

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987
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FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987
Index

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987
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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

Under suspension of the rules, the Bill was read a second time, passed to be engrossed and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Matthews of Caribou, Adjourned until Thursday, March 24, 1988, at eight-thirty in the morning.

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

In Senate Chamber
Wednesday
March 23, 1988

Senate called to Order by the President Pro Tem, Ronald E. Usher of Cumberland.

Prayer by Father Louis Berube of the Holy Family Catholic Church in Sanford.

FATHER BERUBE: Let us consciously acknowledge the presence of God among us. Heavenly Father we give You thanks for the blessing of a new day. We give You thanks for the great gift of life, the gift of eyesight, mobility and all other gifts that we take so easily for granted. We pray Your blessing on this Body today that ever here cooperation, collaboration, mutual respect and sincere desire to serve the citizens of Maine may be the hallmark of all that happens here. We seek Your blessing in the name of Your son, Jesus Christ our Lord. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Amending the Workers' Compensation Laws Exempting Design Professionals from General Civil Liability for Injuries on Construction Projects"

S.P. 238 L.D. 657
(C "A" S-336)

In Senate, March 16, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-336).

Comes from the House with the Bill and Accompanying Papers RECOMMITTED to the Committee on JUDICIARY in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

HOUSE REPORTS - from the Committee on BUSINESS LEGISLATION on Bill "An Act Concerning the Display of Dealer Markup Stickers by New Car Dealers"

H.P. 1708 L.D. 2345

Majority - Ought Not to Pass.

Minority - Ought to Pass.

In House, March 21, 1988, the Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

In Senate, March 22, 1988, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

On motion by Senator Baldacci of Penobscot, the Senate ADHERED.

The Secretary has so informed the Speaker of the House.

Non-concurrent Matter

Bill "An Act to Change the Definition of Wine Coolers" (Emergency)

S.P. 959 L.D. 2544

In Senate, March 21, 1988, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-513) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Pursuant to the Statutes

Committee on AUDIT AND PROGRAM REVIEW

The Committee on AUDIT AND PROGRAM REVIEW, pursuant to the Maine Revised Statutes Annotated, Title 3, Chapter 23, ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to the Justification of the Alcohol and Drug Abuse Planning Committee Under the Maine Sunset Laws" (Emergency)

H.P. 1870 L.D. 2561

Be referred to the Joint Standing Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

COMMUNICATIONS

The Following Communication:
SPECIAL COMMISSION TO STUDY SCHOOL ENTRANCE AGE AND PRE-SCHOOL SERVICES
March 17, 1988

President Pray
Speaker Martin
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Special Commission to Study School Entrance Age and Pre-school Services is pleased to submit its interim report to the Legislature pursuant to P.L. 1987 c. 64 and P.L. 1987, c. 580.

After careful consideration, the Commission recommends that the school entrance age remain as it currently is and that issues related to providing a child-based, developmentally appropriate early childhood curriculum be addressed.

Sincerely,
S/Rep. James R. Handy
Chair
S/Sen. Stephen C. Estes
co-chair

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333
March 22, 1988

Honorable Joy J. O'Brien
Secretary of the Senate
113th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

The House voted today to adhere to its former action whereby the Majority "Ought Not to Pass" Report of the Committee on Marine Resources was read and accepted on Bill "An Act Concerning the Volunteer Marine Patrol Program" (H.P. 1465) (L.D. 1976).

Sincerely,
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

ORDERS

Joint Resolution

On motion by President PRAY of Penobscot (Cosponsored by: Representative GOULD of Greenville, Representative THISTLE of Dover-Foxcroft, Representative HUSSEY of Milo) the following Joint Resolution:

S.P. 967

JOINT RESOLUTION RECOGNIZING
PISCATAQUIS COUNTY'S SESQUICENTENNIAL

WHEREAS, under Public Law 1838, chapter 355, the State of Maine gave birth to a new county by "AN ACT to Establish the County of Piscataquis"; and

WHEREAS, that Act, passed by the 18th Maine Legislature, was approved by Governor Edward Kent on March 23, 1838; and

WHEREAS, this was a proud moment for the citizens of this State and a source of great gratification for those carrying the Indian name for "a branch of the river"; and

WHEREAS, consisting of a large part of the most elevated region in Maine and containing the largest water area of any in the State, this precious ground and its hardy inhabitants have a rich heritage deserving of honor and celebration on this, the 150th year since its founding; now, therefore, be it

RESOLVED: That, We, the members of the Senate and House of Representatives of the 113th Legislature of the great and sovereign State of Maine, mark March 23, 1988, in honor of the Sesquicentennial of Piscataquis County and join our countless constituents in wishing the good citizens of this beautiful region our best wishes and support for continued success in the years to come; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the officials of Piscataquis County in appreciation of their splendid record of service to this State and Nation.

Which was READ and ADOPTED.
Sent down for concurrence.

COMMITTEE REPORTS

House
Ought Not to Pass

The following Ought Not to Pass Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Establish a Moratorium on Land Leases Affecting Tree Growth Classification" (Emergency)

H.P. 743 L.D. 1006

Bill "An Act to Clarify the Hazardous Waste Lien Law"

H.P. 1478 L.D. 2013

Bill "An Act to Deorganize the Town of Sherman"

H.P. 1522 L.D. 2075

Bill "An Act Relating to the Direct Initiative Process"

H.P. 1616 L.D. 2209

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Clarify the State's Anti-discrimination Laws to Include Families with Children in Mobile Home Parks"

H.P. 1577 L.D. 2152

Bill "An Act to Amend the Charter of the Eastport Port Authority" (Emergency)

H.P. 1684 L.D. 2313
 Resolve, to Create a Commission to Study the Feasibility of a Toll-Based Highway in Mid-Coast Maine

H.P. 1836 L.D. 2513

Ought to Pass in New Draft
 The Committee on ECONOMIC DEVELOPMENT on Bill "An Act to Ensure that a Certain Percentage of Public Housing is Handicapped Accessible"

H.P. 1498 L.D. 2048

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1869 L.D. 2558

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title
 The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Concerning Storage of Radioactive Material"

H.P. 1634 L.D. 2229

Reported that the same Ought to Pass in New Draft under New Title Resolve, to Establish a Training Program on the Subject of Radiation Safety for the Employees of the Department of Educational and Cultural Services

H.P. 1871 L.D. 2562

Comes from the House, RULED NOT PROPERLY BEFORE THE BODY.

Senate at Ease
 Senate called to order by the President.

Which Report was READ.
 Subsequently, RULED NOT PROPER BEFORE THE BODY, in concurrence.

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Revise the Solid Waste Law"

H.P. 1725 L.D. 2368

Reported that the same Ought to Pass.

Signed:

Senators:

USHER of Cumberland
 LUDWIG of Aroostook
 MATTHEWS of Kennebec

Representatives:

MICHAUD of East Millinocket
 JACQUES of Waterville
 HOG LUND of Portland
 GOULD of Greenville
 DEXTER of Kingfield
 HOLLOWAY of Edgecomb
 ANDERSON of Woodland
 COLES of Harpswell
 LORD of Waterboro

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representative:

MITCHELL of Freeport

Comes from the House the Majority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Reports were READ.

Senator PRAY of Penobscot moved to ACCEPT the Majority OUGHT TO PASS Report, in concurrence.

Senator WEBSTER of Franklin requested a Division.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Washington, Senator Randall.

Senator RANDALL: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to speak briefly in regard to this Bill. This Bill has a direct impact on Washington County in that our County Commissioners have been granted by this Legislature and special legislation last October the right for a county to offer an ordinance in regard to solid waste disposal. This legislation as it is drafted will delete our authority as a county to provide local input for ordinances and for this reason, I am opposed to this Bill.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. I did not expect this particular measure would be addressed here today with the Committee Report being as it is. However, I would like to tell you what this is all about at least from my point of view.

Quite some time ago, looking back in the history of this whole thing, the United States Federal Government came up with some legislation to clean up the air and the dumps of America. This state followed suit. We came up with regulations that were going to be difficult for some towns to follow and it took a long time to bring everybody into compliance and we are still not in compliance. There is a general recognition that we had to do something about the waste problem that is facing this state. Some towns and municipalities had located dumps on aquifers, in places where they least should have been. In my particular town there is one right on top of an aquifer and so laws were passed that said you had to clean it up. As we cast our eyes around looking for a solution to this particular problem, the technology came far enough so that we realized we could take most of this trash, almost a hundred percent of it except for white goods, and burn it in plants that would produce emissions that were nil because of scrubbers and all that in the stacks and just about the most pure thing that you could imagine and in return for that it could generate electricity that could be sold to power companies and take less reliance on oil. The by-product of that burning, however, was some ash. Now the problem came, what do you do with the ash. You have to find a place to locate it. The particular company that is in my area that is involved in that is the Penobscot Energy Recovery Company. They went through all kinds of hoops, I mean so many hoops you cannot imagine, financing and locating their power project and one thing or another. I know the developer of this, he is my next door neighbor. I have known him all my life and I know exactly what kind of a quality person he is and there is no better. He searched around as an entrepreneur to find somebody who would solve this problem. In the process of doing that, he employed an engineering company and he said to the engineering company and I was there when it happened, I know what went on, he said to the company find me the best site you can find in the State of Maine to locate this ash dump. He didn't say go to Hancock County, or Washington County, or Piscataquis County, he just said find me the best site.

I saw the map of the sites that they researched and explored, there were lots of them. They came to this one site in Washington County in Township 30 which had no people and which was not on an aquifer and not environmentally degrading. That is not easy to find, but they found it. They went to the banks and they said we have found the site which they require to have and the back up site which as I understand it is in Presque Isle and they proceeded. They proceeded under some laws that were in effect at that time. This gets awfully complicated, but it is very important for me to have you understand this. We had a temporary commissioner in the Department of Environmental Protection, and if I remember right his name was Young. We were going from one law to new rules that were going to be put in place by the Department of Environmental Protection. These people who are developing P.E.R.C., and its counterpart in Southern Maine is M.E.R.C., they came to me and my counterpart in the House and to other people in the Legislature and they said, we are willing to do anything you ask us to, but we know that you are in a period of transition right now. We will meet any standard that you tell us to meet and above. As a matter of fact, one of the standards they said was, under this ash pile you had to put one liner, well they thought one liner is what we have to do to meet the law, but we will put three and they weren't even required to do that, but they did it. They proceeded to do this and into the equation at that time comes a new set of rules that are being made and a law that was passed last year. This company gave Washington County, because they were required to do so, fifty thousand dollars to study it, and they did study it. But they did it with a prejudice from the very beginning by trying to see if they could find some reason to shut this down and they came to the Legislature and in the rules last year for the very first time in Maine history, we gave the county commissioners the power to make some ordinances and frankly people, I am sorry to say it but the Washington County Commissioners abused that power terribly. They said for example that in order to have ash put in Washington County, that ninety percent of it had to come from Washington County. They did everything in that ordinance except say that you could take any ash into Washington County except those that was white, grey or black. It was just awful. Even they admitted it was so awful that they changed some of the laws and took out some of the ordinances.

This went through L.U.R.C.. it is going through the D.E.P., the County Commissioners have an intervening status in hearings that are held. They have the right to point out facts that they think are environmentally degrading if there are any. First they said it was in an aquifer and then when they found out it wasn't they dropped that. Then they said there was a trout stream that went through and when they found out that wasn't true, they dropped that. It has just been an incredible mess that this man has had to go through and this P.E.R.C. Plant has had to go through. If I were the Senator from Washington, I would have done exactly what Senator Randall just did. But the fact of the matter is I know from the very beginning that this is a good project that has been well researched and is run by good people.

When we have the Division I hope that you will vote the same way that twelve out of the thirteen committee members did.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Washington, Senator Randall.

Senator RANDALL: Thank you Mr. President, men and women of the Senate. I don't want to belabor this debate this morning, but I am concerned with some of the misinformation that has floated around in regard to that site that has been selected in Township 30. We have a video tape now of the site. I personally have not visited the site in Township 30, but I have been told by an individual who's father served on a fire tower in Township 30 years and years ago that indeed, there is a stream through the middle of this site, that the site does have a trout stream, that this trout stream was not recognized in any application that has been submitted to the regulatory agency. That rises in my mind some area of concern in regard to the fairness of the regulatory process. I share that concern in regard to the regulatory process and certainly will keep watch over this issue as it is followed out. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Thank you Mr. President, men and women of the Senate. I would concur with the good Senator from Washington, Senator Randall. Having served on the Committee on Energy and Natural Resources last year, many of you are aware that I am very concerned with the landfill problems in the state. Even to this day, the rules that were adopted last year have not been conformed with by the D.E.P. I don't know what the delay is, but that is part of the problem and it is one of the reasons we are here today. Just because we have a problem with a decision by the Washington County Commissioners, do we take them out of the decision-making process just because of that? I say that is wrong. I feel that if we pass this Bill we are asking the people of Washington County to be the dumping ground for the rest of the state. I had concerns when they were going to use my area for the dumping grounds for New England and that is why I came for the Bill. By passing this Bill its present form we are doing the same thing to Washington County. In my opinion that is unfair and that is unjust and this Bill is not the vehicle to do it.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator PRAY of Penobscot, to ACCEPT the Majority OUGHT TO PASS Report.

A Division has been requested.

Will all those Senators in favor of the motion of Senator PRAY of Penobscot, to ACCEPT the Majority OUGHT TO PASS Report, please rise in their places and remain standing until counted.

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

22 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator PRAY of Penobscot to ACCEPT the Majority OUGHT TO PASS Report, in concurrence, PREVAILED.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Impose a Tax on Capital Gains from Speculative Land Sales"

H.P. 1689 L.D. 2318

Reported that the same Ought Not to Pass.

Signed:

Senators:

TWITCHELL of Oxford
DOW of Kennebec
SEWALL of Lincoln

Representatives:

CASHMAN of Old Town
 SWAZEY of Bucksport
 NADEAU of Saco
 DUFFY of Bangor
 DORE of Auburn
 JACKSON of Harrison
 ZIRNKILTON of Mount Desert
 SEAVEY of Kennebunkport
 WHITCOMB of Waldo

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Representative:

MAYO of Thomaston

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

On motion by Senator TWITCHELL of Oxford, the Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

(See Action Later Today)

Senate

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Converting the Unorganized Township of Big Squaw into the Town of Big Squaw"

S.P. 741 L.D. 2000

Bill "An Act Relating to Requirements for Tenancy in Mobile Home Parks"

S.P. 777 L.D. 2034

Bill "An Act to Provide Use Immunity for Witnesses"

S.P. 903 L.D. 2349

Senator PEARSON of Penobscot moved that the Senate RECONSIDER whereby it ACCEPTED the Majority OUGHT NOT TO PASS Report, in concurrence, on:

HOUSE REPORTS - from the Committee on TAXATION on Bill "An Act to Impose a Tax on Capital Gains from Speculative Land Sales"

H.P. 1689 L.D. 2318

Majority - Ought Not to Pass

Minority - Ought to Pass

(In Senate, March 23, 1988, the Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. Very rarely would I speak at length on two different subjects on the same day, but they just happen to fall this way.

I guess I wasn't quick enough on my feet on this Bill. This is the Speculation Tax Issue that we have heard so very much about. I would like to spend just a minute or two with the Senate if you would indulge me to tell you a little about why I am interested in this.

I suppose I am like a lot of other Senators in this Chamber. I remember the brother of Senator Collins of Aroostook, his speech a year or so ago about his ancestry and how they came from H Plantation in Aroostook and he ended up in Rockland and the relatives and the family that had served him in the Senate and in the Legislature.

I have a little history too and I would like to share that with you. My people came into Maine, we don't know exactly when, they came into Madison and they were one of the very first settlers in Madison.

In the one hundredth anniversary of the Town of Madison quite some number of years ago, there was a picture in the paper of their house which at that time was still standing. But apparently Madison got a little crowded for them and they moved to what is now today the Town of Medway. Most of them stayed in that area, some of them went into Millinocket and founded that town and some of them went into Mattawamkeag where my people came from. That is where my mother was born and where we call home. If my mother were to speak of going home, she would be going to Mattawamkeag and she hasn't lived there for sixty years. That is where all my people are buried and all the rest of them who have not gone to their great reward still remain. One of the members of my family from Medway served in the Maine Legislature in 1874, his name was Thomas Fowler. He was the guide for Henry David Thurlaut when he went up on Mt. Katahdin in the Millinocket area. My roots run deep, but you know in the 1800's, it is not very long ago when you think about time, his was the first house on that reach of the Penobscot River, the Fowler Family. That was just a little over a hundred years ago and since that time, the world has turned around many times and Maine has changed an awful lot.

I was born in the 1940's and I have told this story before, I can remember it because it shows a lot of change to me. We moved from Mattawamkeag down to Milford and I used to sit on the side of Route 2 on Maine Street in Milford, Maine, and my sisters would take a piece of chalk with the girl next door and go out and draw a hopscotch on the middle of Route 2. It was all concrete then. I used to watch in case a car would come and now you couldn't do that at 2:00 in the morning. Maine is changing very, very rapidly and it just defies my imagination to try to understand why other people can't see that. I used to know every single person in my community when I was growing up, be they age one hundred, or be they age one and I knew all the names of all the dogs and cats in town too and where they were likely to be if they ran away and that is the truth. Today most everybody doesn't know their neighbors and it is changing so very rapidly. One of the things that has always been a constant in my life is the woods and the environment of Maine in particular, and in my area it has been very constant and very steady because most of the land was owned by the paper companies and that provided, although I didn't know it at the time but I do now as I look back, an awful lot of stability to my life. It meant that the people, be it my uncle, my cousins and myself eventually when I went to college were going to be able to work in the pulp mill. It meant that there was going to be hunting and fishing available to everybody and in our particular area, there was never any impediment to that. It was just always there. Now what I fear about development in Maine which brings us to the Speculation Tax is this. Much of this land is being sold to developers. Let me give you an example of my home town. We used to have the Diamond Corporation in Old Town and it had a mill and a lot of land. A speculator came in, he was a financial speculator, Sir James Goldsmith, and he bought the mill and the land and he sold the mill to James River Corporation, but he did not sell the land. He still has the land. Now, if he is smart when he sells that land, the people who get it will sell that for the most money they can get and the most amount of money they can get is to sell it for recreational purposes, particularly around streams and lakes and ponds. They will sell this to a land company, a speculating company. It could be one of several and that company will go down to Hartford, or

New York, or Newark, or Boston and they will run adds to sell forty or a hundred acre lots or whatever and Joe Blow from Hartford is going to pick up that and say this is my one chance to have a piece of land that has got trees on it and belongs to me and I am going to buy it because the prices in Maine aren't that bad when you consider what they might be in Connecticut. So they buy the land and they say nobody is ever going to touch that. They are not going to cut a thing off that. That is my land. Now you multiply that by thousands of people and thousands of acres and in my particular area of the state which is absolutely and totally dependent upon the woods industry, it is going to take hundreds and thousands of acres out of production. I really believe that is what is going to happen. The jobs that my people depend upon are dependent upon our wood supply which is going to be sold to speculators and it is going to take the backbone of our economy out from underneath us and thirty or forty years down the road there isn't going to be enough wood. We already have some warnings on the horizon about our wood supply.

I think the Committee on Taxation, an excellent Committee, missed the boat on this particular issue because it is so serious economically. Others will talk about what it means to an individual from Maine who God knows cannot afford to buy his own land anymore and who's heritage is being sold out from underneath them. I am submitting to you that you are faced with the possibility today of helping to keep Northern Maine and Western Maine's economy going and for that matter Southern Maine, in the woods industry. After all, there is a paper mill located right in Westbrook that is dependent upon a source of trees. If you think that Michael Pearson, the Senator from Penobscot is exaggerating today, I dare say that thirty or forty years from now you will look back, I will point it out if I am still alive and say I told you so, this state is gone as far as the production of wood is concerned, because it has been sold to people out of state who don't want it cut because they are living in rat cages in some city and this is the only connection they have with sanity. They own forty or a hundred acres of Maine. This is serious business people. It is happening right now and in the State of Vermont where it was happening so fast they put through the speculation tax and there will be people who will tell you that it didn't work in Vermont because there is still speculation going on. I don't believe that. It did work in Vermont because if it wasn't there in Vermont now it would be ten times worse than it is right now in Vermont. I know the odds and I understand the issue and it probably will take another year, but time is ticking out very fast. The lobby has been very busy on this and you know they are the nicest folks you would ever want to meet. They are gee wiz, oh shucks, gosh and gory types of people who wander the halls and say you know I wouldn't do anything like that, yes we have made some mistakes, but we are trying to clean up our act. The reason they got run out of Vermont was because they didn't clean up their act. They came over here and they knew the message and the mistakes that they could make. They knew what they were doing wrong when they came here. It is real serious, Maine is changing all too fast.

A young fellow called me up yesterday, I am going to be an usher at his wedding. He is twenty-one years old and he had to change the date of his wedding from one day in September to another day in September because he couldn't get the hall and I said how are you doing on finding a house? I don't even have to end that story. He is a diesel mechanic

right now. Well, you ought to try to get going as a diesel mechanic just out of school with some debts and coming from a poor family and trying to buy a house in Maine, right now. What are you people going to do about that in the future? Houses are excluded from this Bill, by the way. If you come into the State and you buy a house and put it on a piece of land, it doesn't effect you. It is just buying land and turning it over to make a dollar. On the great plains of this country, American history will tell you the same thing took place on speculators who were buying and selling land on the great plains when the great plains were opening up and the Federal Government had to intervene on that job too. This is not a precedent, to have a speculation tax, you know, as the Natural Resources Council's material came out they pointed out to you that there was also a windfall tax on oil, this is not anything that is onerous. People will say gee, you are interfering with the free enterprise system, buying and selling. Free enterprise system, you tell that to Troy Batchelder in Enfield, Maine who is trying to buy himself a house, because these people are jacking up the prices so high that the poor kid is not going to be able to afford a house. It isn't that he is lazy, it isn't that he doesn't have an education, it is just awfully hard to get started. He is going to be dependent on the wood industry too, because almost all of the machines that he works on are trucks that work in the woods of Maine that make the paper that keep our state going. I really hope that you will take this seriously. I appreciate the time.

Senator TWITCHELL of Oxford requested a Division.

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

Senator TWITCHELL: Thank you Mr. President. Mr. President, men and women of the Senate. This Bill came out of a study which I was chaired this summer and the study came out seven to two, Ought Not to Pass. We held hearings all summer long on the Speculation Tax, the land banks tax and growth management. The Bill came from the study to the Taxation Committee and we had a four and a half hour hearing on the Bill. It came out of Committee twelve to one, Ought Not to Pass. This Bill to me is like a rare wine, it is here before its time. If you want to control the growth in the State of Maine, I think comprehensive planning is the way to go and not by taxation. I hope that you will support my motion.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Black.

Senator BLACK: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to explain a situation that is perhaps not quite parallel to what the good Senator from Penobscot, Senator Pearson, has stated in his section of the state. In the rolling farm land of York, Oxford, and Androscoggin Counties, there are many small farms. A lot of these farmers have farmed there, not making much money, some of them are losing money with the idea that they were going to draw their retirement from the sale of that farm, because they can no longer farm with the urban pressure on it. You have all seen it, I have received six letters this year from development companies out of the state, asking me to put a price on my farm and my acreage is substantial. At Hardwood Ridge, you can stand on the north side looking over to the white mountains in New Hampshire and not even see one building. There is a lot of acreage, a lot of cleared acreage, it will pass a P.E.R.C. test. Now, I haven't chosen to reap my fortune and my retirement, I hope my family will continue to farm. We have a law here already to stop the farmers from having their fun in the fall pulling

cattle, we have put laws in here to stop them from keeping their watch dogs, a quarter of the bills we get in here are anti-agriculture. The snowmobilers, with their clubs that they have, have saved that sport and farmers don't mind them using the land if they do it with consideration. The all terrain vehicles that are driving you crazy and there are many things that the urban society that makes it very discouraging for people to keep this land.

I have a question I would like to pose through the Chair to Senator Pearson, does he expects that these people who have hung onto their land should share that in taxes, if that is all they have left to cash in for their family?

THE PRESIDENT PRO TEM: The Senator from Cumberland, Senator Black, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to answer that by saying that if you were to sell your land to somebody who wants to build a house on it, it is excluded. This is simply to prevent people from turning land over rapidly and paying you a little bit of money and then making an one hundred or two hundred percent profit the next year, rolling it over and to keep doing that until people like Henry Black can't live in that particular town.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Estes.

Senator ESTES: Thank you Mr. President. Mr. President, men and women of the Senate. I today stand with the good Senator from Penobscot and ask you to put a lid on land speculation. Over the last month and a half, I have received dozens of telephone calls, postcards and letters from not only my constituents, but from other people across the state who are concerned with what is happening with the land speculation within this state. I have seen the petitions that have been gathered with over twenty-one hundred names on them, calling for a halt. Why are so many Mainers upset about large scale land sale companies coming to town? Why don't they like the subdivisions that these land companies are making? After all, it is perfectly legal. But, does legal mean that it is good? I don't think so. Land sale companies don't plan with nature, they take large tracts of farmland and woodland and slice them up into small parcels to sell, to avoid our state's environmental review. They slice up these tracts with little or no heed paid to the natural lay of the land, following fiscal dictates only. Do they consider the agriculture food production lost from their subdivision, the timber production lost or the hunting and recreation opportunities lost? No, they don't. This speculation venture of these land companies means great changes for the face of Maine if left unchecked. These changes threaten our traditional rural land values. What does it mean to Mainers to value land? Is it a high regard for it? An admiration for it? A love of it? A respect for it? To me it is. But, what is value to a speculative land company? It is the economics of the land. How much money can be made by subdividing and re-selling that large tract of land and doing so in a very short period of time. Well, that wouldn't bother me so much if they only acted in the public interest. Do their practices follow good planning principles? Do their projects serve legitimate community housing needs? Do they intentionally set aside land to preserve wildlife habitat and public access to rivers, lakes and woodlands? Do they

invest in the local economy? No, because they don't have a long term interest. Typically it is an in and out move, usually in a matter of months. Buy, subdivide, sell at enormous profits that leave the company very well to do, while they leave behind any problems. A quick in and out and thank you Maine. There is no commitment to the community or to the State, instead we are seeing escalating land prices, precluded opportunities for affordable housing and taxes on adjacent properties being forced up. These companies are violating any sense of what is fair, what is right for the land, for the community, for Maine. As these land sale companies continue to draw their lines as they subdivide hundreds of acres of Maine land, I hope that you will join with me in drawing the line on what is fair and what is right. In our wisdom we should enact this land speculation tax, to put just a small damper on the irresponsible self serving actions of these land companies and we should send them a message, like Vermont has done, Maine is no longer ripe for the pickins. I urge you to vote for the pending motion. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Whitmore.

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. Much of the concern I share when we talk about some of the developers that have been in the headlines lately and taking large parcels of land, particularly that of frontage. My concern is if we go against the Majority of the Committee Report, that we are also going to sweep in those developers that are currently doing a good job, the hundreds of developers throughout the state of Maine who are addressing the housing problem. Yes, most of those are around the more urban areas, but I personally know many that have added to the expansion of the state of Maine with consideration of open space, proper development, working with proper zoning laws and ordinances. Working the master plans. We are now looking at a law, acting on a law that is going to encompass the entire state, it is going to take that developer that goes out and buys perhaps a hundred acres of land adjacent to Auburn, Lewiston, Portland, South Portland, etc., and develops that with a good plan. Yes, they develop it, they buy the raw land, they put the roads in, in those more urban areas they are paying for the water and the sewer and then they are selling off the lots and in some cases they themselves are building the houses. They are creating the houses for the expansion of this state and the growth of this state. No, I don't agree with some of the speculation that has gone on in the state of Maine, whether buying hundreds or thousands of acres of land and making spaghetti lots and selling them for recreational purposes or summer residences or seasonal property, but if we act contrary to the Majority of the Committee Report we are also sweeping in all these other people. I would think that the good Senator from York, Senator Kerry, perhaps might even share some of my concerns because he is well aware, being partially in that business, of exactly what I am talking about. Now, I think that we would be very unwise to not consider those people, because that is answering part of the housing problem in the state of Maine. It may not be answering it every place and truly some of the rural areas are not receiving those same benefits, but I think for us to just lash out at one or two speculative companies that have done a lot of damage, I am not denying that and I am not in support of that, but I think it would be wrong to lash out and shut down all of the development or the bulk of the development in areas where in fact it is really needed. We talk about

housing shortage in the more metropolitan areas, frankly, ladies and gentlemen, I think that will shut that down.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Thank you Mr. President. Mr. President, men and women of the Senate. I have been very interested in this Bill for quite some time and I listened with great interest to the debate this morning. I looked at the Majority Report of the Committee, I analyzed and I reread the Bill and I have been following this Bill because of my own personal involvement in planning and development in the state of Maine. I have not purchased any large tracks to subdivide or anything of this nature, but I also believe that we have to have some sound planning in the state. First of all, I listened to the arguments of the good Senator from Cumberland, Senator Black, and I think essentially if one looks at this issue and you think of the rights of individuals to maintain their own property, to develop their property in terms of farming, personal use or whatever, I think it is a fundamental concern for the American people that this country, if you will, was based and founded on the control and the development and harnessing of our great natural resources to develop a great country in which we have done. That is a very compelling argument because people who own property, they cherish it because that is their birthright for their children.

On the other hand, I can also appreciate the social context of development and I think the words from the good Senator from Penobscot, Senator Pearson, are eloquent and I think that they are right. I listened to the arguments from the point of view of where are we today in the short term horizon. And, I am looking also to that long term view of the long term planning perspective of what my children and their children will experience as they develop here in the state of Maine. I was born and brought up in the state of Maine, I have seen a substantial change in the quality and character of our state. In the back of the Chamber I just spoke with the good Senator from Penobscot, Senator Baldacci, and we were discussing this issue and I said, to me I think possibly we aren't at the point where we should be in terms of full knowledge of how to address this, in terms of planning, in terms of taxation, in terms of what is a balanced policy for the state of Maine. Therefore, I said to myself how should I vote on this issue, in fact ladies and gentlemen of the Senate so you might know, I have requested and talked to the President of the Senate, should I vote on this issue because of my own involvement in the real estate business? Then I asked the honored Majority Leader of the Senate, Senator Clark from Cumberland, should I vote on this issue because of my involvement? How might one interpret my view? And finally I have always voted on issues and I have never walked out of the Chamber not to vote on a Bill, so I am going to vote. I am going to vote with the minority, I am going to vote and support the position of the good Senator from Penobscot, Senator Pearson and the arguments from the good Senator from York, Senator Estes, because I think it is a more visionary perspective. I think it is going to send a message to people regarding where this state ought to be going and I also believe that this in concert with the very strong message that the people of Maine have been sending to this Legislature, develops sound management planning. There are many developers in the state of Maine who must act under only one criteria, that is a profit. I understand that because all of us are in business

whether we sell beans, clothes, houses or food, whatever it is, it is to maintain our economic viability and actually to work for a profit to support our families. At the same time I think a public Body, such as this, must establish a public policy that not only accounts for today's issues, but for tomorrow's as well. Therefore, and certainly I appreciated the good Senator from Androscoggin, Senator Whitmore's, request that I comment on this issue, I was merely going to vote and I was contemplating speaking, but I am more than willing to give my views. I think it is one that looks to the future and I also say that the great poet, Eugene O'Neill once stated in the Moon for the Misbegotten, "There is no present, there is no future, only the past occurring over and over again now. So, let us look in order that we not repeat the mistakes of the past and have a more planned and rational future.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. I am inspired sometimes when my colleague the good Senator from York, Senator Kerry, gets on his feet and ends up with a poem and I am really delighted to hear him participate in the debate. The only problem is it always excites me to the point where I feel that I have to get into the act also. I would like to suggest another perspective on this issue that perhaps those of you from the southern part of Maine and other coastal Maine don't perceive. Those of us that live in northern Maine, Aroostook County in particular, do not have the land pressures that you folks do. As a matter of fact, we would like to see further development. We have an economy that needs attention, it needs development. It seems to me that this device of taxation to the point where it would inhibit the purchase of land is not a good device to control growth. It seems to me that the proper approach is one where we adopt zoning ordinances, we develop master plans and perhaps we even need to look at our forest industry and see whether there ought to be any further restraints with our cutting practices in Maine. It seems to me that taxation device is too severe a method to try to accomplish what we all want to happen. Certainly, I think in northern Maine it would be a detriment to us. Therefore, I would oppose the pending motion and support our previous action whereby we Accepted the Ought Not to Pass Report. Thank you Mr. President.

Off Record Remarks

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you Mr. President. Mr. President, men and women of the Senate. I have sat here listening quite intensely to the debate and find that listening to the two sides and the arguments that have been presented as things that one, we have heard before and two, those things that we always relate to, our own perspectives of we have had the opportunity to observe. While the Senator from Penobscot, Senator Pearson, was telling about his youth and talking about living on Route 2, I remind to my own childhood just a few years ago and living where I live, not on a state highway, but living in the unorganized territories, attending a one room schoolhouse and waiting weeks to see a vehicle go by, not a matter of hours or days. Today, observing, according to the latest figures by the land owner which is now set up in an access fee system and

counts the vehicles and has the accurate records of seeing somewhere around a quarter of a million vehicles going through that area in a matter of a five month period. has been quite a change over the last thirty years. The Senator from Penobscot, Senator Pearson, also made reference to the fact that a lot of this land is still in the condition that it is in today because of the large land owners. Basically, the paper companies owned in, managed it and used it as the resource of its industry. He talked and expressed concerns and reservations about as to whether that would be the continuing trend in the future. The Legislature in the past, government itself, has attempted to protect those areas bordering our lakes and ponds, setback limitation requirements. Requirements that would remove the cutting of trees up to the shorelines of these remote ponds and lakes and so forth throughout our unorganized and even organized territories where forest practicing management was taking place.

I represent a small community, among many others, called Lake View Plantation. Lake View Plantation became rather famous when Governor Longley was first elected, because Lake View Plantation is the first community to always reports its results. What they do is they sit around the breakfast table, have rolls and coffee, then they mark their ballots, drop them into the ballot box, unlock it and turn the box upside down and count them. Normally, they open around six o'clock and somewhere around five to ten after six all the votes have been cast and they phone in their results. I have another community that does that, Kingsbury Plantation on the other side of Piscataquis County. the trouble is Kingsbury Plantation does not have electricity or telephones, so they can't call their results in as quickly as Lake View Plantation can. But, both of these communities now are going through a rather substantial change. The land owners that own the vast amounts of land, of which all these people live on and they live on leased land, have now decided that they are going to sell this property. These lots that they have leased for twenty, twenty-five and thirty years. These are people who earn somewhere around fourteen or fifteen thousand dollars a year, some of them are retired and probably living on income of eight or nine thousand dollars a year. In Lake View Plantation, according to last Saturday's Bangor Daily News, the lots are now going to go for somewhere around twenty thousand dollars a piece. I just don't know how an individual who might be in their mid-sixties or early seventies or an individuals who is in their early twenties that might be out there living on leased land, earning minimum wage or a little better than minimum wage, eight to ten thousand dollars, eleven or twelve, are now going to find the twenty thousand dollars to purchase this land because they are going to sell it at fair market value and the suggestion is twenty thousand dollars. Once that twenty thousand dollars, as the Senator from Penobscot, Senator Pearson made reference to, reaches that group of individuals in the state of Massachusetts, Connecticut, Rhode Island, that have been using Maine as their playground for the past several years, find land is available at that price, they are going to be up here buying and that land is going to go from twenty, to twenty-five, to thirty, to thirty-five, to forty, to forty-five thousand dollars. The local people are going to be frozen out. I don't consider Lake View Plantation northern Maine. I consider that I am really from central Maine, but again that is the perspective. When I talk to my colleagues the Senator from York, Senator Outremble and he considers Waterville the start of

northern Maine, having had the opportunity to attend the Senator from Kennebec, Senator Kany's inauguration as Mayor and she referred to Waterville as the gateway to Maine's wilderness, I became a little insulted. I can imagine the Senator from Penobscot, Senator Baldacci's concerns that Bangor would be classified as being in Maine's wilderness.

But, it is all our perspective based on our lives, what we are surrounded with, what we view is real, is based upon where we are from. The Senator from Aroostook, Senator Collins, made reference to the fact that northern Maine isn't having the pressure. Well, let me tell you the pressure is there. I saw a small camp on Caribou Lake, a small lake in the unorganized territory, an individual bought that camp for twelve thousand dollars and within a year sold it for forty-two thousand dollars. A husband and wife, doctors from Virginia, bought it, forty-two thousand dollars, and they come up two weeks every year, in this forty-two thousand dollar camp sitting on this little lake in Maine. Now, a lot of that land when it was first put up for lease was bought by people from Freeport, Waterville, Portland, York, Cumberland, Kennebec Counties, I know there were seventy-eight lots on that lake and I think when those lots originally went I knew everyone of them. Now, I probably know about one-third of them because most of the other people are not from the state of Maine, they have all changed hands and have gone to the nonresidents of this state. Also, earlier this year, I had the opportunity to attend the New England Celtics basketball game, formerly the Boston Celtics, but I had a chance to attend a game and I talked to an individual who worked for Hancock Insurance Company and said, I just bought a place up in Maine for four hundred thousand dollars, why don't you people charge us more? That is a cheap buy for me and it is a good investment. He did happen to buy the property on Maine's coast, as the Senator from Aroostook, Senator Collins, had pointed out, most of the problem seems to be southern Maine and coastal Maine and I think it is real that it is there, but it is coming into the central, the interior and into the northern parts of this state now.

It is happening at a pace that we don't even see it, but it is occurring, ever increasing geometrically to the point where we don't even have a year away to be able to address this. The problem is coming so quick it is going to overtake us so quick, that what we will be doing is not even a reactionary protection for Maine citizens, but the only way we could then protect them would be retroactively and we know we are not going to do that. We are not going to do that because then they are the property owners.

Back to Lake View Plantation, the concerns that the local citizens have is what about the nonresident tax payers of that community and the right that they may have to say something on the input of the development that is happening in that community, the pressures that are being put on this little community of about thirty-eight people and the nonresidents are saying, we are tax payers, we should have a say. But when we first established taxation with representation we never thought of a person being a tax payer in several locations. It just wasn't the customary practice, but those types of situations have changed and we are going to have to address that at some point.

I have been looking at my watch to make sure that I don't go longer than the Senator from Penobscot, Senator Pearson, who started this off and took about fifteen or twenty minutes to tell his story. I have been told by him that my time is up.

I just want to share with you all that I have a perspective as well as each and everyone of the Members of this Chamber and my perspective and basic desires is to not over-react to the situation that is taking place, but I do think that it is necessary that we act. Maybe the land speculation proposal that is before us at this time isn't the proper vehicle, but I think it is a vehicle that should survive the Legislative process for a little bit longer to allow debate and alternatives to be offered, other proposals that could be adapted to this and we would need to have this Bill, as you all understand, in the engrossed stage to be able to do that. We also have other legislation dealing with growth management, it will be interesting to see how some of the individuals will vote on that proposal as well if we consider that land speculation is not the proper growth management tool. I have heard concerns expressed for some time in reference to forest practice acts and I have heard Members talk about the fact that we should let the paper companies alone because they know best and we should not tell them how to manage their resource. Yet, on other occasion I heard also individuals express concerns that we should be directing to them how they do that.

The proposal that is before us now has a state purpose and I think that it be into the Record and let me make this statement and then I will sit down to the pleasure of some. "It is the purpose of this Legislature, therefore, to impose a reasonable but progressive tax on capital gains from speculative transaction in land in order to offset the adverse consequence of land speculation. To restore stability to the real estate market place and to raise public revenues to be distributed to local communities and used for land use planning, growth management and other programs designed to alleviate the adverse effect of land speculation." I find nothing wrong with that purpose. Thank you very much.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. It has been a real pleasure to listen to the debate on this issue and the quality of debate on this issue, not only because of its great importance, but because of the particular piece of legislation we have before us. It has been over a year since I have been waiting for this debate to happen. The legislation that created the commission was a piece of legislation that I was happy to sponsor. It also included a land speculation tax and at the time I can remember talking to Legislators about this tax, that is last year, and some of them told me that this is really a concern not for Northern Maine or Western Maine, this really is a concern for you folks in Southern Maine and Coastal Maine. I find in just a years time that those very same people who had characterized this as a concern for just one area of the state now recognize it as a concern for the entire state. You know, I agree that your perspective, your background, colors your perspective on this and so many issues and my background is one where I grew up in Massachusetts on a farm and my town was a small rural town, kind of a sleepy town with farms and forests and so forth. I remember the day that speculation and development began happening in our town and how pleased the town was that this was happening, how it was going to expand the tax base and increase the prosperity of the community and bring it into the modern age, reduce the poverty of that town, which was quite severe. A big part of my father's business was traveling and delivering eggs and chicks to Maine farms. He was primarily a hatchery as part of his

poultry business, and I got to know those farms in that area quite well as I traveled with him week to week. I saw a pattern first beginning when I was a teenager as I saw the fields and the grazing land where my cows would graze transformed into subdivisions and house lots and condominiums and as I saw the town once sleepy, rural and somewhat under-developed as some would characterize it at the time, become a mecca of condominiums and asphalt. As I talked to those who were in the town at the time when I visited, the cry that I heard from them and the discussion that I hear from them was if we had only known, if we had only thought, if we had only seen what was happening to our community, because it is no longer the community that it was. Every farm is gone and those rural areas and the open space is almost totally gone. As I travel the routes that my father traveled on his egg route throughout Maine and I take a look at the farms that once stood in the rural areas that once impressed me greatly as a youngster, I see that those are steadily eroding and the pattern continues. What is important in this debate both in terms of this particular legislation and other bills that we will be considering in the growth-management area, is that we are living in a spectacularly different time, a different era than we ever have before. The rules of the game are completely changed. We are at an historic point in our state's history. What was once a reasonable case to be made in terms of development and strengthening the economy and broadening the tax base and strengthening communities is no longer the case. It is just the reverse. The developers and speculators that would put up a few spec houses in the community and help develop it grow and who had roots in that community and roots in that area and who knew the planning board and could sit down and talk about their plans for the future, that is all gone. We are talking totally different in 1988.

I was interested in a report that I saw after my bill last year had become a study from the Securities and Exchange Commission on one particular corporation who is doing business in Maine. I would like to read to you an excerpt from this report. "This corporation acquires large, undeveloped, rural properties which in fiscal 1987, averaged 184 acres in size. A corporation that subdivides these properties into parcels averaging approximately fifteen acres and markets and sells the parcels primarily to residents of metropolitan areas who seek to own rural land to satisfy a desire for property ownership." Buy that piece of Maine before it is all gone. We see those full page ads in the Boston Globe and the New York Times. The report goes on "the company turns over its inventory of properties rapidly with the period from acquisition of acreage to its sale generally being one week to six months based on the total number of acres sold annually. The company believes that it is currently the largest seller to individuals of multi-state parcels in the North East and Mid Atlantic United States. After contracting a property the company completes a survey, designs a subdivision plan, conducts soil tests if feasible, reviews applicable environmental and zoning laws and regulations and receives all necessary regulatory approvals and permits subdivision and sales of the property. After acquisition, the company generally makes only minor improvements and in some cases does not build on or otherwise develop the land it sells. Marketing is accomplished primarily through newspaper and direct mail advertising, although increased number of sales has been generated through referral from previous customers. Substantially all purchasers visit and

inspect parcels before purchasing." We are talking about large parcels of land. When I traveled as Chair of the Economic Development Committee and as a member of the Economic Development Task Force throughout the state and talked to community officials in all areas of the state, I heard stories that quite frankly, I had trouble believing until I heard it right from the horses mouth so to speak. Example after example after example of large corporations, multi-state, multi-national corporations coming into an area and buying large tracks of land, selling those tracks of land with no improvements whatsoever and making enormous profits and quickly moving out of the state and taking those profits out of the state, leaving those communities with a huge price tag, a huge price tag in terms of the cost of municipal services and increased pressures on those communities to service those new owners from metropolitan areas such as Boston and New York, who finally have their piece of the rock as it were and comes up to Maine and demands those same services that they receive in those metropolitan areas. The result is not only those large tracks of land being taken out and changed dramatically, but the lack of a future for our children and our children's children. Maine is under seize and hungry eyes are looking at this state and you know the good Senator from Penobscot, Senator Pearson said that we are losing the backbone of our economy and I think he is absolutely right. The irony here is the thing that is attracting these speculators from out of state. The photographs that you see in the Boston Globe and the New York Times, the beautiful natural wonder of Maine. They always promote the natural beauty and pristine nature of the state and so it is that precious natural resource and that heritage that is Maine's that is attracting the speculation and it is the speculation that is destroying that very attractive element of Maine. They say you can't have your cake and eat it too, it is true. This cake, this precious cake we call Maine, the Maine that we love, is being devoured by speculators with a ferocious appetite for profit, for short-term profit that looks good when Wall Street looks a little shaky. It can help your portfolio substantially, but it is destroying our communities and destroying our children's future. There are other proposals coming before us that deal with this issue and they are good proposals and they are sound proposals and I think we need to consider them and we need to enact them. You can talk and talk and talk about land speculation and you can propose and pass bills and programs that assist communities to help with land speculation, but we are under seize right now and the train is out of the station and moving down the track and we need legislation with teeth. Where's the beef is the old expression. Well where is the beef in this approach, our approach as a State Legislature to the land speculation crisis in Maine. This is beef, this says that we are not just going to talk about it and plan and have little conferences and meetings and wring our hands with worry, we are going to take action and we are going to put teeth in this law. We are not going to just send a message, we are actually going to put some teeth into our legislation. A land speculation tax is effective. If you look at some of the reports that have come out of the State of Vermont, we find that as a result of that tax in that state, many land speculation companies, and this came in a letter from the Vermont Department of Taxes, "Many land speculation companies have moved their activities from Vermont to other states that have no speculation tax." We found from one of the largest corporations doing this massive speculation, they

said in a letter "it is expected that the Vermont legislation will have an adverse impact on the companies business in Vermont. It goes on to refer to legislation such as the one being proposed and now being discussed that such bills would adversely effect the companies future net profits." It will have an effect and if the speculation continues and if those profits continue to be made, at least some of those profits through a speculation tax can be brought into our coffers so that we can invest in those policies and practices that can protect the integrity of our communities and our land and our future. That is what this is all about. You can't have your cake and eat it too and we are losing the backbone of our economy and unless we have the guts to pass legislation with teeth in it, we will lose that backbone and our children will lose a future. Thank you.

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

Senator TWITCHELL: Thank you Mr. President, men and women of the Senate. In about three or four days I have a Land Banks Tax Bill coming out of Committee, so lets not all jump on this Bill, because we have one coming out that is going to do almost the same thing. Mr. President, is there a quorum present?

THE PRESIDENT PRO TEM: The Chair declared there was a quorum present.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I had not planned to rise on this particular issue, but I think it is important to sometimes separate the beef from the bull, especially in regards to this particular issue.

The first point here is that the tax that is being proposed is going to prevent the speculators from coming in and taking advantage of beautiful Maine. The point is that by putting a tax on land or whatever you do, you are raising the cost of the total project. You are raising the cost of the land and whatever development is going to be there, so you are pricing Mainer's right out of the market. You are raising the total cost of the projects. I don't understand, somebody else will come from Switzerland or wherever else and they will come here because they can afford it. Mainer's won't be able to afford it. When you stop and think about what you are doing to prevent development. There is another issue here, this forty acres, and you don't have to go through the permitting process and you don't have to do this and that, you know what developers said to me, they said if we aren't allowed to come in with one development for forty acres and not go through all that and you are going to make us go through rules and regulations, we will bring in four developments for forty acres. Who are you helping? Who is this tax helping or who is it hurting? You have all the best intentions in the world, but the fact of the matter is that you are pricing Mainer's right out of the ball park and I think that is the disservice. I would expect somebody that would be as profound as many profess to be in this Body that would know anything about history. It isn't to fear the future, but to embrace it, trying to mold it, come up with comprehensive plans and zoning and help plan controlled growth. It is going to happen. Make it controlled. I will work with you as will other Senators, but don't over-react with these types of measures. I don't think it does Mainer's any good. I would hope that you would support the Majority Report from the Taxation Committee.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. The Senator from Penobscot, Senator Baldacci, has expressed some concern about Mainer's being priced out of the market. This Speculation Tax that we are proposing calls for a tax on the turn over of land that is rapid. In order to prevent constant turn over so that the price that is being sold to out of states keeps going up and up and up, so that people in Maine can't afford it. If this were instituted, that would slow down considerably and the fact of the matter is, the people from Maine who are looking for a place to live would be excluded from this because when you put a house on the land it doesn't take effect. It would not effect Mainer's as he was concerned about.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Dillenback.

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. This has been a rather interesting morning. I have traveled all the way from the great northern woods down to York County. I have listened to the history of everybody's background and you know, there are two problems here. I had a summer home in Seboomook so I know the Seboomook area. I have a summer home at Sebago Lake and I know the Sebago area. The interesting thing is that twenty years ago you could buy a lot on Sebago Lake for ten thousand dollars, today it would cost you two hundred thousand dollars. What has happened to those lots? There are out of state people who bought them, many of them. They have built beautiful cottages, they pay excessive taxes to the Town of Raymond or Windham that helps the schools, helps the town to do what it has to do and they don't even have a vote. You talk about the great Northern Maine woods. You fly over this beautiful area that has been clear cut and tell me that it is beautiful. It is interesting, the people who are so concerned, particularly in my area and I have received many letters also, but their concern is the subdivisions, their concern is the small subdivisions. You are talking about two different things. You are talking about people buying large quantities of acreage and selling hundred acre lots up in Northern Maine. That is one problem perhaps, but the problem they are having in Southern Maine is that of growth and development. It isn't all a problem either because it has created tremendous amounts of employment, you can't hire anybody down there, the state is prosperous. I am not advocating that we have more subdivisions. My town is being filled and we don't like it. I am not in favor of that. But the problem is that you have the strengthen your zoning, so there are two different problems here and the state is going to do something about it, you are going to do something about it because we are going to have forced planning on these communities. We are going to have zoning and planning and that is the way you are going to stop this thing. The people aren't buying farms in my area for seventy thousand dollars like they used to three years ago, the people have smartened up. They are paying the two hundred, three hundred and four hundred thousand dollars for that property. It isn't easy any more and the costs are excessive to be sure.

I think you have got a problem here. You are talking about two different things. You are talking about people buying a hundred acres up north which doesn't really effect anybody and they probably won't be cutting the trees down besides. They will probably put a little cottage on it and they will pay

some taxes to the community in which they are in which may not be a bad thing. Our area as I said before, we are filling up rapidly with subdivisions. What do you do? You have to create cluster zoning, you have to create an area so you have some open spaces and you have to slow the process down and you do it by zoning and planning. That is not the problem we have in the state here. I think you have two problems here and I think the other bills that are coming up shortly will do the job. I don't think this Bill will do it. People can sell property with bonds for a deed and never transfer the property. People can take options and sell the options. There are all sorts of things you can do. I don't think you can even enforce this Bill. Thank you.

On motion by Senator ANDREWS of Cumberland, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PEARSON of Penobscot to RECONSIDER the whereby the Majority OUGHT NOT TO PASS Report was ACCEPTED.

A vote of Yes will be in favor of RECONSIDERATION. A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator KANY of Kennebec who would have voted YEA requested and received Leave of the Senate to pair her vote with Senator ERWIN of Oxford who would have voted NAY.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BERUBE, BRANNIGAN, BUSTIN, ESTES, KERRY, PEARSON, PRAY, TUTTLE

NAYS: Senators BALDACCII, BLACK, BRAWN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, GAUVREAU, GILL, GOULD, LUDWIG, MATTHEWS, MAYBURY, PERKINS, RANDALL, SEWALL, THERIAULT, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT PRO TEM - RONALD E. USHER

ABSENT: Senators None

PAIRED: Senators ERWIN, KANY

9 Senators having voted in the affirmative and 24 Senators having voted in the negative, with 2 Senators having paired their votes and No Senators being absent, the motion of Senator PEARSON of Penobscot, to RECONSIDER the whereby the Majority OUGHT NOT TO PASS Report was ACCEPTED, FAILED.

On motion by Senator PRAY of Penobscot, RECESSED until 5:00 this evening.

After Recess

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

Ought to Pass

Senator RANDALL for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Provide a Special Exemption to Bangor Pre-Release Center Employees for Service Retirement Benefits"

S.P. 926 L.D. 2437

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.
The Bill READ ONCE.
The Bill TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House
Bill "An Act Relating to Employment of Minors" (Emergency)

H.P. 1868 L.D. 2557

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Senate
Bill "An Act to Create a State Capitol Commission"

S.P. 966 L.D. 2563

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

ENACTORS

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

An Act to Amend the Waldoboro Sewer District Charter

H.P. 1713 L.D. 2352
(C "A" H-493)

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

Emergency
An Act to Amend the Charter of the Portland Water District

H.P. 1724 L.D. 2367
(C "A" H-487)

Senate at Ease

Senate called to order by the President.

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency
An Act to Clarify the Authority of Harbor Masters

H.P. 1853 L.D. 2536
(H "A" H-489)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and Later Assigned matter: (3/22/88)

Bill "An Act to Revise the Energy Building Standards Act"

S.P. 958 L.D. 2539

Tabled - March 22, 1988, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, March 17, 1988, PASSED TO BE ENGROSSED.)

(In House, March 21, 1988, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.)

Senator WEBSTER of Franklin moved to RECEDE and CONCUR.

On motion by Senator KERRY of York, the Senate RECEDED.

On further motion by same Senator, Senate Amendment "B" (S-352) READ and ADOPTED.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Clarify Reporting Requirements under the Campaign Finance Laws"

H.P. 1856 L.D. 2541

Tabled - March 22, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 22, 1988, READ A SECOND TIME.)

(In House, March 18, 1988, PASSED TO BE ENGROSSED.)

On motion by Senator KANY of Kennebec, the Bill and Accompanying Papers RECOMMITTED to the Committee on LEGAL AFFAIRS in NON-CONCURRENCE.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

ORDERS

Joint Order

On motion by Senator PEARSON of Penobscot the following Joint Order:

S.P. 968

ORDERED, the House concurring, that "AN ACT to Establish a Presidential Primary in Maine," S.P. 123, L.D. 328, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Which was READ.

Senator KANY of Kennebec requested a Division.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. This is an Order to recall from the Governor's desk the Presidential Primary Bill because it has a fiscal note on it of a future cost. Like every other Bill in the Legislature, it is all suppose to go on the Table. I am concerned that if one is let through in preference to any other that it wouldn't be fair to everybody else who doesn't get their bill through.

It was because of the credibility of the system and of the Table I try to be absolutely honest about it so everybody knows from the very beginning that if it has money on it, it all goes on the Table just like everybody elses. This one slipped through the cracks and that is why I asked to have it recalled from the Governor's desk.

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

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. We debated this Bill enough and we did Enact it, so I am hoping that you will vote against the pending motion. We are all well aware that there are future fiscal costs, but that no appropriation is necessary during the next biennial.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. This occurred Monday evening when I had to return to a town meeting in my home town. That morning we had put on the Appropriations Table two other Bills that had "future costs" on them and I think if you treat one that way you have to treat them all that way. It is just a matter of equity and fairness.

THE PRESIDENT: The pending motion before the Senate is the motion of Senator PEARSON of Penobscot, that the Joint Order be PASSED.

A Division has been requested.

Will all those Senators in favor of the motion of Senator PEARSON of Penobscot, that the Joint Order be PASSED, please rise in their places and remain standing until counted.

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

19 Senators having voted in the affirmative and 9 Senators having voted in the negative, the Joint Order was PASSED.

Sent down for concurrence.

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

Senator KANY: Mr. President, I was going to ask for a Roll Call, but.

THE PRESIDENT: The Chair would advise the Senator that he had already announced the vote.

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

PAPERS FROM THE HOUSE

Pursuant to Resolve
Commission to Study

School-Entrance Age and Preschool Services

The Special Commission to Study School-Entrance Age and Preschool Services, pursuant to Resolve 1987, Chapter 64, ask leave to submit its findings and to report that the accompanying Resolve, to Amend the Duties, Title and Reporting Date of the Special Commission to Study School-Entrance Age and Preschool Services (Emergency)

H.P. 1874 L.D. 2566

Be referred to the Joint Standing Committee on EDUCATION for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Resolve referred to the Committee on EDUCATION and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve referred to the Committee on EDUCATION and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

The Following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

March 23, 1988

Honorable Joy J. O'Brien
Secretary of the Senate
113th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Agriculture on RESOLVE, to Study a Program to Promote the Purchase of State-Grown Produce by Needy Persons (S.P. 933) (L.D. 2453).

Sincerely,
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
THE SENATE OF MAINE
AUGUSTA, MAINE 04333

March 23, 1988

The Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under 1 M.R.S.A., Section 1002, I am today appointing the Honorable Richard L. Trafton of Auburn to the Commission on Governmental Ethics and Election Practices.

If I may be of further assistance regarding this appointment, please let me know at your convenience. With all good wishes,

Yours sincerely,
S/Sen. Nancy Randall Clark
Majority Leader

Which was READ and ORDERED PLACED ON FILE.

Pursuant to 1 MRSA, Section 1002, this appointment requires the affirmative vote of two-thirds of the Members present and voting for concurrence.

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

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

27 Senators having voted in the affirmative and None in the negative, and 27 being more than two-thirds present and voting, this appointment was CONFIRMED.

The Secretary has so informed the Secretary of State.

COMMITTEE REPORTS

House
Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Improve the Services Provided to the Members and Retirees of the Maine State Retirement System" (Emergency)

H.P. 1763 L.D. 2416

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

LEGISLATIVE HISTORY - SENATE, MARCH 23, 1988

The Bill READ ONCE.
The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund and Implement Collective Bargaining Agreements with Certain Maine Vocational-Technical Institute System Employees Represented by the Maine State Employees Association" (Emergency)

H.P. 1845 L.D. 2527

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, to Authorize a Transfer of Surplus Funds within the Franklin County Budget (Emergency)

H.P. 1755 L.D. 2404

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Resolve READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1988 (Emergency)

H.P. 1878 L.D. 2569

Reported that the same Ought to Pass, pursuant to Joint Order (H.P. 1489).

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Resolve READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1988 (Emergency)

H.P. 1879 L.D. 2570

Reported that the same Ought to Pass, pursuant to Joint Order (H.P. 1489).

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Resolve READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

Off Record Remarks

Ought to Pass As Amended

The Committee on ECONOMIC DEVELOPMENT on Bill "An Act to Determine the Extent and Impact of Unemployed Persons No Longer Eligible for Unemployment Insurance Upon the State of Maine" (Emergency)

H.P. 1674 L.D. 2293

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-511).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-511)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-511) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Law Allowing the Town of York to Repair Certain Private Roads"

H.P. 1604 L.D. 2195

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-512).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-512)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-512) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Concerning the Issuance of Subdivision Permits"

S.P. 938 L.D. 2476

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Establish a Community Mental Health Aftercare Program"

S.P. 823 L.D. 2145

Bill "An Act to Promote Community-Based Drug and Alcohol Abuse Prevention and Education Programs"

S.P. 931 L.D. 2442

Ought to Pass

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide for Allocations of the State Ceiling on Private Activity Bonds" (Emergency)

S.P. 910 L.D. 2376

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House

Bill "An Act to Revise the Solid Waste Law"

H.P. 1725 L.D. 2368

Bill "An Act to Ensure that a Certain Percentage of Public Housing is Handicapped Accessible"

H.P. 1869 L.D. 2558

LEGISLATIVE HISTORY - SENATE, MARCH 23, 1988

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

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

SENATE PAPERS

Bill "An Act to Establish Operating Permits for Commercial Dairy Farms"

S.P. 971

Presented by Senator BLACK of Cumberland
Cosponsored by: Representative SHERBURNE of Dexter, Representative NUTTING of Leeds
Which was referred to the Committee on AGRICULTURE and ORDERED PRINTED.

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

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 for Construction and Renovation of Public Safety Facilities"

S.P. 970

Presented by Senator EMERSON of Penobscot
Cosponsored by: Representative MCPHERSON of Eliot, Representative RIDLEY of Shapleigh, Senator DOW of Kennebec
Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

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

Resolve, Authorizing the Sale of Certain Public Lands Located in the City of Portland (Emergency)

S.P. 969

Presented by Senator GILL of Cumberland
Cosponsored by: Senator BRANNIGAN of Cumberland
Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Resolve, to Create A Demonstration Project to Provide for Ladders of Advancement in the Nursing Profession (Emergency)

S.P.877 L.D. 2280

Bill "An Act to Revise the Laws Protecting the Farmers' Right to Farm"

S.P. 911 L.D. 2377

Ought to Pass As Amended

Senator BUSTIN for the Joint Select Committee on CORRECTIONS on Bill "An Act Relating to Sentences with Intensive Supervision"

S.P. 728 L.D. 1987

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-353).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-353) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator TUTTLE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Expand the Membership and Clarify the Role of the Commission on Intergovernmental Relations" (Emergency)

S.P. 790 L.D. 2078

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-354).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-354) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator KERRY for the Committee on UTILITIES on Bill "An Act Relating to the Provisions of the Charter of the Veazie Sewer District" (Emergency)

S.P. 951 L.D. 2516

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

Under suspension of the Rules, the Bill READ TWICE and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

Ought to Pass in New Draft

Senator GOULD for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Make Certain Personnel Records Maintained by the Bureau of Human Resources Available to the Bureau of Employee Relations" (Emergency)

S.P. 726 L.D. 1985

Reported that the same Ought to Pass in New Draft under same title.

S.P. 972 L.D. 2581

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1885

JOINT RESOLUTION IN MEMORY OF

DEPUTY REVISOR OF STATUTES,

BRIAN KEITH BLAISDELL OF MONMOUTH

WHEREAS, the Legislature has learned with deep regret of the untimely passing of Brian Keith Blaisdell of Monmouth, Deputy Revisor of Statutes; and WHEREAS, Brian was a good and faithful public servant, unrelenting in his efforts to serve the Legislature and an integral part of the legislative team; and

WHEREAS, we recall and appreciate the dedication he brought to his profession, the precision of his mind, his generosity, quick wit and profound knowledge of the law; and

WHEREAS, his years were short, he brought great courage and vitality to all his endeavors, he touched all who knew and worked with him in a very special way; now, therefore, be it

LEGISLATIVE HISTORY - HOUSE, MARCH 24, 1988

RESOLVED: That, We, the Members of the Senate and House of Representatives join all the legislative staff to pause in a moment of understanding and prayer for our dear friend and trusted legislative official and to extend this token of sympathy and condolence to all who share this great loss and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to Brian Keith Blaisdell of Monmouth; and be it further

RESOLVED: That a duly attested copy of this joint resolution be prepared by the Secretary of State and transmitted forthwith to his dear wife Judith and his children, Karen, Jason, James and Merrick, with our deepest respect to his memory.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator DOW of Kennebec, ADJOURNED, in memory of Brian Keith Blaisdell, until Thursday, March 24, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
51st Legislative Day
Thursday, March 24, 1988

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Lewis Beckford, Washington Street United Methodist Church, Portland.

The Journal of Wednesday, March 23, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Order: (S.P. 968)

ORDERED, the House concurring, that "AN ACT to Establish a Presidential Primary in Maine," S.P. 123, L.D. 328, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Bill "An Act to Establish Operating Permits for Commercial Dairy Farms" (S.P. 971) (L.D. 2579)

Came from the Senate, referred to the Committee on Agriculture and Ordered Printed.

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 for Construction and Renovation of Public Safety Facilities" (S.P. 970) (L.D. 2578)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

RESOLVE, Authorizing the Sale of Certain Public Lands Located in the City of Portland (Emergency) (S.P. 969) (L.D. 2577)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

On motion of Representative Carroll of Gray, was referred to the Committee on State and Local government in non-concurrence and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

Unanimous Ought Not To Pass

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act Concerning the Issuance of Subdivision Permits" (S.P. 938) (L.D. 2476)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on RESOLVE, to Create A Demonstration Project to Provide for Ladders of Advancement in the Nursing Profession (Emergency) (S.P.877) (L.D. 2280)

Report of the Committee on Agriculture reporting "Leave to Withdraw" on Bill "An Act to Revise the