the sales tax or to increase the personal income tax.

The issue is one of repeal of a tax, I believe, which does not belong to the State of Maine; it belongs to the cities and towns of the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I think normally it would be understandable if on a technical motion such as we are facing today, I would support the gentleman, my very good friend from Nobleboro, Representative Palmer, but I am not, and having waited so long, as is usually the case, I find that practically everything I would have said has been said and much better anyway. Since there are so few of you here, I wasn't going to give it all to you anyway.

I take issue with him on a couple of points that I would like to discuss with you. When he says that the uniform property tax is an insignificant matter in the funding of education, he is financially correct, but having been here while this process was being adopted, I would argue that without the concept of the uniform property tax, we would not have secured the educational funding bill that was eventually passed, because this went through the basic concepts, and that is what we adopted, and I think that is what we are discussing here today, the concept that we would commit the resources of the state behind what I regard, and I think most of us do, as one of our most important functions, the education of our young. So, the uniform property tax was one part of the equation that said we will tax uniformly all the real property in the state and why? Because we were living then with a situation where an alarming disproportionate amount of resources was available for the education of each youngster, as you have heard many times, depending on where they lived. So while financially he is correct to say that it is not a big factor in the equation, I insist that it was a big factor in the concept and the philosophy that we adopted and that adopting this bill today, and I think we would have to agree, we don't have a perfect understanding of what we have before us, adopting this bill today would be taking another step back to the situation where we found various communities at varying levels of ability to raise an equivalent amount of funding behind each child and I can't support that.

I agree it is a small step back but it is a step away from a concept that we have adopted. It is a step that we would be taking after three years of agony. We have gone through horrendous deficits, we have paid the penalty for it, we have had criticism, quite justifiably, heaped on our shoulders but we now have a vessel that is tight, that is, I believe, deficit proof, we understand pretty well I think how it works and I am not going to abandon that for this untried approach. My friend Representative Palmer's fears that the uniform property tax will become a grab-bag source of revenue for other purposes is conjecture. That won't happen unless this legislature makes a conscious, positive disposition of it in that manner.

I guess that is about all I have to say. I hope you will vote against the reconsideration.

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

Mr. JACKSON: Mr. Speaker, I would like to answer Mrs. Post's question she posed when she first spoke. The king who told the tide not to come in was a Saxon King by the name of Knute and he did not believe that the tide wouldn't come in, he was doing this to prove that the people who told him that if he said it wouldn't come in, it wouldn't, that he was so powerful that it would not come in and it still came in. I think in this case the tide is coming in, and I think one of the things we should address here is whether we

are going to face it now or going to wait until November to face it.

We have a vehicle here. Many of us may feel that it is imperfect. Some of us like it. We are in a position to vote to reconsider. We are not even really working on the bill itself at this point. If we reconsider and we accept the majority report, we can then bring in amendments and work on it.

I will agree there are other bills in the works that can be brought out that might accomplish the point of removing the uniform property tax. I think we should face that; this legislature should face that. I think we have a vehicle here and I think it should be kept alive and should be debated so we can face it. I personally think that the legislature is avoiding the problem and possibly taking the easy way out, which I hope we don't do, by allowing it to go until November. I hope that we will realize the tide is coming in and will take the appropriate action.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: We have heard a lot of percentages thrown at us from the people who support this bill and they have used the percentage of towns vs. nothing. The percentage of towns may be high, but the percentage of population of those towns is not. If we approve this bill, we would be servicing probably 200,000 people who are from pay-in communities, but then we would be doing a disservice to the people, probably half a million people, who would not be able to support their schools.

The good gentleman from Nobleboro, Mr. Palmer, suggested a long time ago that the General Fund only supported 33 percent and now it is paying 50 or 55 percent, which is probably a good thing, because many towns at that time, when the General Fund was only 33 percent, the school classrooms were up to 40, 50, 55 children per classroom and under the new standards mandated by the legislature again come by the federal government, you just can't have large classes, overcrowded situations in schools so, therefore, I am sure the legislature, when they adopted L. D. 1994, took this all into consideration, and this was a good thing for many poor communities. I say again, this affects over half a million people. This is a very sensitive situation and by not voting to repeal the uniform property tax, I don't think we would be aborting our responsibilities but we would be allowing local communities to have the opportunity for local control by voting for this in November. There are situations at this time, even though we have been elected to make laws and elected to have responsibilities to vote our wishes, there comes a time on an extremely sensitive situation that the people should be allowed to vote on an issue and I think this is one of them. I think if everyone does his homework between now and November and really explain to the people what the uniform property tax is, that it will not be repealed because the majority of the people out there know that if they repeal the uniform property tax, they will be hurting themselves more through taxation than anything that has happened. I would hope that we would vote not to reconsider this bill.

Mrs. Najarian of Portland was granted permission to speak a fourth time.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I apologize, but I would like to respond directly to several of the remarks made by the gentleman from Nobleboro, Mr. Palmer. He made reference to the fact that I cluttered up the issue by bringing in the 50 percent from the General Fund that goes into the total allocation. I think for too long we have neglected to look at that half of the funding for education, and naturally he would like to see 55 percent from the General Fund because that increases the pay in those towns

that are already paying in. I could have used for my example just as well as Portland and Wiscasset, I could have used Lewiston or South Portland, and I could have used Baileyville and Castine. The only reason I brought up Portland is because for too long I have been made to feel that we have been coming up here with our hands out asking for more than we deserve, and it finally dawned on me that actually we are a pay-in community and we are getting back much less than we are putting in, and I don't complain about that; I just don't like to be treated shabbily.

Mr. Palmer says he comes into Portland and buys things and he pays sales taxes in Portland, and I suggest there are plenty of Portland residents who own property in Wiscasset and along all those other coastal communities and are also paying a property tax in his town.

He objects to the state taxing property. I don't know why the state should not tax property. We tax electricity, we tax water, we tax income, we tax shampoo, we tax aspirin, and I suggest that we could even tax the rocks in your community if we choose to and then we would be hurling at each other literally instead of figuratively.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think one issue that has been kicked around a little bit here today that bothers me somewhat, and I think it has been very carefully explained out by the Representative from Nobleboro, Mr. Palmer, that is the fact that the major cause or the major result of a better funding in education came not from the uniform property tax but it came from the increase from 33 per cent to 55 per cent.

I have got some figures that I worked out here several years ago that I happen to have in my case, and it might be interesting to find out just what did happen to a few towns when we were under the 33 percent formula. That 33 percent formula did give a good distribution, but it didn't give as much money. But take, if you want, the Town of Farmington, which is one good example. The Town of Farmington was receiving \$329.46 per student at that time, with a valuation per student of \$11,000. These are under the formulas that were used there. But let's do down to Mt. Desert. Mt. Desert was receiving \$63 per student, or about one fifth of what Farmington was receiving. Then if you want to take the other extreme, you can take the town of Lee. Lee was receiving \$652 per student. There was a good distribution under the previous formula, the major difference was the fact that the amount of money that was being poured in from the state level was a great deal less.

The uniform property tax had very little to do with the improvement of education. I think the only thing it did do was take the control from the local level and move it to the state level. The determination of valuation and the determination of assessment is being done by the legislature and by the Department of Taxation.

Frankly, I think this is wrong. I think the bill we have before us is not exactly the bill that I would like to have, but it was the best compromise or best result that I have seen since 1994 was passed. I hope the move to reconsider does pass.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly this morning, because the hour is late, we have heard the game on semantics and the game on figures here now for several hours, but what mystifies me completely is the effort and the time that the people who are in favor of this bill took to initiate a petition to go to referendum and have the people decide and yet they are

really, really breaking their backs this morning to pass this before you put it out to the people. Why don't we defeat this measure and put this matter before the people and let them make up their minds once and for all.

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 Nobleboro, Mr. Palmer, that the House reconsider its action whereby the "Ought not to pass" Report was accepted. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Berry, Berube, Birt, Blodgett, Boudreau, P.; Brown, K. C.; Bunker, Byers, Carter, F.; Churchill, Conners, Cunningham, Davies, Devoe, Drinkwater, Dudley, Durgin, Elias, Fowlie, Gill, Gould, Gray, Greenlaw, Higgins, Hutchings, Jackson, Jalbert, Littlefield, Lougee, Lunt, Mackel, Marshall, Masterton, Maxwell, McBreairty, McMahan, Moody, Nelson, N.; Palmer, Perkins, Peterson, Post, Shute, Silsby, Sprowl, Stover, Strout, Tarbell, Tarr, Theriault, Torrey, Twitchell, Tyndale, Valentine, Whittemore, Wilfong.

NAY — Bachrach, Bagley, Beaulieu, Benoit, Biron, Boudreau, A.; Brennerman, Brown, K. L.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Dexter, Diamond, Dow, Dutremble, Fenlason, Flanagan, Garsoe, Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Green, Hall, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Hunter, Immonen, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Locke, Lynch, MacEachern, Mahany, Martin, A.; Masterman, McHenry, McKean, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Norris, Peakes, Pearson, Peltier, Prescott, Quinn, Raymond, Rollins, Smith, Spencer, Stubbs, Talbot, Teague, Tierney, Tozier, Trafton, Truman, Wyman, The Speaker.

ABSENT — Alopousis, Ault, Bennett, Lizotte, Rideout, Wood.

Yes, 57; No, 87; Absent, 6; Vacant, 1.

The SPEAKER: Fifty-seven having voted in the affirmative and eighty-seven in the negative, with six being absent, the motion does not prevail.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

Divided Report Later Today Assigned

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Reduce the Uniform Property Tax by 1½ Mills" (H. P. 205) (L. D. 193)

Report was signed by the following members:

Messrs. WYMAN of Washington
JACKSON of Cumberland
— of the Senate.

Messrs. MACKEL of Wells
MAXWELL of Jay
CARTER of Bangor
TWITCHELL of Norway

Mrs. POST of Owls Head
— of the House.

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

Report was signed by the following members:

Mr. MARTIN of Aroostook
— of the Senate.
Mrs. CHONKO of Topsham
Messrs. TEAGUE of Fairfield
IMMONEN of West Paris
CAREY of Waterville
COX of Brewer
— of the House.

Reports were read.
On motion of Mr. Carey of Waterville,
tabled pending acceptance of either Report and
later today assigned.

**Consent Calendar
First Day**

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

(H. P. 329) (L. D. 420) Bill, "An Act Relating
to Payment of Expenses for Examination of
Crime Victims" — Committee on Judiciary
reporting "Ought to Pass" as amended by Com-
mittee Amendment "A" (H-91)

No objection being noted, the above item was
ordered to appear on the Consent Calendar of
March 31 under listing of Second Day.

(H. P. 590) (L. D. 717) Bill "An Act Relating
to Description of Recorded Mortgages" —
Committee on Judiciary reporting "Ought to
Pass"

On the request of Mr. Carrier of Westbrook,
was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill
read once and assigned for second reading
tomorrow.

(H. P. 720) (L. D. 855) Bill "An Act to Amend
the Authorization to the Plantation of
Matinicus to Establish an Electric Generating
Facility" (Emergency) — Committee on
Public Utilities reporting "Ought to Pass"

(H. P. 145) (L. D. 175) Bill "An Act to Provide
a Supplemental Appropriation for Instructional
Television" (Emergency) — Committee on
Education reporting "Ought to Pass"

No objections being noted, the above items
were ordered to appear on the Consent Calen-
dar of March 31, under listing of the Second
Day.

**Consent Calendar
Second Day**

In accordance with House Rule 49, the follow-
ing items appeared on the Consent Calendar for
the Second Day:

(S. P. 134) (L. D. 376) Bill "An Act to
Facilitate the Sale of Community Industrial
Buildings"

(H. P. 492) (L. D. 611) RESOLVE, Authoriz-
ing Vandelia T. Rowe to Bring Action Against
the State (C. "A" H-90)

(H. P. 434) (L. D. 541) Bill "An Act Concern-
ing the Rules and Regulations of the Board of
Construction Safety Rules and Regulations"

No objections having been noted at the end of
the Second Legislative Day, the Senate Paper
was passed to be engrossed in concurrence, and
the House Papers were passed to be engrossed
and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Empower Liquor Inspectors
with Limited Powers of Arrest" (S. P. 308) (L.
D. 970)

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

Orders of the Day

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

SENATE DIVIDED REPORT — Majority (8)
"Ought to Pass" — Minority (5) "Ought Not to
Pass" — Committee on Local and County

Government on Bill, "An Act to Remove
Restrictions on the Salary of County Commis-
sioners who Hire Full-time County Ad-
ministrators" (S. P. 154) (L. D. 394) — In
Senate, Majority "Ought to Pass" Report read
and accepted and bill Passed to be Engrossed.

Tabled — March 28, 1977 by Mr. Jalbert of
Lewiston

Pending — Motion of Mr. Henderson of
Bangor to Accept the Majority "Ought to Pass"
Report.

Thereupon, the Majority "Ought to pass"
Report was accepted in concurrence, the Bill
read once and assigned for second reading
tomorrow.

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

Bill "An Act Pertaining to Rat Control on
Public Dumps" (H. P. 387) (L. D. 477)

Tabled — March 28, 1977 by Mr. Palmer of
Nobleboro.

Pending — Passage to be Engrossed.
On motion of Mr. Cunningham of New
Gloucester, retabled pending passage to be
engrossed and specially assigned for Monday,
April 4.

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

An Act to Provide for Legislative Review and
Automatic Termination of State Agency Rules
(H. P. 173) (L. D. 211) (C. "A" H-56, S. "A" S-
37)

Tabled — March 28, 1977 by Mr. Quinn of
Gorham.

Pending — Passage to be Enacted.
The SPEAKER: The Chair recognizes the
gentleman from Lisbon falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker I move that this
excellent bill, and I move it with great pleasure,
be passed to be enacted. I hope this fine piece of
legislation finds wings and flies itself down to
the other body where it will lie on the Ap-
propriations Table until the end of the session.

Thereupon, the Bill was passed to be enacted,
signed by the Speaker and sent to the Senate.

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

Bill "An Act to Regulate the Circulating of
Initiative or Referendum Petitions" (H. P. 223)
(L. D. 287)

Tabled — March 28, 1977 by Mr. Quinn of
Gorham.

Pending — Passage to be Engrossed.
On motion of Mrs. Boudreau of Portland,
retabled pending passage to be engrossed and
specially assigned for Monday, April 4.

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

Bill "An Act to Require that Savings from
Substitution of Generic Drugs be Passed on to
the Purchaser" (H. P. 147) (L. D. 177)

Tabled — March 29, 1977 by Mr. Goodwin of
South Berwick.

Pending — Passage to be Engrossed.
On motion of Mr. Brenerman of Portland, the
Bill was recommitted on the Committee on
Health and Institutional Services.

By unanimous consent, all matters acted
upon today were ordered sent forthwith to the
Senate.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls,
Adjourned until five o'clock this afternoon.

**After Recess
5:00 P.M.**

The House was called to order by the
Speaker.

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

Bill "An Act Providing Automatic Cost-of-
Living Wage Supplements for State, Maine
Maritime Academy and University of Maine
Employees" (H. P. 950) (L. D. 1144) which was
referred to the Committee on Labor in the
House on March 22. In Senate, referred to the
Committee on State Government in non-
concurrence.

On motion of Mr. Curran of South Portland,
the House voted to recede and concur.

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

HOUSE DIVIDED REPORT — Majority (7)
Committee on Taxation reporting "Ought Not
to Pass" — Minority (6) reporting "Ought to
Pass" on Bill "An Act to Reduce the Uniform
Property Tax by 1¼ Mills" (H. P. 205) (L. D.
193) which was tabled earlier in the day and
later today assigned pending acceptance of
either report.

On motion of Mr. Tierney of Lisbon Falls,
retabled unassigned pending acceptance of
either report.

The following paper appearing on Supplement
No. 1 was taken up out of order by unanimous
consent:

Bill "An Act to Extend to April 15th the Time
Limit for Decision on State Funding Levels for
Education and on the State Property Tax Rate,
to Delay any Municipal Tax Commitments until
April 28th and to Extend the School Budget
Adoption Date until May 15th" (Emergency)
(H. P. 1165) (Presented by Mr. Tierney of
Lisbon Falls) (Approved for introduction by a
Majority of the Legislative Council pursuant to
Joint Rule 25)

Under suspension of the rules, the Bill was
read twice, passed to be engrossed without
reference to any committee and sent up for con-
currence.

By unanimous consent, ordered sent
forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Green of Auburn,
Adjourned until two-o'clock tomorrow after-
noon.