

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume II

First Special Session

May 16, 1997 - June 20, 1997

Second Regular Session

January 7, 1998 - March 18, 1998

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
SECOND REGULAR SESSION
16th Legislative Day
Tuesday, February 17, 1998

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

Prayer by Reverend Stanley Moody, North Manchester Meetinghouse.

National Anthem by Auburn Middle School Choristers.

Pledge of Allegiance.

Doctor of the day, John Makin, M.D., Waterville.

The Journal of Thursday, February 12, 1998 was read and approved.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bill was received and upon the recommendation of the Committee on Reference of Bills was **REFERRED** to the following Committee, ordered printed and sent up for Concurrence:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act to Authorize the Director of the Bureau of Parks and Lands to Grant a License for Groundwater Extraction at Range Ponds State Park"

(H.P. 1586) (L.D. 2217)

Presented by Representative SNOWE-MELLO of Poland. (GOVERNOR'S BILL)

Cosponsored by Senator CLEVELAND of Androscoggin and Representatives: BUNKER of Kossuth Township, CHIZMAR of Lisbon, FOSTER of Gray, GERRY of Auburn, MacDOUGALL of North Berwick, PINKHAM of Brunswick, Senator: KILKELLY of Lincoln.

Pursuant to Public Law

Task Force on Improving Access to Prescription Drugs for the Elderly

Representative BROOKS for the **Task Force on Improving Access to Prescription Drugs for the Elderly** pursuant to Public Law 1997, chapter 560, Part E asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Task Force On Improving Access to Prescription Drugs for the Elderly"

(H.P. 1587) (L.D. 2218)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent up for concurrence.

Pursuant to Public Law

Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine

Representative DAVIDSON for the **Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine**

pursuant to Public Law 1997, chapter 557, Part C asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine"

(H.P. 1585) (L.D. 2216)

Be **REFERRED** to the Committee on **TAXATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Sent up for concurrence.

**Pursuant to Statute
Department of Audit**

Representative TRIPP for the **Department of Audit** pursuant to Maine Revised Statutes, Title 36, section 1604 asks leave to report that the accompanying Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 1998-99" (EMERGENCY)

(H.P. 1584) (L.D. 2215)

Be **REFERRED** to the Committee on **TAXATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Sent up for concurrence.

The following items were taken up out of order by unanimous consent:

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bill was received and upon the recommendation of the Committee on Reference of Bills was **REFERRED** to the following Committee, ordered printed and sent up for Concurrence:

TAXATION

Bill "An Act to Reduce Income and Property Taxes"

(H.P. 1589) (L.D. 2219)

Presented by Representative TRIPP of Topsham. (GOVERNOR'S BILL)

Cosponsored by Senator RUHLIN of Penobscot and Representatives: CAMERON of Rumford, MCELROY of Unity.

By unanimous consent, this reference matter requiring Senate concurrence having been acted upon was **ORDERED SENT FORTHWITH**.

ORDERS

On motion of Representative MITCHELL of Portland, the following Joint Order: (H.P. 1590)

ORDERED, the Senate concurring, that the State Auditor is requested to review the Community Development Fund - Mental Health, the Community Development Fund - Mental Retardation, the Community Development Fund - Children, the Consent Decree Reinvestment Fund - Mental Health and the Consent Decree Reinvestment Fund - Mental Retardation within the Department of Mental Health, Mental Retardation and Substance

Abuse Services. This review must be accomplished within 30 days of the passage of this order. The State Auditor shall report the findings to the Joint Standing Committee on Health and Human Services and notify the Legislature that the auditor has complied with this order. The State Auditor shall consult the Joint Standing Committee on Health and Human Services if the auditor requires further direction concerning the intent of this order.

READ.

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. Very briefly, our committee has prioritized mental health issues this session. In an effort to get further information, we are simply calling for an audit of this one account. Thank you.

PASSED.

Sent up for concurrence. **ORDERED SENT FORTHWITH.**

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

In Memory of:

Carl Langley, 12, of Fort Fairfield, a student at Fort Fairfield Middle/High School. Carl had recently been the recipient of the 1998 Prudential Spirit of Community Award for exemplary volunteer community service, one of the top two youth volunteers in the State. He will be sadly missed by his loving family, classmates and many friends;

(HLS 1108)

Presented by Representative KNEELAND of Easton. Cosponsored by Senator KIEFFER of Aroostook.

On **OBJECTION** of Representative KNEELAND of Easton, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Kneeland.

Representative KNEELAND: Madam Speaker, Men and Women of the House. The Prudential Spirit of Community Award has been awarded to Carl Langley's family, in his name, by Prudential Insurance Company of America. Carl Robert was one of the two youth volunteers honored with the award, which brings with it a silver medallion and a \$1,000 reward and a trip to recognition events in Washington DC in May. Carl was an extraordinary young man. He mobilized his home town of Fort Fairfield to support him in a campaign that raised \$6,100 for Operation Lift Off. It was an organization which makes wishes come true for children with cancer. Two years ago, Carl was a recipient of a wish from Operation Lift Off while he was in remission with his bout with cancer. Carl became very motivated to help other sick children who had experienced similar situations with cancer. "I want to make wishes come true for other children," said Carl. Although he was hospitalized for two months during his fundraising campaign for complications from his illness, Carl convinced his friends, family and fellow citizens to knock on doors and to hold bake sales to support his goal of \$3,500, an amount that he nearly doubled. We honor Carl Robert Langley for outstanding self-initiative community service activities for more than 11,000 students that were considered for the award in this year's program. Thank you.

ADOPTED and sent up for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass** on Bill "An Act to Permit the Consideration of Any Location in the State for the Location of the New Criminal Justice Academy"

(S.P. 688) (L.D. 1924)

Signed:

Senators:

MURRAY of Penobscot
O'GARA of Cumberland
MITCHELL of Penobscot

Representatives:

POVICH of Ellsworth
TOBIN of Dexter
BUNKER of Kossuth Township
FRECHETTE of Biddeford
WHEELER of Bridgewater
PEAVEY of Woolwich
O'BRIEN of Augusta
JONES of Greenville
MUSE of South Portland

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

McALEVEY of Waterboro

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

READ.

On motion of Representative POVICH of Ellsworth the Majority **Ought to Pass** Report was **ACCEPTED.**

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, February 18, 1998.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 693) (L.D. 1928) Bill "An Act Relating to Reciprocal Insurers and Captive Insurance Companies" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-453)**

(H.P. 1429) (L.D. 1993) Bill "An Act to Require the Development of a Plan for the Recovery, Identification and Disposition of Human Remains in a Disaster" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 1552) (L.D. 2181) Bill "An Act Concerning Reporting Deadlines of Studies Authorized by Law" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 1361) (L.D. 1912) Bill "An Act to Amend the Charter of the Guilford-Sangerville Water District to Increase the Bond Authorization" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-793)**

(H.P. 1421) (L.D. 1985) Bill "An Act to Amend the Charter of the Bath Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-794)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(H.P. 1382) (L.D. 1937) Bill "An Act to Restore the Requirement That Certain Expenditures of the Waldoboro Utility District Be Approved by District Vote" (EMERGENCY)

(H.P. 1426) (L.D. 1990) Bill "An Act to Amend the Charter of the Bingham Water District" (C. "A" H-791)

No objections having been noted at the end of the Second Legislative Day, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent up for concurrence.

ENACTORS

Emergency Measure

An Act to Provide Additional Time for the Public Utilities Commission to Adopt Certain Rules

(S.P. 691) (L.D. 1926)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Name the Newly Constructed Route 2 Palmyra Bridge in Memory of Trooper Thomas J. Merry

(H.P. 1422) (L.D. 1986)

(H. "A" H-785)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act Clarifying the Public Service Corporation Exception

(S.P. 681) (L.D. 1906)

(C. "A" S-450)

An Act Regarding the Possession of Tobacco Products by a Juvenile

(H.P. 1364) (L.D. 1914)

(C. "A" H-781)

An Act to Provide Representation for Chiropractors on the Board of the Maine Health Data Organization

(H.P. 1407) (L.D. 1971)

(C. "A" H-780)

An Act to Correct Certain Inconsistencies in the Marine Resources Laws

(S.P. 733) (L.D. 2011)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve

Resolve, to Name the East Outlet Bridge the Richard Francis Lavigne Bridge

(H.P. 1448) (L.D. 2039)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, February 12, 1998, has preference in the Orders of the Day and continues with such preference until disposed of as provided by House Rule 502.

JOINT ORDER - Relative to reporting out a bill by the Joint Standing Committee on Taxation amending the state tax code.

(H.P. 1582)

TABLED - February 12, 1998 (Till Later Today) by Representative TRIPP of Topsham.

PENDING - **PASSAGE**.

Representative TRIPP of Topsham **WITHDREW** his order.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was **TABLED** and today assigned:

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-782)** - Minority (1) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Encourage Regionalization of Municipal Services"

(H.P. 297) (L.D. 361)

TABLED - February 12, 1998 by Representative AHEARNE of Madawaska.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I would like to throw up a flag with regard to this bill. During the summer, I had occasion to attend a task force on intergovernmental restructuring, which is designed to take the authority away from communities and filter it toward the counties and make the county a branch of state government, even stronger than that branch is today. This bill was submitted before that task force actually got into the works. However, this is one of the pillars in that move to regionalize our government and take away the authority from our local communities. We live in a state where people have worked together for years and years. Many of our communities already have taken it upon themselves to share services with other towns.

This bond issue proposal is a caret to move them more into relying on each other instead of having any sign left of independence and will tend to make it easier for them to move into the so-called intergovernmental restructuring program. The Maine Municipal Association came forth with a paper last week in which they indicated that the cost associated with this intergovernmental restructuring was so expensive that they were not going to implement them this year, but we are going to try to implement them on a piecemeal basis. Ladies and gentlemen, I ask you. Is it going to cost the taxpayers of this state any less in the long run if they are introduced on a piecemeal basis so eventually you are absorbing that whole cost, than it is right now to take this one step at a time or to do it all at once. It is still

going to present a tremendous increase in the tax burden on the citizens of Maine.

I ask that when the vote is taken, it be taken with the yeas and nays and I also would ask you to defeat this measure. I think most of you know that I don't stand to speak unless there is a red flag that needs to be waived. I certainly do not want to see anything that is going to destroy what has been the sovereignty situation for the towns and communities in the State of Maine. We have always cooperated. We will continue to cooperate, but we don't need bills like this to be a caret out in front to put ourselves farther and farther in debt. Thank you very much.

Representative JOY of Crystal **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative GAGNON: Madam Speaker, Men and Women of the House. I want to apologize for the delay in getting this report to the floor, which thankfully the good Chair of State and Local Government leadership, their assistance, when I was indisposed last week. As an aside, I would like to offer some advice to all of you, if your wife or spouse tells you to get a flu shot in the fall, I would take that advise. I didn't and I was down for a good five days. Many of us have our views on how government should operate. How much should be spent? What level the taxes ought to be and probably most of us on what our priorities ought to be? While there are different views, areas in which I think we all agree is a minimizing duplication of government services and the advantage of governments working together, whether it is better state/local cooperation or approved working relationships between municipalities, it is all for the end of giving citizens the greatest value for their taxes paid. Indeed, much is being done through interlocal agreements that deal with recycling to experimental programs in state planning. Very similar to the one proposed in this LD.

My effort in promoting this bill is to duck tail these initiatives. Cutting waste and eliminating duplication of government services, it sounds so simple. It certainly makes for good political rhetoric. We New Englanders have a rich history of doing quite the opposite. As part of our political culture, we tend not to trust the other guy. Be suspicious of outsiders to want to keep control and independence. Our local pride runs deep, as it should. A pride being belittled in a community that can't afford to plow its sidewalks. It can't afford to buy new textbooks for its schools or are forced to permanently turn off street lights. I suggest that local control of decaying infrastructure, mediocre municipal services and high property taxes is not what local people have in mind. It is close to reality for many of our towns and cities. I am not suggesting we homogenize our communities by ignoring centuries of history and tradition. I am suggesting that there are numerous areas where municipalities can work together in a world of ever increasing demands for services complicated by decreasing levels of resources. I believe we should support local grassroots efforts to explore the combining of multi-municipal functions that don't threaten the unique identities of individual communities.

This bill encourages municipalities to look for themselves ways to save money. It doesn't dictate change or drive a stake into the heart of local control. If certain combined efforts provide better services at lower costs, as examples would the citizens of Westbrook be offended if their streets were plowed by trucks purchased and operated as part of a multi-municipal public works co-op? Would a Machias homeowner be bothered if the

recycling truck that came on Monday was seen working in East Machias on Tuesday, Marshfield on Wednesday and Cutler on Thursday? Would a Biddeford restaurant owner with a skunk problem really care if the truck that came rolling up was blazon with Biddeford/Saco Animal Control? Many communities across the state are already working together in a variety of ways. There is much more that can be done. Let's allow our community leaders the opportunity of working with their peers from across the river, over the hill or down the road. This bill provides an incentive for helping defray some of the initial costs associated with such high minded endeavors. So there is no confusion, this isn't just for larger cities in Maine, but for many of the smaller service center communities, such as Unity, Island Falls, Lubec, Waldoboro, Dexter and others. Working together, working smarter and stretching taxpayer dollars, aren't these Maine ideals? I hope you will join me in supporting the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Madam Speaker, Men and Women of the House. I only want to point out one little item in my good colleagues testimony. He said, "Sharing in the initial cost." That means that the communities are going to be left holding the bag after these grants run out. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is acceptance of the Majority **Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 403

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gerry, Gieringer, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lindahl, Lovett, Madore, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Thompson, Townsend, Tripp, Tuttle, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Bigl, Bodwell, Buck, Cameron, Carleton, Cianchette, Clukey, Cross, Dexter, Foster, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Layton, Lemke, Lemont, MacDougall, Mack, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Rines, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Usher, Vedral, Waterhouse, Wheeler EM, Winn.

ABSENT - Berry DP, Campbell, Gamache, Lane, Ott, Poulin, Tessier.

Yes, 90; No, 54; Absent, 7; Excused, 0.

90 having voted in the affirmative and 54 voted in the negative, with 7 being absent, Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-782)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, February 18, 1998.

On motion of Representative KNEELAND of Easton, the House adjourned at 10:54 a.m., until 9:00 a.m., Wednesday,

LEGISLATIVE RECORD - HOUSE, February 17, 1998

February 18, 1998 in honor and lasting tribute to Carl Langley, of Fort Fairfield, Keith Dexter, of Kingfield and Hon. John P. Daggett, of Manchester.