

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME V

SECOND REGULAR SESSION

House of Representatives
January 5, 1994 to April 14, 1994

Representative from Portland, Representative Hوجلund.

Representative Hوجلund: Mr. Speaker, Men and Women of the House: I would like you to stay with the motion to accept House Amendment "H" because I have to explain to you — from what I understand, I know you might be opposing this, Representative Lipman — this was an agreement between all the parties at the last minute last night. I don't particularly care for it but the Governor has requested it to have this word in it. The last and final thing was if we put it in there that is what he wanted. I was told that right at the corner of the House by Abby Holman herself. So I went out there and the nurses said they would put it in, I agreed, and that is where it is at.

I ask you all to vote for it and if we can table it after that and change it, I will do anything we have to do but right now that is exactly what I was offered.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Cote.

Representative COTE: Mr. Speaker, Men and Women of the House: I have to go on Record on behalf of the Judiciary Committee. The Judiciary Committee has refused immunity time and time again to owners of equine facilities, retired physicians who practice for free, donors of damaged canned, goods etcetera. Immunity, arguably, could prevent reports being filed with the Board of Registration in Medicine and expose our constituents to further public health risks. On public policy grounds alone we should oppose this bill with immunity included. The amendment that was presented by Representative Pendexter was the better solution.

On motion of Representative JACQUES of Waterville, tabled pending adoption of House Amendment "H" (H-1067) to Committee Amendment "A" (S-454) and later today assigned.

Representative Brennan of Portland was granted permission to address the House.

Representative BRENNAN: Mr. Speaker, Men and Women of the House: On Roll Call 329 in reference to L.D. 1998 I am recorded as being absent and I would like to go on the Record in opposition to L.D. 1998.

Bill "An Act Regarding Access to Property via Discontinued Roads" (H.P. 1238) (L.D. 1665) which was tabled by Representative PARADIS of Augusta pending further action.

The Bill was read once. Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Representative LARRIVEE of Gorham presented House Amendment "A" (H-1075) which was read by the Clerk.

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

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: I appreciate the indulgence of the State and Local Government Committee in bringing this back into the committee in order to work out a compromise that was acceptable to both Representative Bennett, Representative Walker and myself who worked

on the subcommittee to that committee. We are presenting an amendment here which provides some limited relief to the serious concerns that the committee had. The bill is limited in three ways. First of all, it is limited only to roads which were abandoned, not to roads that were discontinued. Discontinued being an affirmative action of the community. Abandoned being just simply that the community stopped maintaining them. It only applies first of all to abandoned roads.

Secondly, this only applies to people who own that landlocked property prior to 1965 or their direct heirs. So it is very limited in scope. Someone who has come in recently and bought a piece of landlocked property cannot under this process claim any additional benefits.

Third, it is limited because it does not create for the landlocked person the right to that access. What it does to the landlocked person is give them an expedited process in the courts so it won't be as expensive for them to go ahead and try to affirm that easement that they might have over the property.

I believe this is very limited in scope, it does provide some assistance to the group of people that we are attempting to assist here. I would hope you would be supportive of this amendment.

Subsequently, House Amendment "A" (H-1075) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-1075) and sent up for concurrence.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

An Act to Revise the Authorization of the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District (EMERGENCY) (MANDATE) (H.P. 1474) (L.D. 2002) (H. "A" H-1045) which was tabled by Representative JACQUES of Waterville pending passage to be enacted.

On motion of Representative MITCHELL of Vassalboro, the House reconsidered its action whereby L.D. 2002 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby House Amendment "A" (H-1045) was adopted.

The same Representative presented House Amendment "A" (H-1065) to House Amendment "A" (H-1045) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I am pleased to report this is the final chance you will have to amend this bill. It completes the work that I attempted to do on the floor the last time we amended this project. It says that the election in Appleton is permissive, not mandatory.

Subsequently House Amendment "A" (H-1065) to House Amendment "A" (H-1045) was adopted.

House Amendment "A" (H-1045) as amended by House Amendment "A" (H-1065) thereto was adopted.

The Bill was passed to be engrossed as amended by