

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

May 13, 1982

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SECOND CONFIRMATION SESSION

July 16, 1982

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Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mrs. Post of Owl's Head, the House reconsidered its action of earlier in the day whereby An Act to Provide an Alternative Withdrawal Procedure from the Tree Growth Tax Law for the 1982 Tax Year, House Paper 2241, L.D. 2101, was passed to be enacted.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: When this L.D. was enacted earlier this morning, a statement was read on the record in regards to L.D. 2068 which we had passed previously. After having discussions with the individual who made that statement on the record, I want to clarify one of the last sentences that was made. The sentence was, L.D. 2068 makes it clear that water utilities which own forest lands may continue to keep their land under tree growth and receive the tax benefits of that program.

More correctly, that statement should say that L.D. 2068 made it clear that water utilities that had charter restrictions which prevent commercial harvesting of trees or require a primary use of the land other than commercial harvesting will be able to keep their land under tree growth and receive the tax benefits of that program. If they do not have charter restrictions in those areas, they would be treated as other landowners are treated across the state.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

On motion of Mr. Paul of Sanford,
Recessed until two o'clock in the afternoon.

After Recess
2:00 p.m.

The House was called to order by the Speaker.

The following papers appearing on Supplement No. 7 were taken up out of order by unanimous consent:

Passed to Be Engrossed

Bill "An Act Implementing Certain Recommendations of the Citizens' Commission to Evaluate the Department of Environmental Protection" (S. P. 968) (L. D. 2130)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. McHenry of Madawaska offered House Amendment "A" (H-750) and moved its adoption.

House Amendment "A" (H-750) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 969) (L. D. 2136)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. Hobbins of Saco offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-738) was read by the Clerk and adopted.

Mr. McSweeney of Old Orchard Beach offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-739) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, Men and Women of the House: I hope that you will not accept House Amendment "B". This was part of the bill when it came up to the Judiciary Committee. We looked at it and it seemed to me that the question of permitting a person elected on a school board to serve as a volunteer fireman in the town of Old Orchard Beach was a matter of policy and not a matter of an error or omission, so it was the unanimous decision of the Judiciary Committee not to include this in the errors and inconsistencies bill.

Mrs. Beaulieu of Portland requested a vote on the adoption of House Amendment "B".

The SPEAKER: The pending question is on the adoption of House Amendment "B". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. McSweeney of Old Orchard Beach requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the adoption of House Amendment "B" (H-739). All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Boisvert, Boyce, Brannigan, Brenerman, Brown, A.; Brown, D.; Carroll, Chonko, Clark, Conary, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Hall, Hickey, Hobbins, Jackson, P.C.; Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, Macomber, Manning, Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Randall, Reeves, P.; Ridley, Roberts, Salsbury, Smith, C.B.; Soulas, Strout, Swazey, Theriault, Thompson, Twitchell, Vose, The Speaker.

NAY—Aloupis, Armstrong, Austin, Beaulieu, Bell, Benoit, Berube, Bordeaux, Brodeur, Brown, K.L.; Cahill, Callahan, Carter, Conners, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gowen, Gwadodsky, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jordan, Klesman, Lancaster, Lewis, Lund, MacBride, MacEachern, Martin, A.; Masterman, Masterton, Matthews, McPherson, Nadeau, Nelson, A.; Nelson, M.; Peterson, Pines, Racine, Reeves, J.; Richard, Sherburne, Small, Smith, C.W.; Soule, Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Willey.

ABSENT—Carrier, Cunningham, Dudley, Fowlie, Gillis, Hayden, Higgins, H.C.; Huber, Jalbert, Laverriere, Livesay, Mahany, Moholland, O'Rourke, Pouliot, Rolde, Tuttle, Weymouth.

Yes, 67; No, 66; Absent, 18.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-six in the negative, with eighteen being absent, House Amendment "A" is adopted.

Mr. Perkins of Brooksville offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-740) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: What you are doing with this amendment is taking away from the department about \$2,800 this year in collecting funds. If this is passed, next year I am going to come in with a bill to strip the whole thing because what you are doing is making it so your taxpayers are going to have to pick up the tab for what the Christmas tree association is supposed to be doing, and to me it is wrong.

I was very much in favor of this when we had the bill in its original form, but in this, to allow part of the industry to have the protection for far less money than the rest of the Christmas tree growers is wrong.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, I move the indefinite postponement of House Amendment "C".

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves the indefinite postponement of House Amendment "C".

The gentleman may proceed.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: This particular issue came before the legislature during the last session. It appeared that there was a conflict in what to do with this whole issue of taxation. It is my understanding that both reports that were addressing this issue were defeated by this body.

The Department of Conservation and many other individuals realize that this issue has brought along some problems, especially among the association members.

The Judiciary Committee was presented with this amendment and after careful consideration, it was thought to be substantive, it was thought that because the legislature, during the last session, addressed this issue, in fact defeated both reports which had conflicting fee schedules, that this particular session of the legislature should not vote upon, or the Committee on Judiciary should not present to you in the errors bill this particular amendment. It was felt it was substantive and it could be addressed during the next legislative session.

I urge you to vote to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I ran into this last January when my town clerk brought it to my attention. She said, what new law have you people passed that our little people who take one load of bows to make wreaths all at once have to pay \$12 instead of \$1.50? I looked into it and found out that when the laws were recodified in 1979, this section was entirely left out.

Even Forestry didn't understand it in 1980 because they continued to charge the \$1.50 regardless of the law. It was only this last fall that they found it.

This is a pure error, and I hope you will go along with the amendment.

The SPEAKER: The Chair recognizes the gentleman from East Machias, Mr. Randall.

Mr. RANDALL: Mr. Speaker and Members of the House: I just want to rise today to say that Representative Perkins from Blue Hill is certainly right on target, and I would certainly urge the support of House Amendment "C". This is an error. I was told by my town clerk this very last November when I went in to get a license to haul some tips about a couple of miles across town that it was a \$12 fee, that by accident it was up there and wouldn't I come down to the legislature and try to do something about it. So I certainly support House Amendment "C" today and urge your support of it.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: We have a good many