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

cies of State Government; now, therefore, be

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government shall undertake a study of the feasibility and desirability of abolishing the present State Personnel Board and Personnel System and of authorizing each department and agency of State Government to establish, under general state guidelines, its own personnel system and pay scales; and be it further

ORDERED, that the committee shall complete this study no later than 90 days before the commencement of the next Regular Session of the Legislature, and shall submit to the Legislative Council within that time period the report of its study, together with complete and final copies of any recommended legislation;

and be it further

ORDERED, that upon passage of this Order in concurrence, the Clerk of the House shall forward a suitable copy of this Order to the Senate and House chairmen of the committee.

The Order was read.

(On motion of Mr. Hennessey of West Bath, tabled pending passage and later today assigned.

Mr. Goodwin of South Berwick presented the following Joint Order and moved its passage: (H. P. 2324) (Cosponsors: Mr. Perkins of South Portland, Mr. Rolde of York, Mrs. Snowe of Auburn)

WHEREAS, there are presently being conducted studies or projects on Children and Youth, on Cost Benefit Analysis of Maine's Correctional Institutions, on the Juvenile Laws of Maine, on the Standards and Goals of the Criminal Justice System in Maine and on Community Justice, which findings may affect legislation to be considered by the 108th Legislature; and

WHEREAS, it is apparent that these studies overlap in subject matter and thus their recommendations will also undoubtedly

overlap in subject matter; and

WHEREAS, it is desirable that the recommendations of these studies be considered by the legislature as a whole and not in a piecemeal fashion; now, therefore, be it ORDERED, the Senate concurring, that

there is established a Joint Select Committee on the consolidation and coordination of the recommendations of certain studies concerning the Maine Justice System which shall receive the reports and recommendations of the studies or projects on Children and Youth, on Cost Benefit Analysis of Maine's Correctional Institutions, on the Juvenile Laws of Maine, on the Standards and Goals of the Criminal Justice System in Maine and on Community Justice, this committee to consist of 4 members of the Senate, one to be a member of the Joint Standing Committee on Judiciary, one to be a member of the Joint Standing Committee on State Government, one to be a member of the Joint Standing Committee on Education and one to be a member of the Joint Standing Committee on Health and Institutional Services, to be designated by the President of the Senate; and 4 members of the House, one to be a member of the Joint Standing Committee on Judiciary, one to be a member of the Joint Standing Committee on State Government, one to be a member of the Joint Standing Committee on Education and one to be a member of the Joint Standing Committee on Health and Institutional Services, to be designated by the Speaker of the House, the chairman of the committee to be elected by the committee; and be it further

ORDERED, that this committee shall consolidate and coordinate the proposals received from the above studies or projects and shall submit to the first regular session of the 108th Legislature, by February 1, 1977, its recommendations and complete and final drafts of any proposed legislation and shall recommend to the Joint Standing Committee on Reference of Bills the appropriate committees to which the recommendations of this committee may be referred: and be it further

ORDERED, that members of this committee shall receive the same reimbursement of expenses as other members of a joint standing

committee; and be it further

ORDERED, that upon passage in concurrence and after appointment of all the members of the committee, a suitable copy shall be sent to each member of the commit-

tee: and be it further
ORDERED, that S. P. 528, Joint Senate
Order passed May 21, 1975, is repealed.

The Order was read and passed and sent up for concurrence.

On Motion of Mr. Albert of Limestone, it was ORDERED, that Roger Snow of Falmouth be excused from daily attendance for personal reasons

AND BE IT FURTHER ORDERED, that Roland Martin of St. Agatha be excused from daily attendance for personal reasons.

> Passed to Be Enacted **Emergency Measure**

An Act Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites (H. P. 1948) (L. D. 2134) (Conf. Committee "B" H-1239)

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

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, I would like to pose a question through the Chair to the sponsor of this bill, which I believe is the entlewoman from Brunswick, Mrs. Bachrach. The question is, it is my understanding that the City of Brunswick has had a problem locating a suitable site for solid waste disposal, and my question is, is this legislation necessary, does it have applicability to the numerous towns and cities in the State of Maine or do local governments have other options than would be provided in this particular

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, has posed a question through the Chair to the gentlewoman from Brunswick, Mrs. Bachrach, who may answer if she so desires.

The Chair recognizes that gentlewoman. Mrs. BACHRACH: Mr. Speaker, yes the answer to the question is that it does have applicability to any community which is con-fronted with the same problem, namely, finding a suitable site for solid waste disposal.

The bill has been rewritten so that in case there should be, for instance, a council of governments or an inter-local agreement, the provisions of the bill will also apply in that case. That is the chief change which has been made in reviewing this bill by the Committee of Conference. The bill also provides that there shall be a determination by the court that this is necessary, so I think there are sufficient safeguards written into it so that nobody would exercise this authority arbitrarily

The SPEAKER: The Chair recognizes the gentleman from Waterville. Mr. Carey

Mr. CAREY: Mr. Speaker, in answer to the gentleman from Stonington, Mr. Greenlaw, I would point out that the central Kennebec Valley area also has tremendous problems with its leach beds in that there is, in many places, as much as 40 feet of clay before you can get into good soil that would have some reasonable decomposition qualities. So the problem that Mrs. Bachrach has mentioned is certainly prevalent through the central Kennebec Valley area.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Doak.
Mr. DOAK Mr. Speaker, Ladies and

Gentlemen of the House: As a member of the committee that listened to this bill in its oroginal form. I was opposed to it in its original form. I was opposed to it in its in the municipalities in the state, but since they have reworded it and had the committee of conference, I think it is a good bill, I think it

is a necessary bill.

The State of Maine, at the present moment, through the Department of Environmental Protection, is closing burning dumps, is making municipalities find places for their solid waste, and I suggest to you that if the State of Maine is in a position to force a closing of a dump and leaving the municipality no alternative, then I think this municipality that is in this position should be given the opportunity to take care of that situation in some manner or

form, and I think this is a very good bill.
The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw

Mr. GREENLAW: Mr. Speaker, I would like to pose two more questions through the Chair. One. I don't think one of the questions I asked previously has been answered, and that is, do the towns and cities have other options that they can utilize to accomplish the same purpose that this bill would accomplish? Secondly, would the people who would potentially have these tests conducted on the land, would they be notified of the court hearing and would they have an opportunity to be represented there?
The SPEAKER: The gentleman from

Stonington. Mr. Greenlaw, has posed additional questions through the Chair to anyone who may care to answer

The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.
Mrs. BACHRACH: Mr. Speaker, Men and

Women of the House: The only other option open to a municipality is that you actually take all the land they think they might be able to use by eminent domain and then if it is not proved to be suitable, sell it again, and that would be an exceedingly cumbersome procedure.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House. In answer to Representative Greenlaw's other question, the procedures by which the court hearings will be done will be established by the Supreme Judicial Court. They will make up the rules by which it will be done, and I would assume, particularly if anyone had an interest, that input to them would insure notification.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of the entire elected membership of the House: All those in favor of this Bill being passed to be enacted as an emergency measure will vote ves: those opposed will vote no.

A vote of the House was taken.

112 having voted in the affirmative and 5 having voted in the negative, the motion did

Signed by the Speaker and sent to the Senate.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

An Act to Clarify the Election Laws (Emergency) (H. P. 2293) (L. D. 2344) (H "A" H-1230)

Tabled - April 9 by Mrs. Najarian of Portland

Pending — Passage to be Enacted.
On motion of Mr. Jacques of Lewiston, under

suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendnent "C" and moved its adoption. House Amendment "C" (H-1253) was read

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 ongoing 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 Committee 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 highlighhts 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 gentlewoman 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. 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. Conners.

Mr. CONNERS: 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,