

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME VII

SECOND REGULAR SESSION

Senate

March 14, 1996 to April 3, 1996

SECOND CONFIRMATION SESSION

August 1, 1996

SECOND SPECIAL SESSION

House of Representatives

September 5, 1996 to September 7, 1996

Senate

September 5, 1996 to September 7, 1996

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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Monday
March 25, 1996

Senate called to Order by the President, Jeffrey H. Butland of Cumberland.

Prayer by the Honorable Charles M. Begley of Lincoln.

SENATOR BEGLEY: In this room of words, let us enjoy a moment of silent meditation. Amen.

Pledge of Allegiance led by CAMERON O'BRIEN of Augusta.

Reading of the Journal of Friday, March 22, 1996

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Allow the Adjutant General to Sell Unfit and Unneeded Property and Apply Proceeds to the Military Bureau's Construction and Capital Repair Account, to Authorize the Adjutant General to Transfer Real Property, and to Authorize the Military Bureau to Retain the Proceeds of Armory Rentals"

S.P. 660 L.D. 1720
(C "A" S-489)

In Senate, March 20, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-489).

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-489) AS AMENDED BY HOUSE AMENDMENT "A" (H-823) thereto, in NON-CONCURRENCE.

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

Senator KIEFFER: Thank you, Mr. President. For those in the Senate, House Amendment "A" to Committee Amendment "A" provides a limit of \$300,000 that the National Guard may expend without legislative approval. It also requires a report back to the legislature every two years. For those reasons, I believe it is fine, and I would move that we Recede and Concur.

On motion by Senator KIEFFER of Aroostook, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

Resolve, to Require Additional Promotion of the Maine Quality Seal (Emergency)

H.P. 1294 L.D. 1776

In Senate, March 20, 1996, PASSED TO BE ENGROSSED.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-826), in NON-CONCURRENCE.

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

Senator KIEFFER: Thank you, Mr. President. House Amendment "A" provides a correction of a typographical error in this bill and it provides a fiscal note. There is a transfer of \$50,000 within departments and it seems alright. I would move that we Recede and Concur.

On motion by Senator KIEFFER of Aroostook, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Grandfather Municipal Ordinances Regulating the Spreading of Sludge"

S.P. 705 L.D. 1804

In Senate, March 14, 1996, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Comes from the House, PASSED TO BE ENGROSSED, in NON-CONCURRENCE.

On motion by Senator KIEFFER of Aroostook, Tabled Until Later in Today's Session, pending FURTHER CONSIDERATION.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

March 21, 1996

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature

State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1819 An Act to Promote Forest Rehabilitation and Eliminate Clearcutting

Sincerely,

S/Sen. Vinton E. Cassidy S/Rep. Robert W. Spear
Senate Chair House Chair
S.C. 539

Which was READ.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator CASSIDY: Thank you, Mr. President. Good morning, Men and Women of the Senate. As you can see, we did hold this hearing a week ago today. The Committee, in our work session on Thursday, voted thirteen to nothing ought not to pass. I just thought it was important just to mention to you some of the things that were discussed at our hearing Monday. This bill, as you know, was a citizens' initiated referendum that will be going on the ballot this fall. Our option at that time was to reject this and have it go out to referendum, or we could have adopted it into law, which no one was willing to consider. The other option would have been to have a competing referendum, which we certainly thought that that would create a lot of confusion for the folks. I would say that this referendum this fall is perhaps going to be one of the most important issues that this State has seen in probably the last decade. We had eight or nine hundred folks show up at the hearing that day. The citizens who initiated this probably had twenty-five or thirty who did not really enter the hearing, but stayed outside and was able to gather all the press on every front page of every paper the following morning, and also on the evening news. The problem with this particular proposal is the title would sort of indicate that this bill is

simply talking about clearcutting. As you know, in 1989 we did implement the Sustainable Forest Act here in this State. Since then, clearcutting has dropped off tremendously. The numbers are very, very small. Clearcutting is allowed under certain conditions. The problem with this particular bill is much, much more than clearcutting. The first issue that we are looking at is that we, as citizens in the United States and citizens in the State of Maine, own our land and probably should have a right to do what we would like to do with our land, as far as raising crops and harvesting trees, since we all pay the taxes. I have a real problem with "I own it and you zone it." The other problem with this particular situation is you would only be able to harvest one-third of your wood every fifteen years. Stop and think about what that would do to the wood supply in this State and how the prices of that available wood would go up. The other thing that has been proven, we had a lot of foresters and scientists and farmers and wood harvesters and loggers speak that it is just a bad practice for wood harvesting here in this State, if we implement this thing come November. So, I urge all of you, as we leave here this spring, and a lot of us will be campaigning, some of us are not going to be back; but I hope that each and every one of you, in your districts, will try to find out as much information from the department, from foresters, from the Committee members, and be sure that we make every effort that we can to get the word throughout the State that this bill would be so devastating to our economy, so many jobs depend on this issue, this fall. The other thought that some folks have, you have all heard that Restore is real interested in having 3.2 million acres in Northern Maine made into a park. As you know, Restore is a Massachusetts organization. They would love to have that turned into a park so that those folks can come up on the weekends and walk through the woods while our unemployed people watch them. I really feel that the intent of this whole thing is, if we can stop wood harvesting to that extent in Northern Maine, then eventually they will have their goal to have 3.2 million acres. I'm afraid that we would have many, many more million acres made into a park in the State of Maine if we let this happen. I hope you will join me and work for the next several months to see that the information and the education is put out to the people, so that they realize that this is much, much more than clearcutting. That is probably the smallest part of this whole particular bill. Thank you.

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

Senator **PARADIS:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I couldn't agree more with my distinguished colleague from Washington County, Senator Cassidy, regarding the importance that all of us be part of this. Our Committee has been absolutely in college at this point on this issue because we needed to understand and know. Don't hesitate to request information. It is out there. The misinformation that has been produced so far sounds very convincing; however, it has no basis in reality. I was incredibly impressed with seeing constituents from Washington County and Aroostook County, who have never lobbied. They have never come down here, and those are the loggers of this State who, for most of them, are single company contractors. We rarely hear from them. We hear

about these supposedly huge companies that have taken over the Maine woods. Living in those Maine woods on a daily basis, I can assure you there are some very positive things going on. The Legislature, in its wisdom, has put forth a lot of good forest practices that are being practiced today. So, I urge your support in fighting this referendum. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Lord.

Senator **LORD:** Thank you, Mr. President, my Learned Colleagues. While the organized part of Maine is not included in this bill, it will have a profound effect on the economy of our section of the State. We have mills in the southern part of the State that depend on wood from the northern part of the State. Also, we were told that most of these logging companies that are logging now would have to lay off at least 50% of their workers. If this happens, you know what is going to happen to workers' compensation. That will have an effect on that. So, I urge you, as the other two members of the Senate here have said, we have got to get to the folks in the organized part of Maine; because I don't believe they really fully understand what is going to happen here. We should do everything we possibly can to see that this referendum question is defeated. Thank you.

The Communication, with Accompanying Bill, **ORDERED PLACED ON FILE.**

Off Record Remarks

The Following Communication:

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS
March 21, 1996**

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1867 An Act to Establish a Review Process for Certification of Political Petitions

We have also notified the sponsor of the Committee's action.

Sincerely,

S/Sen. Norman K. Ferguson, Jr. Senate Chair
S/Rep. Harry G. True House Chair
S.C. 540

Which was **READ** and, with Accompanying Bill, **ORDERED PLACED ON FILE.**

The Following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

March 21, 1996

The Honorable Jeffrey H. Butland
President of the Senate of Maine
117th Maine Legislature
State House
Augusta, Maine 04333