

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record
House of Representatives
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

First Regular Session
beginning December 5, 2012
beginning at page H-1

JACKSON of Aroostook
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
HICKMAN of Winthrop
KENT of Woolwich
MAREAN of Hollis
NOON of Sanford
SAUCIER of Presque Isle

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

JONES of Freedom
TIMBERLAKE of Turner

READ.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Sorry for the untimely response to the motion. I'd like to explain the contents of this bill. This is a takings bill.

The SPEAKER: Will the Representative defer? We had dispensed with the reading of the Committee Report and now we are looking for a motion from the House.

Representative DILL of Old Town moved that the House **ACCEPT the Majority Ought to Pass as Amended Report**.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Please forgive my clumsiness with the rules of the House. Representative Timberlake and myself, believe it or not, agree that this is a takings bill and let me just basically brief the House on what the contents of this bill entail and leave it up to my brothers and sisters here to decide which is the right path to take. What this bill allows the state to do is this: Assume, for example, that my neighbor has an infestation of – and we've discussed a variety of invasive species and pests – for example, you know, woolly adelgid or green-eyed ash borer or whatever they are. What this bill allows the state to do is if my neighbor has an infestation on his property of an invasive species that is potentially dangerous, this allows the state to come on to my woodlot and take my trees as a preventive maintenance measure with no compensation. Now some of us here, myself included, have put our retirements in our woodlots, that is my investment, and for the state, as a preemptive measure, to take my property without compensation, members and women, that's a taking and I would just urge you to consider that when you make this vote. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dill.

Representative **DILL**: Thank you, Mr. Speaker. While I don't really disagree with what the good Representative from Freedom mentioned, we did talk almost specifically or quite specific, even though it couldn't be larger than this, to insect paths, both invasive, the Asian longhorned beetle and the emerald ash borer, both of which are majority destructive pests, and the unfortunate thing is that the only way to manage this particular pest at the moment is to certainly go around and remove trees around an infestation. As was pointed out, that is a possible way that this could happen, that if it's found on my property line and I happen

to be right next to the good Representative from Freedom, they could also be taking some of their trees also and there would be no compensation. However, this is one of those types of things that could completely devastate forestry in Maine, both the maple industry and the ash industry, which is crucial to the Native American population. So maybe this isn't the best fix, but it's the fix that we have at the moment. Thank you.

Subsequently, the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-171) was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on Bills in the Second Reading.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-171)** and sent for concurrence.

The SPEAKER: The Chair recognizes the Representative from Burlington, Representative Turner, who wishes to address the House on the record.

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 67, on LD 522, if I had been present, I would have voted yea. In reference to Roll Call No. 68, on LD 1197, had I been present I would have voted nay. In reference to Roll Call No. 69, LD 667, had I been present I would have voted yea. In reference to Roll Call No. 70, LD 231, had I been present I would have voted yea. In reference to Roll Call No. 71, LD 388, had I been present I would have voted yea. In reference to Roll Call No. 72, LD 629, had I been present I would have voted nay. In reference to Roll Call No. 73, LD 319, had I been present I would have voted yea. In reference to Roll Call No. 74, LD 1036, had I been present I would have voted nay. In reference to Roll Call No. 75, LD 405, had I been present I would have voted nay. In reference to Roll Call No. 76, LD 920, had I been present I would have voted yea. In reference to Roll Call No. 77, LD 1007, had I been present I would have voted nay. In reference to Roll Call No. 78, SP 567, had I been present I would have voted yea. In reference to Roll Call No. 79, SP 570, had I been present I would have voted yea. In reference to Roll Call No. 80, LD 115, had I been present I would have voted nay. In reference to Roll Call No. 81, LD 115, had I been present I would have voted yea. In reference to Roll Call No. 82, LD 105, had I been present I would have voted nay. In reference to Roll Call No. 83, LD 307, had I been present I would have voted yea. And last but not least, in reference to Roll Call No. 84, LD 490, had I been present I would have voted yea. Thank you.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy, who wishes to address the House on the record.

Representative **DUNPHY**: Thank you, Mr. Speaker. It appears I had a glitch in my switch on Roll Call No. 94. It apparently did not record, though it showed up on the board and the vote should have been a yea.
