

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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May 13, 1988

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HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

The Chair laid before the Senate the Tabled and Later Today Assigned Matter:

An Act Concerning Access Fees

S.P. 297 L.D. 847

(C "A" S-476)

Tabled - April 19, 1988, by Senator KANY of Kennebec.

Pending - ENACTMENT

(In Senate, April 19, 1988, PASSED TO BE ENACTED, in concurrence. Subsequently, RECONSIDERED ENACTMENT.)

(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 WEBSTER of Franklin requested a Division.

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. I guess it took me a long time to finally figure out what this amendment actually did and the more I found out about it the stranger it got. Let me just tell you about it and as far as I am concerned, you can vote any way you want on it. Originally as you know the way the Bill was written, there was very little sentiment for it. On February 2nd this Bill came out and the bill came back to the committee again and some of us automatically signed ought not to pass again and then it came out with this amendment. I would like to read the amendment to you because I don't want there to be any mystery about it. "The Legislature finds that when the value of a recreational use lease exceeds the value of tree growth which can be extracted on a sustained basis per acre as determined pursuant to Section 5756, then the land is no longer primarily used for the continuous growth of forest products. This finding is sufficient cause to remove from taxation under this Subchapter those parcels that are more valuable in terms of recreation and are being leased on that basis. Therefore, notwithstanding Sections 573 or 574, this Subchapter shall not apply to any parcel of forest land that is leased for consideration to any individual or group of individuals to use for recreational purposes if that parcel of land exceeds a hundred acres and if the consideration for that lease per acre exceeds the value of growth which can be extracted on a sustained basis per acre as determined pursuant to Section 576. The owner of the leased parcels shall submit a copy of the lease or leases on the land subject to the provisions of this Subsection, to the state tax assessor for land in the unorganized territory and the municipal assessors in organized municipalities.

The State Tax Assessor or the Municipal Assessor shall determine if the value of the lease exceeds the sustained growth value. If the value of the lease is determined to exceed the sustained growth value, the owner of the forest land shall have ten days from the date of notification to either terminate the lease, amend the lease to comply with this section, or withdraw the land covered by the lease from the tree growth taxation under this Subchapter. In the case of withdrawal, such action shall be subject to Section 581 of this Subchapter."

If the tree growth law itself isn't confusing enough and hasn't caused enough trouble to all of us, then we have this section coming in. Then it seems that the Bill originally was kind of aimed at one particular fancy resort area that was owned by one particular paper company, let me be specific, International Paper, and they thought maybe it would change it. You see, if you have a building or something in an area that is tree growth, that

section that has something built on it like a building or a resort has to be taken out of tree growth anyway which is why I had some trouble understanding this Bill so that parcel wouldn't be in tree growth anyway and it wouldn't affect that. Then I really struggle to try and figure out just exactly who this would effect and I have had a little experience with tree growth from its inception and I purchased some land that was in tree growth and I am doing my darndest to get out of it. Now I am trying to figure out just exactly who is affected by this, so if I had this backwards, which apparently I did and it is those people who have over a hundred acres and it is in recreational lease, who would that possibly be in tree growth who would be leasing it for recreation. It is in tree growth so you can't have a building on it or a structure on it because then you can't have it in tree growth, you have to take that section out. So who would possibly be leasing it. For the life of me the only people I can think of is the Audubon Society and I just couldn't understand it and I still don't.

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. Just for your information the reading of that amendment sounds like a typical amendment to a bill to me. It doesn't sound any different than any one I have ever read before.

There isn't anything that this amendment does except that a hundred acres in excess means more than a hundred acres. We have finally determined that my reading of a hundred acres in excess is a hundred acres. There is a set fee and I tried to call a few minutes ago to see what the set fee was for tree growth and I should remember but I don't. If it is fir it is fifteen dollars per acre, if it is hard wood it is twelve or something like those figures, but don't hold me to those figures. What it says is that if you are leasing the land, a large track of land of a hundred acres or more and in fact you are getting more money for that lease than the value of the wood for tree growth, then you pay the same tax as you would for my camp that is sitting right beside it and that is all it does and it certainly sounds fair to me. I hope you would support this amendment. Thank you.

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. Any camp that is there is already excluded from tree growth. Remember if you have a camp, the land that your camp is on or your house is on or your farm is on is excluded from tree growth already, it has to be. Once it is anything but tree growth and you have to have so much land around the building and that also has to be excluded from tree growth. We are talking about the land that actually has the trees that someone is leasing for recreational use. I would like to know one such person in the state.

THE PRESIDENT: The Senator from Lincoln, Senator Sewall 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, men and women of the Senate. Can I name you two? I.T.T. has a number of leases of this nature and so does Lake Megantic Corporation just to give you two. Thank you.

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 strongest objection I have to this piece of legislation is the fact that there was a commission that was established by this Legislature and appointed by this Legislature and the Governor to review recreation and the outdoors and the access fee issue. That commission met and came up with recommendations. One of the members of that commission was dissatisfied with what had come up in the commission and had decided that there was other ways to come up with a different proposal using the legislative process. I totally object to it. I object to this issue being before this Body and I think it is a great disservice to the legislative process. Regardless of who this issue is going to effect, that is not the point. We have established a commission, they have come up with recommendations and we don't even pay adherence to that commission which we have established and which has met on their own time to come down to Augusta and meet and discuss these issues and decide what should be in the best interest of state policy. That is what is at issue today with this particular issue and I would hope that we would be voting against enactment of L.D. 847. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to respond to the good Senator from Penobscot, Senator Baldacci. I think he is very picky on this Bill. He is picking it apart. He wasn't at the hearings. He wasn't at the work session. If he had any interest in this Bill then he should have been there and listened to the pro's and con's on this Bill. When you put trees in tree growth, you put them in there to grow trees and nothing else. This is a very simple amendment and a very simply Bill. It is a good bill.

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. I would like to pose a question through the Chair to any member of the committee who might like to answer. Does this mean then if you have your land in tree growth, you shouldn't allow the public to go walking on it because that is recreation?

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

THE PRESIDENT: The pending question before the Senate is ENACTMENT.

A Division has been requested.

Will all those Senators in favor of ENACTMENT, please rise in their places and remain standing until counted.

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

16 Senators having voted in the affirmative and 14 Senators having voted in the negative, this Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON AGING, RETIREMENT AND VETERANS
ONE HUNDRED AND THIRTEENTH LEGISLATURE
April 14, 1988

The Honorable Charles P. Pray
President of the Senate
113th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Aging, Retirement and Veterans during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	14
Unanimous reports	12
Leave to Withdraw	2
Ought to Pass	2
Ought Not to Pass	0
Ought to Pass as Amended	2
Ought to Pass in New Draft	6
Divided reports	2

Respectfully submitted,

S/Georgette B. Berube

S/Daniel B. Hickey

Senate Chair

House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON AGRICULTURE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
April 13, 1988

The Honorable Charles P. Pray
President of the Senate
113th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Agriculture during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	28
Unanimous reports	24
Leave to Withdraw	9
Ought to Pass	2
Ought Not to Pass	0
Ought to Pass as Amended	6
Ought to Pass in New Draft	7
Divided reports	4

Respectfully submitted,

S/Zachary Matthews

S/Robert Tardy

Senate Chair

House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON AUDIT AND PROGRAM REVIEW
ONE HUNDRED AND THIRTEENTH LEGISLATURE
April 15, 1988

The Honorable Charles P. Pray
President of the Senate
113th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Audit and Program Review Committee during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	4
Unanimous reports	4
Leave to Withdraw	1
Ought to Pass	1
Ought Not to Pass	0
Ought to Pass as Amended	2
Ought to Pass in New Draft	0
Divided reports	0

Respectfully submitted,

S/Senator Beverly Miner Bustin
Senate Chair

S/Rep. Neil Rolde
House Chair