

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

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KJ PRINTING
AUGUSTA, MAINE

Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Strout, Theriault, Torrey, Tozier, Twitchell, Whittemore.

NAY: Bachrach, Bagley, Beaulieu, Benoit, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Carroll, Churchill, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Diamond, Durgin, Dutremble, Elias, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Jackson, Jensen, Kane, Kany, Kerry, Kilcoyne, LaPlante, Locke, Lynch, Marshall, Martin, A.; Masterton, McMahon, Mitchell, Morton, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Peltier, Plourde, Prescott, Quinn, Spencer, Stover, Stubbs, Tarbell, Tarr, Tierney, Trafton, Tynedale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Ault, Bennett, Biron, Bustin, Clark, Fenlason, Jacques, Laffin, LeBlanc, Littlefield, Lunt, Moody, Palmer, Talbot, Teague, Truman.

Yes, 62; No, 73; Absent, 16.

The SPEAKER: Sixty-two having voted in the affirmative and seventy-three in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Non-Concurrent Matter

RESOLUTION. Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses (S. P. 366) (L. D. 1227) which was Passed to be Engrossed as Amended by House Amendment "C" (H-884) in the House on June 30, 1977.

Came from the Senate with that Body Insisting on its former action whereby the Bill was Passed to be Engrossed as Amended by House Amendment "B" (H-817) as Amended by Senate Amendment "A" (S-332) thereto in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House insist and ask for a Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach. Mrs. BACHRACH: Mr. Speaker, I move that the House adhere.

This is a matter that we moved on at the very last minute on Thursday night. This amendment to the Constitution says in both the amendment and the question that the Constitution should be amended as proposed by a Resolution of the legislature to require the state to provide for reimbursement to municipalities for at least 50 percent of property tax exemption losses and credit losses enacted after April 1, 1978. This implies that if the legislature allows any more exemptions or tax credits, that the municipalities will be reimbursed. However, if you read the rest of the legislation, you would discover that in order to comply with this requirement, the legislature may allow the municipalities to raise money in other ways to the amount of 50 percent of the loss due to the exemptions to property taxes or tax credits. This is quite a different ballgame, and as I recall the action of the legislature late Thursday night, people were not at all inclined to allow their municipalities to raise money by taxes in other ways in order to

reimburse themselves for losses due to new exemptions granted by the state, and I would like to remind you that this was the way we went the other night and I hope you will defeat both the motion to recede and concur and to insist and ask for a Committee of Conference. Then we come along and adhere to what we did before.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Lewiston, Mr. Biron, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

11 having voted in the affirmative and 70 in the negative, the motion did not prevail.

The SPEAKER: The pending question now is on the motion of the gentleman from South Portland, Mr. Curran, that the House insist and ask for a Committee of Conference. The Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 28 in the negative, the motion did prevail.

Non-Concurrent Matter

"An Act Concerning the Administration of Property Tax Laws Administered by the Bureau of Taxation" (H. P. 244) (L. D. 318) (C. "A" H-822) which was Passed to be Enacted in the House on June 30, 1977.

Came from the Senate Passed to be Engrossed as Amended by Committee Amendment "A" (H-822) and Senate Amendment "A" (S-362) in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

The following Papers appearing on Supplement No. 4 were taken up out of order by unanimous consent:

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act to Amend the Maine Criminal Code as Recommended by the Criminal Law Advisory Commission" (S. P. 127) (L. D. 306) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Maine Criminal Code and Related Statutes" (S. P. 574) (L. D. 1892)

Came from the Senate, with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Senate Amendment "A" (S-360)

In the House, the Report was read and accepted and the Bill read once.

Senate Amendment "A" (S-360) was read by the Clerk and adopted in concurrence and the bill was assigned for second reading later in the day.

The following Communication: (S. P. 587)

**State of Maine
Office of The Governor
Augusta, Maine**

June 30, 1977

Honorable Joseph Sewall
President of the Senate

and
Honorable John L. Martin
Sepaker of the House
Dear Joe and John:

This is to formally notify you of our nomination today of William B. Manheimer to serve on the Maine Guarantee Authority.

Mr. Manheimer has been nominated to replace Joseph Budris who recently resigned.

In accordance with MRSa Title 10, Section 751, this nomination requires confirmation by the Joint Standing Committee on State Government and by the Senate.

Thank you for your assistance in the areas of appointments.

Very Truly yours,
(Signed) JAMES B. LONGLEY
Governor

Came from the Senate, Read and referred to the Committee on State Government

In the House, the Communication was read and referred to the Committee on State Government in concurrence.

The following Communication: (S. P. 589)

**State of Maine
Office of the Governor
Augusta, Maine**

June 29, 1977

The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning without my signature and approval S. P. 531, L. D. 1853, An Act to Provide for the Immediate Issuance of Food Stamps for Needy Families.

This act might more appropriately be called "a guaranteed credit card for food stamps" without opportunity for properly checking and screening eligibility to the extent it requires processing and approval "within one working day".

The Department already issues food stamps on an emergency basis to those with immediate need. This bill would do nothing more than restrict the initial screening process of the Department, thereby eliminating the flexibility and responsiveness that the Department may require in order to meet changing needs and circumstances. In addition, the Department is in the process of completing a computerized approach which will also enhance their ability to respond efficiently and quickly.

Abuses in the food stamp program are widespread and have been so characterized by the Carter Administration. It is very likely that the welfare reform program which President Carter will offer to the nation will eliminate the food stamp program and substitute a more efficient and effective method of providing assistance. I am concerned with the abuse in the food stamp program and agree that substantial changes will have to be made. Consequently, it would seem contrary to the national trend as well as to the concern for the effectiveness of this program to legislate certain requirements which I feel are unnecessary and unwise.

For these reasons, I respectfully request that you sustain my veto of this measure.

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

Came from the Senate, Read and Ordered Placed on File.

In the House, the Communication was read and ordered placed on file in concurrence.

The accompanying Bill, An Act to Provide for the Immediate Issuance of Food Stamps for Needy Families (S. P. 531) (L. D. 1853)

In the Senate, July 6, 1977, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

29 voted in favor and none against, and accordingly it was the vote of the Senate that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the Senate so voted.

(Signed) MAY M. ROSS
Secretary of the Senate

In the House, the Communication was read and placed on file.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and