

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 15, 1975

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

Prayer by Representative Nancy Clark of Freeport.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication:

THE SENATE OF MAINE
AUGUSTA

May 14, 1975

Honorable Edwin H. Pert

Clerk of the House

107th Legislature

Augusta, Maine

Dear Mr. Pert:

The Governor having returned: Bill, An Act Relating to Specially Designed Registration Plates for the Maine National Guard. (H. P. 733) (L. D. 909)

together with his objections to the same. The Senate proceeded to vote on the question: Shall the Bill become a law notwithstanding the objections of the Governor?

According to the provisions of the Constitution, a yea and nay vote was taken. 16 Senators having voted in the affirmative and 15 Senators having voted in the negative, the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate: The following Communication:

May 14, 1975

Honorable Edwin H. Pert

Clerk of the House

107th Legislature

Augusta, Maine

Dear Mr. Pert:

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act Providing for the Observance of Memorial Day on May 30th" (S. P. 371) (L. D. 1198).

The Senate also voted to Insist and Join in a Committee of Conference on Bill, "An Act Providing Minimum Retirement Benefits for Certain Teachers" (H. P. 991) (L. D. 1225)

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

May 14, 1975

Honorable Edwin H. Pert

Clerk of the House

107th Legislature

Augusta, Maine

Dear Mr. Pert:

The Senate today voted to Adhere to its action whereby it accepted the Majority "Ought Not to Pass" report on Bill, "An Act to Equalize the Retail Price of Alcoholic Beverages Throughout the State" (H. P. 403) (L. D. 492).

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

**Reports of Committees
Leave to Withdraw**

Committee on State Government reporting Leave to Withdraw on Bill "An Act Relating to Employment Registers in the Department of Personnel" (S. P. 446) (L. D. 1507)

Committee on State Government reporting Leave to Withdraw on Bill "An Act to Provide for Election of Commissioners to the Public Utilities Commission" (S. P. 470) (L. D. 1604)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

Non-Concurrent Matter

Bill "An Act Designating Family Day Care as a Priority Social Service" (H. P. 1207) (L. D. 1500) on which the Minority "Ought to Pass" Report of the Committee on Human Resources was read and accepted and the Bill passed to be engrossed in the House on May 13.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Human Resources read and accepted in non-concurrence.

In the House: On motion of Mr. Rolde of York, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Relating to the Valuation of Farmland" (H. P. 550) (L. D. 678) which was indefinitely postponed in the House on May 5.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (H-237) as amended by Senate Amendment "A" (S-144), thereto, in non-concurrence.

In the House:

Mr. Finemore of Bridgewater moved that the House recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I know that the gentleman from Bridgewater, Mr. Finemore, was concerned about the level of commodities required in order to be eligible for benefits under this. It was \$2,000 and it is now amended down to \$1,000, which meets his objections, so he now apparently would go along with the bill. My objection to the bill in the beginning and still is that, in my opinion, it is not possible to administer it within any reasonable cost.

If you remember, the contents of the bill provided that in establishing whether or not the property would be eligible for assessment as farmland rather than development land, it would be based on the decision as to whether it was, in fact, used for farming, and this bill would allow the residents on the property to credit anything that they consumed themselves in determining the productivity of this land. I contend and I still believe, and I think I shall always believe that it is an impractical thing to ask our assessors to go around checking on how much people eat off the ground they live on.

I don't like to be any part of seeing a bill go through here which we know is impossible to administer, and I consider this bill as such a bill, and I hope you would vote against recede and concur and hope that we could insist.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: One statement that Mr. Susi has made, I think he could have gone a little further on it, but maybe he didn't want to, but this only has been, up until this year, and it never became a law, it only has been \$1,000. That is all you had to raise and pass along.

When this bill originally came out, it came out with \$2,000; it was amended up to \$2,000, which I objected to. Mr. Susi, the way he is wording it, he is almost making you believe it has been \$2,000. It has not; it has been \$1,000. So all we have done here is amend it back to the original bill, with the exception of putting on the \$1,000 that is raised for food to use for yourself.

If you raise two beef on that land and you take them to the slaughter house and have them slaughtered, it is no trouble to prove, because they will give you a weight slip on those two beef, and those two beef today, with today's prices, it would come up to probably to \$600 or \$700. This is quite a help to the farmer.

He says about the assessors, and I think this is a very unfair remark, because today, what we are working on, I hope you all realize in this House what we are working on, it is people who are trying to stay on farms. These farms probably have been in the family for two or three generations, and here you are now, just because they are old people, maybe reaching the age of 55 or 60, 65 or 70, they are trying to stay on that farm and pay their taxes. If they go into zoning or anything like that, as Mr. Susi has said, the taxes immediately are not doubled or tripled, but maybe four or five times as high. They are forcing them off them. I wonder if that is what we want to do.

But if they can raise \$1,000 worth of stuff and sell it, or even cut a thousand dollars worth of pulpwood off that farm, or cedar or anything, they can sell it, bring a slip in and the proof is there. But if they consume this and eat it in their family, the vegetables or whatever it may be out of their garden, then the burden of proof is on them, so they have got to prove it.

I think this morning we would be doing a very — and I am sincere — I think we would be doing a great harm to these people who are trying to stay on these farms. I don't believe that anyone that has been on that farm, maybe someone purchased a farm for the possibility of it coming up in value, but the ones who are living there, and that is 90 percent of them or more, the ones that are trying to stay on these farms are people who have had them generation after generation. So I hope this morning you will go along with the recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I concur completely with the remarks of the gentleman from Bridgewater, Mr. Finemore. I understand the questions that the gentleman from Pittsfield has, Mr. Susi, on this particular piece of legislation, but I rally think we ought to reappraise the situation and look at our home towns where we come from and the kinds of people who live on the land. I happen to be a resident of Windham. It is in the southern part of the state. We had a tremendous building boom until the economic problems beset the

country, and a lot of older citizens were forced to sell their property to people who had money and it was usually urban people coming out or people from out of state, and these people were forced to sell their land and move into the city in a housing development. For some people, these are good, but people who have lived on the land all their lives, I think it is a crime to make them move.

The basic concept that is changed is to allow them to credit what they consume, and this would be to allow them, in other words, the retail price. If they had a cow and it produced so much milk, they could get the \$1.58 or \$1.60, whatever it is at present, and credit that towards this \$1,000 figure, which they then could petition the community and ask that they be given a property tax rebate, not an exemption and not a rebate, but a lower property tax rate. This will help them keep their farms and it is not only that, it will help this state keep open land. This is the principle behind the bill. It will help keep land open, and that is what we want to do. We don't want to develop every usable piece of farm land, because if we do, we won't be able to produce the food that we need.

I know it seems like it would be an administrative nightmare, but I really don't think so, because the burden is on the person who wants that exemption, and they are going to have to petition the town and they are going to have to present evidence that they have consumed, not only consumed but sold enough produce off that property to reach that \$1,000 figure.

Right now, they have to sell produce, and when you sell it, you get the wholesale price. You know, for a gallon of milk, what is the wholesale price? It is not very much. But if we allow people to credit the retail price for what they consume, it helps them get up there pretty quick.

I think we want to keep lands open. This isn't only just for farmers; it is for young subsistence people who are trying to go back to the land and want to keep this land open. So I hope you would recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: This was my bill, and I would feel a little remiss if I didn't say something on behalf of it. I wholeheartedly agree with Mr. Peterson and Mr. Finemore. The only people that are opposed to this are the developers or anyone in business that is possibly in hopes of forcing some of these little farmers to sell their farms and develop them into housing developments.

Every farm organization in the state is in support of this, and if this bill doesn't pass to relieve them somewhat this time, the next session of the legislature, every farm organization in the State of Maine is going to write letters and be here in full force. If they had known it this time, the Organic Farmers Association and the Farm Bureau would have packed that room with proponents of this bill.

What little bit this bill does, they are very deserving of it. These people have farmed these lands and are trying to hang onto them and they are just forcing them off because they are taxing them for the highest potential value, which is house lot acreage, and this shouldn't be. I hope that everyone will go along and support Mr. Finemore's action.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I certainly got some different signals from the farm organization than the gentleman from Orland, Mr. Churchill. I got the impression that genuine farmers were opposed to this particular bill because it was prostituting their profession. After all, the whole story here is that these aren't farmers that are going to benefit from this, because farmers qualify under the law at the present time. What you are going to do here is qualify the fellow that is an accountant downtown that has got a gentleman farm and all of a sudden he is going to be able to qualify this for tax reductions, it is going to be a great thing to reduce the tax base of the communities but it sure as heck isn't for genuine farmers. If these people are going to be able to get retail credits for the produce they put out on these farms, that is certainly a lot better than the genuine farmer who is selling his things at wholesale.

It is completely different from the way I understood it and I don't feel any certainty this morning that the farm people support this. In fact, it was my impression and I got the information that they did not support it. I certainly would like to have an opportunity to check that out. I think this is very bad legislation from the tax standpoint and very bad legislation from the standpoint of the genuine farmer.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: To me, it doesn't matter whether the farmer is a gentleman farmer or a subsistence farmer or a so-called genuine farmer. I am a little unclear as to just what a genuine farmer is. My reason for favoring this is not to qualify someone as a genuine farmer or a gentleman farmer but to qualify land as farmland. Now to me, if land is producing food or produce it is farmland whether it is owned or operated by a so-called genuine farmer, a gentleman farmer, a subsistence farmer or elderly couple who have been farmers under what some people might call genuine farmers are now only able to raise a garden, perhaps keep a cow or two but are still using this land to produce produce.

To me, the chief purpose of this, as I have indicated, is not to qualify someone as a farmer but to qualify land as farmland so that it can receive a lower tax rate and thereby relieve this pressure on it to be developed. When you value this land as development land, you are almost automatically insuring that it will be developed. No subsistence farmer or young person who is supporting a family or no elderly couple on retirement income is going to be able to keep this open land and pay development taxes on it, taxes on development land.

To me, it is important to the state in maintaining the nature of our state that we keep this land open and this provides a little more liberal mechanism for doing this. I, for one, don't like to see this open land, especially on the coast, being forced onto the market as development land, usually bought by out-of-state developers or out-of-state people, who may or may not keep this open land, depending on whether they can afford to pay the taxes or not. I believe it is to the good of the state that we encourage the keeping of this land as open land. I support the motion of the gentleman from Bridgewater, Mr. Finemore, that the House recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I support the position of the gentleman from Windham, Representative Peterson, and the gentleman from Brewer, Representative Cox. The validity of keeping this portion of farmland as open space land is important and I support the motion.

Mr. Doak of Rangeley requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House recede and concur on Bill, "An Act Relating to the Valuation of Farmland," House Paper 1550, L. D. 678. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carpenter, Carroll, Chonko, Churchill, Clark, Connors, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, Doak, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hughes, Hunter, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lovell, MacEachern, Mackel, MacLeod, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Mills, Mitchell, Morin, Nadeau, Najarian, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship.

NAY — Carey, Dow, Drigotas, Fraser, Garsoe, Gauthier, Gould, Hinds, Immonen, Leonard, Lynch, Mahany, Morton, Pierce, Saunders, Stubbs, Susi.

ABSENT — Blodgett, Carter, Connolly, DeVane, Faucher, Hobbins, Hutchings, Kelley, LaPointe, Lunt, Martin, R.; Miskavage, Mulkern, Norris, Peakes, Tierney.

Yes, 116; No, 17; Absent, 16.

The SPEAKER: One hundred and sixteen having voted in the affirmative and seventeen in the negative, with sixteen being absent, the motion does prevail.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: Having voted on the prevailing side, I now move we reconsider our action on L. D. 678 and I hope you vote against me.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that the House reconsider its action whereby the House voted to recede and concur. All in favor of that motion will say yes; those opposed will say nay.

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

Orders

Mr. Cote of Lewiston presented the following Joint Order and moved its passage: (H. P. 1586)

WHEREAS, there has been widespread interest in this State in the question of whether or not to permit state-regulated casino gambling within Maine; and

WHEREAS, it has been estimated that casino gambling in Maine, if properly regulated and taxed, could result in an increase in revenues to the State of up to \$100,000,000; and

WHEREAS, the subjects of the proper forms of regulation and of taxation of casino gambling; of the advantages and disadvantages of state ownership of casinos versus private ownership; and of the geographical limitation of casino gambling to one portion of the State demand careful investigation and study; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Legal Affairs, to study the desirability and feasibility of establishing some form of state-regulated casino gambling in this State and of state operation or taxation of that gambling, with special study to be devoted to proposals advanced in the State of New Jersey; and be it further

ORDERED, that the Council report the results of its findings, together with any proposed recommendations and necessary implementing legislation, to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive.

The Order was read and passed and sent up for concurrence.

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 1590)

WHEREAS, the Legislature, much like a book, cannot be considered complete without pages; and

WHEREAS, it is common knowledge that the Legislature of this State operates as well as it does because of the swift, cheerful and efficient service of the pages of the House and Senate; and

WHEREAS, the week of May 11th through May 17th has been declared the "First Annual Pages' Week," with the slogan of "Take a Page to Lunch Today;" now, therefore, be it

ORDERED, the Senate concurring, that our membership hereby recognizes the hard work and constant dedication of the House and Senate pages of the One Hundred and Seventh Legislature and takes this opportunity to declare its support of the First Annual Pages' Week and of its slogan; and be it further

ORDERED, that a suitable copy of this Order be sent by the Clerk of the House to the chief page of the House of Representatives and by the Secretary of the Senate to the chief page of the Senate in behalf of each page of the One Hundred and Seventh Maine Legislature in token of our esteem.

The Order was read and passed and sent up for concurrence.

Mr. Tozier of Unity presented the following Joint Order and moved its passage: (H. P. 1591)

WHEREAS, the selectmen of the Town of Montville have taken a position in opposition to the expansion of nuclear generating facilities on behalf of the residents of the town; and

WHEREAS, they firmly oppose construction of a nuclear power plant on Sears Island in Penobscot Bay; and

WHEREAS, it is their belief that strict, conscientious programs of energy conservation and more extensive and efficient use of natural resources will resolve energy problems without having an adverse effect on the environment; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 107th Legislature do hereby acknowledge receipt of Article 62 of the 1975 annual town warrant of Montville offered by the selectmen on behalf of the town expressing the foregoing preamble and by this Order assure the selectmen and residents of the town that their message has been brought to the attention of all Members of the Maine Legislature for their consideration; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to the selectmen of the Town of Montville as notice of this acknowledgment.

The Order was read and passed and sent up for concurrence.

Mr. Rolde of York presented the following Joint Resolution and moved its adoption: (H. P. 1592) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Joint Resolution Memorializing the Congress of the United States to Change the Proposed Federal Regulations for Title XX, the Social Services Act of 1974

WE, your Memorialists, the House of Representatives and the Senate of the State of Maine of the One Hundred and Seventh Legislative Session assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the United States Congress has passed the Social Services Act of 1974 and federal regulations have now been issued for Title XX of this Act; and

WHEREAS, Title XX affects many social services within this State; and

WHEREAS, the Human Service Council of Maine and the Maine Committee on Aging have reviewed the proposed regulations for Title XX; and

WHEREAS, many of these regulations have been found to be overly restrictive and overly bureaucratic and will increase the cost of administering these programs; and

WHEREAS, these regulations tend to override the intent of Congress in passing this Act, will contribute to a slowdown in the delivery of needed human services and furthermore, and run counter to efforts to simplify federal-state programs; now, therefore, be it

RESOLVED: That we, your Memorialists, do petition the Congress of the United States to prevail upon the United States Department of Health, Education and Welfare to revise and simplify the complicated regulations of Title XX that will prevent proper service to Maine's elderly and poor, and be it further

RESOLVED: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Speaker of the House and to the President of the Senate of the Congress of the United States, to each

Member of the Maine Congressional Delegation and to the Secretary of the Department of Health, Education and Welfare of the United States.

The Resolution was read and adopted and sent up for concurrence.

On Motion of Mr. Albert of Limestone, it was

ORDERED, that William Blodgett of Waldoboro be excused May 15th and 16th for legislative business.

Mr. Jensen of Portland presented the following Joint Order and moved its passage: (H. P. 1593)

ORDERED, the Senate concurring, that "An Act to Provide a Uniform Filing Deadline for Candidates for State and National Office within the State of Maine," House Paper 1128, Legislative Document 1404, be recalled from the Governor's desk to the House.

The Order was read and passed and sent to the Senate.

By unanimous consent, ordered sent forthwith.

House Reports of Committees

Ought Not to Pass

Mrs. Durgin from the Committee on Election Laws on Resolution, Proposing an Amendment to the Constitution to Provide for gubernatorial Run-off Elections (H. P. 1194) (L. D. 1490) reporting "Ought Not to Pass"

Mr. Peterson from the Committee on Natural Resources on Bill "An Act to Allow Municipal Approval of Routine Wetlands Permits" (H. P. 317) (L. D. 395) reporting "Ought Not to Pass"

Mr. Hall from the Committee on Natural Resources on Bill "An Act to Permit Local Plumbing Inspectors to Approve and Issue Permits for Holding Tanks that Require Pumping" (H. P. 1535) (L. D. 1856) reporting "Ought Not to Pass"

Mr. Kelleher from the Committee on Public Utilities on Bill "An Act Concerning the Use of Coin-operated Telephones" (H. P. 1156) (L. D. 1450) reporting "Ought Not to Pass"

Were placed in the Legislative Files, without further action, pursuant to Joint Rule 17-A.

Leave to Withdraw

Mr. Call from the Committee on Election Laws on Resolution, Proposing an Amendment to the Constitution to Require that the Governor be Elected by Majority Vote (H. P. 455) (L. D. 619) reporting Leave to Withdraw.

Mr. Drigotas from the Committee on Taxation on Bill "An Act to Establish the Maine Forestry District Fire Protection Fund" (H. P. 778) (L. D. 949) reporting Leave to Withdraw.

Mr. Spencer from the Committee on Public Utilities on Bill "An Act to Establish the Maine Safe Drinking Water Act" (H. P. 654) (L. D. 812) reporting Leave to Withdraw.

Mrs. Chonko from the Committee on Labor on Bill "An Act to Except from the Definition of Employee in the Workmen's Compensation Law Persons Engaged in Commercial Fishing-Related Activities while Engaged in Work Ashore" (H. P. 1337) (L. D. 1623) reporting Leave to Withdraw.

Reports were read and accepted and sent up for concurrence.

Mr. Powell from the Committee on Education on Bill "An Act Providing for a