

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

Index

SECOND CONFIRMATION SESSION

May 13, 1988

Index

THIRD CONFIRMATION SESSION

June 15, 1988

Index

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

Index

FOURTH CONFIRMATION SESSION

November 14, 1988

Index

FOURTH SPECIAL SESSION

November 28, 1988

Index

HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE
Non-concurrent Matter

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

In Senate, April 18, 1988, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-751) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency)
S.P. 946 L.D. 2494
(C. C. "A" H-696)

In Senate, April 14, 1988, RECEDED and CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-696).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-750) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Implement the Recommendations of the Study of the Department of Environmental Protection" (Emergency)

H.P. 1907 L.D. 2604

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-745).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-745).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-745) READ.

On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-488) to Committee Amendment "A" (H-745) READ and ADOPTED.

Committee Amendment "A" (H-745) as Amended by Senate Amendment "A" (S-488) thereto, ADOPTED in NON-CONCURRENCE.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended, in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

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

An Act Concerning Access Fees

S.P. 297 L.D. 847

(C "A" S-476)

(See Action Later Today)

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 Encourage the Efficient Use of Electrical Energy

H.P. 1721 L.D. 2360

(C "A" H-736)

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

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)

On motion by Senator CLARK of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Consolidate State Land Use Statutes into the Natural Resources Protection Act

H.P. 1687 L.D. 2316

(S "B" S-466 & S "A"

S-437 to C "A" H-641)

On motion by Senator CLARK of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

On motion by Senator SEWALL of Lincoln, the Senate RECONSIDERED whereby it PASSED TO BE ENACTED, in concurrence:

An Act Concerning Access Fees

S.P. 297 L.D. 847

(C "A" S-476)

(In House, April 19, 1988, PASSED TO BE ENACTED.)

(In Senate, April 15, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-476), in concurrence.)

Senator BALDACCI of Penobscot moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers in NON-CONCURRENCE.

Senator TWITCHELL of Oxford requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BALDACCI of Penobscot to INDEFINITELY POSTPONE the Bill and Accompanying Papers in NON-CONCURRENCE.

A Division has been requested.

Will all those Senators in favor of the motion of Senator BALDACCI of Penobscot to INDEFINITELY POSTPONE the Bill and Accompanying Papers, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

14 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion of Senator BALDACCI of Penobscot to INDEFINITELY POSTPONE the Bill and Accompanying Papers IN NON-CONCURRENCE, FAILED.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. Before we enact this legislation today I would like to pose a question through the Chair to a member of the committee. During this Legislative Session, we have dealt with this issue several times. As a matter of fact, it is my understanding that the initial bill dealing with access fees came out of the committee rather lopsidedly defeated at least by the majority of the committee. I would like to know what has

happened in the committee during the second go around on this bill to make it more acceptable at least to the members of the committee and why we should support this now considering the fact that early in the Session it wasn't such a good idea.

THE PRESIDENT: The Senator from Franklin, Senator Webster has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Dow.

Senator DOW: Thank you Mr. President. Mr. President, men and women of the Senate. Actually this did come out of the committee a lopsided vote and then we sent it back to the committee and came out with an amendment. This Bill is going after some of the people that are putting their land into large leases and still getting the benefit of a large tax break and that is why the bill has now come this far.

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

Senator SEWALL: Thank you Mr. President. Mr. President, men and women of the Senate. To disagree with the good Senator from Kennebec, Senator Dow, people who have large tracks of land by the way over a hundred acres this doesn't effect at all. It just effects those people in tree growth who might have less than a hundred acres and they will then if they rent a camp on that or lease it for something, then they will be able to do it, I believe.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Dow.

Senator DOW: Thank you Mr. President. Mr. President, men and women of the Senate. I would suggest maybe that somebody ought to take a look at the bill because it says anything over a hundred acres, not anything under a hundred acres.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. The basic issue here has already been dealt with in a bond issue for public lands to be purchased from a thirty five million dollar bond issue and I think the act concerning access fees is an issue that is moot. It is an issue that shouldn't be before this Body. We have dealt with that issue. We have passed a bond issue. We have a board that is going to be seeking the purchase of public lands and I think any development of any legislation concerning access fees undermines the basic thrust which was to acquire public lands and deal with endangered species. Before we start burdening people with these restrictions and the concerns in taxes, I think that we should basically indefinitely postpone this measure and all accompanying papers. Thank you.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I have before me the amendment to this Bill and I see no reference to a hundred acres at all in the amendment. If you read the amendment it says "amend the bill by striking out everything after the amending clause and inserting in its place." The amendment I have shows no reference to acreage at all, a hundred acres or otherwise. I would think it would be appropriate that we clear this up so those of us who are going to be voting on this matter would know whether we were dealing with the position espoused by Senator Sewall of Lincoln, or those views expressed by other members of this Body.

On motion by Senator KANY of Kennebec, Tabled until Later in Today's Session, pending ENACTMENT.

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

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

An Act to Establish a Resource Protection Law

S.P. 870 L.D. 2265

(H "C" H-743 & H "D"

H-746 to C "A" S-480)

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

An Act to Promote Orderly Economic Growth and Natural Resource Conservation

H.P. 1688 L.D. 2317

(C "A" H-727)

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

Senator USHER: Thank you Mr. President. Mr. President, men and women of the Senate. Just a few comments for the Record. The basic pieces of this program is to establish and clearly define and state goals to guide local and state planning efforts. It sets up a process for open public debate of local growth and planning issues. It also provides for a meaningful state assistance program in the form of direct grants through towns and technical assistance and comments of planning efforts. It provides for state review and comment. Incorporation of state comments into local plans is voluntary. It also provides for financial incentives for incorporating state goals into local plans. The incentives include: financial and technical assistance for the Administration, enforcement and legal defense of local growth management programs, primarily land use ordinances. It offers assistance in municipal purchase of open space and recreation lands with any funds that may become available from the Land for Maine Future Program. Finally, it offers planning and economic development assistance in the form of multi purpose community development block grants. It also helps out the local code enforcement officers through their training and certification. There is approximately a hundred and fifty code enforcement officers in the State of Maine. When you stop to think there is four hundred and ninety five towns there has got to be a lot of work done throughout the State of Maine. This committee has worked very, very hard through the public hearing process before the Legislature convened last year and during this Session and I have to commend all the people involved, the Maine Municipal Association and all the other organizations that are involved with the input to make this a major step in correcting our growth in the State of Maine. I think that when everybody cooperates in this matter, we will have a better state to live in.

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

Senator LUDWIG: Thank you Mr. President. Mr. President, men and women of the Senate. This is the famous Growth Management Bill. I represent fifty communities in Aroostook, Penobscot and Washington Counties - areas which have actually lost population in recent years. Obviously our perspective on growth is different from those who live in the Southern and Coastal areas of the state where growth occurred so rapidly that it overwhelmed the existing infrastructure. We need growth if we are to survive.

We also place great value on our woods and clean waters, our farms and breathable air and don't want