

# 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, April 14, 1977

Senate called to order by the President.

Prayer by the Honorable Donald F. Collins of Caribou.

Mr. COLLINS: Eternal God, we thank you for Thy spirit of harmony and good will that is at work in the world and in us. As we engage in our Legislative business, may we be attuned to that spirit. We would labor in concert with You improving life for all, especially those in need. We would bring together greater harmony and good will among people. Let us then, together, seek to create the kind of social living that will reflect Thy will and our best efforts, and thus demonstrate the noble virtues with which we are endowed. 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 adjourns, it adjourns to ten o'clock in the morning on Tuesday, April 19; and when the Senate adjourns, it adjourns to eleven o'clock in the morning on Tuesday, April 19. (S. P. 455) Which was Read and Passed.

Sent down forthwith for concurrence.

The Chair will appoint as Members of the Second Committee of Conference on the disagreeing action of the two Branches of the Legislature, on Bill, "An Act Relating to School Funding and Inventory Tax Reimbursement" (H. P. 1160) (L. D. 1252), the following Senators:

Senator Morrell from Cumberland  
Senator Collins from Aroostook  
Senator Carpenter from Aroostook

## Senate Papers

Mr. PIERCE of Kennebec presented, Bill, "An Act to Increase the Number of State Liquor Inspectors." (S. P. 454)

Which was referred to the Committee on Liquor Control and Ordered Printed.

Sent down for concurrence.

## Committee Reports

The following Ought Not to Pass reports shall be placed in the Legislative files without further action pursuant to Rule 20 of the Joint Rules:

Bill, "An Act to Remove the Spending Ceiling on the Raising of Educational Funds by Municipalities." (H. P. 612) (L. D. 749)

Bill, "An Act to Allow Municipalities and County Commissioners in Unincorporated Places to Grant or Deny Applications for Liquor Licenses." (H. P. 712) (L. D. 839)

## Leave to Withdraw

The Committee on Local and County Government on,

Bill, "An Act Recognizing the Maine County Commissioners Organization as an Instrumentality of Maine's Counties." (H. P. 993) (L. D. 1194)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted in concurrence.

## Committee Reports

## Senate

## Ought to Pass — As Amended

Mr. KATZ for the Committee on Education on,

Bill, "An Act to Revise the Maine Regional Library System." (S. P. 74) (L. D. 183)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (S-72).

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.

## Second Readers

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

## House

Bill, "An Act Relating to Dogs Running at Large." (H. P. 557) (L. D. 674)

Bill, "An Act to Establish a Presidential Primary in the State of Maine." (H. P. 187) (L. D. 249)

RESOLVE, Increasing to \$25,000 the Amount for which Romeo and Genevieve St. Amand or their Legal Representatives may bring a Civil Action against the State of Maine. (H. P. 827) (L. D. 1000)

Which were Read a Second Time and Passed To Be Engrossed, in concurrence.

## House — As Amended

Bill, "An Act Appropriating Funds to Maine Vocational Development Commission." (H. P. 516) (L. D. 634)

Bill, "An Act to Provide Minimum Subsidy Payments for Small Administrative Units." (Emergency) (H. P. 185) (L. D. 247)

Which were Read a Second Time and Passed To Be Engrossed, As Amended, in concurrence.

## Senate

Bill, "An Act to Clarify the Regulation of Public Utilities Owning Interests in Electric Generating Plants and Related Facilities." (S. P. 242) (L. D. 776)

Which was Read a Second Time and Passed To Be Engrossed.

Sent down for concurrence.

## Senate — As Amended

Bill, "An Act to Clarify the Town Line Between the Towns of Waterford and Stoneham." (S. P. 297) (L. D. 923)

Which was Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

Bill, "An Act Relating to Representation of State Employees under the State Employees Labor Relations Act." (S. P. 149) (L. D. 391)

Which was read a second time.

On Motion of Mr. McNally of Hancock, tabled for one legislative day.

Pending — Passage to be engrossed.

## Orders of the Day

The President laid before the Senate:

Communication — relating to Legislative Apportionment Commission (H. P. 1233)

Tabled — April 12, 1977 by Senator Speers of Kennebec

Pending — Placing on file with accompanying papers

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

Mr. CONLEY: Mr. President and Members of the Senate, I move the communication be received and placed on file.

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

Mr. SPEERS: Mr. President and Members of the Senate, purely informational, we have requested that a Bill be prepared to implement the purposes of this particular Report, and that Bill will be forthcoming so that this Report may now be placed on file.

On Motion of Mr. Conley of Cumberland, the Senate voted the Report with accompanying papers be placed on file in concurrence.

The President laid before the Senate:

HOUSE REPORT — from the Committee on Local and County Government — Bill, "An Act

to Provide County Commissioner Districts in Washington County." (H. P. 523) (L. D. 641) Ought to Pass in New Draft same Title (H. P. 1225) (L. D. 1359)

Tabled — April 13, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Report

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate, I have contacted a number of people in Washington County, representative people, and they are all opposed to this Bill. I talked with the Manager in Woodland, I talked with the City Manager in Calais, I talked with the City Manager in Eastport, and I talked with the Town Managers in Machias and in Lubec and all are opposed to this Bill.

I, therefore, move indefinite postponement of this Bill and all accompanying papers.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves the Indefinite Postponement.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE: Mr. President, could I ask a point of information from any Senator who would care to answer? Are there any other counties in the State that do not now have County Commissioner districts?

The PRESIDENT: The Senator from Kennebec, Senator Levine, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, presently Cumberland County does not have County Commissioner Districts, but I believe there is a Bill in the works, and I am not exactly sure how that is going to be received.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate, this applies to Washington County only.

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

Mr. MERRILL: Mr. President and Members of the Senate, it is my understanding that the Cumberland County Bill has passed, and this would leave Washington County as the only county that would not have districts. I note that this is a unanimous report, and I wonder if somebody from the Committee on Local and County Government would like to defend the report?

The PRESIDENT: The Senator from Cumberland, Senator Merrill has posed a question through the Chair.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, seeing that I am the only member of the County Government Committee who is in the room at the time, I will explain for the same reasons that were given by the good Senator from Cumberland, Senator Merrill, that the Cumberland County Bill has come out of Committee. I do not know whether it has been acted on the floor or not, but it was the feeling of the Committee whereas all of the other counties did now have Commissioner Districts, that Washington County should go along with it. I do not have any strong feelings on the matter whatsoever. If the Senate wants to let one county stand apart from the others, that is up to them.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Washington, Senator Wyman, that this Bill and all its accompanying papers be indefinitely postponed. The Chair will order a Division.

Will all those Senators in favor of the Motion to indefinitely postpone, please rise in their places to be counted.

Will all those Senators opposed to the Motion to indefinitely postpone, please rise in their places to be counted.

20 Senators having voted in the affirmative and 5 Senators in the negative, the Motion to indefinitely postpone does prevail.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, having voted on the prevailing side, I move reconsideration, and hope the Senate will vote against this.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves the Senate reconsider its action whereby it indefinitely postponed LD 641.

A viva voce vote being had,

The Motion to Reconsider does not prevail. Sent down for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following Additional Papers from the House:

Bills received from the House requiring reference to Committee were acted upon in concurrence, and ordered sent forthwith.

#### Joint Order

WHEREAS, the Maine State Retirement System was established to provide retirement benefits for superannuated and disabled state employees and teachers and their beneficiaries, as well as for employees of political subdivisions and other agencies; and

WHEREAS, at the time the Maine State Retirement System was created in 1947, the Legislature included in the system certain teachers who had been provided retirement benefits through the Department of Education, to whom benefits were required by statutes to be paid from the Maine State Retirement System funds; and

WHEREAS, expenditures by the Maine State Retirement System to pay benefits for this group of teachers has reached approximately \$79,000,000 in excess of available funds as of June 30, 1976; and

WHEREAS, the expenditure of such a significant amount of funds which had not been planned for in the original funding provisions for the Maine State Retirement System has created an unusual drain on the cash flow and accrued unfunded benefits amortization schedules; now therefore, be it

ORDERED, the Senate concurring, that a special AD HOC committee be established comprised of 2 members of the House of Representatives appointed by the Speaker of the House of Representatives; 2 members of the Senate appointed by the President of the Senate; 3 members of the Board of Trustees of the Maine State Retirement System, appointed by the chairman of the board of trustees, and 3 citizens of the State with no vested interest in the Maine State Retirement System to be appointed by the Governor, to study the funding problems of the Maine State Retirement System which have been created by the benefit payments required on account of "non-contributory" teachers who receive benefits under the Maine State Retirement System. These teachers are further identified as individuals, presently totaling approximately 2,200, all of whom are retired and drawing benefits, whose first teaching commenced prior to July 1, 1924 and who were never required to make contributions to any retirement plan until 1945, when the individuals in this category commenced retiring at an accelerated rate. The committee shall review, but not limit its consideration to, the following sources of funding:

1. Assessment against active members, state employees or teachers;
2. Lapsing of unexpended balances of general fund accounts to the Maine State Retirement System;

And be it further

Ordered, the the officers and staff of the

Maine State Retirement System be authorized and requested to provide such information, technical advice and such other assistance as the committee deems necessary to carry out the purposes of this Order; and be it further

Ordered, that the committee shall complete this study no later than December 1, 1977 and report to the Second Regular Session of the 108th Legislature or in the alternative no later than 90 days prior to the First Regular Session of the 109th Legislature and submit to the Legislative Council within either time period, a written report of 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 copy of this joint order be transmitted forthwith to the office of the Maine State Retirement System as notice of this directive; and be it further

ORDERED, that there is allocated from the Legislative Account to the committee, the sum of \$5,000 to be used for the committee to employ clerical assistance to carry out the purposes of this Order. This appropriation shall not lapse but shall remain a continuing account until the purposes of this Order have been accomplished. (H. P. 1297)

Comes from the House, Read and Passed.

Which was Read.

On Motion of Mr. Speers of Kennebec,

Tabled pending passage.

#### Committee Reports

##### House

##### Ought to Pass

The Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution to Eliminate the Office of Justice of the Peace as a Constitutional Office. (H. P. 655) (L. D. 798)

Reported that the same Ought to Pass.

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

The Committee on State Government on, Bill, An Act to Establish the Salary Level for the Superintendent of the Bureau of Consumer Protection. (H. P. 238) (L. D. 301)

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.

The Resolution and Bill were Read once, and Tomorrow Assigned for Second Reading.

##### Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, An Act to Standardize the Provision of Copies of Medical Records to Patients of Hospitals. (H. P. 424) (L. D. 529)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-124).

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

The Committee on Fisheries and Wildlife on, Bill, An Act Concerning Revocation of Certain Inland Fisheries and Wildlife Licenses. (H. P. 262) (L. D. 330)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-130).

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

The Committee on Fisheries and Wildlife on, Bill, An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1978 and June 30, 1979. (Emergency) (H. P. 266) (L. D. 334)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-133).

Comes from the House, the Bill Passed to be

Engrossed as amended by Committee Amendment "A".

The Committee on Fisheries and Wildlife on, Bill, An Act Permitting Reciprocity with States that Issue Complimentary Hunting and Fishing Licenses to a Person who is Suffering from Paraplegia or who is Suffering from Loss of or the Loss of the Use of Both Lower Extremities. (H. P. 260) (L. D. 328)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-132).

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

Which Reports were Read and Accepted in concurrence, and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

The Committee on Education on, Bill, An Act Concerning the Hiring of Bus Drivers by School Administrative Districts. (H. P. 810) (L. D. 985)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-127).

Comes from the House, Bill substituted for the Report and subsequently Passed to be Engrossed as amended by House Amendment "A" (H-155).

Which was read.

On Motion of Mr. Pierce of Kennebec,

The Bill and all accompanying papers indefinitely postponed in non-concurrence.

Sent down for concurrence.

##### Ought to Pass in New Draft

The Committee on Judiciary on, Bill, An Act Relating to Responsibility of Parents to Provide Medical Care Coverage for Minor Children. (H. P. 274) (L. D. 363)

Reports that the same Ought to pass in New Draft under same title. (H. P. 1257) (L. D. 1414)

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

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

##### Divided Report

The Majority of the Committee on Education on,

Bill, An Act to Provide Voluntary Teacher Certification. (H. P. 745) (L. D. 950)

Reports that the same Ought to pass as amended by Committee Amendment "A" (H-145).

Signed:

Senators;

PIERCE of Kennebec  
USHER of Cumberland  
KATZ of Kennebec

Representatives:

LYNCH of Livermore Falls  
WYMAN of Pittsfield  
BAGLEY of Winthrop  
MITCHELL of Vassalboro  
BEAULIEU of Portland  
CONNOLLY of Portland

The Minority of the same Committee on the same subject matter Reports that the same Ought not to Pass.

Signed:

Representatives:

FENLASON of Danforth  
BIRT of E. Millinocket  
PLOURDE of Fort Kent  
LEWIS of Auburn

Comes from the House, the Minority Report Read and Accepted.

Which Reports were Read.

On Motion of Mr. Pierce of Kennebec, Tabled for one Legislative Day

Pending Acceptance of either Committee Report.

**Divided Report**

Seven members of the Committee on Education on,

Bill, An Act to Amend the Duties of the Commissioner of Educational and Cultural Services Relating to the Teaching of Maine Studies. (H. P. 158) (L. D. 196)

Report in Report "A" that the same Ought to Pass as amended by Committee Amendment "A" (H-122).

Signed:

Senators:

KATZ of Kennebec  
PIERCE of Kennebec

Representatives:

BIRT of E. Millinocket  
FENLASON of Danforth  
BAGLEY of Winthrop  
LYNCH of Livermore Falls  
LEWIS of Auburn

Four members of the same Committee on the same subject matter

Report in Report "B" that the same Ought to Pass as amended by Committee Amendment "B" (H-123).

Signed:

Senator:

USHER of Cumberland

Representatives:

WYMAN of Pittsfield  
CONNOLLY of Portland  
MITCHELL of Vassalboro

One member of the same Committee on the same subject matter

Reports in Report "C" that the same Ought not to Pass.

Signed:

Representative:

BEAULIEU of Portland

Comes from the House, Report "A" Read and Accepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-122) as amended by House Amendment "A" (H-154) Thereto.

Which Reports were Read.

On Motion of Mr. Conley of Cumberland,

Tabled for One Legislative Day,

Pending acceptance of any of the Committee Reports.

**Divided Report**

The Majority of the Committee on Transportation on,

Bill, An Act Relating to use of Flashing Red Lights on School Buses when Negotiating Turn Arouds on Public Ways. (H. P. 207) (L. D. 266)

Reports that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo  
McNALLY of Hancock  
MINKOWSKY of Androscoggin

Representatives:

LUNT of Presque Isle  
JENSEN of Portland  
McKEAN of Limestone  
HUTCHINGS of Lincolnville  
STROUT of Corinth  
JACQUES of Lewiston

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

Signed:

Representatives:

CARROLL of Limerick  
LITTLEFIELD of Hermon

Comes from the House, the Minority Report Read and Accepted, and the Bill Passed to be Engrossed.

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President, I move the Senate accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I wonder if the Chairman of the Committee or somebody else might be able to explain in a little more detail why this is not a good proposal.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate, this particular Bill does change existing law by adding on the following sentence "and when negotiating a turn around a public way. As the Committee on Transportation was led to understand, that this possibly would be in violation of the Federal law at the present time. There was only one proponent, and that was the sponsor, that spoke in favor of this particular Bill, but yet we had several opponents from the Department of Education, from the Maine Highway Safety Committee, from the Portland Transit Authority, and some members of law enforcement from the Oxford County Sheriff's Department was on the stand. The Superintendent of Schools in Farmington, who happened to be traveling on the buses, indicated quite clearly to the Committee that the flashing lights will not solve the present problem, but would create them if we enact this particular piece of legislation.

He also stated that at the present time in the State of Maine we have many violations pertaining to people who do not fully comprehend or must be educated further about what the flashing red lights on our present school bus system represents, because they do not always stop. He said this would further confuse the people as to what they will be doing, because the proposal was brought up that possibly now we should put amber lights on the buses when either backing up or turning around.

It appeared also to the Committee that this was a local problem that should not be addressed State-wide.

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

Mr. CURTIS: Mr. President, inasmuch as I do not really feel that the answer completely satisfied the question, I guess I would like to pose a hypothetical situation, and ask what would happen. As I understand it, this piece of legislation deals not with amber lights, but with flashing red lights, and it would permit the bus driver, if he felt it were necessary, to turn on the flashing red lights at the end of his run when he was turning around, it says in a public way, and I would suppose that that situation occurs sometimes in rural areas where it is necessary for the school bus to turn around, retrace its steps, and in the process of doing so, on some of the smaller roads, has a problem perhaps of obstructing traffic. If he were able to turn on the lights, everybody in every direction would stop while he turned around. If my hypothetical was wrong, I would like to be corrected.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I would like to answer the good Senator from Penobscot, — if you have got a long school bus and on the rear end of it are flashing lights, now what this Bill says is that he could turn on his flashing lights and then he can proceed to back across the road. Where is the flashing light showing? It is showing out in the woods somewhere. Why was

this Bill put in then? It was put in because they don't have any turn-around some places on the road, they never built any turn-around places on the road for the long school bus. It simply means that your flashing lights in this Bill is not going to amount to anything, because the minute you start to back that long bus up across that road, start forward again, and when your back finally turns around, then you can see the flashing red lights over on the other side. But you should have them up here. That is the trouble with it. They say they have not plowed out a turn-around that they are supposed to have, and so they have to back it around right in the road itself, right in that perhaps 20 or 24 foot wide black top or whatever they have got for a road.

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

Mr. HICHENS: Mr. President, I would have to support the Majority Report of the Committee. As I related yesterday, on another Bill, I drove a school bus for 22 years. I did not drive one of the 72 passenger buses, like they have now, but I did drive a 56 passenger bus, and I could see times when probably the flashing red lights would help, but I think the majority of times they were a hindrance, because the cars automatically stopped, and they stopped so close that I could not back around.

I am of the understanding, and have seen as I have driven around the Country, that most towns do have turn-around areas so marked for school buses, so that the motorists are well aware that this is a turn around and they would be looking for a bus.

But as the good Senator from Hancock, Senator McNally, has stated, that once the bus starts to turn, the red lights are not visible anyway, and so I do not see any need for this Bill.

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

Mr. CURTIS: Mr. President, I would like to thank the gentleman from Hancock, Senator McNally, for his very graphic example. I would support the pending Motion.

On Motion of Mr. Greeley of Waldo,

The Majority Ought Not To Pass Report accepted in non-concurrence.

Sent down for concurrence.

**Senate**

**Leave to Withdraw**

Mr. Trotzky for the Committee on Natural Resources on, Bill, "An Act to Repeal the Limitation on the effect of the Water Improvement Commission on Litigation pending on January 1, 1945." (S. P. 245) (L. D. 754)

Reports that the same be granted Leave to Withdraw.

Mr. Curtis for the Committee on Judiciary on, Bill, "An Act to Provide Investigators for the Several District Attorneys." (S. P. 156) (L. D. 396)

Reports that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

**Ought to Pass**

Mr. Pierce for the Committee on Education on, Bill, "An Act to Extend the Effective Date of Sections of the School Finance Act of 1976 Allowing Local Administration Units to Raise and Expend Additional Funds and to Exclude Such Funds From Computation made pursuant to That Act." (Emergency) (S. P. 204) (L. D. 602)

Reports that the same Ought to Pass.

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

**Enactors**

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

**Emergency**

"An Act to Provide a Supplemental Appropriation for Instructional Television." (H. P. 145) (L. D. 175)

On Motion of Mr. Huber of Cumberland, Placed on Special Appropriations Table Pending Enactment.

**Bond Issue**

"An Act to Authorize General Fund Bond Issue in the Amount of \$30,000,000 for Planning, Construction and Equipment of Pollution Abatement Facilities." (H. P. 496) (L. D. 615)

On Motion of Mr. Huber of Cumberland, Placed on Special Appropriations Table Pending final passage.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following additional paper from the House:

**Communications**

House of Representatives

April 14, 1977

Honorable May Ross  
Secretary of the Senate  
108th Legislature  
Augusta, Maine

Dear Madam Secretary:

The House today voted to Insist and Join in a Second Committee of Conference on Bill "An Act Relating to School Funding and Inventory Tax Reimbursement" (Emergency) (H. P. 1160) (L. D. 1252)

The Speaker appointed the following members of the House to the Committee:

Representatives:

GOODWIN of Bath  
CAREY of Waterville  
HIGGINS of Scarborough

Respectfully,

Signed:

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered placed on file.

On Motion of Mr. Huber of Cumberland,  
Recessed until 3:30 this afternoon.  
(Off Record Remarks)

**(Recess)**

(After Recess)

Senate called to order by the President.

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

**Committee Report****Conference Committee Report**

The Second Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Relating to School Funding and Inventory Tax Reimbursement." (Emergency) (H. P. 1160) (L. D. 1252) have had the same under consideration, and ask leave to report:

that the Senate recede from its action whereby the Bill was Passed to be Engrossed as amended; recede from adoption of House Amendment "B" (H-138), as amended by House Amendment "A" (H-150) and Senate Amendments "A" (S-63) and "D" (S-64) thereto; recede from adoption of House Amendment "A" to House Amendment "B" and indefinitely postpone same; recede from adoption of Senate Amendment "A" to House Amendment "B" and indefinitely postpone same; recede from adoption of Senate Amendment "D" to House Amendment "B" and indefinitely postpone same; indefinitely postpone House Amendment "B"; adopt Conference Committee Amendment "B" (S-75) submitted herewith; and Pass

the Bill to be Engrossed, as amended by Conference Committee Amendment "B"; that the House recede from its action whereby the Bill was Passed to be Engrossed, as amended; recede from adoption of House Amendment "B" (H-138), as amended by House Amendment "A" (H-150) thereto; recede from adoption of House Amendment "A" to House Amendment "B" and indefinitely postpone same; indefinitely postpone House Amendment "B"; adopt Conference Committee Amendment "B" (S-75) submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "B", in concurrence.

Signed:

Senators:

MORRELL of Cumberland  
COLLINS of Aroostook  
CARPENTER of Aroostook

— Committee on part of Senate

Representatives:

HIGGINS of Scarborough  
GOODWIN of Bath  
CAREY of Waterville

— Committee on part of House

Which was read.

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

Mr. MORRELL: Mr. President, I now move acceptance of the Report of the Second Committee of Conference.

The PRESIDENT: The Senator from Cumberland, Senator Morrell, moves the Senate accept the Second Committee of Conference Report relative to L. D. 1252. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: It is not my pleasure and I would ask that when the vote is taken that it be taken by yeas and nays.

This Bill backs off on the commitment that was made by the 106th Legislature. We lost five percent over the night for the next year, and we also commit ourselves to a phase-down whereby in five years the other taxpayers in the large communities in the State are going to have to bear the full cost of the 106th's moment of generosity. I think it is unconscionable. I think that is good we have a roll call. I think posterity deserves it, particularly with reference to those members present here today that were the ones that made the promise in the 106th.

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

Obviously more than one-fifth having arisen, a roll call is ordered.

The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Morrell that the Senate accept the Second Committee of Conference Report.

A vote of yes will be in favor of the acceptance of the Report. A vote of no will be opposed to the acceptance of the Report.

The Secretary will call the roll.

YEA — Carpenter, Collins, D.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hichens, Huber, Levine, Mangan, Martin, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Usher, Wyman.

NAY — Chapman, Hewes, Jackson, McNally, Merrill, Trotzky.

ABSENT — Collins, S.; Katz, Lovell.

23 Senators having voted in the affirmative, and 6 Senators in the negative, with 3 Senators being absent, the Committee of Conference Report is accepted.

Sent down for concurrence.

The PRESIDENT: Is it now the pleasure of the Senate that, under suspension of the rules, all matters handled this afternoon in the Senate Chamber be sent forthwith, either to the Engrossing Department or down to the House, wherever appropriate? It is a vote.

On Motion of Mr. Speers of Kennebec,  
Recessed until 8:30 this evening.

**(Recess)**

(After Recess)

Senate called to order by the President.

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

**Paper from the House****Enactor****Emergency**

Bill, "An Act Relating to School Funding and Inventory Tax Reimbursement." (Emergency) (H. P. 1160) (L. D. 1252)

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

Mr. MERRILL: Mr. President and Members of the Senate, I will be very brief. I rise for two purposes. one, to ask when the vote is taken, that it will be taken by the yeas and nays and, two, to make one point. That with the passage of this Bill, five years from now over 45 percent of the property of the City of Portland will be non-taxable, courtesy of the generosity of the Maine Legislature.

Somebody had better think sometime about who is going to foot the bill, or we are going to have cities in which nobody lives that can afford to pay taxes. And so you do not think it is just Portland against the rest of the State, as some of the demagogues would have you believe, recognize that 8 percent of the taxable property of the Town of Dover-Foxcroft is being removed from possibility of taxation five years from now as a result of this Bill, again, courtesy of the generosity of the Maine State Legislature.

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

Mr. CONLEY: Mr. President and Members of the Senate, I can appreciate the feelings as expressed by my fellow colleague, the good Senator from Portland, Senator Merrill, and I share pretty strongly some of his feelings.

I can recall back a few weeks ago, perhaps even a couple of months back, at a Democratic caucus that every member of my party of this Senate voted to support school funding \$293.1 million with \$125.00 local leeway and 11.5 mills. It is not what we have before us this evening. We also voted at that time to a man to support 100 per cent reimbursement for the commitment made in 1973 to the communities on inventory, that is not what we have before us tonight.

This morning's paper carries an article of some sort of criticism about the City of Portland, the wild spending that goes on in that city. I think my colleague, Senator Merrill, referred to tax exempt properties within that city, exemptions given by the Legislature over the years. Unless this legislature or certainly the next one faces up to that problem — because it is not only Portland, it is every major city that we have in the State — there are millions of dollars tax exempt that we cannot rely on for any type of remuneration as far as capital is concerned.

Senator Merrill served on a Conference Committee yesterday with two other very distinguished gentlemen from this Senate. They came back here and reported last night. There is no question in my mind but that they very sincerely, very diligently worked for a great period of time in trying to arrive at what they would assume to be a compromise package. And unfortunately that compromise was not accepted.

The Speaker of the House was very disturbed last night. We all know the package failed in this Body. There is a great concern in many of us today, early this morning, as to whether or not we would be able to arrive at any type of a compromise. I can say in all honesty I have been one of the renegades in a sense pressing very hard over the past several months for full reimbursement to honor the commitment made in 1973. It is strange that the other evening when the Amendment that I offered — referred to as sort of funny money down in the other Body, and yet today it is still part of this package and acceptable to a vast majority.

The package we are passing here tonight is going to put an increase on the property tax in Portland because of the fact that this Legislature is not meeting full reimbursement of 100 percent this year. But I have been in the Legislature enough times, enough years to recognize the fact that not every one, not one party or the other, can get its full demands. I do not think there is a member here in this Senate that is going home that is going to be pleased this evening that the package we have arrived at is going to settle everybody's problems. But I think it is the best that we can do at this time. It is best because of the financial straits that are on the State; it is best because it is the only thing that we can get the vast majority to agree to.

I do not want to prolong our Legislative Session this evening. I can tell you the total budget for the City of Portland is \$43 million and that is a lot of property tax, and I do not know how much more the citizens of that community can afford. The Amendment that was offered by Senator Collins the other evening, we are looking for the local control that we talked about for the towns and cities continue to send us their income tax dollars, sales tax dollars and such to the State might be increased to a rational proportion of revenue sharing to bring back and to handle at local control. And I think that is what we should be addressing ourselves to. Perhaps we can cut down the very high level of State bureaucracy we have, and ship back some of the State tax dollars, hard-earned tax dollars, back to the communities to try to give some relief that we have often talked about but very seldom have carried through on.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I have done all that I have been able to do as a single individual to try to reduce the education budget so as to give more money to other needs of the State. At this point, I cannot do any more than what I have done all ready. I offered an Amendment for \$283 million for our education budget and it failed with only six votes.

I am opposed very much to increase taxes, however, there comes a point when I have to start thinking first and foremost of the community that I represent, the City of Bangor, and the 30,000 people in that community. And when I look at the compromise that has been reached here, it is probably the most conservative compromise that the two Bodies of this Legislature could have reached.

When I think of the cities of our State, such as Portland and the City of Bangor, I think we come out darned well on the inventory tax. We come out here, out of a million dollar reimbursement the City of Bangor comes with \$900,000.00 and I think that is pretty good.

I am still opposed to the high level of educational funding here, however, I feel that this compromise is a lot better than the Committee of Conference Report that came out yesterday. This one, first of all, lowers the educational funding, maybe by a small amount, but at least I think that those of us who opposed increasing the educational funding, we succeeded to some extent, not much.

However, we did eliminate the corporate income tax, \$2.2 million corporate income tax, which would be detrimental to the businesses in our State of Maine.

I am very reluctantly going to support this compromise, but I feel that looking at the citizens of my City — and very selfishly I consider citizens of my City — that it is a good compromise for my city.

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

Mr. COLLINS: Mr. President, when I offered the prayer this morning, I offered a silent prayer for the Committee of Conference. And having been on both of the Committees of Conference, I think that this is a compromise that the Senate ought to adopt.

I know that my good friends from the City of Portland are concerned about the reduction in the level of reimbursement for the inventory tax. But I want you to know that all these things are relevant and that in my area a 100 percent of reimbursement for Caribou, for example, means \$196,000.00; and for Presque Isle, it means close to \$300,000.00. And these dollars do not compare with perhaps \$3 million for Portland, but they do compare in terms of the tax effort needed to overcome in the Cities of Caribou and Presque Isle; and I think this is a reasonable, a very reasonable compromise and I would hope that the members of the Senate at this time, so close to the bewitching hours, would pass this Bill. Thank you.

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

Mr. CHAPMAN: Mr. President and Members of the Senate, we are about to enact a school funding Bill at \$290.6 million, the very tops that I feel is in order. I wish it were less so that the people back home would have the opportunity to make some semblance of real decision on how it should be spent on education. They do not have that decision because we are not going to give it to them.

We are about to enact a Bill that reaffirms the continuance of the State-assessed uniform property tax. A tax I have stated before and will state again, in my view is a devious tax, an insidious threat to local government, to local control and to citizen involvement. I am still firmly opposed to this tax for it amounts to State control and influence over our local communities.

I am not desirous of voting for a Bill that includes a tax that I feel is so wrong and it bodes so darkly on the future of Maine citizens. Mark my words, we are feeding a tiger, a tiger that is no longer young and is going to grow up and turn on us. And at that point we will not be able to fend him off.

It has been said, let us wait until November and let the people decide. So be it. This is the apparent wish of the Legislature. But I see it as an easy out. An avoidance of coming to grips with a serious basic issue that I feel we here should be deciding in an attitude of penetrating and constructive concern for the future of our State of Maine.

The best government is that which is nearest to the people. We must stop the ever increasing centralization of government and allow more decisions to be made locally, if for nothing else, this is in the interest of efficiency in spending. Something we all agree is of extraordinary importance these days.

I find myself in the position of being between the rock and the hard place in having to cast my vote on this measure. Neither alternative — a vote for this Bill or a vote against this Bill — is a happy prospect. I consider myself to be a good supporter of education, and much in this Bill offers an acceptable compromise. But because of my overriding concern for the tax vehicle, I am going to cast my vote in the negative.

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

Mr. JACKSON: Mr. President and Members of the Senate: I could not concur more heartily than with the Senator from Sagadahoc, the good Senator Chapman, because I think tonight when the vote is cast for the taxpayer of Maine, when we are completed with this issue — and I think that I would have to agree with the good Senator from Aroostook, it is the most opportune time and it is the time that is very near. But when you take a look at the entire situation in hand that we have in front of us this evening, we have under this proposal \$3.8 million left to spend for additional programs for the State of Maine. Now it has been said that I am against education for the students of the State of Maine. Well, ladies and gentlemen, I am not against education for the State of Maine. I want to give it to the people of the State of Maine, or the parents or the grandparents of the State to decide as to what they want to expend for education.

That was why I was primarily an advocate of repealing uniform property tax, which is not an issue which is before us presently, but to give \$290.6 million to the educational community in this State, now that is approximately a \$25, \$26 million increase from last year. How long is this Legislature going to continue to let this increase in that respect? I think that we should take the initiative and try and reduce that so there is some local control, there is some local participation. As it stands presently, the State Legislature sets the mill rate, we set the educational funding level; the Department of Education comes to us; we do that. We tell the communities what they are going to raise. We tell the communities what the State is going to participate. We give them the opportunity under 2 mills to raise the additional dollars which they have any say over. That is great local control, ladies and gentlemen.

When we pass this little jewel we have in front of us this evening, we have approximately \$3.85 million to fund, No. 1, Part II of the Governor's budget, \$4.3 million; we have \$3.8 million to fund the University of Maine; we have \$3.8 million to fund the reimbursement of sales tax on gas, which would benefit every home owner, every utility user in the State of Maine.

This is what concerns me, ladies and gentlemen, it concerns me greatly because I see nothing more than when you vote for this package this evening that you are going to put yourself on a line for voting for a tax increase to supplement these programs.

I think the Committee did an excellent job in trying to arrive at a compromise. I think the first Committee did an excellent job in arriving at a compromise, but, ladies and gentlemen, I think that one thing that this Legislature has got to face up to, and I think it should be faced in this Legislature, is that we have got to live within the budgetary constraints that we have. And if we do not, and we keep passing tax increases onto the public and continue in this manner, the credibility of the Maine Legislature is going to be nil.

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

Mr. MERRILL: Mr. President and Members of the Senate: I promised one of my colleagues before I came in that I would use only four minutes. I have only used one minute. Perhaps we can start the clock running.

I cannot help, you know, when you are going to lose, I guess you feel the need to say more than when you are going to win, and the process in the House and the process here reflected that, I think.

But I cannot help making three general observations at this time. First of all, I do not really fault the compromise that was put together from the standpoint of inventory tax reimbursement, for the present. It is not what I would hope; it is not what I would expect, but I do not fault that. What I fault is the problem that legislative bodies have, and I guess all political

people have, and that is the problem of trading off too much of their present for the future. Talk about the fact that I think the Legislature did that in 1973, I think we are doing that tonight. What we have got, we can obviously live with this year; looking down the road five years, as I said before, the net effect of everything we have done, past and tonight, is going to be that over 45 percent of our property in Portland is untaxable and it is the same in many cities and towns.

Second, I would like to make an observation — listening to the debate about pay-in and inventory, it seems to me somehow in the last few years we have gotten to the point where the people of Maine, or at least the people of Maine as they speak to their Legislators, see their problems as one versus the other. We are a small and a poor state and yet somehow every part of the State tries to scapegoat every other part of the State.

I have been sympathetic with the problems of the pay-in communities, because I am sympathetic to the problems that property taxes cause and I think that if we look at our problems and find those things that are the same about them, if we try to search out the problems that we face that are similar, we will start finding solutions; and when we stand up in these Bodies and outside these Bodies and start trying to blame the problems of one part of the State on another part of the State, we are going to continue this sort of situation where no part of the State is really solving the problems that they face.

Finally, if there was ever proof of the need for revision of the way in which we spend the people's money, the last two weeks document it, prove it and close it.

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

Obviously more than one-fifth having arisen, a roll call is ordered.

The pending Motion before the Senate is the Enactment of LD 1252, "An Act Relating to School Funding and Inventory Tax Reimbursement."

The secretary will call the roll.

YEA — Carpenter, Collins, Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Huber, Levine, Mangan, Martin, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

NAY — Chapman, Hichens, Jackson, McNally, Merrill, Wyman.

ABSENT — Collins S. Katz, Lovell

24 Senators having voted in the affirmative, and 6 Senators in the negative, with 3 Senators being absent, this Bill was passed to be Enacted, and signed by the President.

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

Mr. SPEERS: Mr. President, I move that the Senate reconsider its action whereby this Bill was passed to be enacted, and I would speak to the Motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate reconsider its action whereby this Bill was passed to be enacted. The Senator has the floor.

Mr. SPEERS: Mr. President and Members of the Senate, I hesitate to speak at this time when the hour is late, but I do feel the debate on this issue would not be complete without a few further comments.

Mr. President and Members of the Senate, we have heard a great deal about commitments which were made in the past, directions given to this Legislature as absolute commitments which we were to follow. Mr. President, I agree that we do indeed have a commitment, and that

commitment is to do the best that we can for the people in the State of Maine in meeting the many demands which do exist on State funds. But there have been arguments expressed specifically in a publication which has suggested specifically that a commitment was made in 1973 to full and permanent funding, permanent reimbursement to those cities which have lost revenues based upon inventories which they had in 1973. That argument Mr. President, has been echoed in these halls, and it has said many times that the legislature, this Legislature has reneged upon a commitment, a promise which was made at that time.

I suppose it is very true the axiom that if you repeat something often enough, that it comes to be believed as the truth.

Now I would like to take a look at the commitment that was made in 1973, the commitment that was made by those who happened to be here at that time. If we look at the debate at that time, we can discover that there was indeed a great deal of concern over what this Legislature would be faced with, and a great deal of concern over the decision that this Legislature would have to make, and the hope was expressed in 1973, and I would stress that word, Mr. President, — the hope, not the commitment, the hope was expressed that future Legislatures, meaning indeed this Legislature, would do what they could do, what we could do for the municipalities of this State.

I would like to quote from the record of July 2, 1973 when Senator Richardson stood on the floor of this Body and stated: "I am very much opposed to continuing a dollar for dollar return to the affected municipalities after the three year period, and I hope the proponent of this Amendment — who, by the way was Senator Tanous — will assure us that that is not his intent because, otherwise, I would find it very difficult to build into our system a dollar for dollar return to every municipality affected by repeal of the inventory tax to go on and on for the next 10, 15, 20 or 30 years. I would hope that this payback would continue only for a period of three years, after which we would go to an established or perhaps newly defined and designed revenue sharing formula. I would ask the Senator from Penobscot, Senator Tanous, to explain to the Senate what happens after three years? Are we going to continue reimbursing municipalities on the same dollar for dollar basis, or is it his intent that at that time the Legislature would be free to establish such revenue sharing repayments as it thought appropriate."

The Senator from Penobscot, Senator Tanous, answers: "Mr. President and Members of the Senate, in reference to the question of my good friend, Senator Richardson from Cumberland, I am sure he is well aware, having been in the Legislature for as many years as he has, that you cannot commit future Legislatures to any definite plan of payment or method of payment. This is my feeling in the statement of fact, that hopefully the Legislature when this property tax, which, incidentally, is the only way we can repeal, in this manner, and do it so that it will take effect in three years — it is my hope at that time that the Legislature in its wisdom, will find some way to fund the communities with their losses. Now, they can do it through revenue sharing, or they can do it on a dollar for dollar basis, whichever method the Legislature used, but we are certainly not binding that Legislature in any way whatsoever, the next Legislature, at that time."

And again the further debate discloses that these individuals knew full well that there would come this day, and the concern was expressed very greatly as to how this Legislature might handle this problem.

But later in the debate, Senator Richardson again states: "This Bill and this Amendment does not obligate the State, as far as I am con-

cerned, to repay on a dollar for dollar, one for one basis those communities after the expiration of three years, and that, Senator Clifford, and Members of the Senate, is exactly where I want it."

And Senator Tanous replied: "I do agree with Senator Richardson from Cumberland in that I do not think we should commit that Legislature to fund the communities back dollar for dollar."

Mr. President, we have fulfilled the hope of that Legislature back in 1973. We have expressed our concern for the communities of this State. We have in this Bill that we have just enacted provided for 100 percent of reimbursement for one year beyond the intent of the gentlemen who enacted that Bill in 1973. And, further, we have provided for a gradual phase-out of the reimbursement, continuing on into 1983.

I believe that we do have a commitment, Mr. President and Members of the Senate, — a commitment to continue to have a real concern for the municipalities of this State, and for the problems that they do face in raising revenues on the property tax; and we must continue to express that concern. We must continue when we are faced with the various Bills that are introduced by well-meaning Legislators which provide for further exemptions of property taxation in our municipalities, and we must continue to express that concern in future reviews of our revenue sharing formula and our revenue sharing programs. But those reviews, Mr. President, must stand on their own and compete with other very real demands on our State's General Fund.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate reconsider its action whereby LD 1252 was passed to be enacted.

A viva voce vote being had,

The Motion to Reconsider does not prevail.

Presented by the Secretary to the Governor for his approval.

The PRESIDENT: The Chair would be remiss if it did not thank those people who worked on the Conference Committees, the Senator from Cumberland, Senator Morrell, the Senator from Aroostook, Senator Collins, the Senator from Aroostook, Senator Carpenter, and the Senator from Cumberland, Senator Merrill. I think they did an excellent job and certainly deserve the thanks, not only of the Senate, but the entire Legislature, in my opinion, and the State of Maine.

I also would be remiss if I did not thank the Senator from Cumberland, Senator Huber, who, while he was not on the Committee, did supply the Committee with many good ideas, substantially good and accurate data, and I really do mean it, that all of you deserve many thanks from all of us.

(Off record remarks)

On Motion of Mr. Huber of Cumberland, Adjourned to April 19, 1977 at 11:00 in the morning.