

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

The same gentleman offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-1253) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I would like to know what House Amendment "C" does?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Lewiston, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This amendment allows you to review the ballots when they are being counted in the city clerk's office — the absentee ballot, that is.

Thereupon, House Amendment "C" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and House Amendment "C" in non-concurrence and sent up for concurrence.

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act to Reorganize the Bureau of Corrections (S. P. 732) (L. D. 2281) (C. "B" S. 544 as amended by H. "A" H-1247, H. "C" H-1254, H. "D" H-1259)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of same and 2 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Later Today Assigned

An Act Relating to the Suppression of the Spruce Budworm Epidemic (H. P. 2310) (L. D. 2348) (H. "A" H-1251)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker and Members of the House: I must confess that as this measure has been proceeding through the legislature, I have not been able to keep up with the details. Would someone in the House that is familiar with this bill indicate how much money is involved and specifically what is to be done with that amount of money?

The SPEAKER: The gentleman from Augusta, Mr. Bustin, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from Augusta, I don't want him or anyone else to feel that there was any effort not to welcome a discussion of this, but it was my understanding that it had been covered in caucuses and that there hadn't been any problems viewed with it.

This program is in a different structure this year. What you see in the final L. D. is the result of a bill submitted for the typical spruce budworm spray program, a bill submitted to incorporate eventually the program in the on-going Part I Budget of the Forestry Department and a 30 page amendment submitted by the Commissioner of Conservation. These were put together. The objections of landowners, the concerns of the Forestry people and the concerns of the Appropriations Com-

mittee have finally, I believe, been laid to rest in this document.

It calls for the spraying of about 3½ million acres this year. Don't hold me to the exact dollars, but I believe there is a total appropriation in the area of \$3.8 million, all of which is generated either from the balance remaining in the fund from last year's program and the excise tax assessed against owners of forest lands in the spruce-fir district. That spruce-fir district encompasses eastern and northern part of central Maine, principally the area of our spruce forests.

A few of the points that have been addressed in this year's measure are that the excise taxes have been adjusted to more clearly reflect the makeup of the various forest parcels, in that there is a two-tier taxing method for pure softwood growth at 58 cents an acre and a tax rate at the rate of 28 cents an acre for mixed growth areas, and no tax on the straight hardwood land. This, it was felt, since the burden was going up considerably over last year, more closely identified the cost with those who would most benefit from it.

I think those are the highlights of the plan. It meets the need expressed by the Federal Forest Service, that we not continue year after year in a straight spray program, that we begin to incorporate into the program methods that would hopefully have a long-range impact on the overall problem for the State of Maine. These measures include silvicultural practices that would be designed to alleviate the damage of the insect, marketing techniques and practices that might enable landowners to go in and make an accelerated harvest of threatened wood and incentives for these practices, as well as incentives to enable them to develop new markets for some of the diseased wood.

So I can commend this to you as having been considered by all aspects of the legislature, the landowners, the Federal Bureau of Forestry and the State Department of Forestry and the State Department of Conservation. I can't think of any other specifics, but if there are further questions, I would like to try to answer them, or maybe somebody else would.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I would commend the Appropriations Committee for the work they have done. I have one question for the gentleman from Cumberland or for any other person that is knowledgeable with this bill.

I had several complaints last year that the landowners, some of the landowners in my area that paid the tax were not included in the spray area, their land was not sprayed, yet they paid the tax. Is there any provision to exempt these people or any way they can get — I understand there is a spill-over effect, I mean, if we stop it here, if we are able to arrest the problem here, it won't get to their land, so they still benefit indirectly from the spraying that doesn't actually physically touch their land. I had several fairly large landowners come to me and say, we didn't get sprayed, we didn't benefit directly by the program, yet we still had to pay. I would like to have somebody answer that for me if they could.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker and Members of the House: That is true, and this is what I would consider a refinement and an improvement in this plan. The tax is assessed against everyone in the spruce forest district. Prior to this, it had been assessed against all forest tree growth tax law parcels. Whether you are sprayed or not, you can withdraw your land if it is between 500 and 1,000 acres. Land under

500 acres isn't taxed. But if your land is in contiguous parcels between 500 and 1,000 acres, it can be withdrawn whether it is in a spray area or not. It really refers to the tax, because all lands in the threatened area, whether sprayed or not, it would be taxed.

Of course, last year I believe the tax was on an even broader concept, in that even hardwood land was taxed and it will not be this year. But yes, there is a device to allow for withdrawal, but it isn't automatic, you have to apply for it, you have to indicate that you have some type of plan that will fit the standards of either a silvicultural practice or new market application or some device that will form a basis for there being some logic to allow you to be relieved of the tax. So, the device is there, whether you are being sprayed or not, to withdraw your land from the tax, but it isn't automatic, it has to be on the basis of what you are going to do with the land.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I would like to compliment those who developed this plan in the Appropriations Committee for putting forth this bill. It is the first time I know of that we have had any superb long-range plan, and personally I just think it is an excellent job.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a question to anyone who could answer it. It deals with the language in Section 1017. I don't know that I quite read it the way the gentleman from Cumberland just described it, because it says specifically "any person owning or claiming rights in timber on land designated for spraying may withdraw by applying in writing to the State Entomologist for withdrawal from the designated spray area." I wonder if this language is exactly correct and does what the gentleman from Cumberland says. I know that is the intention, I sure hope that is what it means.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Representative Morton just brought the question. I got a telephone call this morning from my area, because we had spoken over the weekend and I had the impression that a person could withdraw his land and by withdrawing it meant that he could withdraw so that he wouldn't be taxed that 58 cents per acre. But it isn't that way according to the bill, as far as we can find out, that he can withdraw his land from being sprayed, but he can't withdraw his land from the 58 cents per acre tax.

A number of them contacted me over the weekend and they figure that this is just to get the Department of Forestry in so that they can control the cutting of any wood on their property so that they have to go under a certain system of cutting. I hope that somebody here — I looked at my calendar this morning and it wasn't on there, so I would hope that somebody would table this until later in today's session, because I have an amendment that I would like to put on.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if the answer to the question isn't on Page 9, Section 3, "Lands withdrawn pursuant to this section shall not be subject to taxation under this subchapter for the years in which such withdrawal is accepted."

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, I am joined in the confusion now a little bit myself, I guess,