

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Thirteenth Legislature

OF THE

State Of Maine

VOLUME IV

SECOND REGULAR SESSION

March 25, 1988 to May 5, 1988

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HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1907) (L.D. 2604) Bill "An Act to Implement the Recommendations of the Study of the Department of Environmental Protection" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-745)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed as amended and sent up for concurrence.

SECOND READER

Later Today Assigned

Bill "An Act to Revise the General Assistance Laws" (H.P. 1249) (L.D. 1705)

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

On motion of Representative Diamond of Bangor, tabled pending passage to be engrossed and later today assigned.

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

SENATE PAPER

Later Today Assigned

The following Joint Order: (S.P. 1001)
ORDERED, the House concurring, that Bill, "AN ACT to Establish Child Care Availability for Individuals in the Substance Abuse Treatment System," H.P. 1612, L.D. 2205, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Came from the Senate, read and passed.

Was read.

On motion of Representative Gwadosky of Fairfield, tabled pending passage in concurrence and later today assigned.

Bill "An Act to Improve Comprehensive Land Use Planning and Land Use Ordinances to Manage Growth and Development" (S.P. 941) (L.D. 2485)

Came from the Senate, indefinitely postponed.

(The Committee on Reference of Bills had suggested reference to the Committee on Energy and Natural Resources.)

Was indefinitely postponed in concurrence.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Continue the Driver Education Evaluation Program (S.P. 886) (L.D. 2298) (C. "A" S-475)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and

Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989 (H.P. 1798) (L.D. 2462) (C. "A" H-726)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, to Reconstitute the Commission to Review the Laws Relating to Registered Maine Guides (H.P. 1673) (L.D. 2292) (S. "A" S-470; S. "A" S-421 to C. "A" H-610)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1988 (H.P. 1934) (L.D. 2635)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 2 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1988 (H.P. 1936) (L.D. 2636)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act Concerning Access Fees (S.P. 297) (L.D. 847) (C. "A" S-476)

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

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, I would like to ask a question through the Chair.

Would someone explain this bill and what it does?
The SPEAKER: Representative Smith of Island Falls has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, this bill was originally presented to the legislature last year and it was held over pending a study of access fees in general. It was reported out of the Taxation Committee early this session with a 10 to 3 "Ought Not to Pass" Report. It was recommitted to the Taxation Committee about two weeks ago.

The main bone of contention was that the original bill attempted to address fees that are being charged by some landowners for use of their roads. The study commission that worked on this over the summer suggested that those fees, as they currently exist, are reasonable and that the bill that was originally presented to the legislature wasn't appropriate. An amendment was to be offered here in the House that dealt with leases of large tracts of land, a practice that is being carried on by some large landowners that allows large tracts of land to be leased for the purpose of exclusive hunting and fishing activities. The question is if those leases constitute a change in the use of property so that the land would no longer be available or be able to utilize tree growth tax law because the primary purpose of the land is no longer growing trees.

The Bill that is up for enactment today embodies that amendment pretty much and basically establishes a guideline for when leases become so lucrative that the income from the lease exceeds the income that is available by harvesting trees, then that land is no longer eligible for tree growth tax law and would come out of tree growth.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Men and Women of the House: I would like to pose another question through the Chair.

Am I to understand that certain acreage that has been leased will now come under tree growth -- only that land that has been leased and it is over 100 acres?

The SPEAKER: Representative Smith of Island Falls has posed an additional question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: That is exactly right. If the revenue generated from the lease exceeds the amount of money that the Taxation Department is currently assessing the tax on, based on a yield on sustained growth, then that land that is covered by the lease and only that land, would come out of tree growth.

The attempt here is, if a company currently leases five acres on Moosehead Lake to me to put a camp on, that five acres comes out of tree growth now because that lease is considered to be a change in the useage of the land. This is an attempt to extend that to leases that are currently being written on large tracts of land and extend that same principle. So, that land and only that land, would come out of tree growth.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Later Today Assigned

An Act to Improve the Quality of Care in Long-term Care Facilities by Establishing

Intermediate Sanctions and Incentives for High Quality Care (S.P. 485) (L.D. 1462) (C. "A" S-478)

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

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Establish a Resource Protection Law (S.P. 870) (L.D. 2265) (H. "C" H-743 and H. "D" H-746 to C. "A" S-480)

An Act Concerning the Penobscot Tribal Court (S.P. 929) (L.D. 2440) (C. "A" S-482)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Later Today Assigned

An Act to Promote Equity in Determining Medicaid Eligibility for Institutionalized Care (H.P. 313) (L.D. 412)

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

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Appropriate Funds for Replacement of Real Estate Tax Validation Machines in County Registries of Deeds (H.P. 1638) (L.D. 2237) (C. "B" H-725)

An Act to Make Housing More Affordable to Maine Citizens (H.P. 1659) (L.D. 2269) (H. "A" H-740 to C. "A" H-678)

An Act to Consolidate State Land Use Statutes into the Natural Resources Protection Act (H.P. 1687) (L.D. 2316) (S. "B" S-466 and S. "A" S-437 to C. "A" H-641)

An Act to Promote Orderly Economic Growth and Natural Resource Conservation (H.P. 1688) (L.D. 2317) (C. "A" H-727)

An Act to Promote Economic Development in the State by Enhancing Employment Opportunities for Maine People (H.P. 1703) (L.D. 2340) (H. "A" H-730 and S. "A" S-467 to C. "A" H-705)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Encourage the Efficient Use of Electrical Energy (H.P. 1721) (L.D. 2360) (C. "A" H-736)

An Act to Address Comprehensively Bail Relative to a Defendant in a Criminal Proceeding (H.P. 1792) (L.D. 2456) (H. "A" H-688 and H. "B" H-741 to C. "A" H-674)

An Act to Authorize the Annexation of Cove Point Township by the Town of Greenville (H.P. 1929) (L.D. 2629) (H. "B" H-731)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.