

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Twelfth
Legislature
OF THE
STATE OF MAINE

VOLUME I
SECOND REGULAR SESSION
January 8 - April 2, 1986

The House was called to order by the Speaker.
Prayer by Pastor Daryl L. Lavway, Damariscotta Baptist Church.
National Anthem by the Maranacook Community School Band, Readfield.
The Journal of Friday, January 10, 1986, was read and approved.
Quorum call was held.

At this point, the Speaker made note that Representative Racine of Biddeford, Representative Martin of Van Buren and Representative Higgins of Portland were present and would be added to the roll.

PAPERS FROM THE SENATE
NON-CONCURRENT MATTER

RESOLVE, Authorizing Colwell Construction Company, Incorporated, to Bring a Civil Action Against the State of Maine (S.P. 550) (L.D. 1467) (C. "A" S-242) which was passed to be enacted in the House on June 13, 1985.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

January 10, 1986

Honorable John L. Martin
Speaker of the House
State House Station #2
Augusta, Maine 04333

Dear Speaker Martin:

Enclosed for your information is a copy of the Integrated Resource Policies for the Public Reserved Lands, as adopted by the Commissioner, Department of Conservation, December 30, 1985.

As you know, this effort has occurred over several months and it has involved a great number of people both in and out of government. Indeed, although the Bureau of Public Lands must accept final responsibility for its content and implementation, this document is essentially a product of Maine's citizens. The several committees which worked diligently on the initial drafts and the many people who took time to attend public meetings and comment, all have contributed immeasurably to a body of policies which should serve the Public Reserved Lands

System to a body of policies which should serve the Public Reserved Lands System and the best interests of the people of Maine for many years to come.

I want to extend my personal gratitude for your support and cooperation -- and to invite your continued interest as we prepare now to initiate unit planning.

Sincerely,

S/Robert H. Gardiner, Jr.
Director
Bureau of Public Lands

Was read and with accompanying report ordered placed on file.

The following Communication:

State of Maine
OFFICE OF THE GOVERNOR
Augusta, Maine 04333

January 10, 1986

To the Honorable Members of the 112th Maine Legislature:

I am returning without my signature or approval L.D. 1217, "AN ACT to Authorize an Award System to Aid in Coyote Control."

This bill creates an incentive for individuals to participate in coyote control by establishing an award system for coyotes killed within the State.

As a means of controlling wildlife populations which have grown too large, bounties and prize systems have proven to be singularly ineffective. The award system created by this act is indistinguishable from those methods of wildlife population control. It would be unwise for the State to embark upon a course, under the guise of wildlife management, which would have little impact as a solution to the problems presented by the state's growing coyote population.

Historically, coyote populations have proven particularly difficult to control. Efforts by both the Federal government and by several western states aimed at achieving a decrease in coyote population through a system of bounties or prizes have resulted in a substantial expenditure of public funds with little change in the coyote population. Although I am fully aware that a problem does exist with respect to livestock and wildlife damage caused by coyotes, I am opposed to the expenditure of state funds on a quick program that has little chance of succeeding.

The State now has a general trapping season. Despite the absence of a monetary incentive like the one created by this bill, substantial numbers of coyotes are harvested each season. Those individuals who experience problems with coyotes will take measures to control them, with or without the promise

of an award for doing so. Any control program implemented by the State should be based on sound wildlife management considerations and should be confined to specific problem areas.

This bill contains no control on the discretion of the contestants, a gap which brings a risk of manipulation into the contest. No participant is barred from capturing a coyote solely for the purpose of fattening it up for a lucrative slaughter. Similarly it would be difficult to prevent coyotes killed in other states from being entered into Maine's contest. Such actions would not help to alleviate the coyote overpopulation problems in Maine.

This State has a strong, well-established commitment to wildlife management and preservation. Great advances have been made in these areas in the past several years. For instance, An Animal Damage Control program, operated by the Department of Inland, Fisheries and Wildlife, has been established to address "problem" animals including coyotes. The award system established by this legislation would not further these goals and could open the door for similar initiatives regarding other "problem species", discarding the policy of implementing only those carefully considered wildlife management practices necessary to preserve one of our most important resources.

For these reasons, I urge the Legislature to sustain this veto.

Sincerely,

S/JOSEPH E. BRENNAN
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Authorize an Award System to Aid in Coyote Control" (H.P. 858) (L.D. 1217) (Conf. Com. "A" H-424)

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. Much has been said about this bill, not all good and not all true. The bill was to help address the concerns of the sportsmen and the farmers with the coyote problems. It does not seem to be a solution to the whole problem. It is only to give the sportsman a little more incentive to kill coyotes.

I served on the Fisheries and Wildlife Committee for five years. I don't know how many bills we have heard to address the coyote problem -- bounties, too expensive or they won't work. Many in this House have sponsored bounty bills and saw them go down -- too expensive was the biggest cry.

Well, I came up with an idea of an award system. Another member of this House also had a bill to allow an award system. We worked my bill in committee and came out with a bill 11 to 4, 2 against and it had a sunset of two years. By changing the sunset to one year, we gained the support of another member of our committee so it was then 12 to 4 and one against.

The bill passed this House without debate, not a word. In the other body, the bill was debated and passed on a roll call vote of 22 for and 11 against -- that should have given the bill more merit.

The bill has been laying on death row since that time.

I hope you will vote with me today and vote for a reprieve.

Maine's largest newspaper gave two editorials on this bill, wanting the Governor to veto it -- well, they got their wish. I am sure they will reward him the next election.

I would like to read a little from one of those editorials. I will just read a portion of it because it isn't worth reading all of it. "Starting from the reasonable premise that bounties on wild animals are not effective as means of a population growth, the legislature proceeded to concoct a Barnum & Bailey alternative to placate the coyote lobbyists in Augusta.

School children should study the coyote award program because it will illustrate why the State Constitution provides for a gubernatorial veto. Teachers can explain that legislators, left unsupervised, sometimes can get into mischief and the Governor then must step in and tidy things up." In answer to that, I will read a section of a letter from a school teacher, a Michael Locke of East Machias. "I am writing in response to the June 26th editorial titled "The Coyote Awards" and to the letter from Mike Krepnor published the same day.

Your editorial states that teachers should tell their students that legislators sometimes act irresponsible. I disagree with every premise of your editorial and I am a teacher, a licensed hunter, safety instructor and I own a super sport combination hunting and fishing license. I am tickled to death to see my \$10 going into a program that just might work." That is a portion of his letter.

Now, let's get a few facts. The bill will cost the taxpayers nothing, the money comes from super sport license fees. A super sports license is a combination hunting and fishing license costing \$10 more than the regular combination license. Fees from other licenses contribute nothing, not the General Fund. It was also expected that this might increase the super sport license sales for those who want to help address the coyote problem. Total cost, \$5,000. It has been suggested that some might catch a coyote and fatten it up and I guess that is addressed in the Governor's statement. Do you really believe that? It is unlawful to keep a wild life without a permit and, as smart as these coyotes are, -- they say they won't breed over more than what the area will allow to live within that area and I am sure they wouldn't glut themselves and make themselves too fat, they might have a heart attack or something, they are a pretty smart animal, I guess. Bring them in from another state -- well, that is possible but a dead coyote is a good one regardless of their birthplace. Fraud is possible in anything. You have all heard about the Pentagon ripoffs, Lockheed, General Electric, General Dynamics and even E.F. Hutton -- now, when E. F. Hutton talks, the courts listen.

Again, we are talking about \$5,000 -- if one could possibly get it all -- is it worth taking a chance of getting caught? I have a lot of respect for the sportsman and have no problem with trying this program for one year. Will it work? We won't be sure unless we try it. Is there a problem? There

are clubs in this state that have taken it upon themselves to pay a bounty for killing coyotes. They must think that there is a problem.

Ask the dairy farmer who has newborn calves taken by coyotes. Ask the sheep farmer. The problem is not statewide but some areas are truly in need of more control. I don't believe the Governor has been responsive to the sportsman of this state. I would venture to say that there are no coyotes on Munjoy Hill.

Again, the total cost of this bill is \$5,000. There are six categories: \$1500 for the largest female; \$1,000 for the largest male; \$500 for the most male; \$500 for the most female; and for the most coyotes, \$1,000. Everyone that shoots or kills a coyote, their name would go into a drawing and that winner would receive \$500. Money is from the super sport license.

Will it help? Who can truly answer that? If one does nothing, there won't be any mistakes so I would ask you to vote to override this veto. The bill could then be amended and we can try it for one year.

As I said before, it is \$5,000 coming from the super sports license fee, not from General Fund, not from the other license fees and I believe it will help increase the sales of the super sports license.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Rontondi.

Representative RONTONDI: Mr. Speaker, Ladies and Gentlemen of the House: I supported this bill, L.D. 1217, for several reasons. It met with great approval with my constituents as an economical, competitive means of coyote control in areas that have this problem. Many of the people I have spoken with felt that it would stimulate an interest in the sport of hunting by many people who felt they would not renew their licenses because of the pressures on rabbit and deer brought about by this predator. They felt this competitive incentive would now be worth a hunting license. It has also been mentioned to me that people who have never hunted vermin or predators would do so if it became competitive as most of them hold memberships in sportsmen's clubs and feel that other members would try to get involved to try to bring an award to their clubs.

I would urge you to please vote to override the veto.

The SPEAKER: The Chair recognizes the Representative from Franklin, Representative Connors.

Representative CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: Most of what Representative Smith has said is what I was going to say. I live in one of the more populated areas where there is more coyotes probably per square mile than there is in any other place in the state. It seems that the blueberry barons down through there and the meadows harbor more coyotes than anywhere.

There are no tax dollars involved in it, it is all a volunteer thing. They are taking a heavy toll of our deer especially with a winter like this.

I have two families that live on the outskirts of Franklin and they have fenced in a place for their young children to play because they have had them right by their doorsteps so I hope you will vote today to override the veto.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Duffy.

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I was on the Committee of Conference to work this bill through when the Senate

had problems with it and the House wanted it to get through.

What we did was change it from two years to one year to give this bill just one chance to see if it would be effective and whether or not there would be the interest in it that we thought would come out of it.

This was the third part of more or less a three part workable solution to the concern of this coyote problem. The first one was that we expanded the coyote control problem program. The next was that we expanded the ability of the hunter and the hours at night to hunt coyotes during the winter time. The third bill was to create an interest in the coyote as a game animal. Some of the reasons that I have seen for not voting on this bill was that they could bring coyotes or renegade coyotes across the border and enter them into this contest assuming that they grow bigger coyotes in Canada or some of the bordering states. The other thing was that we could see truckloads of coyotes coming down the road so somebody from out of state could enter this coyote lottery.

Much has been said about this bill. It has one intent and one intent only and that is to get the coyote under control, not to eradicate it because we are not going to eradicate the coyote but we do want to control them.

When I went hunting this year, I saw the first two coyotes that I have ever seen. There is some question about them peaking, they are not peaking around Bangor, I can tell you that. We have reports of them out around school grounds in Orrington. I have seen them out on the Bangor-Hermon line, they are there, they may be peaking in some areas but they are increasing in others. We would just like to control this problem. It is not a ridiculous bill. In any of the meetings that we had in Fisheries and Wildlife Committee -- this was the most attended, longest meeting we had over the concerns of the people from Kittery to Fort Kent over this problem.

I would like to have you vote to override this veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I was a cosponsor of this bill. Twelve members of our committee felt that there was a serious enough problem with the coyotes out there that we should give this bill a chance to work and I would hope that you would vote to override the veto.

The SPEAKER: The Chair recognizes the Representative from Milo, Representative Masterman.

Representative MASTERMAN: Mr. Speaker, Men and Women of the House: You may think it is strange for me to rise today because there is no one here more concerned with the coyote problem than I am but I think before we vote, there are a few things we should think about. The coyote is not protected. You can shoot the coyote under the law year round so doesn't it seem strange that we want to give the sportsmen a chance for a trophy hunt, so to speak, or whether that same sportsman has any interest in controlling the coyotes, he will be out there hunting them anyway.

This is one time that I happen to agree with the Governor one hundred percent and I will be voting this morning to sustain the veto.

The SPEAKER: The pending question before the

House is: "Shall this bill become a law notwithstanding the objections of the Governor?" According to the Constitution, a two-thirds vote of the members present and voting is necessary. The vote will be taken by the yeas and nays. Those in favor of this bill becoming a law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

86 voted in favor of same and 55 against with 10 absent, and accordingly the veto was sustained.

(See Roll Call - 230V)

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Include Drugs for Treating Arthritis in the Elderly Low Cost Drug Program" (H.P. 1295) (L.D. 1811) (Presented by Representative DUFFY of Bangor) (Cosponsors: Speaker MARTIN of Eagle Lake, Senators CLARK of Cumberland and BALDACCI of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act to Authorize the Portland School of Art to Confer Associate Degrees" (H.P. 1296) (L.D. 1812) (Presented by Representative NELSON of Portland) (Cosponsors: Senators CLARK of Cumberland, NAJARIAN of Cumberland and Representative SMALL of Bath) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Concerning the Selection of the Chancellor of the University of Maine System" (Emergency) (H.P. 1297) (L.D. 1813) (Presented by Representative BOST of Orono) (Cosponsors: Senators GAUVREAU of Androscoggin, PERKINS of Hancock and Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Give Municipalities Greater Decision-making Powers Relating to Solid Waste Management" (H.P. 1298) (L.D. 1814) (Presented by Representative MURPHY of Berwick) (Cosponsors:

Representatives FARNUM of South Berwick, HANDY of Lewiston and Senator TUTTLE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Amend and Clarify the Statutes Governing Control of Hazardous Air Pollutants" (H.P. 1299) (L.D. 1815) (Presented by Representative COLES of Harpswell) (Cosponsors: Representatives HOGLUND of Portland, JACQUES of Waterville and Senator KANY of Kennebec) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Regarding Funds Generated by the Sales of Duck Stamps and Prints" (H.P. 1301) (L.D. 1817) (Presented by Representative MCGOWAN of Canaan) (Cosponsors: Senator MATTHEWS of Kennebec, Representatives JACQUES of Waterville and WEYMOUTH of West Gardiner) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Human Resources

Bill "An Act to Amend the Maine Certificate of Need Act Relating to Departmental Authority to Define Categories of Health Services Subject to Review" (H.P. 1302) (L.D. 1818) (Presented by Representative ROLDE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Judiciary

RESOLVE, to Establish a Special Commission to Examine Limitations on Awards Granted through Tort Litigation (H.P. 1303) (L.D. 1819) (Presented by Representative THERIAULT of Fort Kent) (Cosponsors: Senator VIOLETTE of Aroostook, Representatives PARADIS of Augusta, and INGRAHAM of Houlton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Clarify the Applicability of the Maine Tort Claims Act" (H.P. 1304) (L.D. 1820) (Presented by Representative MANNING of Portland) (Cosponsors: Representatives ALLEN of Washington, PARADIS of Augusta, and Senator CHALMERS of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act to Allow Minors to Enter Class A Liquor Lounges" (H.P. 1305) (L.D. 1821) (Presented by Representative JOSEPH of Waterville) (Cosponsors: Senator NAJARIAN of Cumberland, Representatives REEVES of Pittston, and McGOWAN of Canaan) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act to Adjust the Borrowing Capacity of Washington County" (Emergency) (H.P. 1306) (L.D. 1822) (Presented by Representative VOSE of Eastport) (Cosponsors: Senator BROWN of Washington, Representatives CONNERS of Franklin, and RANDALL of East Machias) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Create a Paralytic Shellfish Poison Monitoring Program" (H.P. 1307) (L.D. 1823) (Presented by Representative VOSE of Eastport) (Cosponsor: Senator BROWN of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Marine Resources had been suggested)

On motion of Representative Carter of Winslow, was referred to the Committee on Appropriations and Financial Affairs, Ordered Printed and sent up for concurrence.

Marine Resources

Bill "An Act Exempting Mercinaria Mercinaria Raised by Means of Aquaculture from the 2-inch Clam Law" (H.P. 1308) (L.D. 1824) (Presented by Representative ROLDE of York) (Cosponsor: Representative McPHERSON of Eliot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

TABLED PENDING RULING FROM THE CHAIR

Bill "An Act to Increase the Watercraft Excise Tax Tables" (H.P. 1309) (L.D. 1825) (Presented by Representative ZIRNKILTON of Mount Desert) (Cosponsors: Senator TWITCHELL of Oxford, Representatives JACKSON of Harrison, and BONNEY of Falmouth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Taxation had been suggested)

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, I would like to pose a parliamentary question. Is this bill properly before the House? If my memory serves me correctly, we killed a bill very similar to this in the first session.

The SPEAKER: Does the Representative have the material?

Representative CASHMAN: No, Mr. Speaker, I don't have the bill we had from last session. I have 1825.

The SPEAKER: This matter will be tabled pending a ruling by the Chair.

Taxation

Bill "An Act to Increase the Maine Child Care Credit Under the State Income Tax" (H.P. 1310) (L.D. 1826) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representatives SWAZEY of Bucksport, NELSON of Portland, and Senator DIAMOND of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Provide for Fair Treatment of Unpowered Fishing Dories Under the Boat Excise Tax Law" (H.P. 1311) (L.D. 1827) (Presented by Representative COLES of Harpswell) (Cosponsors: Senator TWITCHELL of Oxford, Representatives MAYO of Thomaston, and ZIRNKILTON of Mount Desert) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Establish the Lubec Port Authority" (Emergency) (H.P. 1312) (L.D. 1828) (Presented by Representative VOSE of Eastport) (Cosponsor: Senator BROWN of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

Utilities

Bill "An Act to Amend the Charter of the Passamaquoddy Water District (Emergency) (H.P. 1313) (L.D. 1829) (Presented by Representative VOSE of Eastport) (Cosponsor: Senator BROWN of Washington) (Approved for introduction by a majority of the

Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Amend the Waterville Sewerage District Charter" (H.P. 1300) (L.D. 1816) (Presented by Representative JOSEPH of Waterville) (Cosponsors: Senator KANY of Kennebec, Representatives JACQUES of Waterville and LACROIX of Oakland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Authorizing the Public Utilities Commission to Require an Electric Utility to Submit a Long-range Energy Plan" (H.P. 1314) (L.D. 1830) (Presented by Representative McHENRY of Madawaska) (Cosponsors: Representatives CLARK of Millinocket, RICHARD of Madison, and Senator ANDREWS of Cumberland) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

TABLED PENDING A RULING FROM THE CHAIR

Bill "An Act to Prohibit Mandatory Local Measured Service and to Preserve Traditional Flat-rate Telephone Service at as Low a Cost as Possible" (H.P. 1315) (L.D. 1831) (Presented by Representative REEVES of Pittston) (Cosponsors: Speaker MARTIN of Eagle Lake, Representatives DELLERT of Gardiner, and RYDELL of Brunswick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Utilities had been suggested).

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, I would like to question whether this bill is properly before us under Joint Rule 37?

The SPEAKER: Does the Representative have the material?

Representative VOSE: No, Mr. Speaker, unfortunately I don't.

The SPEAKER: The matter will be tabled pending a ruling by the Chair.

By unanimous consent, all matters having been acted upon requiring Senate concurrence and those bills requiring printing were ordered sent forthwith.

ORDERS

On motion of Representative MCSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Alfred L. Brodeur of Auburn be excused January 13 and 15 for personal reasons.

Was read and passed.

CONSENT CALENDAR First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1184) (L.D. 1681) Bill "An Act Authorizing Payment of Child Care Expenses for Foster Children" (Emergency) Committee on Human Resources reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, January 15, under the listing of Second Day.

ORDERS OF THE DAY

Recalled from the Governor Pursuant to Joint Order House Paper 1271

An Act to Provide a Sales Tax, Trade-in Credit for Chain Saws used to Harvest Lumber (H.P. 72) (L.D. 93) (S. "A" S-332 to C. "A" H-434)
- In House, Passed to be Enacted on June 20, 1985.
- In Senate, Passed to be Enacted on June 20, 1985.
(Recalled from the Governor - Pursuant to Joint Order House Paper 1271)

On motion of Representative Cashman of Old Town, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-434) as amended by Senate Amendment "A" (S-332) thereto was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" (S-332) to Committee Amendment "A" (C "A" H-434) was adopted.

On further motion of the same Representative, Senate Amendment "A" (S-332) was indefinitely postponed.

Subsequently, Committee Amendment "A" (C-"A" (H-434) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (C-"A" H-434) and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

An Act to Amend the Wood Measurement Laws" (H.P. 960) (L.D. 1381) (S. "A" S-299 to C. "A" H-272)

TABLED - January 10, 1986 by Representative DIAMOND of Bangor.

PENDING - Reconsideration (Returned by the

Governor without his approval)

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: I stand here with a sense of, and I hate to use this word, *deja vu*. I was the victim of the Governor's first veto. It seems I have stood here before.

The people who wrote his message are comparing potatoes and blueberries with wood. Talk about mixing apples and oranges. I think Joyce Kilmer in the trenches wrote the poem, "I shall never see a poem as lovely as a tree," but the difference is, no trees are alike, they are all different, and there is simply no way that you can compare.

Now the practice known as discounting, there is just no way you can go in and prepare a load of wood without some discounting. That is a fact. And what we have done, we have put the little small businessman, the contractor, in an untenable position. You have to pay the cutter full price, and the contractor has to take the difference, because the mill doesn't pay. You talk about helping the small businessman -- it reminds me about a time we had company at the house. Some of you people heard this years ago. We had a young lady and her small child, she was carrying around my twins kitten by the throat, and so I intervened. The kid's mother said, "he's just loving the kitten." Well, that's what we're doing today, we're loving the little small businessman to death.

Another little episode, the people involved here with this message show an appalling lack of knowledge of the subject. It reminds me of the time this college graduate came and asked for a job. He said, I want to try the woods. I was a bit reluctant, he had no experience whatsoever, but I tried him. I tried him sawing in the yard. So, the first thing he did, he took the chain saw and drove it right down in the dirt. Well, I told him that wasn't what you did if you want to keep the saw sharp and cut and so forth. So I patiently filed the saw and started away. He made another run and he bound the saw up. So then he bent over without bending his knees, grabbed the tree and tried to pick it up that way to free the saw, so I patiently explained to him how to go about that, go down the tree further where it didn't bind and so forth. After three days of that, I've got to give him credit, he decided that the woods was no place for him. What I'm trying to point out is that at least he had sense enough to know and he thanked me for my efforts and trying to show him how.

That's all I'm going to say at the moment and I hope you'll vote to override.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Theriault.

Representative THERIAULT: Mr. Speaker, Members of the House: I urge you to sustain the Governor's veto. The Governor's message is accurate and it really concerns the issue of fairness. The bill that was presented last year essentially said that a worker, a woodcutter, when applying for a job, would negotiate with his employer, the unit of measure. Now you can imagine who would be on the short end of the stick in this case. A woodcutter looking for a job is in no position to negotiate, especially the unit of measure. A unit of measure should be

established and it should be verifiable. The law that we have on our books does exactly that. This bill would change that and make it a negotiable item. I know that there are some problems with the present law. There are with all laws that we pass here. But that does not mean that we have to abolish the law. There are parts of it that are real good. Some of the things that are wrong are being worked on. I happen to know that there are two public hearings scheduled this month to try to address some of the problems that have been encountered with this wood measure. I checked with my local woodsmen, both contractors and also cutters and they are happy with the law. They have no problem with it. They are adjusting very well to it. As a matter of fact, most of them like it.

I also checked with the weight and measure people here in Augusta, the people who administer the program, and I was told by the chief of the division that there is outstanding compliance and cooperation with this law within the industry. Those people, after a long time, now have something that is verifiable, something that the aggrieved party can show and also those that sit in judgment can look at and determine if the individual who is complaining is justified or not. I also found out that there were nine formal complaints filed with the department last year or since the law has been in effect. All nine of these complaints were resolved without going through litigation and the reason that they were able to resolve the problem was the fact that they now have a verifiable unit that they could use to look at the problem.

I know of another situation where an individual felt that he was being shortchanged by the employer. He informed the employer that he was going to hire a licensed scaler to measure the wood, which he did. The licensed scaler measured the wood and he agreed with the worker and that was the end of the problem. The contractor decided that he actually owed that individual the money in question.

So in conclusion, I think we need to give this law a chance and six months is really not a chance. Those that are involved in it directly seem to accept it quite readily and I would urge you to sustain the Governor's veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I did not intend to speak on this veto message. If you recall last year, we passed this wood measurement law that Representative McGowan sponsored. Basically, what it would have done, it would allow the woodcutters to negotiate a contract. Representative Theriault is correct. They did have a certain time frame to do the negotiations but what he did not go on to say is, that if no negotiations could be accomplished, then it would automatically fall back on the law that is on the books right now.

I disagree with the Governor comparing potatoes and blueberries, it's a different situation with the woodcutters. This was a "Unanimous Report" out of committee. Representative Coles, once it got on the floor, had second thoughts about the bill, so it was no longer unanimous. It was a negotiated piece of legislation between a Representative from the woodcutters and the industry so I would hope you would go along with Representative Dexter and vote to override the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker, Members of the House: I hadn't intended to speak but the comments of the chairman of the committee have brought me to my feet.

I would hope that you would vote with Representative Theriault and vote to sustain the Governor's veto on this bill. Despite all attempts that were made in 1984 when the wood measurement law was originally passed, during the debate of the last session when this bill was passed by a pretty good margin here, but very narrowly in the other body, and most recently in newspaper comments, stories that I have read about the Governor's action on vetoing this bill, despite the arguments that have been made in support of this bill, this is as inherently a labor and worker's protection issue as any issue that has ever been before this Legislature. And when they try to confuse you about blueberries and apples, understand that the issue that is represented in this bill is how much a man is going to be paid for a fair day's work. And that is what this issue is all about. In the past year, I have not always found myself in a position of agreeing with my Governor on certain issues but I think on this particular issue that he is right on the mark. This message that he has before us, while it is brief, is succinct and as to the point as any that you will ever read dealing with legislation.

I would hope that whether you're a city slicker like myself from Portland, or a country farmer from North New Portland, that you would see that the issue that is represented in this bill is one of fairness and whether a man should be paid fairly for his time and his sweat and I would hope that you would vote with Representative Theriault and sustain the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: Unlike the previous speaker, I fully intended to speak on this issue.

I still cannot understand how somebody from Portland, Munjoy Hill, wherever, can tell me something that I have lived for 51 years. I have been in the woods since I was 12 years old. I was in lumber camps when I was just a teenager. Unlike the Speaker, I didn't know enough to get out of the woods. He was in the woods, and he knew enough to get out of the woods, and go on to bigger and better things. But I am just an uneducated woodsman. I promised that I would not get angry. I am not angry, I am frustrated. I don't dare to look that up in Webster's dictionary because it might mean anger.

I suggest to the gentleman from Fort Kent that he talk to my cutters in my neck of the woods. And I suggest that he bring an armed escort. That's what they think of what we have done. Furthermore, it's been far more than six months. Unworkable bill, they're trying to make it workable, it just simply cannot be done. Furthermore, I don't just have a selfish interest anymore. As of last November, I am out of the wood business, along with several others. The area where I did lumber has been taken over by a foreign country. They're the ones working there now.

Let me give you an example of what happened last summer. I was lumbering in the Kennebago region, which is in the Rangeley Lakes area. We were cutting budworm damaged wood; a salvage operation. I

negotiated with my cutters, I gave them all that I could possibly give them. The first load that went to the mill was turned away, sixteen cord roughly, of pulp. Why was it turned away? Because it was budworm damaged, sap rot, it had sap rot and no one can use rotten wood. The mill said that they could not deduct. Before the present law, they probably would have cut that a half a cord. My cutters would have been happy, the trucker would have been happy, and I would have been happy. But no, can't do that now. So, I had to go back and tell my cutters, you're going to leave 50 percent of that wood in the woods. Where is the conservation of the resource? Where did it help that cutter? It puts less money in his pocket, far less money, because now he goes in, and instead of cutting 12 trees in a row, he takes maybe six of those trees. And he lives on production. I cannot make it any simpler than that ladies and gentlemen. I just can't. Maybe I've lived too close to it. But again, I'm frustrated, not angry. Thank you.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Members of the House: I hope today that you go along with Representative Dexter. I, too, am in the same position that he is. I have been working for 40 or 50 years trucking wood. Right now, I've hauled 30 or 40 cords of wood back into the woods for nothing. The people that I haul for have cut that wood for nothing. It's rotted, too big a knot, they're picking out the best wood that they can get. The people in the woods are still cutting half of that wood for nothing. The truckers are still hauling a cord or a half of a cord or two feet of wood for nothing, because the mill that you're hauling this wood to is not going to pay for the wood. You're going to have an environmental disaster in 8 or 10 years if this bill goes through. I hope you go along and override the Governor's veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I would like to discuss the issue of fairness dealing with the woodcutter that works in the forests of the State of Maine. Last November 22nd, there were a dozen legislators who toured the wood lots of southern Maine, all the way from Rumford, down to Westbrook. The one message we heard was that there is a real problem with this bill and we heard that the problem is hurting the woodcutter the most.

Representative Theriault, I wish that you would come to southern Maine and talk with some of these people because the woodcutters are concerned. The contractors being regulated by this bill are lowering the rate paid to the woodcutters. The problem is not the issue of the unit, it is the constraint that the state government has put upon the industry, which goes back well over 200 years, and destroying a system that has worked well and has been a part of the lumbering, pulp and paper industry since before Maine was a state. It seems to me that we should be concerned about the industry as a whole and not kill a fly with a sledgehammer. There may have been a problem in one part of the state but why should we burden everyone else in the state with this? One thing I heard throughout the tours that we took was the institute of the Maine economy, and it was

something that was not put in the press because they did not want to hear it. Throughout the state, we have gone and talked to these people and I just wanted to hear what their problems were and their comments. I don't think that they wanted to hear from me, what we could do for them. They were more self-reliant in telling us what they could do for themselves. The one person that really focused on this was the manager of the wild blueberry company in Machias. That night he got us all together and said, "in reply to you well-intentioned legislators, on what you can do for us, all I ask is, you just leave us alone for two years, so we can get our industry back together and just have us deal with the regulations that is already on the books. This has a tremendous effect on us when we try shortsighted solutions to problems that may not need that sort of solution."

So, I ask all of you here today to act as individuals and make up your mind to vote not to sustain this veto but to go with this bill to allow flexibility and that is all this does. We have to answer to our people back home. There is not that much lumber left in Gorham but the roots of lumbering did originate in Gorham in 1736 when they cut the first Kings mast. The system has worked well since then and I don't feel that we are doing a service to everyone in this state, the contractors, the wood cutters, the mills that process this material. We are hurting every one of them and probably the woodcutter the most. We have heard from other parts of the state, all the way from Oxford to Washington County and I would just feel sad to talk to these people and say that we weren't receptive to their problems. So I will vote and urge you to vote to override this veto.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Beaulieu.

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: It is not secret that I represent Munjoy Hill and the City of Portland. There is no one cutting down trees and getting paid for it in Deering Oaks and in Baxter Park. But I do get home occasionally, which is Aroostook County, and for the past two years, I have been a side bar or sideline listener to the wood cutters who have come here and have asked for assistance. I feel very strongly, that while there may be problems in the legislation that we did pass, whatever those problems are, disappear when you look at the basic issue of people getting paid for the work they have done. I would contend that if nothing else, the bill we did put through, did take care of that issue. There is no doubt that there is going to be an effort to address portions of the bill. So, I am asking you to sustain in hopes that, whatever the problems are, will be taken care of without stripping away the issue of fairness in pay for work done.

Now, if the mills are refusing to accept a load of trees that have been cut because they are budworm damaged, I presume that is their right. But at least in the interim, the woodcutter who was told to cut those trees, is getting paid or should be paid.

Now, as for the tours that were conducted throughout the state, I did not participate but I do know that the majority of the people who asked the legislators to change this law were management people. I don't think you saw 40 or 50 woodcutters asking the legislators on the tour to do this for them. To my knowledge, they are still supportive of

keeping the law as it is and working to amend whatever the problems are.

I was the only legislator from the City of Portland who hosted a cocktail hour or program in my city for a group of legislators from Nova Scotia and we discussed this issue. There was a representative there from Scott Paper and he made it very clear that they were lobbying to get this law changed. I think that is unfortunate. I think we still have to look at the issue.

I think Representative Theriault is absolutely right, it has been in place for six months, let it go on for a while longer and address the minor side bar issues. I believe, as Representative Connolly said, that while I am not a woodcutter and I don't work at the job, I keep in touch with the workers throughout this state, I have not received a single phone call from a woodcutter or somebody who is involved who was here in the halls of the House asking us to change this law, asking me to support to change the law.

So, I ask you to sustain the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I was on the tour that Representative Hillock referred to and I would have to say that Representative Beaulieu is right, the management people seem to be against this law. I did not hear any workers talk against this law.

This law was years in the making, the basic wood measurement law. It didn't come out of the blue sky or a puff of a cloud or something, it came out of real problems in the industry. It was a long and hard effort to resolve those problems and come up with a law that the legislature would pass.

Before that law has been given a chance to work, there is a major effort by employers, by logging contractors, by owners of wood, to undercut that law, to take the heart out of it. The real problem, I think with this law, is the unwillingness of people to change from a system which is inherently and drastically unfair to a woodcutter, to a man who is a laborer, from that system to a system which the owner of the wood suddenly has to bear some risk, make some business judgments and possibly lose money.

After the fight we had last year, I received several notes from all over the state from wood cutters expressing their gratitude for the efforts I had made in their behalf and saying that they had wished they had been here themselves but they hadn't known about it until the last minute and they didn't have time to come down here because they had to make a living.

There have been a number of problems mentioned today about wood not being paid for, truckers not being paid or something like that -- all these problems from the description I have heard on the floor today are problems of adjustment to the new law. They are not problems which reflect irreconcilable problems which reflect a law that is so badly flawed we should not keep it in existence.

To reiterate what a number of people have said here today, it is a matter of fairness of a person who works in the woods to have the ability to be treated fairly by the person who employs them or whether they will be exploited by the person who employs them.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Lander.

Representative LANDER: Mr. Speaker, Ladies and

Gentlemen of the House: I would hope today that everyone would follow Representative Dexter's light when he votes on this issue. Last year we had real good response, real good support from this body and I hope we would have that today.

I think that it is time that we support the forest industry in the State of Maine. I think it is time that we support the forest industry in the conservation department. If they had had more to do with this bill originally, I think we would have had a much better bill to start with. We worked on it long and hard last year. There were people from the north, to the east, to the west, to the south who came and worked on it. We came up with a program that we could go forward with and I would hope that we would do that today. So, let's give a vote of confidence for those people that work in the woods.

There was a comment made here today that this is a management bill. I would like to tell you folks that small business in the State of Maine, management and the labor work together and that is why we have a good work force in the lumber industry.

The SPEAKER: The pending question before the House is: "Shall this bill become a law notwithstanding the objections of the Governor?" According to the Constitution, the vote will be taken by roll call. This requires a two-thirds vote of all those present and voting. All those in favor of this bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

88 voted in favor of same and 53 against with 10 absent, and accordingly the veto was sustained.

(See Roll Call No. 231V)

BILL RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1294)

An Act to Provide Pension Rights to Morris G. Pilot (H.P. 841) (L.D. 1191) (C. "A" H-303)

- In House, Passed to be Enacted on June 5, 1985.

- In Senate, Passed to be Enacted on June 20, 1985.

On motion of Representative Diamond of Bangor, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be enacted.

On further motion of the same Representative, the Bill and all accompanying papers were indefinitely postponed.

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent.

PAPERS FROM THE SENATE

Bill "An Act to Clarify the Role of Cooperatives under the Maine Milk Pool" (S.P. 707) (L.D. 1832)

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 Provide an Ombudsman for Home Care for Older Citizens" (S.P. 710) (L.D. 1835)

Bill "An Act to Expand the Maine Job Start Pilot Program: (S.P. 709) (L.D. 1834)

Bill "An Act to Expand the Number of Volunteers to Provide Transportation Services" (S.P. 708) (L.D. 1833)

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

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

Bill "An Act Relating to the Stocking of Fish in Bodies of Water" (S.P. 711) (L.D. 1836)

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

Was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Increase the Cap on the Certificate of Need Development Account for Fiscal Year 1986-87" (S.P. 712) (L.D. 1837)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Correct Some Inconsistencies in the Law Relating to the Financing of Services in the Unorganized Territory" (Emergency) (S.P. 713) (L.D. 1838)

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

Was referred to the Committee on Taxation in concurrence.

Bill "An Act to Prohibit the Use of Public Money for the Construction of Maintenance of Private Ways" (Emergency) (S.P. 714) (L.D. 1839)

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

Was referred to the Committee on Transportation in concurrence.

The following item appearing on Supplement No. 2

was taken up out of order by unanimous consent.

ORDERS

On motion of Representative McHenry of Madawaska, the following Joint Order: (H.P. 1316)

Ordered, the Senate concurring, that the Joint Standing Committee on Local and County Government report out legislation to revise the salaries of county officers and lay the county taxes for the year 1986.

Was read and passed.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent.

NON-CONCURRENT MATTER

Bill "An Act Concerning the Labeling of Seafood" (H.P. 1293) (L.D. 1810) which was referred to the Committee on Marine Resources in the House on January 10, 1986.

Came from the Senate referred to the Committee on Business and Commerce in non-concurrence.

The House voted to recede and concur.

(Off Record Remarks)

On motion of Representative Jacques of Waterville.
Adjourned until Wednesday, January 15, 1986, at ten o'clock in the morning.
