

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**

Index

KJ PRINTING
AUGUSTA, MAINE

Messrs. CHAPMAN of Sagadahoc
HEWES of Cumberland
LEVINE of Kennebec

— of the Senate.

The Committee of Conference Report was read and accepted and sent up for concurrence.

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act to Amend the Child Abuse and Neglect Laws" (S. P. 337) (L. D. 1122) which was Passed to be Enacted in the House on June 28, 1977. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-283) as amended by House Amendment "A" (H-798) thereto and House Amendment "A" (H-825) and Senate "A" (S-297)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-283) as amended by House Amendment "A" (H-798) thereto and Senate Amendment "A" (S-297) in non-concurrence.

In the House: On motion of Mr. Quinn of Gorham, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Clarify Certain Statutory Provisions for the Licensing of Camps, Eating and Lodging Places" (H. P. 1260) (L. D. 1489) on which the House insisted on its former action whereby the Bill was Passed to be Enacted on June 27, 1977 (Having previously been passed to be engrossed as amended by House Amendment "A" (H-695)

Came from the Senate with that Body having Adhered to its former action whereby the Bill was passed to be engrossed in non-concurrence.

In the House: On motion of Mrs. Post of Owls Head, the House voted to adhere.

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 Enacted in the House on June 28, 1977. (Having previously been passed to be engrossed as amended by House Amendment "B" (H-817)

Came from the Senate 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 gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I move we recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, one quick question. This would require that the state would reimburse the communities for church property that is tax exempt, is that correct?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I will be happy to answer the question. Yes, the reimbursements will be at 50 percent for future property tax exemptions after April 1, 1978. The Senate Amendment assures that only revenue sources that are new would be used. In other words, we couldn't use federal revenue sharing or some such item as that to reimburse the communities, because the bill as passed now would be a deterrent to enacting future property tax exemptions as it comes to us from the other body.

The SPEAKER: The Chair recognizes the

gentlewoman from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Mr. Speaker, I just wanted to ask a question. Is this the amendment which says that the state may allow the municipalities other means of taxation to make up the money lost on the exemptions?

The SPEAKER: The gentlewoman from Brunswick, Ms. Bachrach, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: That amendment is still on the bill. There is a new amendment which requires that the legislature may meet its obligation to reimburse the municipalities for any property tax revenue lost by granting municipalities the authority to pay in the amount of the annual reimbursement through revenue sources other than property taxes, but only if those sources are sufficient to yield the proper amount. For instance, if you didn't have enough boats and you were granted the authority to levy a boat tax, then it would not be acceptable.

Secondly, if the revenue sources otherwise would not be available to the municipality, such as revenue sharing or something.

Thereupon, the House voted to recede and concur.

The following Enactors appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Constitutional Amendment Reconsidered

RESOLUTION, Proposing an Amendment to the Constitution to Require the Legislature to Convene in December after the General Election (H. P. 1048) (L. D. 1259)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Mr. Greenlaw of Stonington, under suspension of the rules, the House reconsidered its action whereby the Resolution was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-874) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: The purpose of this amendment, as is indicated in the Statement of Fact, is to correct an ambiguity in this Resolution. All that is added in this amendment is the word "even-numbered" that you see underlined on the first page of the amendment. The reason for this is that if this Constitutional Amendment is in fact approved by the people, the first regular session will be coming in the first Wednesday in December, and the way the amendment to the Constitution would read, it would read as if the second regular session would be convening in January of the next year, which would be just a month after. Obviously, that is not what was intended.

Thereupon, House Amendment "A" was adopted.

The Resolution was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

Passed to Be Enacted

"An Act Relating to Residency Requirements of Municipal Employees" (S. P. 192) (L. D. 589) (C. "A" S-314)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question through the Chair to the Chairman of the Labor Committee if he would kindly explain to

me what, in effect, this bill does. I am not one who likes residency requirements and I would like to know exactly how this bill addresses that subject.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to the gentleman from Augusta, Mr. Bustin, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. BUSTIN: Mr. Speaker, I would be glad to answer the question of my colleague from Old Town. The committee amendment essentially says this, where a bargaining relationship exists between the employees and the employer in any municipality, the issue of residency requirement would be bargainable. By the same token, it says, where there is no bargaining relationship, where there is no organization in a municipality, the municipality could enact an ordinance requiring residency, but if it did so, it must grandfather in the current employees, they would not be covered.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, a further question to the gentleman from Augusta, Mr. Bustin. As I understand it, and I may be in error, haven't the courts established that residency requirements were not constitutional? If that were the case, and it may not be, but if that were the case, this would not be necessary, would it?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed another question through the Chair to the gentleman from Augusta, Mr. Bustin, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. BUSTIN: Mr. Speaker, I would respond. The situation is the opposite of what the gentleman from Old Town theorized. The Supreme Court has ruled that establishment of residency requirements by municipal government is constitutional. Having no state laws on the books, we decided to put this state law on the books to provide the situation which would govern the development of those kind of requirements in any Maine municipality.

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

"An Act to Provide Home Health Care Coverage in all Health Care Policies and Contracts" (S. P. 341) (L. D. 1125) (C. "B" S-292)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Indefinitely Postponed

"An Act to Establish the 1977 State Valuation Omnibus Reform Act" (S. P. 465) (L. D. 1608) (C. "A" S-300)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Mrs. Post of Owls Head, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence. (Later Reconsidered)

"An Act Providing for Changes in the Laws Relating to Property Taxation" (S. P. 479) (L. D. 1742) (C. "A" S-316)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

"An Act to Provide for no Smoking Areas in All State Offices" (H. P. 818) (L. D. 991) (C. "A" H-757)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.