

# 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  
19th Legislative Day  
Monday, February 23, 1998

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

Prayer by Reverend Joy Gasta, Unitarian-Universalist Church, Norway and West Paris.

Pledge of Allegiance.

Doctor of the day, Richard Stephenson, M.D., Auburn.

The Journal of Thursday, February 19, 1998 was read and approved.

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**SENATE PAPERS**

The following Joint Order: (S.P. 831)

ORDERED, the House concurring, that the Joint Select Committee on Research and Development is established. The select committee consists of 3 members from the Senate, to be appointed by the President of the Senate and 10 members from the House of Representatives to be appointed by the Speaker of the House. The first named members appointed from each body are cochairs of the committee. The members must include at least one member from each of the following joint standing committees: the Joint Standing Committee on Agriculture, Conservation and Forestry; the Joint Standing Committee on Appropriations and Financial Affairs; the Joint Standing Committee on Business and Economic Development; the Joint Standing Committee on Education and Cultural Affairs; the Joint Standing Committee on Marine Resources; the Joint Standing Committee on Natural Resources; and the Joint Standing Committee on Taxation. The select committee shall review all legislation relating to research and development and report its findings and recommendations to the Legislature.

Came from the Senate, **READ** and **PASSED**.

**READ** and **PASSED** in concurrence.

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**Non-Concurrent Matter**

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)

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in the House on February 17, 1998.

Came from the Senate with the Bill **REFERRED** to the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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**COMMUNICATIONS**

The Following Communication: (H.C. 380)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

February 17, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 968 An Act to Require Recommended Silvicultural Stocking Standards on Land Ownerships Enrolled under the Tree Growth Tax Laws

L.D. 1232 An Act to Provide Relief from Barking Dogs

L.D. 1907 An Act Regarding Short-rotation Tree Fiber Farming and Genetically Engineered Trees

L.D. 2020 An Act to Honor Dairy Farmers' Right to Know

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Marge L. Kilkelly

Senate Chair

S/Rep. George H. Bunker, Jr.

House Chair

**READ** and **ORDERED PLACED ON FILE**.

---

The Following Communication: (H.C. 381)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

February 17, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 85 An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 for Reconstruction, Renovations and Safety Improvements at the Governor Baxter School for the Deaf

L.D. 537 An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 to Build 3 Regional Psychiatric Facilities

L.D. 1811 An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Construction of the Maine Criminal Justice Academy

L.D. 1911 An Act to Fund Internet Access for Visually and Physically Impaired Persons

L.D. 2138 Resolve, Directing the Director of the Bureau of Veterans' Services to Study Ways to Improve the Maine Veterans' Memorial Cemetery

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Michael H. Michaud

Senate Chair

S/Rep. George J. Kerr

House Chair

**READ** and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 382)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON BANKING AND INSURANCE**

February 17, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 307 An Act to Allow Self-referral for Obstetrical Care in Managed Care Plans

L.D. 1857 An Act to Protect Patients of Managed Care Plans

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lloyd P. LaFountain III

Senate Chair

S/Rep. Jane W. Saxl

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 383)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE**

February 17, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 515 An Act to Set a Fixed Rate for Housing of State Prisoners

L.D. 1992 An Act Relating to Forfeited Firearms

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Robert E. Murray, Jr.

Senate Chair

S/Rep. Edward J. Povich

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 384)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 17, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1045 Resolve, to Create the Task Force on Research and Development Investment

L.D. 1168 Resolve, to Reorganize the University of Maine System

L.D. 1340 An Act to Establish a Public Education Assessment Advisory Commission

L.D. 1416 An Act Concerning Eligibility for Service on a School Board

L.D. 1622 An Act to Require That a Course in Multicultural Education Be Included in All Teacher Preparation Programs in the State

L.D. 1652 An Act to Establish the Dirigo Higher Education Bond Program to Provide Financial Aid to Maine Students

L.D. 1718 An Act to Create a Prepaid Tuition Plan

L.D. 1861 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Equal Educational Funding

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Peggy A. Pendleton

Senate Chair

S/Rep. Shirley K. Richard

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 385)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 17, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1585 An Act to Provide Additional Adoption Assistance to State Employees

L.D. 1677 An Act to Improve Children's Health

L.D. 1966 An Act Regarding the Spousal Allowance for Divorced Spouses of Nursing Home Care Recipients Receiving Medicaid

L.D. 2078 An Act to Allow Recognition of Private Schools with Outstanding Residential Counseling Programs

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy Paradis

Senate Chair

S/Rep. J. Elizabeth Mitchell

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 386)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

February 17, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 152 An Act to Create a 3-Person Regional Fisheries and Wildlife Advisory Council within Each Resource Management Administrative Region
- L.D. 751 An Act to Outlaw the Use of Eel Pots in Inland Waters
- L.D. 1159 An Act to Open Trapping Season on Saturday
- L.D. 1921 An Act to Reduce the Cost of Archery Hunting Licenses for the Special Archery Season on Deer
- L.D. 2024 Resolve, to Establish Guidelines for the Ownership and Use of Certain Primates
- L.D. 2073 An Act to Promote Economic Development by Creating a Zone on the Northern Maine Border in which Snowmobiles Registered in New Brunswick or Quebec May Operate

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Marge L. Kilkelly

Senate Chair

S/Rep. Norman R. Paul

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 387)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY**

February 17, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 964 An Act to Transfer Certain Tribal Holdings into a Trust
- L.D. 1181 An Act to Change the Comparative Negligence Laws
- L.D. 1636 An Act to Make Mediation Mandatory in Medical Malpractice Proceedings

L.D. 1786 An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act

L.D. 1930 An Act to Protect the Privacy of Alternative Dispute Resolution Participants

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Susan W. Longley

Senate Chair

S/Rep. Richard H. Thompson

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 388)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON LABOR**

February 17, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1708 Resolve, Establishing the Commission to Study the Issue of Discrimination against Veterans in Workers' Compensation Cases

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

Sincerely,

S/Sen. Mary R. Cathcart

Senate Chair

S/Rep. Pamela H. Hatch

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 389)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

February 17, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 708 An Act to Protect Small, Independent Businesses Not Meeting Minimum Lottery Sales Requirements

- L.D. 2016 An Act to Allow an Agency Liquor Store to Exchange Products with a State Liquor Store

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Beverly C. Daggett

Senate Chair  
S/Rep. John L. Tuttle, Jr.  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 390)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

February 17, 1998  
Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1358 An Act to Amend the Procedures for Finalizing the Kennebec County Budget
- L.D. 1359 An Act to Amend the Androscoggin County Budget Process
- L.D. 1934 Resolve, to Transfer Spectacle Pond from the State of Maine to the Town of Vassalboro
- L.D. 1951 An Act to Require Audits of Municipal Tax Assessment and Collection
- L.D. 2085 An Act to Provide for the Continuation of Town Government Despite a Failed Budget Referendum

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. John M. Nutting  
Senate Chair  
S/Rep. Douglas J. Ahearne  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 391)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON TAXATION**

February 17, 1998  
Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1945 An Act to Minimize State Revenue Loss Due to Ineffective Health Coverage
- L.D. 1959 An Act to Expand Eligibility for the Elderly Low Cost Drug Program

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. Richard P. Ruhlin  
Senate Chair

S/Rep. Verdi L. Tripp  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 392)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

February 17, 1998  
Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1981 An Act to Amend Road Signs along I-95 and the Maine Turnpike to Indicate the Location of Full-service Gas Stations by Using the Handicap Access Symbol
- L.D. 2037 Resolve, Requiring the Department of Transportation to Construct a Full-service Rest Area on Interstate 95 30 Miles North of the Medway Rest Area
- L.D. 2055 An Act Regarding the Delayed Reregistration of Certain Trucks
- L.D. 2066 Resolve, Concerning Highway Construction in Aroostook County

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. William B. O'Gara  
Senate Chair  
S/Rep. Joseph D. Driscoll  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 393)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

February 17, 1998  
Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 224 An Act Regarding Charges Assessed against Owners of Sprinkler Systems
- L.D. 1732 An Act to Provide Choice to Maine's Electricity Customers
- L.D. 1788 An Act to Require Notice to Telephone Subscribers of the Sale or Transfer of an Interexchange Carrier or a Change in Rates
- L.D. 2043 An Act to Preserve Certain Electric Utility Billing Arrangements until Competition is Implemented

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. Richard J. Carey  
Senate Chair  
S/Rep. Kyle W. Jones  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 394)  
**MAINE STATE LEGISLATURE**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**  
**13 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0013**

February 19, 1998  
The Honorable Mark W. Lawrence, President  
Maine State Senate  
The Honorable Elizabeth H. Mitchell, Speaker  
Maine House of Representatives  
State House  
Augusta, ME 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Public Law 1997, chapter 534, section 20, the Task Force to Study the Cost-effectiveness of the Child Development Services System is pleased to submit its final report. Copies of the report have been transmitted to the Legislative Council, and have also been placed on file with the Law and Legislative Reference Library.

Sincerely,  
S/Senator Peggy Pendleton, Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

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The Following Communication: (S.P. 828)  
**118TH MAINE LEGISLATURE**

February 18, 1998  
Senator Mary Cathcart  
Representative Pamela Hatch  
Chairpersons  
Joint Standing Committee on Labor  
118th Legislature  
Augusta, Maine 04333

Dear Senator Cathcart and Representative Hatch:

Please be advised that Governor Angus S. King, Jr. has nominated Gwendolyn Gatcomb of Winthrop for reappointment as the Primary Employee Representative, Wayne E. Whitney of Brunswick for reappointment as the Alternate Employee Representative, Carol B. Gilmore of Charleston for reappointment as the Alternate Employee Representative and Karl Dornish, Jr. of Winslow for appointment as the Primary Employer Representative of the Maine Labor Relations Board.

Pursuant to Title 26, M.R.S.A., subsection 968, these nominations will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,  
S/Mark W. Lawrence  
President of the Senate  
S/Elizabeth H. Mitchell  
Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **LABOR**.

**READ and REFERRED** to the Committee on **LABOR** in concurrence.

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The Following Communication: (S.P. 829)  
**118TH MAINE LEGISLATURE**

February 18, 1998  
Senator Peggy Pendleton  
Representative Shirley Richard  
Chair Persons  
Joint Standing Committee on Education and Cultural Affairs  
118th Legislature  
Augusta, Maine 04333

Dear Senator Pendleton and Representative Richard:

Please be advised that Governor Angus S. King, Jr. has nominated Steven Janik of Castine for appointment as the student member of the Maine Maritime Academy Board of Trustees.

Pursuant to P.L. 1975, Ch. 771, Section 428, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,  
S/Mark W. Lawrence  
President of the Senate  
S/Elizabeth H. Mitchell  
Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

**READ and REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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The Following Communication: (S.C. 536)  
**THE SENATE OF MAINE**  
**3 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333**

February 19, 1998  
The Honorable Elizabeth H. Mitchell  
Speaker of the House  
118th Maine Legislature  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Business and Economic Development the nominations of David J. Lakari of Portland for reappointment as the Executive Director of the Maine State Housing Authority and William S. Randall of Skowhegan for appointment as Commissioner of the Maine State Housing Authority.

Thank you for your attention to this matter.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Resolve 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:

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**EDUCATION AND CULTURAL AFFAIRS**

Resolve, Regarding Legislative Review of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1601) (L.D. 2227)

Submitted by the Department of Education pursuant to the Maine Revised Statutes, Title 5, section 8072.

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**Pursuant to Public Law  
Maine Commission on Children's Health Care**

Representative BERRY for the **Maine Commission on Children's Health Care** pursuant to Public Law 1997, chapter 560, Part B asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Maine Commission on Children's Health Care" (EMERGENCY)

(H.P. 1595) (L.D. 2225)

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.

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**Pursuant to Public Law  
Joint Standing Committee on Marine Resources**

Representative ETNIER for the **Joint Standing Committee on Marine Resources** pursuant to Public Law 1997, chapter 250, section 9 asks leave to report that the accompanying Bill "An Act to Limit New Lobster and Crab Fishing Licenses"

(H.P. 1597) (L.D. 2226)

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

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

Sent up for concurrence.

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**ORDERS**

On motion of Representative MITCHELL of Vassalboro, the following Joint Resolution: (H.P. 1596) (Cosponsored by Senator RUHLIN of Penobscot and Representatives: CIANCHETTE of South Portland, GREEN of Monmouth, LEMONT of Kittery, ROWE of Portland, SPEAR of Nobleboro, TRIPP of Topsham, TUTTLE of Sanford, Senator MILLS of Somerset)

**JOINT RESOLUTION RECOGNIZING KEVIN M. MADIGAN**

WHEREAS, during his 16 years in the Office of Fiscal and Program Review as a Legislative Analyst, the last 10 years staffing the Joint Standing Committee on Taxation, Kevin M. Madigan has given of himself with dedication and selflessness; and

WHEREAS, his commitment to serving the public good has earned him the respect of the Legislators, colleagues and others who have had the pleasure of working with him throughout his years of public service; and

WHEREAS, Kevin will be most fondly remembered by his colleagues for his ready wit and infectious laughter, regardless of the lateness of the hour; and

WHEREAS, his expertise in both state and federal tax law and policies and his dedication and good humor have made him

an invaluable asset to the Legislature and a valued and vital member of the nonpartisan staff; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, do pause in our deliberations to express our appreciation to Kevin M. Madigan and to recognize his years of dedicated service to the Legislature and the State; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Kevin M. Madigan.

**READ and ADOPTED.**

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

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On motion of Representative BUNKER of Kossuth Township, the following Joint Resolution: (H.P. 1598) (Cosponsored by Senator PARADIS of Aroostook and Representatives: BAGLEY of Machias, DRISCOLL of Calais, GOODWIN of Pembroke, O'NEAL of Limestone, POVICH of Ellsworth, WHEELER of Bridgewater, Senators: KIEFFER of Aroostook, MURRAY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.)

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS  
OF THE UNITED STATES TO RESOLVE TRADE BARRIERS  
BETWEEN MAINE AND THE PROVINCE OF NEW  
BRUNSWICK**

WE, your Memorialists, the Members of the One Hundred and Eighteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, the Government of the United States of America, the Government of Canada and the Government of Mexico resolved in 1993 to implement the provisions of the North American Free Trade Agreement, commonly referred to as NAFTA; and

WHEREAS, an objective of the North American Free Trade Agreement is to eliminate barriers to trade in, and facilitate the cross-border movement of, goods and services between the territories of the parties and to promote conditions of fair competition in the free trade area; and

WHEREAS, despite the free trade agreement and the worldwide tendency toward more open borders, there remains a barrier gravely affecting trade along the Maine-New Brunswick border; and

WHEREAS, the barrier concerns the disparity created by the tax-free personal allowance exemptions of the United States and Canada. Currently, Canadians are permitted to bring \$50 in American purchases back to Canada in any 24-hour period. The United States, however, allows a \$200 exemption for Canadian purchases; and

WHEREAS, steps need to be taken to achieve parity between Maine and the Province of New Brunswick to ensure that Maine businesses are able to compete in Canada; now, therefore, be it

**RESOLVED:** That We, your Memorialists, recommend and urge the Congress of the United States to act upon the current barrier affecting trade along the Maine-New Brunswick border; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the United States Trade Representative,



Charlene Barshefsky, and to each Member of the Maine Congressional Delegation.

**READ and ADOPTED.**

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

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On motion of Representative JOYNER of Hollis, the following Joint Resolution: (H.P. 1599) (Cosponsored by Senator LIBBY of York and Representative VEDRAL of Buxton)

**JOINT RESOLUTION RECOGNIZING THE 200th ANNIVERSARY OF THE TOWN OF HOLLIS**

WHEREAS, the good citizens of the Town of Hollis are celebrating their town's bicentennial anniversary this year; and

WHEREAS, the town, originally incorporated as Phillipsburg, became the 117th town in Maine on February 27, 1798. The name was changed to Hollis in 1812 because Phillipsburg, named in honor of Major William Phillips, was "too long to write and too hard for the younger ones to pronounce"; and

WHEREAS, this lovely old New England town lies within the Saco River community with excellent fishing and boating opportunities; and

WHEREAS, the principal settlements of the town include Hollis, Hollis Center, West Hollis and Bar Mills. The Village of Bar Mills, which spans the Saco River, is part of both the Town of Hollis and the Town of Buxton; and

WHEREAS, a well-known attraction to this area is "Quillcote," the summer residence of Kate Douglas Wiggin (1859-1923). Mrs. Wiggin wrote stories popular with girls early in this century, including "Rebecca of Sunnybrook Farm." "The Old Peabody Pew" is a Wiggin play performed annually at the Tory Hill Meeting House in nearby Buxton; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize the 200th Anniversary of the Town of Hollis and to extend our best wishes on this observance; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Town of Hollis on behalf of the people of the State of Maine.

**READ and ADOPTED.**

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

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On motion of Representative ETNIER of Harpswell, the following Joint Resolution: (H.P. 1600) (Cosponsored by Senator GOLDTHWAIT of Hancock)

**JOINT RESOLUTION RECOGNIZING 1998 AS THE INTERNATIONAL YEAR OF THE OCEAN**

WHEREAS, the United Nations General Assembly has proclaimed 1998 the International Year of the Ocean and noted that the oceans and seas are important to the world for economic, recreational and life-support reasons; and

WHEREAS, the ocean and all marine resources have been a traditional part of the State of Maine's culture and heritage for countless generations; and

WHEREAS, nearly 60% of the people of Maine inhabit the 144 coastal communities bordering the Gulf of Maine; and

WHEREAS, with over 3,500 miles of coastline and almost 2,800 square miles of state waters, the fishing, boating and tourism industries are a significant part of Maine's economy, bringing millions of dollars to Maine's citizens; and

WHEREAS, nearly 22,000 jobs are directly and indirectly related to the marine environment in Maine and our rich

seafaring and nautical heritage forever links our State with the oceans and seas; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize our important relationship to the marine environment and to encourage Maine's citizens to reflect on the importance of the ocean and its resources to us and to the nation in this, the International Year of the Ocean; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Marine Resources, the Honorable Angus S. King, Jr., Governor of Maine, and to each member of the Maine Congressional Delegation.

**READ.**

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

Representative ETNIER: Madam Speaker, Ladies and Gentlemen of the House. There is indeed something fishy going on in the State House today that you should all be aware of. That is on the second floor. It is on the third floor and it is everywhere you are going to go today. Don't walk by and ignore it. Please stop and pay attention and stop and talk to someone as well. In addition, coming soon to a desk right in front of you will be a handout from myself and some others, yet another complimentary poster with a fish on it. Last year I gave you one of the cod fish. I am sure they are all framed and hanging in your living room. This year you are going to get on of a haddock and I expect you will get that framed promptly as well. With that poster and the facts to that go along with it, there is going to be a copy of an editorial written by a constituent of mine from Cundy's Harbor regarding commercial fishing. I urge you to read that as well. Please take the time to do so. Thank you very much for your attention.

**ADOPTED.**

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

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**SPECIAL SENTIMENT CALENDAR**

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

**In Memory of:**

Lionel J. "Pete" Lamontagne, a lifelong resident of Sanford, who was a United States Navy Veteran of the Korean War. He owned and operated the Sanford Barber and Beauty shop and was a member of the State Board of Barbering and Cosmetology. He organized the Sanford-Springvale Jaycees in 1960, was a former chair of the Sanford Democratic Committee, was a Sanford Zoning Board member and a Warrant Committee member. Mr. Lamontagne was a former bail commissioner and was on the Police Commission for 12 years where for 10 years he served as chair. He was a Sanford Call Firefighter for 12 years with the rank of Captain. We acknowledge his dedicated service and he will be greatly missed;

(HLS 1124)

Presented by Representative PAUL of Sanford. Cosponsored by Senator MacKINNON of York, Representative TUTTLE of Sanford, Representative CHICK of Lebanon, Representative McALEVEY of Waterboro.

On **OBJECTION** of Representative PAUL of Sanford, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Paul.

Representative PAUL: Madam Speaker, Men and Women of the House. I stand before you today with deep respect and offer my sincere condolences to the family of the late Lionel J. "Pete" Lamontagne. I came to know Pete when he was elected as police commissioner to oversee the Sanford Police Department, which I was a member at the time. The department was badly understaffed. It lacked up to date equipment and working conditions were poor, to say the least. Pete went right to work to improve those conditions. At the time, the officers were working nine hours per day, six days a week for a total of 54 hours for the work week. That amounted slightly to over \$1.25 an hour. Pete brought professionalism to the department. He was always there whenever we needed him as Director of Civil Emergency Preparedness. Pete inspired many of us to give our all in doing an excellent job. One should never forget his wife, Jackie, and his family who gave up so much of their time so that Pete could do what he loved best. Again, I thank you Jackie. Pete will always be in my thoughts.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAlevee.

Representative MCALEVEY: Madam Speaker, Men and Women of the House. Lionel "Pete" Lamontagne was a husband, father, friend to many and a public servant. I got to know Pete, as his friends would call him, during my service to the Sheriff's Department for the County of York. Pete first was appointed as the CD Director, which we all now know as the Office of EMA Director for the county. Pete brought to that office much skill, enthusiasm and more importantly a high level of caring for people. Pete was the quintessential public servant who gave of his time freely, with a spirit of professionalism, which we as public servants should all strive to reach. Pete brought EMA and its operations into the 20th Century by building a tremendous working relationship with both public officials and the business sector throughout York County. Pete was a people person who puts the needs of others first on his agenda and helped find solutions to their problems, not only professionally, but also on a personal level as well. As many people know, county government, can, at times, be distant from the public it serves, as well as political at times. Pete rose above the politics by reaching out to people and making them figuratively and literally become part of the solution. I, along with his family and friends, will miss his presence. His many acts of kindness, both public and private, and most of all Pete's sense of self and the spirit with which he performed his duties as a true public official. Pete was a swell guy and I will miss him.

**ADOPTED** and sent up for concurrence.

## REPORTS OF COMMITTEE

### Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Resolve, Requiring the State to Reimburse Towns for the Construction of Salt and Sand Storage Facilities

(H.P. 1415) (L.D. 1979)

Signed:  
Senators:

O'GARA of Cumberland  
CASSIDY of Washington

Representatives:

WINGLASS of Auburn  
FISHER of Brewer  
JOYCE of Biddeford  
CLUKEY of Houlton  
CHARTRAND of Rockland

LINDAHL of Northport  
DRISCOLL of Calais  
BOUFFARD of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-796)** on same Resolve.

Signed:

Representatives:

SAVAGE of Union  
WHEELER of Eliot

### READ.

Representative DRISCOLL of Calais moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative RINES: Madam Speaker, Ladies and Gentlemen of the House. LD 1979, a Resolve requiring the state to reimburse municipalities for the construction of sand and salt sheds. How could it be that 33 municipalities scattered throughout this state, large, small, rich and poor could find themselves together in such an unenviable position of being told by their state that somehow they have been wronged by the people of Maine? I don't know if there is a simple answer to that, but I am sure that these 33 municipalities didn't get where they are by some colossal coincidence. They had help, bureaucratic help.

I think a good example of what is going on might be found in what I think of as the 34th town, the Town of Winsor. The Town of Winsor is a small agricultural town located in Kennebec County with a population of about 2,000. Like most towns in Maine, they have a selectman, town meeting form of government. Like most towns in Maine, there isn't enough money to pay for the cost of education, let alone a sand and salt shed. I asked one of their selectmen, why are you going to construct one of these facilities knowing full well that the State of Maine won't be reimbursing your town? With an attitude of resignation, the selectman shrugged his shoulders and said, "What else can we do? We really don't have any choice. The State of Maine has let us know that as soon as funds are available, we will be forced into building a sand and salt shed." They have not been mandated into doing this. They have been threatened into doing this.

As it turns out, the National Guard will be stationed in Winsor for a few weeks this summer. With their help, Winsor will be able to construct their sand and salt shed, saving their town tens of thousands of dollars. In the process, saving the State of Maine thousands of dollars. I am proud to represent the Town of Winsor. They are doing the responsible thing, not only for themselves, but for the State of Maine. Unfortunately, like all the other towns, they will be looked down upon and told that they haven't done the right thing.

My fellow colleagues, these towns are not the enemy. Your towns are not the enemy. They are the victims. They are the victims of an unfunded mandate that has been allowed to fester for the past 11 years. We are here today debating this issue, not because our municipalities have done wrong, but because of the short sidedness of the 113th Legislature. In 1987, they chose to enact this mandate without properly funding it. They could have. The entire cost of this program is around \$25 million, but rather than fund their mandate, the 113th Legislature in 1987, chose to return to the people of the State of Maine \$60 million in surplus money. They left it to future generations and Legislatures to mop up after them. Unlike the 113th, I hope that history will show that the 118th Legislature met its responsibilities and that we paid our bills.

I want you to know that Enactment of LD 1979 will not solve all of the ongoing problems associated with this program. At best, it is a foot in the door, a step in the right direction. An effort that will hopefully bring to a halt the way in which our municipalities are being treated. I encourage everyone to defeat the present motion so that this Resolve might receive passage and hopefully that all our municipalities throughout this state might begin receiving the respect and dignity that they so rightly deserve. Thank you Madam Speaker and when the vote is taken, I request it be taken with the yeas and nays.

Representative RINES of Wiscasset **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** 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 Union, Representative Savage.

Representative SAVAGE: Madam Speaker, Men and Women of the House. I was one of two on the Transportation Committee that voted to support this bill. I have some very strong feelings about it. I understand the opposition's point, but let me tell you a little bit about how small towns operate. Back in 1987 when this program was instituted all priority levels would be required to build a sand and salt storage building by 1996. Even though that has been changed over the years by amendments to this law, small towns always felt they had this hanging over their heads. If they had a capital project they wanted to work on, the people would say, no, we can't do that or we have a sand/salt storage building we have got to build. Some of them took the bull by the horns and built that so that they could get on with life and proceed with other capital projects when necessary. When this program was first instituted, the DEP did the prioritization of these towns. Many small towns had sand/salt piles built on the private property of their road commissioners. Over the years, the road commissioners changed by a vote of the people, so the sand/salt storage building moved on to another location. I question if the DEP ever followed through after they made that one priority designation for those municipalities. I think not. I think you will find that a lot of these towns that felt threatened by DEP and DOT to get this building built and get it in the past. I would hope that you would defeat the motion on the floor and go on to support the municipalities and take these funds from General Fund surplus to carry out this obligation. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Madam Speaker, Men and Women of the House. I urge you to vote with the Majority Report of Ought Not to Pass on this bill. Although I don't deny the desire and in some cases the need for several towns and municipalities to get funding under this program, the reason I voted against it is because the way this bill handles it is basically a Band-Aid approach. As any Band-Aid approach, it is an unfair approach when you consider all the towns and cities who may and do need to build sand and salt storage sheds under this program. This bill selects out only those who have gone ahead and built, who are in the lowest priorities in terms of environmental danger of the program.

This program when it began, in the statutes, the good Representative from Wiscasset quoted, was originally designed to help cities and towns whose sand and salt sheds had the greatest hazard to drinking water supplies. They were prioritized one through five and most of those in priority one and two have built their sheds and have been reimbursed. The few who are left and are in the process of building in priorities one and two, it appears there is enough money in the program to reimburse

them, at least for almost all of the cost they will incur. The level the program is at now is priority three, which still has some danger to drinking water supplies, either public or private from the location of these sand and salt sheds. There are up to 72 level three municipalities who are waiting to build their sheds that have submitted documentation. They have a plan. They would like to be reimbursed when they build those sheds and they are awaiting money from this program. Not only those in priority four and five that went ahead and built, but those in a higher priority who actually have a danger to their drinking water supplies and want to build sheds, but they are waiting for the money in the program. Then we would move to priority four and five, the least priorities in terms of danger and they would be reimbursed.

Some towns, for whatever reasons of their own and they are different in many municipalities, went ahead and built their sheds before they were required to. We have heard the word mandate used, but this program in the statute as it is currently written is not a mandate. It is not a mandate until your town has the money available to go ahead and build. If you do not have the money offered by the department, then you do not have to build. These towns went ahead and built, and in many cases for very good reasons, it might have been more convenient for them at the time because of some municipal movement of facilities. They might have applied for CDBG money to help them build the shed. They might have gotten jobs grant money when that was available. There were many reasons and different from any of the towns, but they went ahead and built, which is great. It is good that they took that move, but they were not told that they would receive reimbursement as soon as they built. They were told they would get it as it was available and in the priority order established by statute.

Now they would like the money sooner as many towns would for many reasons across Maine. I compared it a little bit to education funding. All of our districts feel that, at one time or another, we are not given the education money we needed or the school construction money we needed. If we continue to put in bills to change the formula so that our towns would get money ahead of time or that our school construction projects would get money before they went through the priorities, then this state government would be in kind of a shambles because we set up programs by priority and if we start funding individual selected towns by legislation, it is going to continue to be more and more unfair in the times of limited funding.

The one difference that I applaud in this bill is that it presents General Fund money as a source to the problem. I think that is the direction we should look in. Up until now, sand and salt is used on highways and we have used the Highway Fund to pay for it. The Highway Fund is not in the happy condition of the General Fund, at this time. It doesn't appear we will have any surplus in this biennium. I think all of you remember in the last session when the unanimous Transportation Committee budget came to this floor. It funded local road assistance for which we heard from all of you that your towns wanted to make sure they got their local road assistance. It was a difficult struggle for us to get that into the budget. We had to sacrifice some things and one of the things we did sacrifice was any funding for the sand and salt shed reimbursement. We got local road assistance to the towns. We got some money for highway reconstruction for the desperate needs of Maine roads. All of you made a very strong case that your municipalities wanted local road assistance. It was with the unanimous vote of the committee, including the two members who voted for this bill, that we did not include money for sand and salt shed reimbursement. I think, at the time, that any members of this body in that committee supported that move in order to fund local road assistance. That

is the situation with whether or not the Highway Fund funded this program for this biennium.

If we begin to look at the General Fund funding it, which I support, I think we would have to do it in a fair manner and the problem with this bill is it approaches it from a General Fund perspective, but only for the few towns in priority four and five that already went ahead and built their sand and salt sheds out of schedule. It is a great idea, but I think if we are going to fund this program with some or all General Fund dollars, we need to do it in a comprehensive manner and in a fair manner. That will mean having enough money for the highest priority towns to go ahead and build their sheds and then, yes, reimburse those who have already built ahead of time, but who also deserve the money. We have to at least do all of those, in my mind, which is more like a price tag of \$6 million before we go ahead and fund the priority four and five towns that this bill approaches.

It is a Band-Aid approach. In my mind, if you follow that analogy further, it is putting a Band-Aid on the wrong arm. If you have a scrape on one arm and a cut that is bleeding on the other, I would put a Band-Aid on the cut and bleeding arm. This bill attempts to put it on a much less serious injury, which is those priority four and five towns. I ask that you not support the bill and vote with the Ought Not to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative WHEELER: Madam Speaker, Men and Women of the House. I am just going to take a few minutes of your time to explain to you what happened to the Town of Eliot with this program. I have letters here from the Department of Transportation that were written to the road commissioner stating. "Thank you very much for your letter on November 22, 1991. We also think the completion of your sand and salt facility will be very beneficial to the Town of Eliot. We would encourage the town to submit the necessary documents that will allow us to send you your share of state funds when approved by the Legislature." This is the dilemma that these 33 or 34 towns are in. Eliot went through and got the paperwork in and the state told them how to build the salt and sand storage shed. We wanted a bigger one. They reduced the size of it. We went along with them so that we could get our fair share of the funding when it became available. We are categorized as a category five because they left the same category of our previous sand and salt shed, which was in Kittery, on when they moved into Eliot. Right now the sand and salt shed is right in a swampy area and needed to be covered. The Town of Eliot acted as the State of Maine wanted everybody to act. They went through the state on this whole project and they even went to the contractors that the state suggested to go out for bid on the sand and salt storage shed and this is what we get. We don't get the funding. I ask you to support me and the rest of my colleagues and defeat the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Madam Speaker, Men and Women of the House. These priorities were based on environmental risk. I would like to read to you what a priority four is. "Any site which is an area not served by public water, but is having no impact on existing private water supply." That is a priority four. A priority five. "Any site in an area completely serviced by public water. The site must have no measurable affect on the source of public water to be placed in this category." That is your category fours and fives. They didn't really need these salt and sand sheds. The priorities ones, twos and threes were at risk of contaminating groundwater. The state has paid their share of building all of these facilities that have

been built. There are 82 towns that are priority threes that have submitted their paperwork. They are waiting their turn for funding and this bill, if passed, would put those fours and fives ahead of the priority threes. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Madam Speaker, Men and Women of the House. I think the case has been made. I am rising to support the Minority Report and hope that you will vote to defeat the pending motion. I might point out that the environmental standard for priority three is it looks suspicious. It is not confirmed. It hasn't been tested that it pollutes human water. The priority four, was to not have a known impact. It wasn't tested. This law was passed in 1987. There is still money in the coffers to pay for all the ones and twos that didn't build their salt sheds for the first 11 years. Had they built and the priorities been followed and the orders been followed, I would invite you to consider that there may have been enough money to cover all of the sand and salt sheds. The deadline has been changed three times to accommodate these towns that did not get their planning process going. The legislation that we passed last year, the Department of Transportation was able to get most towns, they hope all, to begin to tell them whether they built, where they built, etc. Many, many towns did not bother to act at all. What we are asking for is the 33 towns that were approved when money was available, built and not paid for, I invite you to consider that as an unmet obligation. Our constituents are saying what to do with this extra money, pay our debts. This would help the communities that have done it and did it in good faith and that have already built. I would certainly support legislation to pay for all of them, but it seems to me we ought to go ahead and pay for the ones that were priority three that has built has been paid for. We are asking for those that have been built. Thank you very much and I encourage to defeat the pending motion.

The SPEAKER: The Chair recognizes the Representative from China, Representative Bumps.

Representative BUMPS: Madam Speaker, Men and Women of the House. This legislation is about paying our bills. It is no secret that there is a disconnect between our instructions, requirements, rules and laws and then our willingness to back that up with the money that we said would follow. Our failure to pass this bill strikes at the heart of what is wrong with the relationship between the state and the municipalities. Of course there is a lack of confidence in our actions and sincerity at the local level. Here is an opportunity to, at least, in part, restore that trust. As often as possible, I try to equate my actions here in Augusta to those in my personal life at home. I wonder how my bank would react if I suddenly knocked on their door and said, you know, since I bought this home or this car, well, my priorities have changed. I have decided that I am not going to pay you back. That is exactly what this legislation is about. The Department of Transportation worked from start to finish with these communities that built salt and sand storage sheds. As you will read in the letter, which I circulated to your desk, the department is claiming that they have no money for these cost sharing reimbursements until the Legislature approves additional funds for these buildings. Well, my friends, the time is now. Let's approve those funds. No one whispered in the ears of town officials during construction telling them, look, we are not really serious about the need for these salt and sand buildings, or for that matter, reimbursing you for our share of the costs. Now, the Town of Benton is owed \$58,500 and there are at least 31 communities throughout Maine in that same situation.. On behalf of the one that I represent and every other one that has

already struggling under the burden of mandates and unpaid state obligations, I ask you to vote against the pending motion and go on to pass this bill and restore a bit of confidence with municipal government that the state will fulfill its financial obligations at the local level. Thank you.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. I, too, rise to urge that you vote not to pass the motion on the floor and to defeat the motion. One of the towns on that list is Readfield, in my district. Back in 1992, six years ago, the state made a commitment to pay for their salt and sand shed. Granted, the priority was not groundwater drinking supply, but there is a stream that runs close by to their salt and sand shed and they felt it important to protect that stream. As we have said time and again, lakes are one of our important resources in the State of Maine. We also need to be concerned about protecting the water that runs into those lakes. It is time to pay our debts. We have talked about the fact that there is surplus money and I, too, have heard from my constituents, pay your debts. This is one of the debts that I think we really need to pay. I would also ask one more comment. What I also hear is that communities that are still applying for funding for their salt and sand sheds are placing them in areas where they know they will get a priority one or two rating, deliberately, so that they are assured of funding. I think that we need to take a look at how those priorities are established. I urge you to defeat the pending motion.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Joyce.

Representative JOYCE: Madam Speaker, Men and Women of the House. The current law is very clear. These towns did not have to build these salt and sand storage sheds until the money is available. They went ahead and built them anyway and that is not our responsibility. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Madam Speaker, Men and Women of the House. I wanted to clarify one thing with the legislation that establishes the program only dealt with priorities as far as dangers to drinking water was concerned. Although I don't at all denigrate the danger to lakes or to the ocean in the case of some towns from their sand and salt sheds. That would be another program. I would applaud somebody starting one. Let's not mix things up. This program was only prioritized according to danger to drinking water. We cannot start bringing in a lot of other priorities and saying let's start funding sand and salt sheds for other purposes unless we start a whole new program with a set of rules. This is adding a new set of rules to an existing program and it skews the process that already has had towns waiting to build sheds that are endangering drinking water. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative WHEELER: Madam Speaker, Men and Women of the House. I am sorry to repeat myself, but I just want to make sure everybody realizes that these sand and salt storage sheds were approved by the DOT. I will read another letter from the DOT. I have a whole stack of them so we can do this all morning. "In response to the Town of Eliot's request for payment of monies due from the construction of municipal sand and salt storage structure, the Commissioner approved the request on April 14, 1992." Then they go on to state, "This money is calculated based on the final approved cost by the DOT of \$72,731.75. As you are all well aware, priority five

communities have not yet been funded by the Legislature, but once they are funded, the funds will be returned to the communities." The Town of Eliot had their hands tied on building this sand and salt storage shed because of the DOT. I am asking you to help me make the DOT not turn their back to the communities and to pay the communities what they owe them.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Madam Speaker, Ladies and Gentlemen of the House. I rise this morning to give you a little explanation of how I might have been involved with programs to do with the water that we need to continue to live in the State of Maine. I was a selectman at the time, in Lebanon, when this program was talked about. My only concern here this morning is not to argue with the standing committee on Transportation or the list that have been developed. I only want to bring to your attention the underground water systems and they are what, I believe, this is all about. I would suggest that you think of this, not in terms of who established the list, what category, but consider the groundwater. This, in the beginning, was why these salt sheds were requested to be built. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Shannon.

Representative SHANNON: Madam Speaker, Men and Women of the House. I realize that when we meet in caucus as the Democrats did last week, there are no binding commitments. I had asked for some information on this bill in regards to which priorities had been built and how many at each priority level had been funded. I was told I would have that today. It is still not at my desk. Even though my mind was not made up at last week's caucus, it is very quickly getting made up if this information isn't available, I don't know how you could expect anybody to decide against spending this money. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Madam Speaker, Men and Women of the House. Lewiston is an unfunded priority three town.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative BOUFFARD: Madam Speaker, Men and Women of the House. It has been suggested here that this was a mandate given to the towns and municipalities back in 1987. I wasn't anywhere near Augusta in 1987 so it is not my responsibility, I guess. How can we have a mandate when they turn around and say that if you build them, it will be a plus for you, but you don't have to build them. If you don't have to build them, that, to me, is not a mandate. The mandate should have taken effect for the priorities one, two and even three. Fours and fives, which probably wouldn't even need to have a salt shed now have a salt shed and they want to get reimbursed for it. It is kind of putting the cart in front of the horse. I hope that you will vote for what is on the board now.

The SPEAKER: A roll call has been ordered. The pending question before the House is to accept the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 404

YEA - Ahearne, Belanger DJ, Belanger IG, Berry RL, Bouffard, Brooks, Bruno, Bryant, Buck, Bunker, Carleton, Chartrand, Cianchette, Clukey, Colwell, Cross, Davidson, Donnelly, Driscoll, Etnier, Farnsworth, Fisher, Fisk, Foster, Gagnon, Gamache, Gooley, Jones KW, Jones SL, Joy, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Layton, Lemaire, Lindahl, Mack, Mailhot, Marvin, McAlevey, McKee,

Mitchell JE, Morgan, Nass, O'Neal, O'Neil, Paul, Pendleton, Pinkham RG, Pinkham WD, Richard, Rowe, Samson, Sanborn, Shiah, Stanley, Stevens, Taylor, Thompson, Townsend, Tripp, Usher, Vigue, Volenik, Winglass, Winn, Winsor, Madam Speaker.

NAY - Bagley, Baker, Barth, Berry DP, Bigl, Bodwell, Bolduc, Bragdon, Bull, Bumps, Campbell, Chick, Chizmar, Cowger, Desmond, Dexter, Dunlap, Frechette, Fuller, Gagne, Gerry, Gieringer, Goodwin, Green, Hatch, Honey, Jones SA, Kasprzak, Labrecque, Lane, Lemke, Lemont, MacDougall, Madore, Mayo, McElroy, Meres, Murphy, Nickerson, Peavey, Perkins, Perry, Pieh, Poulin, Povich, Powers, Quint, Rines, Savage, Saxl JW, Saxl MV, Shannon, Sirois, Skoglund, Snowe-Mello, Spear, Stedman, Tessier, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Wright.

ABSENT - Brennan, Cameron, Clark, Dutremble, Jabar, Lovett, Muse, O'Brien, Ott, Plowman, Tuttle.

Yes, 72; No, 68; Absent, 11; Excused, 0.

72 having voted in the affirmative and 68 voted in the negative, with 11 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent up for concurrence.

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#### CONSENT CALENDAR

##### First Day

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

(S.P. 739) (L.D. 2017) Bill "An Act to Provide Access to Veterinary Education for Maine Students" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-456)**

(H.P. 1423) (L.D. 1987) Bill "An Act to Amend Review Criteria Used by the Public Utilities Commission" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-803)**

(H.P. 1505) (L.D. 2127) Bill "An Act to Make a Nonresident Municipal Shellfish License Fee No More than 1 1/2 Times the Resident Fee" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-800)**

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

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#### CONSENT CALENDAR

##### Second Day

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

(H.P. 562) (L.D. 753) Bill "An Act to Allow Police to Take Intoxicated Persons into Custody" (C. "A" H-798)

(H.P. 1418) (L.D. 1982) Bill "An Act to Appropriate Funds to Build a Memorial and to Name a Highway in Burnham in Honor of Medal of Honor Recipient Corporal Clair Goodblood" (C. "A" H-799)

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

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#### ENACTORS

##### Acts

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)

An Act Relating to Captive Insurance Companies

(S.P. 693) (L.D. 1928)

(C. "A" S-453)

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.

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#### TABLED AND TODAY ASSIGNED

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

Bill "An Act to Implement the Recommendations of the Interagency Committee on Outdoor Trash Burning"

(H.P. 1408) (L.D. 1972)

**TABLED** - February 19, 1998 by Representative ROWE of Portland.

**PENDING - ADOPTION OF COMMITTEE AMENDMENT "A" (H-797).**

Representative WHEELER of Bridgewater **PRESENTED House Amendment "A" (H-806) to Committee Amendment "A" (H-797)**, which was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **House Amendment "A" (H-806) to Committee Amendment "A" (H-797)** and specially assigned for Tuesday, February 24, 1998.

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On motion of Representative PAUL of Sanford, the House adjourned at 11:15 a.m., until 9:00 a.m., Tuesday, February 24, 1998 in honor and lasting tribute to Lionel J. "Pete" Lamontagne, of Sanford.