

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

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KENNEBEC JOURNAL
AUGUSTA, MAINE

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Respectfully yours

Signed:

THOMAS J. PETERSON
House Chairman

The Communication was read and ordered placed on file.

Mr. Albert of Limestone presented the following Joint Resolution and moved its adoption: (H. P. 1680)

In Memoriam

Having Learned of The Death Of Mrs. John H. Rollins of East Dixfield, Me.

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased: and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine.

The Resolution was read and adopted and sent up for concurrence.

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

SENATE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Natural Resources on Bill "An Act to Establish a Public Preserve in the Bigelow Mountain Area." (I. B. 1) (L. D. 1619)

Tabled — June 5, by Mr. Peterson of Windham.

Pending — Acceptance of either Report.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Dover-Foxcroft, Mr. Smith, to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Smith of Dover-Foxcroft assumed the Chair as Speaker pro tem and Speaker Martin occupied his seat on the Floor.

The SPEAKER pro tem: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I would move that the "Ought to pass" Report be accepted.

The SPEAKER pro tem: The gentleman from Windham, Mr. Peterson, moves that the House accept the Majority "Ought to pass" Report.

The Chair recognizes the same gentleman.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I will speak, hopefully, briefly on this matter.

I signed the Minority Report as a concerned person. The petition was passed around by the Friends of Bigelow. They obtained 44,000 signatures and the bill is before us today. Any action which we take negative on this proposal means that it will go to referendum, probably in November of this coming year. If we fail to pass this bill, it goes to referendum. The cost of a referendum is somewhere around sixty to a hundred thousand dollars.

The reason I support this measure is that in the very recent past, we have had bond issues out for Fish and Game for about \$3 million, for Parks and Recreation to obtain land for \$4 million. They were overwhelmingly approved by the citizens of this state: approximately \$7 million in bonds were issued to secure land for recreational purposes. This is primarily what this does, to keep this area a wilderness way.

I would remind you that half of the funds to procure this will be federal matching funds, so the total cost will not be borne by the state.

Also, the proposal would keep this land as much as it could in its natural state but would allow for reasonable timber harvesting to be carried out on this land if this bill were to be passed.

The reason I support this legislation is that I think in all practical consequences, if we fail to enact it, it will go out to referendum, it will be passed at expense to the taxpayers and then we will have to implement this bill. There are several problems that I find with this initiated bill. They say that we will secure the land. It authorized the Department of Conservation and Inland Fish and Game to procure the land, but it doesn't provide any means by which the land can be procured.

I say the best policy for this legislature is to pass this bill in the regular session and then amend it in the special session to take care of any problems that it may have. Otherwise, I really feel if it goes out to referendum, it will be passed and we will be stuck with this legislation in its present form and we will have to implement it. I think the wisest policy is for the legislature to enact it. I find several problems with it. There is no means of obtaining the land, on money is on it, there is no fiscal note, and if we were to attach a fiscal note, there would be two questions on the referendum, there would be the original question and then one on the fiscal note. So whatever we do, this question is going to go before the people unless we enact it. So I make my plea on that alone. I just think that the voters of the state will overwhelmingly approve it and we will be stuck with a bill that needs some improvement. I think the way to do that is to improve it in special session. I would urge the Minority "Ought to Pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mrs. Snowe.

Mrs. SNOWE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. Exactly what will the cost be to the state ultimately if we establish a Bigelow Preserve?

The SPEAKER pro tem: The gentleman from Auburn, Mrs. Snowe, poses a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, the answer to this question is unknown, and that is one of the problems with this bill. It is known land trades could be made with public land from private landowners in the area, so possibly approximately 18,000 acres of the 40,000 acres could be swapped. There is a possibility that this could happen. Negotiations have been going on. The landowners in the area have been carrying on negotiations with the Department of Conservation, so it would mean that the state would ultimately have to purchase the land presently owned by Flagstaff Corporation, who has development plans for Bigelow. Flagstaff

is a responsible developer. I don't cast any aspersions on the integrity of Flagstaff or its staff, I only think it has been an initiated bill. It got 44,000 signatures, and if it goes before the people in November, as it will if we defeat the measure, we are going to be stuck with a proposal which I don't think is that well drafted. I think if we enact it in this session of the legislature and improve it so we can provide for land swaps, we can come up with the sufficient bonds, that is the route to go.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, I would pose an inquiry through the Chair. Many of us have had bills that haven't had a fiscal note on them. This isn't enabling legislation. It is directed to acquire, and I would ask why this doesn't need to have a fiscal note on it?

The SPEAKER pro tem: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: That is one of the questions that really troubled me, but there is not way that it can be amended. The bill in its original form, the petition, did not specify any amount of money and the Constitution provides that when a petition is passed, is signed by a sufficient number of signatures, it must go out to the voters in that form, and this is what will happen. If we don't enact this, it will go out to the voters, possibly in November, and if they approve it, the state will be locked into it. I think if we approve it now, we can amend it in the special session and take adequate safeguards to assure ourselves that we are negotiating with these landowners in a posture of strength.

I don't know the price tag on it, but if we attach a fiscal note, it changes the petition and the bill will have to go out in its original form, so there is nothing we can do. We wanted to amend it in committee, but we found out from the Attorney General's Office that any changes that we make in this bill will cause it to go out in its original form. I would much rather leave it to the legislature to pass it now and correct it in special session than be stuck with a measure which we think has some problems, and I think this bill does have some problems and it doesn't provide the money for the acquisition.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think the direction that we perhaps should go today is to accept the "Ought not to pass" Report, because I believe the general public of Maine would be just as skeptical in supporting an issue such as this, based on the very questions that were raised by the gentleman from Windham, because of the lack of value and the cost involved.

I am not about to put my name on a roll call vote for something I am not sure what it involves as far as dollars and cents are concerned, and I have just as much faith in the people of Maine of not doing it themselves, so I would urge you not to support the "ought to pass" report and eventually support the report that kills the bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, I move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER pro tem: The gentleman

from Solon, Mr. Faucher, moves that this Bill and all accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I have to say a few words on this bill. Bigelow Mountain happens to be — quite a lot of land is in my legislative district. I have testified at the hearing that none of the people in my district are in favor of this. If they are, they haven't called me up or said anything about it, but the Friends of Bigelow, as they call themselves, went around the state and got petitions to have the State of Maine, you and I, buy this 40,000 acres of land with no price tag on it and without telling us who is going to pay the taxes on that 40,000 acres of land.

I know a little bit about this. We have land developers who own some of that land who would like to spend a couple hundred million dollars, that is quite a lot of money, to start a four-season enjoyment there, a ski area, condominiums, and it would employ about four or five hundred people.

I happen to live in Somerset County where the employment is quite low. We need jobs for people. They are kind of hungry and they would like to have a few jobs. We don't have many jobs in Somerset County, and with 500 jobs available, that would be pretty nice for our people up there.

So, out of the 40,000 acres of land, they would take about 800 acres for development. They would still have 32,000 acres for people who like to hike, canoe or whatever.

In the State of Maine, the paper companies own about 17 million acres of land, about two-thirds of the land in the State of Maine, and I believe we have got plenty of recreation in the state for anybody who would like to go hiking or fishing or anything else, so I feel this is a bad bill, it is one of the worst bills I have seen this year, and let's kill it right now.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, I would just like to say that I got blamed by some people for 1994 last year, which wasn't funded at the time and I didn't vote for it. So I would just enjoy getting blamed for something rightly this time. I don't think the people realize there should be a fiscal note on this, so I don't believe they will blame the legislature for turning it down. They will have a chance to come again at the special session if they think they should put a price tag on it. I am for the indefinite postponement of this bill.

Thereupon, Mr. Finemore of Bridgewater requested a roll call vote.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I feel about this bill that if it goes to referendum, it may or may not pass, but of course if we pass it here, then there is no question about it, it is the fait accompli.

I have a letter from one of my constituents. It is very brief and I think it is a very good letter and I would like to read it if I may. It is to a man by the name of Ken Spaulding. My constituent says, I will not circulate the petitions of the Friends of Bigelow. I too am an AMC member. I am interested in protecting our ecology. I am an ordinary Maine native not a self-styled Friend of Bigelow. Your January 7th letter and the petition

accompanying it, disappoint me. Why? You overstate your case in the letter. I know of no proposal to bulldoze Mt. Bigelow, yet our slogan is to save Bigelow from the bulldozer. You talk about the entire western Maine mountain area being threatened. I don't know how you define the entire western Maine mountain area, but I do know that those who cry wolf so carelessly do the cause of ecology no good. The bill contained in your petition directs the purchase of 40,000 acres of land. It authorizes no expenditure of funds. There is no estimate of the cost of acquiring this land in the Statement of Fact. It is an obvious inference that you do not think the initiative petition would get the necessary signatures if an honest estimate of the cost of this legislative proposal was set forth in the Statement of Fact. I, therefore, say to you may the petition of the Friends of Bigelow be scorned as it deserves to be. As an AMC member, I add my resentments that you involved that worthy organization in what I consider a shoddy effort to promote a selfish cause. Sincerely yours, Willis A. Trafton Jr." Mr. Trafton, was at one time, the Speaker of this House.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out this is a nine to four "Ought Not to Pass" report. The reason I signed it "Ought Not to Pass" was because there was no means of funding the acquisition of the property.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker and Members of the House: I would like to pose a question to anyone who might answer. If this referendum is sent out, would it be possible for the legislature to put along with it any estimate of cost without interfering, without sending a separate question out?

The SPEAKER pro tem: The gentleman from Portland, Mr. Jensen, poses a question through the Chair to anyone who cares to answer.

The SPEAKER pro tem: A roll call has been requested. 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 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 pro tem: The pending question is on the motion of the gentleman from Solon, Mr. Faucher, that the House indefinitely postpone Bill "An Act to Establish a Public Preserve in the Bigelow Mountain Area" Initiated Bill 1, L.D. 1619. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carey, Carpenter, Carroll, Carter, Connors, Cote, Curran, R.; Curtis, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Gray, Hall, Hennessey, Higgins, Hinds, Hunter, Hutchings, Immonen, Jalbert, Kauffman, Kelleher, Kelley, Laffin, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern,

Mackel, MacLeod, Mahany, Martin, A.; Maxwell, Mills, Miskavage, Morin, Morton, Nadeau, Norris, Palmer, Pelosi, Perkins, T.; Peterson, P.; Raymond, Rideout, Rollins, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Webber, Winship.

NAY — Bachrach, Bagley, Bustin, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hobbins, Hughes, Ingegneri, Jackson, Jensen, Kany, Kennedy, LaPointe, McKernan, McMahon, Mitchell, Mulhern, Najarian, Peakes, Pearson, Perkins, S.; Peterson, T.; Pierce, Post, Rolde, Saunders, Shute, Silverman, Snow, Spencer, Talbot, Usher, Wilfong.

ABSENT — Churchill, Dam, Davies, DeVane, Doak, Dudley, Hewes, Jacques, Joyce, LeBlanc, Martin, R.; McBrearty, Powell, Quinn, Smith, Tierney, Truman, Tyndale, Wagner, Walker.

Yes, 88; No, 42; Absent, 20.

The SPEAKER pro tem: Eighty-eight having voted in the affirmative, and forty-two in the negative and twenty being absent the motion does prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I move reconsideration whereby this bill was indefinitely postponed and urge you all to vote against me.

The SPEAKER pro tem: The gentleman from Wayne, Mr. Ault, moves the House reconsider its action whereby this bill was indefinitely postponed. All in favor of that motion will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

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

An Act to Clarify Certain Provisions of the Maine Right to Know Law" (H. P. 848) (L. D. 1035) (S. "A" S-201) (C. "A" H-285)

Tabled — June 5, by Mrs. Najarian of Portland.

Pending — Passage to be Enacted.

On motion of Mr. Snow of Falmouth, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-683) was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentleman from Falmouth, Mr. Snow.

Mr. SNOW: Mr. Speaker and Members of the House: This amendment to "The Right to Know Law," which was sponsored by the Speaker with myself and the representative from Kennebec as co-sponsors would clarify those provisions of The Right to Know Law which permits joint legislative committees to meet in working sessions. What it does, it gives us the opportunity to decide whether or not we wish the privilege of excluding non-committee members from working sessions of joint legislative committees. I