

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Fifth  
Legislature***

**OF THE**

**STATE OF MAINE**

**Volume III**

**June 16, 1971 to June 24, 1971**

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**1st Special Session**

**January 24, 1972 to March 10, 1972**

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**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

The SPEAKER: One hundred and two having voted in the affirmative and forty-two having voted in the negative, with seven being absent, the motion does prevail.

The Bill was signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, I move that we reconsider our action whereby we enacted this bill, and I hope they vote against me.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House reconsider its action whereby this Bill was passed to be enacted. All in favor will say aye; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

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

Bill "An Act Revising the Implied Consent Law for Operators of Motor Vehicles" (H. P. 1027) (L. D. 1422) — In House, Committee Amendment "A" (H-460) adopted.

Tabled — June 17, by Mr. Orestis of Lewiston.

Pending — Passage to be engrossed.

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be engrossed and specially assigned for Monday, June 21.

By unanimous consent, the previous six tabled and today assigned matters were sent forthwith to the Senate.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought to pass" with Committee Amendment "A" (H-389) — Minority (4) "Ought not to pass" — Committee on Judiciary on Bill "An Act Providing for a Full-time County Attorney for Cumberland County" (H. P. 194) (L. D. 332)

Tabled — June 17, by Mr. Hewes of Cape Elizabeth.

Pending — Acceptance of either Report.

On motion of Mr. Carrier of Westbrook, retabled pending acceptance of either Report and specially assigned for Monday, June 21.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought not to pass" — Minority (6) "Ought to pass" — Committee on Taxation on Bill "An Act to Provide One Property Tax Rate for the Unorganized Territory" (H. P. 1317) (L. D. 1732) — In House, Reports and Bill indefinitely postponed. In Senate, Minority Report accepted and the Bill passed to be engrossed in non-concurrence.

Tabled — June 17, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Ross of Bath to adhere.

On motion of Mr. Bragdon of Perham, retabled pending the motion of Mr. Ross of Bath to adhere and specially assigned for Monday, June 21.

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

An Act Providing for the Taxation and Preservation of Farm, Forest and Open Space Land (H. P. 1418) (L. D. 1834)

Tabled — June 17, by Mr. Ross of Bath.

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, and Members of the House: I am going to ask that this item be tabled, and I would like to explain what the story is so that everyone will be aware of what the problems are and perhaps we can all attempt to work at it.

The problem is a very simple one. The bill in the present form conflicts with the Land Use Regulation Commission in the unorganized territory, since decisions will have to be made to determine whether or not they are farms or forests. The decision has to be made by either the Tax Assessor or the Forest Commissioner under

this bill. However, the Land Use Regulation bill provides that the Commission shall decide whether or not it is a farm or a woodland. That is problem number one.

Problem number two is a problem that we will have to solve relative to valuation. Problem number three, we are looking at the Valuation Committee in determining whether or not there is a constitutional problem with this. And finally, the last problem is the one of the recapturing provision which makes it impossible to administer presently in the Assessor's office. So if we have any hope at all during this session to pass this bill which many of us feel is an important bill, we are going to have to spend an awful lot of time and we are going to have to really get down to business.

I certainly hope that this is not one of these things that will eventually tie us up in adjournment. However, it is so important that I am going to ask that it be tabled rather than indefinitely postponing the bill.

Whereupon, on motion of Mr. BRAGDON of Perham, retabled pending passage to be enacted and specially assigned for Monday, June 21.

The Chair laid before the House the following matter, which was tabled earlier in the day and later today assigned:

An Act to Amend Biennial Elections of Penobscot Tribe of Indians (H. P. 1399) (L. D. 1816) which was passed to be enacted in the House on June 16 and passed to be engrossed on June 10.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-293) in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen: You now have this Senate Amendment "A" to House Paper 1399, L. D. 1816, An Act to Amend Biennial Elections of Penobscot Tribe of Indians. This is now in approval by our Election Division in the Secretary of State's office, and is in fact a

very good changeover from what we had in the previous bill.

Thereupon, the House voted to recede and concur.

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

#### Non-Concurrent Matter

Bill "An Act to Provide Mandatory Penalties for Commission of a Crime with a Firearm" (S. P. 332) (L. D. 983) which was passed to be engrossed as amended by Senate Amendment "A" (S-218) in the House on June 1.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" and Senate Amendment "B" (S-279) in non-concurrence.

In the House: The House voted to recede and concur.

On the disagreeing action of the two branches of the Legislature on

Bill "An Act Creating the Municipal Assessment Appeals Board" (S. P. 493) (L. D. 1441) the Speaker appointed the following Conferees on the part of the House: Messrs. GILL of South Portland CAREY of Waterville FARRINGTON

of Old Orchard Beach

#### (Off Record Remarks)

Mr. Kelleher of Bangor was granted unanimous consent to address the House.

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: We have been talking about an effective lobby in this House for the past six months. I think this morning you could have witnessed the most effective lobby we ever saw; a lobby where the people of the State of Maine were put in kind of a difficult position; and I am talking now particularly about the gas tax. I didn't hear any one of my good friends from either one of the corners complain about the lobby that was administered out in the hallways down in the corner office and what have you.

It disturbs me to no end to feel that we come down here to represent our own constituents, and we get our arms twisted or our necks