

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

Mr. KATZ: Mr. President, the two bodies are not in agreement. I have every hope that the procedures we are pursuing here will put us in agreement and put the enactment of this bill in a better posture.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz, that the Senate indefinitely postpone Senate Amendment "A".

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: I request another point of order, Mr. President. Not to be argumentative, however, Joint Rule 20 would state that a conference committee may be either accepted or rejected but no other action shall be had except through another committee of conference.

The PRESIDENT: The Chair understands the Senator from Cumberland, Senator Conley, moves that this item be tabled until tomorrow, pending the motion by the Senator from Kennebec, Senator Katz, that Senate Amendment "A" be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Papers From The House

Out of order and under suspension of the rules, the Senate voted to take up the following:

Committee of Conference Report State of Maine

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolution, Proposing: Provide for Annual Sessions of the Legislature and to Change the Date of: Convening of the Legislature. (H. P. 1510) (L. D. 1827)

Have had the same under consideration and ask leave to report: That the House recede from its action whereby the bill was passed to be engrossed, adopt Committee of Conference Amendment "A" and pass the bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede from its action whereby the Bill was passed to be engrossed as amended by Senate Amendment "D" (S-95), indefinitely postpone Senate Amendment "D" adopt Conference Committee Amendment "A" and pass the bill to be engrossed as amended by Conference Committee Amendment "A".

On the part of the House:

COONEY of Sabattus
SUSI of Pittsfield
GREENLAW of Stonington

On the part of the Senate:

GREELEY of Waldo
ROBERTS of York
DANTON of York

Comes from the House, the report Read and Accepted and the Resolution Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-491).

Which report was Read.

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

Mr. SPEERS: Mr. President, I would hope that the Senate would not accept the report of the Committee of Conference. Very briefly, of course, in the Committee of Conference Report the Conference Amendment would state that the legislature shall set by statute the number of days which it may meet, and although this is definitely an improvement, I believe, over the original bill which would place that certain number of days in the

constitution itself, my objections to it still remain that the legislature should not have a specific number of days hanging over it in which it must transact all its business. I do not feel that this makes for good legislation.

I don't want to debate this matter at length, I think most of the arguments on both sides have been stated previously. I would hope that the Senate would reject the Conference Committee Report, and I would so move.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reject the Committee of Conference Report.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I would make a parliamentary inquiry as to what stage the Senate could, if it were possibly for the Senate to accept the report and then take further action in deviation from that report?

The PRESIDENT: The Chair would advise the Senator from Androscoggin, Senator Clifford, that after there has been intervening action then the item could be further amended.

Mr. CLIFFORD: Mr. President and Members of the Senate: As you will recall, I was interested in this subject matter of the annual sessions and proposed the amendment which the Senate adopted concerning limits on the legislative days, which would have been written into the constitution. That amendment passed this body and the result, of course, was the Committee of Conference.

It seems to me that this Conference Committee Report is certainly an improvement of the original bill which provided for annual sessions with no limits whatsoever, and it seems to me that if we could accept this Conference Committee Report and then take further action to submit the amendment as was originally presented by the Senator from York, Senator Hichens, to limit by subject matter the second regular session, it seems to me we would have taken great strides to not only provide for annual sessions, which we should have, but also to place some limits on those sessions, I think which the public is looking towards. So I would hope that we could accept the Conference Committee Report and then, hopefully, take other action to amend the resolution to make it conform more closely with the Senate's original action. Thank you, Mr. President.

The PRESIDENT: Is the Senate Ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate reject the report of the Committee of Conference.

The Chair will order a division. Will all those Senators in favor of the motion to reject the report please rise in their places until counted.

A division was had. 10 having voted in the affirmative, and 22 having voted in the negative, the motion did not prevail.

Thereupon, the Conference Committee Report was Accepted in concurrence.

Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

Communication

May 27, 1975

Members of the House of Representatives and Senate of the 107th Legislature

I am today returning to the Legislature

without my signature and approval LD 672, An Act Relating to Definition of Retail Sales under Sales and Use Tax Law.

I am taking this action because I feel this bill in its present form extends preferential tax treatment to one Maine firm and thereby discriminates against other firms and individuals who must pay this tax.

Earlier today, I had requested of Legislative Leaders that this measure be withdrawn so that at some future date, but no later than the next regular session, it could be amended to include all businesses and citizens of this state. A decision was made not to recall this bill and I have no choice but to veto it.

In deciding what action to take on this veto, I feel each individual legislator should ask if he or she is being fair to the individual taxpayers and the businesses, large and small, in their areas to the extent they are not giving them the same preferential treatment that they would extend to one firm in the state.

Very truly yours,
JAMES B. LONGLEY
(H. P. 1641)

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File in concurrence.

The accompanying Bill, "An Act Relating to Definition of Retail Sale under Sales and Use Tax Law" (H. P. 537) (L. D. 672) comes from the House with the following endorsement:

In the House, May 27, 1975, 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 House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

123 voted in favor and 5 against, and accordingly it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

(Signed)

EDWIN H. PERT
Clerk of the House

The PRESIDENT: The pending question before the Senate is: Shall this Bill become a law notwithstanding the objections of the Governor.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, one of those quirks of fate. I apparently had stepped out of the chamber when this bill came off the Appropriations Table. It is a Bill that you will recall I had mentioned to you before. I think it is an outstanding example of special interest legislation, and each legislature in recent years has identified it exactly that, as special interest legislation.

I have just read over the Governor's remarks briefly, and although it doesn't contain some of the soaring prose of his previous veto messages, nonetheless it has facts in it which I support completely.

What this bill does is ask all of us, all the people of the state, to pick up the tab for \$115,000 in the first year and \$125,000 in the second year of legitimate taxing on a single industry. And the industry claims it is unique because in the process of manufacture of the energy the electricity is consumed. I am going to make a prediction to this Senate, that if we pass this bill over the objections of the Governor