

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

SENATE

Monday, April 4, 1977

Senate called to order by the President.

Prayer by The Honorable Samuel W. Collins, Jr. of Rockland.

Mr. COLLINS: O Thy Great Life Giving Power of the Universe, give us wisdom to do what we must do, play the game well, whatever game we are given to play. Grant us courage to take risks, strength to reach our goals, patience to wait for the right moment, perseverance when the going gets rough, faith to pull us through the dark spaces into the light, and help us never to give up until the game is over. Amen.

Reading of the Journal of yesterday.

**Papers From The House
Non-concurrent Matter**

Bill, An Act to Clarify the Borrowing Capacity of the Fort Fairfield Utilities District and to Provide for the Imposition of Liens to Secure Payment of Sewer Rates of the District. (Emergency) (H. P. 928) (L. D. 968)

In the Senate, March 28, 1977, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-95) in non-concurrence.

On Motion of Mr. Carpenter of Aroostook, The Senate voted to recede and concur.

Joint Orders

An Expression of Legislative Sentiment recognizing that: Lionel C. Ferland of Poland has retired after 24 years of dedicated Public Service as Selectman for the Town of Poland. (H. P. 1186)

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

Joint Resolutions

Joint Resolutions In Memoriam: Whereas, the Legislature has learned with deep regret of the death of the Honorable Frank J. Bussiere of Lewiston, who served in the 100th, the 101st and the 102nd Legislatures. (H. P. 1184)

Whereas, the Legislature has learned with deep regret of the death of Dr. Donald L. Anderson of Greene. (H. P. 1185)

Come from the House, Read and Adopted. Which were Read and Adopted, in concurrence.

Bills and Resolutions received from the House requiring reference to Committee were acted upon in concurrence, with the following exceptions:

Bill, An Act to Provide for Reimbursement of Certain Expenses Incurred by a Maine Band Selected to Participate at the Inauguration Ceremonies of a President of the United States. (H. P. 1069) (L. D. 1261)

Comes from the House referred to the Committee on Education and Ordered Printed.

On Motion of Mr. Katz of Kennebec, Referred to the Committee on Appropriations and Financial Affairs, and Ordered Printed in non-concurrence.

Sent down for Concurrence.

Communications

Maine Education Council

March 29, 1977

Honorable Members of the 108th Legislature:

The Maine Education Council herein presents its response to Senate Paper 896, an Order of the 106th Legislature directing the Council to review the "advisability and implications" of the recommendation by the Maine Management and Cost Survey that the schools in the Unorganized Territory of the State be closed and that the pupils be transported and tuitioned to schools in organized units.

Visits were made to some of the schools. But the report by Mr. Horace D. McGowan, Direc-

tor of the Division of School Operations in the Department of Educational and Cultural Services until August 1, 1974, proved most helpful to the Council. Also, the 1930 report of the Commissioner of Education has helped the Council gain an historical point of view toward the present schools.

The members of the Maine Education Council believe that each and every function of state government should receive a periodic review and present this report as the result of one such review.

For the Maine Education Council
(Signed) CLYDE BARTLETT,
Chairman
(S. P. 391)

Which was Read and, with accompanying Papers, Ordered Placed on File.

Sent down for concurrence.

Maine State Retirement System

February 8, 1977

Honorable James B. Longley
Governor of Maine
State House, Augusta
Members, 108th Legislature
Dear Governor Longley and Members of the Legislature:

In accordance with the provisions of 5 M.R.S.A., Section 1005, the Trustees of the Maine State Retirement System herewith submit an annual report and review of the financial condition of the System for the fiscal year ending June 30, 1976. Also included are reports of the Actuary, the Executive Director, the Investment Consultant and the Group Life Insurance Underwriter.

The Trustees — seven in number; two members appointed by the Governor with the advice and consent of the Council, one member appointed by the Governor from a list of three nominees submitted by the Maine Retired Teachers Association, one member elected by the Maine Teachers Association, one member elected by the Maine State Employees Association, one member appointed by the Maine Municipal Association, one member who is a recipient of a retirement allowance through the System selected by the foregoing members.

The Board has continued to give close attention to the management of the System's investments and the performance of its money managers. Two meetings were held with the three managers during the year to review their performance and future direction of the program. The overall investment performance for the fiscal year ended June 30, 1976 was 7.7% and was based on the annual time weighted total rate of return.

Although funding of the "non-contributory" teacher group was denied at the last budget process, the Board has requested appropriations for this purpose in a budget request submitted covering the July 1, 1977 through June 30, 1979 biennium. As of June 30, 1976 expenditures for benefits have exceeded funding in the amount of \$79,578,012.00.

During the year the Maine Municipal Association named Paul G. Poulin, City Manager of Augusta, to replace John E. Menario who resigned to accept employment outside the System.

Very truly yours,
(Signed) WILLIAM G. BLODGETT,
Executive Director
Maine State Retirement System

Which was Read and with accompanying papers, Ordered Placed on File.

Office of the Governor

March 31, 1977

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe and John:

This is to formally notify you that Asa C. Richardson was nominated to serve on the State Personnel Board today.

In accordance with M.R.S.A., Title 5, Section 591, as amended, this nomination is subject to review by the Joint Standing Committee on Labor and to confirmation by the Legislature.

Your assistance in this area is greatly appreciated.

Very truly yours,
(Signed) JAMES B. LONGLEY
Governor
(S. P. 399)

Which was Read and, referred to the Committee on Labor.

Sent down for concurrence.

Senate Papers

Mr. O'Leary of Oxford presented, Bill, "An Act to Merge the Passenger Tramway Safety Board with the Board of Elevator Rules and Regulations." (S. P. 398)

Committee on Business Legislation suggested.

On Motion of Mr. Pierce of Kennebec, Tabled until later in today's session, pending the Motion by Mr. O'Leary of Oxford to refer to the Committee on State Government.

Mr. Merrill of Cumberland presented, Bill, "An Act to Permit Trial Work Periods under the Workmen's Compensation Statutes." (S. P. 394)

Which was referred to the Committee on Labor and Ordered Printed.

Sent down for concurrence.

Mr. Hewes of Cumberland presented, Bill, "An Act Establishing Standards for Surveys of Municipal or County Boundaries." (S. P. 397)

Which was referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

Mr. Hewes of Cumberland presented, Bill, "An Act Authorizing Payroll Deduction for Contribution by State Employees to Maine Health Agencies." (S. P. 395)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Mr. Martin of Aroostook (Cosponsor: Mr. Pierce of Kennebec) present, Bill, "An Act Regarding the Sales Tax for Sales Made Through Vending Machines." (S. P. 396)

Which was referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

Orders

An Expression of Legislative Sentiment recognizing that: The Boys' Basketball Team of St. Mary's Church at Houlton are the CYO State Champions for 1977. (S. P. 393)

Presented by Senator Carpenter of Aroostook Which was Read and Passed.

Sent down for concurrence.

**Committee Reports
House**

Change of Reference

The Committee on Health and Institutional Services on, Bill, An Act to Create a Clients' Bill of Rights and Responsibilities. (H. P. 429) (L. D. 532)

Reported that the same be referred to the Committee on Human Resources.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Human Resources.

Which Report was Read and Accepted, in concurrence, and the Bill referred to the Committee on Human Resources, in concurrence.

Leave to Withdraw

The Committee on Election Laws on, Bill, An Act to Extend the Time Limit in which to Challenge Primary Petitions from 7 to 30 Days

after April 1st Prior to the Primary Election. (H. P. 33) (L. D. 50)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, An Act to Amend the Admission Procedures to Hospitals for the Mentally Ill. (H. P. 456) (L. D. 561)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted in concurrence.

Ought to Pass

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

Reported that the same Ought to Pass.

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

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

Reported that the same Ought to Pass.

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

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass - As Amended

The Committee on Judiciary on, Bill, "An Act Relating to Payment of Expenses for Examination of Crime Victims." (H. P. 329) (L. D. 420)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-91).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A"

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Performance Audit on, Bill, "An Act to Require Periodic Justification of State Government Programs." (H. P. 202) (L. D. 262)

Reported that the same 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)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

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

Mr. CURTIS: Mr. President, I rise to speak about this Bill, L. D. 1206, not to oppose it at this time, although unless it were changed substantially I would not feel that I could support this particular approach to the so-called Sun-Set Law, but more to alert the Senate to what might be included in this Bill.

Since it comes from the Performance Audit Committee with a Unanimous Report, I think the Members of the Senate might be interested to know that there is at least one other point of view regarding the concept of Sun-Setting departments and agencies of State government, and that point of view is that it is a dangerous tool, kind of a meal-ax approach to reducing the size and scope of State government, and one which we ought to be very careful before we enact.

If you will look carefully at the piece of legislation at some time, I would suggest that you think closely about the question of whether or not the State of Maine would ever want to be in the position of automatically terminating such agencies on a specific day certain as the State Liquor Commission, the Office of State Employee Relations, the State Employees Appeals Board, the Industrial Accident Commission, all of the Health Licensing agencies, and a number of other agencies that are involved in State Government, and I would suggest that there at least might be a better way for us to review the activities and expense of agencies in State Government, and that would be through the regular appropriations process, rather than putting a gun against the head of some future Legislature.

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

Mr. MORRILL: Mr. President and Members of the Senate, I appreciate the remarks at this time of Senator Curtis. I just wanted to say very briefly that the Committee did a great deal of work in this area. It is a complete re-draft of the original Bill.

The Committee admits very freely that certainly the techniques to review Government programs are in fact in existence, but it is also a fact that we have never used them, and, speaking for myself, frankly I view this as a device which would, more than forcing the agencies and the departments, but rather requiring the Legislature itself to periodically take a good look at Government, and see if somehow, using a new and different tool, it might not more effectively look at these various departments, and act accordingly where it seems appropriate.

I would hope that everybody in this Body would take a good look at the Bill. It will be debated, and debated in detail later on. It seems to me it has a great deal of merit, and I personally would hope that this Body would be for it.

Thank you.

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

Mr. MERRILL: Mr. President and Members of the Senate, I would like to congratulate the Performance Audit Committee for the work that they have done on this Bill, and for the fact that it has received unanimous Ought To Pass Report. It, of course, has a companion Bill which has passed through the process, sponsored by a Member of the other Body, and I think together they will accomplish the reported goal, which has been alluded to by the Chairman of the Performance Audit Committee, the Senator from Cumberland, Senator Morrill.

I think it is important for us when we look at this Bill, as is suggested by the Senator from Penobscot, Senator Curtis, and we see the agencies that come under the hammer, that we realize that in order to add a new discipline to State Government, it is going to be necessary that some of our own pets will come up for re-justification. I think that is the price we pay, and I think we should recognize that the real purpose of the Sun-Set Legislation is not only to bring to the Legislative attention the fact that here is an agency that we have been funding on a continuing basis, and have the Legislature ask what is the purpose.

The other purpose of the Sun-Set Legislation is the recognition of the fact that this Legislative process as designed by the people who wrote the constitution, and have written the rules and precedents by which we work, is designed to be difficult to enact. It is a negative bias built into the process. Every Bill has to pass both houses, and it has to get past gubernatorial veto. We have a process that has a

negative prejudice built-in, which I think is a good thing.

When you are dealing with the build-up of agencies over a long period of time, that negative bias works against a real evaluation of whether or not we really need those agencies.

What the Sun-Set Legislation says is every once in a while, and in this case every ten years, which I think is a very conservative approach, ever once in a while we will put them in the position of being new again, so that they have to over-come the negative bias of the legislative process in order to continue. I think that not only will we maybe weed out some programs that we do not need and get rid of some duplications, I think more importantly maybe we will see some agencies that are doing an important job, which we have not given the necessary tools to do everything that they should, and the sort of valuation that this process will force on the Legislature, I think will actually result in some agencies being strengthened, as well as some being removed.

I think when we look at this Legislation, it is important that we not take what we might call a continuation of the print-out approach, and just look at our own particular pet and we see the sword of Damocles hanging over its head, and decide to be against this whole Bill, and recognize that if we are going to have evaluation we have to have programs that conservatives and liberals and moderates, programs that those people like being evaluated, as well as the ones that we do not like, and that is what this Bill is about.

I hope that all of the Senators will read it and give it their active support.

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

Senate

Change of Reference

Mr. Pierce for the Committee on, Business Legislation on, Bill, "An Act to Require Posting of Prices of Certain Internal Combustion Engine Fuel." (S. P. 312) (L. D. 1032)

Reported that the same be referred to the Committee on Energy.

Which Report was Read and Accepted and the Bill, Referred to the Committee on Energy.

Sent down for concurrence.

Leave to Withdraw

Mr. Collins for the Committee on State Government on, Bill, "An Act Concerning the Power of the Criminal Justice Academy to Inspect Records to Ensure Compliance with Law Enforcement Officer Employment Requirements." (S. P. 98) (L. D. 227)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Morrell for the Committee on Appropriations and Financial Affairs on, Resolve, "Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers." (S. P. 121) (L. D. 279)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Mr. Collins for the Committee on Public Utilities on, Bill, "An Act Concerning the Charter of the Newport Water District." (S. P. 284) (L. D. 897)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-44)

Which Report was Read and Accepted and the

Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Mr. Curtis for the Committee on Judiciary on, Bill, "An Act Relating to an Offense for Littering under the Litter Control Law." (S. P. 132) (L. D. 307)

Reported that the same Ought to Pass in New Draft under same title. (S. P. 392) (L. D. 1294)

Which Report was Read and Accepted, and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

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

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

House — As Amended

Resolve, "Authorizing Vandelia T. Rowe to bring Action against the State." (H. P. 492) (L. D. 611)

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

Senate — As Amended

Bill, "An Act Providing for a Program of Support for Destitute Persons on Indian Reservations and Appropriating Additional Funds for the Department of Indian Affairs." (Emergency) (S. P. 187) (L. D. 573)

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

Enactors

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

An Act Converting Rangeley Plantation into the Town of Haley. (S. P. 146) (L. D. 387)

An Act to Require Notice and Hearing to Counties When Ordered to Pay Surveyor's Fee. (S. P. 184) (L. D. 584)

An Act to Clarify the Authority of Members of Volunteer and Governmental Organizations to Render Emergency Assistance. (H. P. 278) (L. D. 343)

An Act Converting Caratunk Plantation into the Town of Caratunk. (H. P. 362) (L. D. 454)

An Act to Provide Supervision of Persons Released From the Maine State Prison and the Maine Correctional Center Under Furlough, Work or Rehabilitative Release. (H. P. 357) (L. D. 522)

An Act Establishing County Commissioner Districts in Cumberland County. (H. P. 40) (L. D. 57)

An Act to Repeal Certain Statutory Provisions Relating to the Regulation of Food, Cosmetics and Work Places. (H. P. 372) (L. D. 461)

An Act Relating to the Purchase of Insurance by the Maine Insurance Advisory Board. (S. P. 89) (L. D. 213)

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

An Act to Authorize the State Librarian to Purchase Town Histories and other Maine Histories for Distribution to Public Libraries and Schools. (S. P. 182) (L. D. 496)

On Motion of Senator Huber of Cumberland, placed on the Special Appropriations Table, pending enactment.

An Act to Provide an Excise Tax Credit for Construction and Operation of Breweries within the State. (H. P. 340) (L. D. 431)

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

Mr. SPEERS: Mr. President and Members of the Senate: I am assured by the Chairman of the Appropriations Committee that there is no loss of revenue with regard to this particular item.

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

An Act to Improve the Performance of the State Lottery. (H. P. 212) (L. D. 222)

On Motion of Senator Farley of York, Tabled for one Legislative day, pending enactment.

Emergency

An Act to Amend the Charter of the Belfast and Moosehead Lake Railroad. (S. P. 169) (L. D. 486)

Emergency

An Act Concerning Membership on Municipal Charter Commissions. (H. P. 926) (L. D. 967)

Emergency

An Act to Repeal Fishing Regulations on the Pemaquid River. (H. P. 336) (L. D. 427)

These being emergency measures and having received the affirmative votes of 29 members of the Senate, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

An Act to Require that Newly-constructed or Reconstructed Public Buildings be Made Accessible to the Physically Handicapped. (S. P. 307) (L. D. 969)

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

Mr. KATZ: Mr. President, I would like to express some concern about the fact that this Bill on barriers to the physically handicapped has an Emergency Enactor on it, and that is the extent of my concern.

This is probably the fifth or sixth Bill over a period of years that has increasingly made access to public buildings more available to people with physical handicaps, and we have had a good progression of broadening of our requirements for buildings, but by making this an Emergency Bill, we are causing some changes to be made at once this spring.

Might I get some reassurance from the Committee that they are not interfering with significant construction that we may not even know about in various communities around the State.

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

Mr. LOVELL: Mr. President, as Chairman of that Committee, this Bill was given a very careful hearing, and this is a complete re-write of the Bill by our Legislative Assistant, and it takes in consideration for crippled people in wheelchairs the width of 48 inches wide to get into a building, and the size of various things, such as toilets and so forth.

The reason why we made it Emergency is because this includes any building that cost \$250,000 or more, or any renovation of a building already owned by the State or municipality in the amount of \$250,000 or more that they must put in these additions for the crippled people, so by making it an Emergency Bill, this would make it take effect immediately so that any buildings, not that we know of any, but if any buildings are being built this spring or this summer, they would not have to wait until 90 days after the Session is over to make sure that access to the building was enabled to the crippled people.

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

Mr. KATZ: Mr. President, I thank the gentleman for his response, but it just heightens my concern.

In the past, as we have moved into the architectural barriers, we have done so on an orderly basis.

I do not know whether I am correct or not, but I am confident that the Committee would not want to interfere with a town which has been going through architect's drawings for two years, and is already to start digging. I am confident that we want to expand our access to handicapped people in an orderly fashion so that when we reach the ultimate, our buildings will be an awful lot more accessible than they are.

In the face of my concern, and until we get some answers as to what kind of mischief we may be doing to some other communities, I would solicit somebody tabling this for a day or two so that we can get some kind of reaction.

On Motion of Mr. Lovell of York, Tabled for two legislative days, pending enactment.

Orders of The Day

The President laid before the Senate: Joint Order — Relating to Joint Select Committee to study the census requirements for reapportionment and redistricting. (H. P. 1105)

Tabled — March 30, 1977 by Senator Speers of Kennebec

Pending — Passage.

Which was Passed in concurrence.

The President laid before the Senate: Bill, "An Act to Correct Errors and Inconsistencies in Laws of Maine." (S. P. 186) (L. D. 531) Emergency

Tabled — March 30, 1977 by Senator Speers of Kennebec

Pending — Enactment

This being an emergency measure, and having received the affirmative vote of 30 Members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate:

HOUSE REPORTS — From the Committee on Taxation — 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) Majority Report — Ought to Pass in New Draft Under Same Title (H. P. 1164) (L. D. 1207); Minority Report — Ought Not to Pass

Tabled — March 31, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report

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

Mr. JACKSON: Mr. President, I move the Senate accept the Ought to Pass Majority Report.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves the Senate accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I am very pleased we are dealing with this Bill today, rather than tabling it and not making any progress toward the solution of our tax policy question, and that is what it is, a question of tax policy.

I ask for a roll call on the Motion to Accept the Majority Report and I oppose the Motion.

In effect, what this will do is do away with the Uniform Property Tax. The principal proponents for the repeal of the Uniform Property Tax understandably come from communities which have adversely been affected. Although there are certainly implications of philosophy, and although there are various motivations, the basic question comes to one of taxation.

You have heard all of the arguments, at least almost all of the arguments, so I will not

belabor them today. But I would like to tell you that in the process of imposing the Uniform Property Tax, which was not done in a vacuum, we found out that the relative property wealth of a community has an extraordinary effect on homeownership within that community. We found out by studying two communities, such as Jay and Livermore Falls, that the fact that the Town of Jay had the great property wealth, and that Livermore Falls had the youngsters of the workers who worked in Jay, and consequently had a significantly higher level of taxation, that property in Livermore Falls was considerably less expensive, less desirable, than property in Jay.

I have in my hand today a result of a very interesting bit of investigative reporting, done by the York County Coast Star, and they apparently have done something that needed doing, needed doing very substantially. Because it is such a bit of evidence of constructive reporting, I would like to share what they did down in the York County area. What they did was to seek out in their readership area homes built by the same contractor in each of several York County towns, and by comparing new homes that sold for comparable prices, they were then able to compare taxes in the community. And what they found out was not terribly surprising to me, and may not be to you, but I think it is important to report. They found out that even, despite the increase of taxes in the so-called pay-in communities, that people in the Town of Wells, for example, are sharing a lower tax burden than the neighboring communities. For example, if the same builder built a home for \$23,000 in a paying community, and the same home for \$23,000 in an adjacent community, the same builder's home would call for a lower form of taxation in the pay-in community. Now you would never know that by reading the newspapers, would you? Because a small group of towns are being brought into the main-stream of taxation, a main-stream that most of our constituents have "enjoyed" all these years, it is a painful process.

I have long said that my constituents in Senate District 19 on comparable property pay a higher level of taxes than people in the pay-in communities by and large, and besides that, they have to pay for water, and they have to pay for sewage, and, believe me, these two costs are not just token costs. They are becoming very, very important means of levying additional taxation.

The issue in this Legislation has really very little to do with education. It is a tax policy question, and I want to express my personal delight that these Bills did not come before the Committee on Education.

If there is to be a repeal of the Uniform Property Tax, and if we are to substitute something in its place, there is a very heavy burden on those who would make the substitution to prove greater equity and greater benefits to the people of this State. The burden of proof is on those who would change the system. The burden of proof was on those of us who were involved in the enactment of LD 1994, and now the burden is on those who would change the system.

I suspect that what I really would like from this Legislature is to let the people decide. Some pretty good citizens circulated some papers, got a lot of signatures, and the issue is going to be before us, and irrespective as to whether Maine people vote to repeal the Uniform Property Tax or retain it, I am going to have a great big sigh of relief if it is a clear cut decision.

I suggest that this Legislature would probably be well-advised to let the people decide on the basis of a clear cut referendum question, rather than making changes this Session.

I suggest that the direction this Legislature should go is to maintain its present system for

the first year, and let the people decide what they would like to do for the second year, and on that basis I urge you to oppose the Motion to Accept the Majority Report, and in the roll call I think we will get a clear cut notion of where this Body lies.

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

Mr. COLLINS: Mr. President and Members of the Senate, I speak today for the towns of Bremen, Bristol, Cushing, Damariscotta, North Haven, Owls Head, South Bristol, St. George, South Thomaston, Union, and Vinalhaven, and the plantations of Monhegan and Matinicus Isle.

Some of these communities are pay-in towns. Others benefit from the present system of school funding, but their municipal officials have taken a formal position against the Uniform Property Tax because they are alarmed by the swinging range of State level valuations and by the prospect that revenues derived from the Uniform Property Tax may be used at the State level for other than education purposes. Not all of the towns which I represent agree with those which I have listed.

The rugged beauty of this piece of Maine real estate, which I represent, quickens the spirit and delights the eye, and therein lies our problem. The well-to-do from out of state come to the mid-coast and buy choice pieces of our real estate at prices which very few Maine people can afford to pay and this pushes upward the State valuations. Our problem is that we cannot eat scenery. The livelihood of many is based on fishing, boat-building, and the maintenance of the property of "summer people". The incomes of the people who live in these towns year-round are modest. I have personal knowledge of several older people on fixed incomes who are being forced to sell their homes.

Clearly our major issue in deciding about the Uniform Property Tax, as has been suggested by the Senator from Kennebec, Senator Katz, is: "Are we to keep or are we to abandon State-wide tax base sharing"?

How do we tax, do we cause these concentrations of taxable value at Wiscasset and Jay and Millinocket and other areas of paper company operation to serve the entire state? There are Bills coming along that will attempt to answer some of these questions. How do we cause the out-of-state owner of Maine real estate to contribute a proper share of Maine tax revenues? I would ask Members of the Taxation Committee how many dollars will be lost for use in Maine communities if the Uniform Property Tax is repealed?

As the budget picture begins to focus, it seems to me that I made an error in voting for the counter-cyclical emergency appropriation. There will not be enough money to do all that we think is important. I would call upon the Appropriations Committee to sharpen its pencil again and again in attacking the Governor's budget.

There are prognostications that the measure before us will fail. It has the virtue of eliminating the pay-in feature of the Uniform Property Tax, while virtually assuring a minimum expenditure for each child's education. The Bill will need Amendment, but it should be kept alive as one of the options for our final determination.

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

Mr. MERRILL: Mr. President, as on so many occasions when we manage to move beyond the discipline of party voting and to give serious consideration to a measure, I find myself in some agreement with the Senator from Knox, Senator Collins. Maybe not in his conclusions, but in his moderate approach to the question. I do not share the enthusiasm of the Senator from Kennebec, Senator Katz, for the Uniform Property Tax. I have never been

enthusiastic about a high level of property taxation in the first instance. I do not think it is a sound way to raise anywhere near the amount of money we raise with it now. We raise 40 percent of our total State local revenue with property tax, uniform and local. I think that is far too high a reliance on that tax base, and the Uniform Property Tax has dropped certain communities into the mainstream and what that really means is that we have brought certain communities up to that onerous level of property taxation that other communities have "enjoyed over the years."

It is equity, but it is not the sort of equity I think that reasonable men can be very excited about. The fact of the matter is that although we talk about rich and poor towns, when we talk about the Uniform Property Tax, there is little relationship — little relationship of any kind between the towns that are rich as we measure them here, in terms of valuation as related to number of students, and the wealth of the people that live there, the cash flow, the income, what they have to pay the taxes which we levy on them. The fact of the matter is, according to the standards of this Bill, Lewiston is richer than Auburn, Biddeford is richer than Saco, Portland is twice as rich as Gorham in terms of the ability of the people to pay taxes. And the reason for it in those particular instances, although it is a very different sort of consideration than you hear from the people who are concerned with problems of the coastal communities, is that for the purpose of this Bill, any property which does not produce children is pure wealth, makes the town move up in standard of richness very quickly and the fact of the matter is as those who are involved with urban planning and urban taxation know that oftentimes the commercial properties and the densities that come with the commercial development that you have in urban centers, creates other tax loads on the citizens other than education. Which makes the net effect of that property anything but pure wealth. It means that the distribution formula of the Uniform Property Tax, when taken out from under the cover of the 50 percent funding that we provide from the State, we look at the real pay-in communities, the communities that have a higher valuation than the \$47.50 per student per mill, that is average, we see that we are distributing money away from some of the poorest taxpayers in the State in terms of their income, and in some instances to some people who live in the richer communities.

Certainly Falmouth and Cape Elizabeth are probably one of those, too. I am never quite sure which, probably is the richest community in the State in terms of the average income and the ability of the people to pay. Yet both of these communities are poorer by the standards of this Bill than the community that I represent, the City of Portland. So I am not an enthusiastic supporter of the Uniform Property Tax. Because we have set out with good goals, I think, and with good intentions, and the only thing that we have really managed to do with the Uniform Property Tax is to raise an extra \$5 million or so from the coastal communities and, for the most part, a good deal of that extra has been borne by some of the poorest people in our State in terms of their cash flow. The fact of the matter is that in some of the communities, as Senator Collins pointed out, the only sources of income are really working in the business that are sort of the spin-off business of the tourist industry and in fishing and like occupations. And it is fact that those occupations produce very little wealth, as a general rule, although I am sure Senator Collins could point to some notable exceptions.

It is a general rule that these occupations produce very little wealth, and I suppose over the years one of the compensations of living in these communities and making the said

sacrifices, beyond the beauty of the area, which Senator Collins so well pointed to, is the fact that the level of taxation has been low. And I find very little to credit the Uniform Property Tax with the fact that it has taken that compensation away.

I, however, have come to a different conclusion about this Bill, whether or not to vote for it. There are other vehicles in the Committee on Taxation; there will be other vehicles coming before us. I think that probably any one of the education Bills could be amended to accomplish this purpose. And I want to make a clear statement of a different kind at this point in the process.

Even though I do not share the enthusiasm of the Senator from Kennebec, Senator Katz, for the Uniform Property Tax, I do think that one thing he said was very telling, that there is a burden to replace it with something that is more equitable. What this Bill replaces the Uniform Property Tax with when laid next to the Bill that was reported out of the Committee on Appropriations, is that it shifts the 5 or 6 million dollars of pay-in from the pay-in communities and sends that burden, that extra \$5 to \$6 million onto all the other communities in the State in terms of lifting their Uniform Property Tax up, because the required mill rate of the Bill reported out by Appropriations is 11.5, the implied mill rate of this Bill, or whatever the terminology will be as we develop it in this new lexicon, is 12 mil. In other words, the communities will have to raise the level of local effort at the level of 12 mills in order to be eligible for the rewards that come from the 50 percent funding from Augusta.

So really what this Bill does, compared to the other Bill, is to shift \$6 million away from the pay-in communities to the other communities of the State onto their property tax burden. I will not support that approach and until the people who are most concerned about this find another place to shift this burden to, to the many people who I believe are the most overburdened taxpayers in the State of Maine, the people that I represent and people in like communities, I will not support any piece of legislation of this kind in spite of my sympathies for the problems that have brought it to us.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President, Ladies and Gentlemen of the Senate, I rise in support of this Bill, L. D. 1207, which is a re-draft of L. D. 1024, a Bill sponsored by Representative Palmer. This Bill repeals the Uniform Property Tax and establishes a sound basis of ensuring local taxation commitment to support education. In so doing it restores local initiative to be efficient and accountable, a factor we have been losing sight of all too much in recent years.

Ladies and Gentlemen of the Senate, the State assessed Uniform Property Tax, in my view, is a devious tax — in insidious threat to local government, to local control, and to citizen involvement. I am unalterably opposed to the Uniform Property Tax because of this, whether it supports education or anything else. It amounts to centralized control and influence over our local communities — the towns you and I live in — in a progressive degree, think about it, really think about the future we are headed to.

It is not like taxing income or sales. We are forcing untold changes in the social make-up and character of our towns through the imposition of this state assessed Uniform Property Tax.

Let me make it clear at this point that I do certainly support the ideal of equal educational opportunity for our children regardless of where they might live in our State. I do seriously question that this ideal can be achieved through dollars alone, however. The equal ex-

penditure of dollars per pupil does not equate to an equal educational opportunity. There are many variables that money cannot buy. There are many influences that money cannot control. But, we are not here today to discuss this philosophy today.

The point I want to make is that I am convinced that to the extent that we are presently making available a more equal educational opportunity, it can continue to be assured under this Bill without the State assessed Uniform Property Tax, and that it can be done so more efficiently and effectively, and with local citizen involvement.

I would like to speak in some detail to two aspects of the overriding issues here:

1. State taxation of the only real local tax base; and

2. The so-called pay-in aspect of the present Uniform Property Tax.

In the first instance — through the State assessed Uniform Property Tax the State has usurped the only tax base of local communities, the only real tax base. In 1951 the State withdrew from the taxation of property in organized towns when it instituted the sales tax. It was a 2% sales tax then. We all know that it is now a 5% tax and that pressures are mounting to increase that figure or broaden the base. But now the State has encroached upon this local property tax base again to fund schooling.

A couple of months ago our Governor advocated untieing the Uniform Property Tax from school funding, and instead making it a direct source of revenue to the General Fund! If this ever happened, where would the end be? Does not the thought of this scare you? It does me. It would be like the 2% sales tax, that is now 5%. It would create a taste for spending money that would be unparalleled. Frankly, I think that it is this possibility — that the Uniform Property Tax could become a direct source of revenue to the General Fund — that prompted so many towns that responded to the recent Maine Municipal Association poll to vote for repeal. As you know, there are only some 55 pay-in towns, but 176 towns responded for repeal!

If the Uniform Property Tax stays, state involvement in assessing our local property will only increase. We will be subject to more and more directives and standards from Augusta. The long arm of central government will be reaching more and more into our local communities, telling us what to do, how to do it, and when to do it.

This is supposed to be a government of the people, by the people, and for the people. Government is best when it is the nearest to the people. Let's keep the people involved. Let's keep as much of our governing decisions as we can as close to the people as possible. They really do on the whole make very intelligent decisions. They can and have taxed themselves considerably to accomplish needed programs. To remove this opportunity from them removes their incentive to become involved. Yet, we are seeing central government today usurping more and more of this decision making.

You know, it is not that we should do it at the State level because they at the local level do not care any more, but rather it is that they do not care as much these days at the local level because central government is taking it all away. There is a point when people throw up their hands and say "why bother, it is all decided anyway." Town meetings are rapidly becoming a rubber stamp, there is so little left for the people to really decide.

On this point alone, the State assessed Uniform Property Tax concept should be unacceptable. LD 1207 provides for a local alternative which encourages and stresses efficiency and effectiveness, not spending and conformity, with good sound checks and balances to ensure adequate local commitment.

Now on the so-called pay-in aspect of this is-

sue, it is hard for me to see why so-called property rich towns — and at the same time often economically poorer towns — should be taxed to support education in so-called property poor towns — which at the same time are often economically well-to-do towns. Why should Westport Island or Monhegan, say, be taxed to support education in some of our more economically sound communities. The ability to pay of most of the residents of these towns is very limited. Should they, as some would suggest, sell out their family heritages to the out-of-stater and move inland?

If the property tax base must be used at all, then certainly it should not be used beyond the needs of the individual towns.

Just to show you how far reaching is the impact of this pay-in aspect, let me recount a couple instances:

Westport Island — at the present time there are some 20 odd houses for sale on this small Island. Many of them by descendants of the original settlers, and in one instance that I am aware of the original descendant who has on the market a great quantity of land, he is reserving a small piece in a corner on the main road to construct a small modest dwelling or a trailer.

Take, for instance, the Town of Woolwich, the Town that I live in. Woolwich is a receiving town. We have for a number of years been working on an industrial park project on Route 1, which satisfies many of the ideal properties that an industrial park would need. The citizenry of the Town at a Town Meeting voted on three different occasions overwhelmingly to support the efforts made by some citizens, of which I am one, in town on this project, and yet one day, not too long ago, one of our more respected citizens came to me and said, you know, you really should not work quite so hard to bring this project to fruition, and I said what do you mean. He said, well, if you do and we do get businesses to locate here, and we have an influx of property valuation, we may well become a pay-in town.

The Uniform Property Tax through its pay-in aspect is exerting undue and unfair influence on the natural growth of our communities, especially our smaller communities. The Uniform Property Tax is destroying local initiative. It is fostering uniformity and conformity. It is discouraging any real desire to improve. It is exerting tremendous outside influence on local town character and social structure.

Ladies and Gentlemen of the Senate, diversity is the strength of our democracy, not uniformity. Thomas Jefferson had a statement that I have always liked, and it is perhaps appropriate here, "If you give up a little liberty for a little security, you will soon have neither."

I urge you to support the passage of this Bill.

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

Mr. MARTIN: Mr. President and Ladies and Gentlemen of the Senate, in response to the good Senator from Sagadahoc, Senator Chapman, he speaks of local control. Let me just remind you that local control has no meaning if the town is too poor to do anything but scrape by. Also, the gentleman from Knox, Senator Collins, suggested that we keep this Bill alive. Let me just advise the good Senator that the Taxation Committee has 4 or 5 Bills that will do exactly what this Bill does, to repeal the Uniform Property Tax to include one initiative Bill that, if this Body does not repeal the tax, will go to the public this Fall. We urge you to vote 'no' on the pending motion.

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

Mr. JACKSON: Mr. President and Members of the Senate, I guess probably the most important issue for L.D. 1207, the redraft of the original Bill, is the repeal of the Uniform Property Tax, so I address myself to that issue.

The good Senator from Cumberland, Senator Merrill brought out a real good point. One thing that I have always maintained is that property wealth does not always mean per capita wealth. There are many communities in the State which are considered pay-in communities, some on the verge of being pay-in communities, which have a per capita undoubtedly significantly more than what some of the larger communities where the industrial base is. One thing that we must remember in many of these pay-in communities, as the good Senator from Knox pointed out, Senator Collins, is that many non-residents head north from their little havens in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, wherever the case may be flaunting their willingness to pay any amount of money for a piece of property. One thing we must remember, they live under an entirely different per capita income base than we do here in northern United States, northeastern United States. Therefore, they can afford prices, they will offer prices which are exorbitantly high. In turn, this determines the State valuation on these communities.

I think another good point that Senator Chapman from Sagadahoc pointed to was that the plan of proportionate growth industry throughout the State is being hampered with the Uniform Property Tax, because of the fear that if an industry comes into a small community, decides to locate there, that the residents are afraid of State valuation, an increase which could, in turn, possibly put them in a pay-in position.

Senator Merrill alluded to the possibility of repealing the Uniform Property Tax as long as it was not borne by the other low valuation municipalities throughout the State. Well, I would say possibly if we pass this piece of legislation, give it its first reading, second reading, we might find a mechanism to fund that \$6.4 million at 12 mills. We have done this in the past — we did, as you all remember, last year.

These are some of the points why I am a proponent of the repeal of the Uniform Property Tax. It is a tax which takes away local control: It is uniformity, so-to-speak, but I do not really call it uniformity when you have a community such as Cape Elizabeth or Falmouth where the per capita income is relatively high and you have a small town like the Town of Stoneham where it is very, very low — and that is considered a rich community.

I would urge the Members of this Body to vote for the passage of this L. D. and try to keep it in a posture where we might be able to use it, if we have to, and that would be just about all I have to say this morning. We do have other Bills, as Senator Martin said, in the Taxation Committee. This is the reason I move for the Majority Ought to Pass Report. I would like to find out the feelings of the strongest opponents to the repeal of the Uniform Property Tax, and I would also like to find out what the feelings are of the proponents.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Jackson, that the Senate accept the Majority Ought to Pass Report of the Committee. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will those Senators in favor of a roll call, please rise in their places until counted.

Obviously more than one-fifth having risen, the roll call is ordered.

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Jackson that the Senate accept the Majority Ought to Pass In New Draft Report of the Committee. A 'yes' vote will be in favor of ac-

cepting the Majority Report; a 'nay' vote will be opposed.

The Secretary will call the roll.

YEA — Chapman, Collins, S.; Cummings, Hichens, Jackson, Lovell, McNally, Morrell, Wyman.

NAY — Carpenter, Conley, Curtis, Danton, Farley, Greeley, Hewes, Huber, Katz, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pierce, Pray, Snowe, Speers, Trotzky, Usher.

ABSENT — Collins, D.; Redmond.

9 Senators having voted in the affirmative, and 21 Senators in the negative, with 2 Senators being absent, the motion to accept the Majority Report does not prevail.

It is now the pleasure of the Senate to accept the Minority Ought Not to Pass Report of the Committee? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: I move we reconsider our acceptance of the Minority Report.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate reconsider its action whereby it accepted the Minority Ought Not to Pass Report of the Committee. All those in favor of reconsideration, please say 'yes'; those opposed, say 'no'.

A viva voce vote being had, the Motion to Reconsider does not prevail.

Bill Recalled

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

Mr. SPEERS: Mr. President, I call the Senate's attention to a Bill that has been recalled from the Legislative Files, LD 79, (H. P. 58) "An Act Relating to Reapportionment", and I now move that the Rules be suspended and that the Senate reconsider its action whereby it adhered.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate suspend its rules and reconsider its action whereby the Senate adhered to its previous action. Is this the pleasure of the Senate? It is a vote.

On Motion of Mr. Speers of Kennebec, the Senate voted to recede and concur.

This being an emergency measure and having received the affirmative vote of 30 Members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following additional

Paper From The House Joint Order

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly." (H. P. 68, L. D. 98) (H. P. 1208)

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

Orders of The Day

The President laid before the Senate:
Bill, "An Act to Merge the Passenger Tramway Safety Board with the Board of Elevator Rules and Regulations." (S. P. 398) which was tabled until later in today's session by the Senator from Kennebec, Senator Pierce, pending the Motion of the Senator From Oxford, Senator O'Leary, that this Bill be referred to the Committee on State Government.

Which was referred to the Committee on State Government and Ordered printed.

Sent down for concurrence.

(Off record remarks)

On Motion of Mr. Huber of Cumberland,
Adjourned to 10:00 tomorrow morning.