

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

fiscal years 1978 and 1979 can finally be enacted by appropriation's legislation; and

WHEREAS, in accordance with the provisions of the Maine Constitution, Article IV, Part Third, Section 18, there have been presented to the Legislature petitions with sufficient signatures calling for initiative legislation to repeal the uniform property tax and other laws (Exhibit D); and

WHEREAS, the Legislature is now in session and is expected to remain in session until May or June and a popular vote on such initiated legislation (Exhibit D) thus will not occur until after July 1, 1977; and

WHEREAS, the Maine Constitution, Article IV, Part Third, Section 18, has been interpreted to stay effectiveness of legislation which is construed as a substitute for initiated legislation until the initiated legislation is enacted without change or until there is a referendum on the initiated legislation and the substitute or substitutes; and

WHEREAS, the constitutionality of the provisions of Legislative Document 16 (Exhibit A) has been questioned as they relate to the initiative legislation which has been presented (Exhibit D) and as they relate to the Maine Constitution, Article IV, Part Third, Section 18; and

WHEREAS, the constitutionality of the provisions of House Paper 205 (Exhibit B) has been questioned as they relate to the provisions of the initiative legislation (Exhibit D) and as they relate to the Maine Constitution, Article IV, Part Third, Section 18; and

WHEREAS, the constitutionality of the provisions of Legislative Document 91 (Exhibit C) has been questioned as they relate to the provisions of the initiative legislation (Exhibit D) and as they relate to the Maine Constitution, Article IV, Part Third, Section 18; and

WHEREAS, it is important that the Legislature be informed as to the answers to these important and serious questions hereinafter raised; now, therefore, be it

ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the Senate, according to the provisions of the Maine Constitution, on its behalf, an opinion upon the following questions, to wit:

QUESTION #1:

If the bill contained in the initiative petition (Exhibit D) is either enacted by the Legislature so that it is effective after July 1, 1977, or passed by the electorate and proclaimed by the Governor so that it is effective after July 1, 1977, will the initiative measure repeal the uniform property tax for the fiscal year beginning July 1, 1977 and terminating June 30, 1978?

QUESTION #2

Will Legislative Document 16 (Exhibit A) or Legislative Document 91 (Exhibit C), if enacted with an effective date prior to July 1, 1977, alter the mill rate of the uniform property tax, (a) for the fiscal year beginning July 1, 1977 and terminating June 30, 1978 and (b) for any subsequent fiscal year?

QUESTION #3

Will House Paper 205 (Exhibit B), if enacted with an effective date prior to July 1, 1977, alter the mill rate of the uniform property tax for the year beginning July 1, 1977 and terminating June 30, 1978?

Which was read.

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

Mr. SPEERS: Mr. President and Members of the Senate, this Order deals with questions to be propounded to the Supreme Judicial Court with regard to the Uniform Tax Rate, and the powers of the Legislature.

You will recall that we did pass such an Order in the last Legislative Day, last Thursday; but since that time there have been some additional

questions; and at least one additional bill introduced into the Legislative process. So these questions would consolidate the other question, and as additional questions, and would replace the Order that was passed last Thursday.

Which was passed. Paper held.

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

Mr. SPEERS: Mr. President, is the Senate in possession of Senate Order relative to opinion from Supreme Judicial Court re: to Uniform Property Tax Bills?

The PRESIDENT: The Chair would answer in the affirmative. The Senate Order having been held at the request of the Senator from Kennebec.

Mr. SPEERS: Mr. President, I request the Senate reconsider its action whereby this Order was passed.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate reconsider its action whereby the Senate passed Joint Order relative to opinion from the Supreme Judicial Court. Is this the pleasure of the Senate. It is a vote.

Mr. SPEERS: Mr. President, I now move that this Order be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that this Senate Order relative to Uniform Property Tax Bills be indefinitely postponed. Is this the pleasure of the Senate. It is a vote.

**Committee Reports
House**

Ought to Pass

The Committee on Local and County Government on, Bill, "An Act Relating to Removal of County Buildings." (H. P. 9) (L. D. 19)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (Filing No. H-2)

Which report was Read and Accepted, in concurrence, and the Bill Read Once. House Amendment "A" was Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Local and County Government on, Resolve, Providing for Purchase of Copies of History of Newfield. (H. P. 14) (L. D. 23)

Reported that the same Ought to Pass in New Draft in New Title: "An Act Appropriating Funds for the Purchase of Copies of the History of Newfield" (H. P. 137) (L. D. 138)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Report was Read and Accepted in concurrence, and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Senate

Ought to Pass

Mr. Collins for the Committee on State Government on, Bill, "An Act Relating to Transfer of Unexpended Appropriations of State Funds." (S. P. 6) (L. D. 11)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, An Act Exempting Homeowner Occupied Dwellings Built Before January 1, 1974 from Certain Safety Glazing Requirements. (S. P. 30) (L. D. 42)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-4).

Signed:

Senators:

CURTIS of Penobscot

CUMMINGS of Penobscot
CARPENTER of Aroostook

Representatives:

DURGIN of Kittery
GOULD of Old Town
MOODY of Richmond
COTE of Lewiston
DUDLEY of Enfield

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Representatives:

BURNS of North Anson
SHUTE of Stockton Springs
JOYCE of Portland
CARRIER of Westbrook
BIRON of Lewiston

Which reports were read and Majority report was accepted and the bill read once.

Committee Amendment A read and adopted. The bill as amended tomorrow assigned.

Second Readers

The Committee on Bills in the Second Reading reported the following:

Senate

Bill, An Act to Revise the Charter of the Aroostook-Prestile Treatment District. (S. P. 37) (L. D. 45)

Which was Read a Second Time, and Passed to be engrossed.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate: Joint Order — relative to Committee on Local and County Government reporting out a Resolve for Laying of County Taxes for the Years 1977 and 1978.

Tabled — January 27, 1977 by Senator Speers of Kennebec

Pending — Passage.

Mr. JACKSON: Mr. President.

The PRESIDENT: Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Present Senate Amendment A to Joint House Paper, House Paper No. 138 under filing number S-5 and move its passage. Senate Amendment A read and adopted.

The Joint Order as amended passed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: Chair would announce that due to a funeral, the funeral of Representative Powell tomorrow, held in northern Aroostook, to which many people are going, there will be no session of either the Senate or the House tomorrow. However, committees are expected to carry out their advertised hearings, and it is understood there will be enough people for the committees to carry out their hearings.

Mr. LEVINE: Mr. President.

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

Mr. LEVINE: I have attempted to speak personally with each of the Senators here and have been unable to in reference to my vote on L. D. 162. Title: "An Act to Establish the Maine Tort Claims Act." I voted on that bill in the manner in which I did for a moral reason. I found no provision in that Act to limit attorneys' fees. While realizing that we do have a chance to amend this Act in the very near future, I wanted to go on record now as saying that I wish there would be an amendment to limit attorneys' fees in these circumstances. Thank you.

On Motion of Mr. Huber of Cumberland, Adjourned until 3:00 p.m. Thursday afternoon.