

# 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**

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**Senate Confirmation Session  
September 16, 1977**

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same time would provide that escape valve for the unforeseen future disaster or problems that the Senator from Kennebec rightfully takes into consideration when he looks at a Constitutional Amendment.

Because I found him to be sympathetic to that proposal, and because I think that this Senate can work out a proposal of that kind, and because I think that it is more important that we find a solution to this problem for our retirees than anyone try to take partisan advantage of what misinterpretations could be made of this vote, I wanted to make this proposal clear to the Senate at this time, and hope that when this item comes back from the other Body, we can place it on the Table until we could possibly work out a measure at this time.

Senator Morrell of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. MORRELL: Mr. President and Members of the Senate: As one of those who voted against the subject matter that the Senator from Cumberland just mentioned, I would like to say that I appreciate his comments, and I personally would find great favor with the suggestion he has made to the Senator from Kennebec, and I hope that we can work something out along those lines generally.

Senator Katz of Kennebec was granted unanimous consent to address the Senate on the record.

Mr. KATZ: Mr. President and Ladies and Gentlemen, it has been a fascinating afternoon. LD 1874, an Act to Revise the Maine Tort Claims Act. As men and women of good faith, we felt uneasy with the solutions being offered to us. There is an awful lot of courage shown in this Legislature and in the Senate, and we pursued our Legislative procedure, and I think we have arrived at a very, very happy solution. LD 2, a Constitutional Amendment for the Retirement Program, something which offered the kind of protection all of us wanted. Eleven of us felt uneasy enough about that particular solution, we voted against it.

I want to take off my hat to the Senator from Cumberland, Senator Merrill, who has identified an alternative method that gives the Constitutional guarantees that the retirees want, protection that they deserve, and yet does not incorporate the bad features of the original Bill, and I would like to take advantage of the unanimous consent given to me to express my particular appreciation to Senator Collins, Senator Cummings, Senator Huber, Senator Jackson, Senator McNally, Senator Morrell, Senator Pierce, Senator Trotzky, Senator Wyman, and to the President. This was probably as tough a vote as any of us would have this Session, and I just have a feeling of extraordinary relief and gratitude that perhaps we have found the right decision that will last down through the years.

Senator Speers of Kennebec was granted unanimous consent to address the Senate on the record.

Mr. SPEERS: Mr. President and Members of the Senate, as one who voted for the final passage of this measure, I, too, want to extend my personal congratulations and feelings of admiration to those who voted against the final passage of this particular measure, because I, too, realize that it was done out of considerations for the very real problems that could arise out of placing a measure in the Constitution, but also done reluctantly because of the feelings that they have to provide for the security of retiree funds.

I, too, am very pleased, obviously, that we are able to arrive at a compromise that will accomplish the purposes of the Bill, and yet not encompass many of the problems that would also occur with the Bill as it is now written.

I would hope that after we dispense with the measure that is before us at the present time, I believe that it would be in order to move reconsideration of failure to enact, and at that time perhaps, unless the Secretary rules that Motion out of order, we could place it on the Table to further consider it.

Senator Jackson of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. JACKSON: Mr. President and Members of the Senate, on the piece of Legislation that dealt with the Constitutional Amendment dealing with the State Teachers Retirement Fund, it was very difficult for myself to change my vote from yes to no, but prior to coming into the Session I had the opportunity to talk with the good Senator from Kennebec, Senator Katz, and he felt that there would be a chance to work on an Act to compromise, and I can see now where the good Senator from Cumberland, Senator Merrill, and the good Senator from Kennebec have got together, and I am sure there can be a workable compromise which will satisfy all parties interested in this.

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

Mr. SPEERS: Mr. President, directing my attention to the Bill that is before us, LD 1479, I wish to state that I agree with the Minority Leader of this Body when he states that it would be a very good idea to provide for a review of the tax laws on a periodic basis. I certainly have no objection to that, and I certainly endorse that point of view, but I would point out to the Members of this Body that we are talking about a considerably greater issue here than simply providing for a periodic review of the tax laws which have been enacted in the past.

What LD 1479 does is to reinstate taxes, to reinstate the inventory tax, remove the exemption from new machinery, remove any number of other exemptions, and I have not totalled them all up. This Bill places taxes, reinstates taxes, that have been removed over the years through Legislative deliberations. In one fell swoop, in one single Bill, we are going to reinstate all of these taxes unless future Legislatures again re-enact the exemptions. Now that goes considerably beyond simply reviewing our tax laws.

I would, therefore, urge the Senate to vote against the Motion to reconsider.

The PRESIDENT: A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a Roll Call, please rise in their places to be counted.

Obviously, more than one-fifth having arisen, a Roll Call is ordered.

The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee.

A yes vote will be in favor of reconsideration. A nay vote will be opposed of reconsideration. The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEA — Conley, Cummings, Merrill, Pray.  
 NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Minkowsky, Morrell, O'Leary, Pierce, Redmond, Snowe, Speers, Trotzky, Usher, Wyman.

ABSENT — Martin.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, I would like to change my vote from yea to nay.

3 Senators having voted in the affirmative, and 28 Senators in the negative, with 1 Senator being absent, the motion to reconsider does not prevail.

The President laid before the Senate: RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with International Paper Company. (H. P. 1704) (L. D. 1879)

Tabled — June 22, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed  
 On Motion of Mr. Trotzky of Penobscot,  
 Retabled for One Legislative Day.

Out of order and under suspension of the rules:

The Senate voted to consider the following:

#### Papers from the House

##### Non-concurrent Matter

Bill, "An Act to Revise the Judicial Retirement System. (S. P. 497) (L. D. 1776)

In the Senate June 10, 1977 Bill Passed to be Engrossed.

Comes from the House, Bill Passed to be Engrossed as amended by House Amendment "A" (H-809) in non-concurrence.

On Motion of Mr. Collins of Knox.

Tabled until Monday next, Pending Consideration.

##### Non-concurrent Matter

Bill, "An Act to Remove the Town of Carrabassett Valley from the Maine Forestry District." (H. P. 664) (L. D. 805)

In the House June 22, 1977 Bill Passed to be Engrossed, as amended by Committee Amendment "A" (H-714) and House Amendment "A" (H-775).

In the Senate June 22, 1977 Majority 'Ought Not to Pass' Report Read and Accepted in non-concurrence.

Comes from the House, that Body having Insisted.

The PRESIDENT: The Chair recognizes the Senator from Oxford, senator O'Leary.

Mr. O'LEARY: Mr. President, I move that we Recede and Concur.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested on the Motion to Recede and Concur.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, when we debated this Bill the other day, we alluded to the price tag that was the concern of the Senator from Cumberland, Senator Jackson, about the price tag on this Bill. I would just point out that the price tag with both Amendments on it is roughly \$58,000.00.

Previous to that action yesterday, he had moved the Ought to Pass Report on a Bill that cost \$3.5 million.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Oxford, Senator O'Leary, that the Senate Recede and Concur with the House. A division has been requested.

Will all those Senators in favor of the Motion to Recede and Concur, please rise in their places to be counted.

Will all those Senators opposed to the Motion to Recede and Concur, please rise in their places to be counted.

12 Senators having voted in the affirmative,