

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

Thursday, January 20, 1977

Senate called to order by the President.

Prayer by The Honorable Richard H. Pierce of Waterville.

Mr. PIERCE: Almighty Father, look upon this gathering and bless our efforts: Endow us with your wisdom in order that we may serve with confidence, diligence and humility. Guide all of the civic leaders of this world, and remove from it hatred, indifference, trials and afflictions, so that all men may live in peace and harmony. Forgive the shortcomings of this community and all mankind, so that we may walk in the path of justice, now and forever. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Mr. Huber of Cumberland, ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 25, at 4 o'clock in the afternoon. (S. P. 63)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Bill, An Act Concerning Insurance Coverage for Deaf and Mentally Retarded Persons. (S. P. 47) (L. D. 96)

The Committee on Human Resources suggested.

In the Senate January 18, 1977, referred to the Committee on Human Resources and Ordered Printed.

Comes from the House, referred to the Committee on Business Legislation and Ordered Printed in concurrence.

The Senate receded and concurred.

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable Harry R. Courtois who served as a member of the 1955-1956 Legislature, (H. P. 93)

Comes from the House. Read and Adopted.

Which was Read and Adopted in concurrence.

House Papers

Bills and Resolves today received from the House requiring Reference to Committees were acted upon in concurrence.

Joint Order

WHEREAS, allegations have been made that certain utilities have failed to pay millions of dollars in federal income taxes collected from ratepayers; and

WHEREAS, this situation is alleged to exist because of accounting methods and tax breaks which utility companies are permitted to use under federal law; and

WHEREAS, it is claimed that "these loopholes have allowed present power companies to collect \$7.1 billion from their customers over the past 21 years for income taxes that were never paid;" and

WHEREAS, it is further claimed that both electricity rates and taxes are rising because the power companies are further boosting their profits by not paying their share of taxes; now, therefore be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation shall study the process whereby Public Utilities can take advantage of federal laws allowing deferment of tax payments to determine if rate structures properly reflect such adjustments; and be it further

ORDERED, that the Committee shall complete this study no later than 90 days prior to the next regular session of the Legislature and sub-

mit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the Committee. (H. P. 95)

Comes from the House. Read and Passed.

Which was Read.

On motion of Mr. Speers of Kennebec, tabled.

Pending Passage.

Communications

Office of The Governor

January 19, 1977

To: Members of The 108th Maine Legislature

The State Budget Office has furnished me with the latest information available on the disbursement of federal revenue sharing and anti-recession funds. I am, in turn, sharing them with you in hopes they will be useful in making the decisions you will face in this session, particularly in the area of local government. This will enable you to see what towns and cities in your area have received under these two programs.

Whenever pertinent information is brought to my attention, I try to share the data, such as the attached, and it is in that spirit I will try to share this type information with Legislators. I would appreciate the same in return.

I am sharing the enclosed with you for two basic reasons:

(1) I have had many instances since being in office where information was not readily available that would have been helpful in making decisions. Along these lines, I am sure you have received many inquiries regarding federal revenue sharing disbursements and more recently on payments of anti-recession funds.

(2) I think it is important to understand all the commitments being made to local governments so we can better understand our own commitments and be in a better position to make our own decisions regarding funding and local control. As Governor, I've said that I favor more local control and I remain committed to that philosophy. However, as Governor I have become more aware that there are some who want local control but want the dollars to come from some other source. I am also more aware that there are those who will spend more if they believe that the money is coming from another level. Unfortunately, I feel far too much blame has been placed on past legislators, and former State officials for the education deficits and overspending. I believe it is important for everyone to understand that this situation was partially caused because some local officials bought buses and constructed buildings which they probably would not have, had they felt they were spending their own money, or had the local citizens been allowed to vote on the question.

I hope this information will be helpful to you.

Very Truly yours,

JIM LONGLEY

(S. P. 058)

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

Sent down for concurrence.

Senate Papers**Joint Resolution**

Mr. Morrell of Cumberland presented the following Joint Resolution and moved its adoption:

STATE OF MAINE

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

Joint Resolution Accepting The Capitol Planning Commission Report and Indicating a Willingness To Utilize The Capitol Complex Plan and Public Improvement Proposals as a

Guide For All Future Legislation Pertaining To The Capitol Complex.

WHEREAS, the Capitol Planning Commission has been given the responsibility of establishing and maintaining a master plan for the orderly development of future state buildings and grounds in the Capitol Complex of the City of Augusta; and

WHEREAS, the Capitol Planning Commission has submitted to the Legislature an updated master plan with proposed public improvements for the next 10 years in the Capitol Complex; and

WHEREAS, the Legislature has reviewed this plan and the public improvements; now, therefore, be it

RESOLVED: That we, the Members of the 108th Legislature in regular session assembled, acknowledge receipt of the Maine Capitol Planning Commission Report dated November 1976 and the fulfillment by the commission of its legislative mandate contained in the public laws of 1967, chapter 458; and be it further

RESOLVED: That the Legislature gives its general support of the basic concepts of the Capitol Planning Commission Plan, and indicates its willingness to utilize this plan together with any supplements to it and the public improvement proposals of the Capitol Planning Commission as a guide for all future legislation concerning public investments or other matters in the Capitol Complex. (S. P. 062)

Which was Read.

On motion of Mr. Speers of Kennebec, referred to the Committee on State Government, with accompanying papers.

Sent down for concurrence.

Mr. O'Leary of Oxford presented, Resolve, "Authorizing Robert J. Gilbert of Mexico to Bring Civil Action Against an Agency of the State of Maine." (Emergency) (S. P. 61)

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

Sent down for concurrence.

Mr. Mangan of Androscoggin presented, Bill, "An Act to Require Municipal Clerks and Registration Commissioners to File Lists of Certain Residents with Jury Commissioners." (S. P. 60)

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

Sent down for concurrence.

Mrs. Cummings of Penobscot, presented, Bill, "An Act Concerning Witness Fees Under the Public Utility Regulatory Statute." (S. P. 59)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

Committee Reports**House****Divided Report**

The Majority of the Committee on Liquor Control on, Bill, An Act Concerning Days on which Alcoholic Beverages may be Sold. (H. P. 16) (L. D. 25)

Reported that the same Ought to Pass.

Signed:

Senators:

LOVELL of York

DANTON of York

LEVINE of Kennebec

Representatives:

GRAY of Rockland

TWITCHELL of Norway

LIZOTTE of Biddeford

MAXWELL of Jay

RAYMOND of Lewiston

NADEAU of Sanford

MARSHALL of Millinocket

JACQUES of Lewiston

The Minority of the same Committee on the

same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

IMMONEN of West Paris

CONNERS of Franklin

Comes from the House, the Majority Report Read and Accepted and the Bill Failed of Engrossment.

Which reports were read.

On motion of Mr. Speers of Kennebec, tabled until Wednesday, January 26, 1977, pending acceptance of either report.

Enactor

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

Emergency

An Act to Appropriate Funds to the Legislative Apportionment Commission. (H. P. 94) (L. D. 106)

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

(Off Record Remarks)

Orders of the Day

The President laid before the Senate:

Bill, "An Act to Ensure that the Uniform Property Tax Rate Conforms to Limits on Educational Funding Established by Statute." (H. P. 66) (L. D. 91) (Emergency)

Tabled — January 18, 1977 by Senator Speers of Kennebec

Pending — Reference

Which was referred to the Committee on Taxation and,

Ordered printed in concurrence.

Bill, "An Act to Authorize the University of Maine to Execute a Charitable Gift Annuity with a Donor." (H. P. 63) (L. D. 88)

Tabled — January 18, 1977 by Senator Speers of Kennebec

Pending — Reference

Which was referred to the Committee on Business Legislation in concurrence.

(Off Record Remarks)

On motion of Mr. Huber of Cumberland,
Adjourned until 4:00 p.m., Tuesday, January 25, 1977