

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 3

Second Regular Session (Continued)
March 25, 1998 to March 31, 1998

Second Special Session
April 1, 1998 to April 8, 1998

Second Confirmation Session
August 18, 1998

Senate Legislative Sentiments

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ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Timing of Elections Following the Submission of a Petition for People's Veto

S.P. 857 L.D. 2270
(C "A" S-607)

Comes from the House, **FAILING FINAL PASSAGE.**

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 23 Members of the Senate, with 7 Senators having voted in the negative, and 23 being more than two-thirds of the Members present and voting, was **FINALLY PASSED** and signed by the President in **NON-CONCURRENCE.**

Sent down for concurrence.

Acts

An Act to Implement Recommendations of the Fire Marshal Study Group

H.P. 1639 L.D. 2272
(C "A" H-1030; H "A" H-1123)

An Act to Implement the Recommendations of the Majority of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Enhancing Forest Resource Assessment

H.P. 1657 L.D. 2286

PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the Tabled and Later (4/1/98) Assigned matter:

Bill "An Act to Implement the Recommendations of the Great Pond Task Force"

S.P. 573 L.D. 1730

Tabled - April 1, 1998, by Senator **PINGREE** of Knox.

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-600) AS AMENDED BY SENATE AMENDMENTS "B" (S-677) AND "C" (S-686)** thereto

(In Senate, April 1, 1998, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-600) ACCEPTED. READ ONCE.** Committee Amendment "A" (S-600) **READ.** Senate Amendments "B" (S-677) and "C" (S-686) to Committee Amendment "A" (S-600) **READ and ADOPTED.**)

On motion by Senator **KILKELLY** of Lincoln, Senate Amendment "F" (S-691) to Committee Amendment "A" (S-600) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you, Mr. President. Men and women of the Senate. This amendment addresses two issues. One is a housekeeping issue from the Committee, and the other is an issue that was raised by Senator Bennett yesterday and one that we felt needed to be addressed. The issue that Senator Bennett raised is that there are folks that, in fact, have leased property and with that leased property is a boat or possible personal water craft. We did not intend for those people to have to be registered as renters and that is in this Bill. And then the other piece has to do with that licensing issue as well. That it was not our intention to include all motor boat renters merely, personal water craft renters. So it is it a housekeeping issue to resolve those two concerns.

On further motion by same Senator, Senate Amendment "F" (S-691) to Committee Amendment "A" (S-600) **ADOPTED.**

On motion by Senator **KIEFFER** of Aroostook, Senate Amendment "G" (S-697) to Committee Amendment "A" (S-600) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you, Mr. President. Ladies and gentlemen of the Senate. Yesterday in our debate over this Bill, I was presented with a list of the lakes involved and I would like to thank Senator Treat from Kennebec County for providing this information. After looking at this very detailed, very interesting list, there was something that continued to bother me about it. As probably most of you know, I have taken a strong position for one State of Maine. I don't believe in this north and south issue, and in many cases I've taken a strong stand against preferential treatment for southern Maine over northern Maine. And in looking this over, all at once the light came on. Here's exactly the opposite. Every single one of these lakes are in either western, eastern or northern Maine and we are giving preferential treatment to these lakes over any lakes in southern Maine. I don't think that's fair. If I am going to take a position in opposition to the two Maines, it has to work both ways. So I thought and spent some time analyzing what there is in southern

Maine that is a clean, pristine lake, the lake that the water is drinkable and low an behold I came up with Sebago Lake. Here is a lake that supplies all of the drinking water for all of the greater Portland area, and I believe as a lake with water quality like this it is equally subject to protection as much as any of these other lakes and ponds are in the other parts of the State. Granted, it's not located in LURC territory but we have already set a precedent yesterday in adding on a lake or two that are also not included in LURC jurisdiction. I believe the good people in southern Maine should be treated equally in this regard and I would ask for your support on my endorsement. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Libby.

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate. I just got a copy of Senate Amendment "G" dropped in my lap here this morning and I just wanted to talk a little about my favorite lake, Sebago Lake. Working six years at St. Joseph's College, I had the good fortune every day going to work and looking out the window, walking down to the beach and seeing the beauty of Sebago Lake. Part of that beauty is the tremendous recreational opportunity that Sebago Lake provides in southern Maine. On any given summer day, if you were to travel up route 302 through North Windham and Raymond, or you were to travel up route 114 on the other side of the lake through Standish, Sebago, and Naples, you would see a tremendous amount of activity. What you would also see is an awful lot of watercraft, not just personal watercraft but watercraft of every type. This is truly a lake that has been used historically for recreational purposes and I would recommend for anyone that hasn't been to Sebago Lake to take a visit this summer to Sebago Lake State Park which is one of the most beautiful State Parks that I can think of, and you will see that right along side a sandbar where a lot of folks go to the beach and have picnics, cookouts, you will see an awful lot of boats tied up and ready to go. It's just that way. We look out on Sebago Lake and you know people are out there in boats. They are out there in all kinds of different boats. Banning personal watercraft on that lake wouldn't make sense based on the historical traditions of that lake and the communities surrounding it.

I'd also just like to say that I did originally vote in favor of an amendment that would allow towns the opportunity to hold some Public Hearings and make some decisions on their own and obviously the wisdom of this Body kind of overstepped any thought that I might of had. Certainly that was one of the reasons why, because when you have local communities whose economies really depend on recreation, and I'm talking about several local communities here, they ought to have the right to have some community discussion about this sort of thing. I think there is a lot more that I could say but that I think is enough probably and I just urge you to vote against the adoption of this Senate Amendment. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you, Mr. President. Men and women of the Senate. First I would urge you to vote against the pending motion and then to go on to explain a bit. This is exactly what we tried to avoid in Committee and that is the Legislature

making a decision independent of local input. And, Mr. President, may I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **KILKELLY:** Thank you, Mr. President. To the sponsor of this Amendment, have the selectmen in the area surrounding this lake been asked for their input into this Amendment?

THE PRESIDENT: The Senator from Lincoln, Senator Kilkelly, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you, Mr. President. I will attempt to answer the good Senator. I guess from my own personal position I have attended as many meetings of the local communities regarding the Sebago Lake issue as I have attended the meetings in my own district.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you, Mr. President. Again, what we have been trying to resolve within this Bill and with the amendment that was presented yesterday, is an opportunity for bottom-up planning and an opportunity for people to exercise local control over their surface water. We want to provide municipalities, selectmen, town councils, whatever the legislative form of government is within a town, to make a decision about the surface water use. What we are trying to avoid is having the Legislature come in and force onto those municipalities our decision about what we think is best and, in fact, allow them to partner with us so that they can present to us information about what they believe is best. The "legs" that we had before us that came from the Hancock County area had, in fact, gone through that process where the selectmen holding Public Hearings, the selectmen meeting with the people in the community and the selectmen coming forward and saying that this is what we want in terms of these bodies of water which are located within either our own town or collectively our towns. That's the process that makes more sense, rather than the Legislature coming in and saying we know what's best for you, and this is what's best for you. We really want to avoid that in this piece of Legislation. So I would urge you to vote against the pending motion so we can go on to adopt this Bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Abromson.

Senator **ABROMSON:** Thank you, Mr. President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **ABROMSON:** Thank you, Mr. President. My question to anyone who would care to answer it, wasn't yesterday April Fools Day?

THE PRESIDENT: The Senator from Cumberland, Senator Abromson poses a question through the Chair to anyone who

may wish to answer. The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL**: Thank you, Mr. President. I was going to answer his question for him and I think this is an April Fools joke, this whole Bill. You know I'm not going to get very excited about it because you know I will make a prediction that this Bill is never getting out of this building. But I would support the pending motion, adoption of this Senate Amendment for the simple reason that I can show you some letters here in this folder from people from Sebago. I've talked to people who have called me from Sebago Lake opposing jet-skis. Quite a few more have called me supporting them and I always like to work for the majority so I will be supporting this amendment for just as good a reason as anybody would be voting against. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT**: Thank you, Mr. President. May it please the Senate. I too will be supporting the Amendment for the reason given by Senator Kieffer and Senator Libby, plus the fact when Judy and I were first married, both of us coming from York County, we had occasion often to go to Sebago, 12 or 15 summers, to a cottage that Judy's grandmother had on the lake. Actually the onset of jet skis and high powered cigarette boats drove us away. We saw the large number of that type of watercraft increasing and we went north. We are in the Rangeley area now where this Bill will work a positive purpose and I hate like the dickens to think that I cut and run from Sebago and now have the opportunity to maybe redress that kind of approach. So I am going to support the amendment because I want to see the people in Sebago have the same opportunities and benefits that the people in Rangeley will have in this Legislation.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER**: Thank you, Mr. President. Ladies and gentlemen of the Senate. I'd like to briefly respond to the comments of my good friend, Senator Libby from York. He made mention of the recreational use of Sebago Lake. I don't believe that's unusual. I would certainly hope that he is not inferring that any of our lakes in western, northern or eastern Maine do not serve any recreational purpose. If they don't, then I don't know why we have limited so many of them to ten horsepower motors. Maybe this Amendment should have included nothing larger than ten horsepower motors for Sebago Lake, if we are looking at the recreational value of these lakes. As far as the historical value that my good friend made mention of, I wasn't there at the time but almost probably when these lakes were created. I believe the historical value of northern, eastern and western lakes probably dates back to the same time as Sebago. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Mitchell.

Senator **MITCHELL**: Thank you, Mr. President. Good morning ladies and gentlemen of the Senate. I certainly rise and I'm in shock and would ask you to vote against this amendment to protect along the shores of Sebago and in the Sebago region who have invested large sums of money in personal watercraft

for sales, rentals and enjoyment family sports activities, myself included. And I think that the investment that many of us, on a personal basis as well as on business, look at this in astonishment as to what do we do with these large investments and what do we do to the businesses who have also got a huge investment in this particular sport. The large lakes do offer the people with personal watercrafts, I prefer to call them boats, to join in the recreation with other boats, to go through the locks to the other lakes adjoining Long Lake, and to enjoy the scenery and the ecology in the lake as well as the personal friendships the families enjoy. And I would ask you to join me in voting against this amendment.

The Chair ordered a Division. 7 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **KIEFFER** of Aroostook to **ADOPT** Senate Amendment "G" (S-697) to Committee Amendment "A" (S-600), **FAILED**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ADOPTION OF COMMITTEE AMENDMENT "A" (S-600) AS AMENDED BY SENATE AMENDMENTS "B" (S-677); "C" (S-686) AND "F" (S-691)** thereto.

Off Record Remarks

The Chair noted the absence of the Senator from Penobscot, Senator **MITCHELL**, and further excused the same Senator from today's Roll Call votes.

The Chair laid before the Senate the Tabled and Later (3/17/98) Assigned matter:

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$16,000,000 to Construct Water Pollution Control Facilities; to Close and Clean Up Municipal Solid Waste Landfills; to Clean Up Tire Stockpiles; to Investigate, Abate, Clean Up and Mitigate Hazardous Substance Discharges; to Mitigate Storm Water Pollution through a Comprehensive Watershed Protection Program; and to Make Drinking Water System Improvements" S.P. 826 L.D. 2224

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-522)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - March 17, 1998, by Senator **MICHAUD** of Penobscot.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 17, 1998, Reports **READ**.)