

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Fifth  
Legislature***

**OF THE**

**STATE OF MAINE**

**Volume III**

**June 16, 1971 to June 24, 1971**

**Index**

**1st Special Session**

**January 24, 1972 to March 10, 1972**

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**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**HOUSE**

Thursday, January 27, 1972

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

Prayer by the Rev. Mr. Calvin Alexander of Gardiner.

The journal of yesterday was read and approved.

**Order Out of Order**

On motion of Mr. Whitzell of Gardiner, it was

ORDERED, that Robert Dana of Gardiner be appointed to serve as Honorary Page for today.

**Papers from the Senate**

From the Senate: The following Communication: (S. P. 740)

STATE OF MAINE  
SENATE CHAMBER  
AUGUSTA

January 26, 1972

To the Honorable Senate and House of Representatives of the One Hundred and Fifth Legislature:

In accordance with the wishes of the 105th Maine Legislature as expressed in the provisions of S. P. 566 to study the expense to the State of assuming cost of court systems, the Court Study Committee herewith submits the enclosed report.

Respectfully,

(Signed) WAKINE G. TANOUS  
Chairman

Court Study Committee

Came from the Senate read and with accompanying Report ordered placed on file.

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

From the Senate: The following Communication: (S. P. 741)

January 26, 1972

To the Honorable Senate and House of Representatives of the One Hundred and Fifth Legislature:

In accordance with the wishes of the 105th Maine Legislature to study the provisions of H. P. 8, L. D. 8, "AN ACT to Revise and Clarify Laws Relating to Group

Life Insurance Under Maine State Retirement System" to determine the advisability and feasibility of making the changes proposed, the study group named in H. P. 1069, herewith submits the enclosed report.

Respectfully,

(Signed)

FRANK M. HOGERTY, JR.  
Insurance Commissioner

(Signed)

EDWARD L. WALTER  
Exec. Director, MSRS

(Signed)

WILLIAM H. GARSIDE  
Legis. Finance Officer

Came from the Senate read and with accompanying Report ordered placed on file.

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

**Tabled and Assigned**

From the Senate: The following Order:

ORDERED, the House concurring, that the Speaker of the House be authorized to appoint an additional Member to the Joint Standing Committee on State Government (S. P. 742)

Came from the Senate read and passed.

In the House: On motion of Mr. Martin of Eagle Lake, tabled pending passage in concurrence and tomorrow assigned.

**Messages and Documents**

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA

January 26, 1972

To the Honorable Members of the House of Representatives and the Senate of the 105th Maine State Legislature:

I am returning without my signature of approval, Legislative Document 1837, House Paper 1419, "AN ACT to Encourage Improvement in Forest Growth by Creating a Method of Taxation Based Upon the Productivity of Various Classes of Forest Lands". At this time I am recommending for your consideration at this Special Session a substitute measure to

establish a new tax policy for our woodland areas.

The development of this policy for the taxation of woodlands in Maine is a complicated and important subject.

In 1968, the Task Force on Municipal and State Revenues pointed out the need to review the method of taxing woodlands. Several proposals were presented suggesting alternative approaches. None of these became law. Early in 1970, I established the Woodlands Taxation Study Committee which prepared legislation, L. D. 1666, that was introduced to the 105th Legislature at its regular session. The Legislature, departing from some of the concepts of the Study Committee, enacted L. D. 1837. As the bill would have established a new system for appraising and assessing woodlands, I decided to hold it for further study and I appointed the Forest Lands Taxation Review Committee to review this bill. This broadly representative Committee under the Chairmanship of Dr. John Coupe was instructed to carry out this review.

The Forest Lands Taxation Review Committee has advised that there are many technical and substantive changes necessary in L. D. 1837. Therefore, I have decided to veto this measure and submit for your consideration a revised bill as recommended by the majority of the Committee, entitled "AN ACT Establishing a Forest Lands Taxation Policy Using a Productivity Approach".

The revised bill contains more than twenty amendments to L. D. 1837 which clearly indicate the weaknesses of the bill in its present form.

These are some of the most important changes recommended by the Committee:

1. The State Property Tax rate on forest land in the unorganized townships is revised upward from 20 mills on a 50 per cent valuation to 16.5 mills on a 100 per cent valuation effective April 1, 1973 and increasing 1.5 mills per year until reaching the weighted average municipal tax rate.

2. The mandatory application of the law has been changed from

100 to more than 500 acres to provide an optional tax policy for the small landowner.

3. A new section provides an Advisory Council for consultation with the State Tax Assessor.

4. A public appeal provision has been added which includes municipalities or citizens upon petition to the Attorney General.

5. The provision governing withdrawal of land from forest use has been revised to attain a somewhat more adequate recovery of tax losses to the State municipality when a change in land use occurs.

6. Standards to guide the State Tax Assessor have been clarified.

A number of other changes have been written into the new bill. Taken together they indicate serious deficiencies in L. D. 1837 and provide objective and sufficient reasons for disapproving L. D. 1837 and considering the Committee's recommendations as a better basis for a new system of woodlands taxation.

Respectfully,

(Signed)

KENNETH M. CURTIS  
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question before this body is, shall this Bill become law notwithstanding the objections of the Governor?

The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: This was my bill. It was a new concept in the taxation of forest land; I think it was a wise concept. However, it was new and I recognized the good judgment of the Governor in taking a long and hard look at it, and out of that a committee was appointed that has studied this matter, and from the activities of this committee we have before us at this time legislation which does not change the concept that was embodied in this new material.

Out of the measures that are before us now, I assume that we will come to a meeting of the minds on this new legislation that is before this session for consideration. And for these reasons I hope

that you do go along and confirm the veto of the Governor.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I also will be very brief. I think the gentleman from Perham, Mr. Bragdon, has laid it out very well. I think there are two bills before us now, that we can work out a compromise on this bill. So I would therefore ask you to vote no to sustain the Governor's veto — obviously vote no, but that will sustain the Governor's veto.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Section 2 of the Constitution, the yeas and nays are in order. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YES — None.

NO — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Carey Churchill, Clark, Clemente, Collins, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Doyle, Dudley, Dyar, Emery, D. F.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Good, Goodwin, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lesard, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lucas, Lynch, MacLeod, Maddox, Mahany, Marsh, Marstaller, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Millett, Mills, Morrell, Mosher, Murchison, Murray, O'Brien, Orestis, Parks, Payson, Porter, Pratt, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.;

Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Tanguay, Theriault, Trask, Vincent, Webber, Wheeler, White, Whitzell, Wight, Williams, Wood, M. E.; Woodbury.

ABSENT — Bedard, Carrier, Carter, Conley, Crosby, Drigotas, Emery, E. M.; Genest, Gill, Jutras, Lund, Manchester, Norris, Page, Pontbriand, Santoro, Tyn d a l e , Whitson, Wood, M. W.

Yes, None; No, 131; Absent, 19.

The SPEAKER: None having voted in the affirmative and one hundred thirty-one in the negative, the veto of the Governor is sustained.

#### Orders

On motion of Mr. Brawn of Oakland, it was

ORDERED, that Rev. Edith Morton of Oakland be invited to officiate as Chaplain of the House on Monday, February 7, 1972.

Mr. Porter of Lincoln presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Election Laws be directed to report out an emergency bill to clarify party enrollment requirements for filing nomination petitions under the election laws. (H. P. 1558)

The Joint Order received passage and was sent up for concurrence.

#### House Reports of Committees Ought Not to Pass

Mr. Scott from the Committee on Business Legislation reported "Ought not to pass" on Bill "An Act relating to the Powers of Savings Banks" (H. P. 1526) (L. D. 1969)

Mr. Bither from the Committee on Education reported same on Bill "An Act Permitting the Commissioner of Education to Make Advance Payments of School Subsidy When a System is Forced to Close Schools for Lack of Adequate Funds" (H. P. 1467) (L. D. 1910)

In accordance with Joint Rule 17-A, were placed in the legislative files and sent to the Senate.