

MAINE STATE LEGISLATURE

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

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

(H "A" H-9)

On motion by Senator CLARK of Cumberland, Tabled
1 Legislative Day, pending ENACTMENT.

An Act to Appropriate Funds to the Department of
Human Services to Provide Training and Technical
Assistance to Community Public Drinking Water
Supplies

H.P. 269 L.D. 352

On motion by Senator PEARSON of Penobscot, placed
on the SPECIAL APPROPRIATIONS TABLE, pending
ENACTMENT.

Emergency

An Act to Make Additional Allocations from the
Public Utilities Commission Regulatory Fund for the
Fiscal Year Ending June 30, 1987

S.P. 199 L.D. 556

This being an Emergency Measure and having
received the affirmative vote of 31 Members of the
Senate, with No Senators having voted in negative,
and 31 being more than two-thirds of the entire
elected Membership of the Senate, was PASSED TO BE
ENACTED and having been signed by the President, was
presented by the Secretary to the Governor for his
approval.

Emergency Resolve

Resolve, Authorizing the Commissioner of
Administration to Implement the Plan for Expenditure
of the \$6,000,000 Bond Issue to Identify and Correct
Asbestos Problems in State Facilities

S.P. 137 L.D. 376

This being an Emergency Measure and having
received the affirmative vote of 31 Members of the
Senate, with No Senators having voted in negative,
and 31 being more than two-thirds of the entire
elected Membership of the Senate, was FINALLY PASSED
and having been signed by the President, was
presented by the Secretary to the Governor for his
approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and
Authorizing Expenditures of Sagadahoc County for the
Year 1987

H.P. 450 L.D. 605

This being an Emergency Measure and having
received the affirmative vote of 31 Members of the
Senate, with No Senators having voted in negative,
and 31 being more than two-thirds of the entire
elected Membership of the Senate, was FINALLY PASSED
and having been signed by the President, was
presented by the Secretary to the Governor for his
approval.

Senator ERWIN of Oxford was granted unanimous
consent to address the Senate off the Record.

On motion by Senator DUTREMBLE of York, ADJOURNED
until Tuesday, March 17, 1987, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
32nd Legislative Day
Tuesday, March 17, 1987

The Speaker resumed the Chair.

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

Prayer by Father Paul Coughlin, St. Mary's
Church, Bangor.

The Journal of Monday, March 16, 1987, was read
and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:

MAINE STATE SENATE
AUGUSTA, MAINE 04333

March 16, 1987

The Honorable John L. Martin

Speaker of the House

113th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be
advised that the Senate today confirmed, upon the
recommendation of the Joint Standing Committee on
Marine Resources, the Governor's nomination of Dr.
Louis J. Zglobicki of Cumberland Foreside for
reappointment to the Marine Resources Advisory
Council.

Sincerely,

s/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

MAINE STATE SENATE
AUGUSTA, MAINE 04333

March 16, 1987

The Honorable John L. Martin

Speaker of the House

113th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be
advised that the Senate today confirmed, upon the
recommendation of the Joint Standing Committee on
Marine Resources, the Governor's nomination of Donald
Wotton of Boothbay Harbor for reappointment to the
Marine Resources Advisory Council.

Sincerely,

s/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Revise the Law Prohibiting the
Use of Drugs in Animals Competing in Pulling Events"
(Emergency) (S.P. 266) (L.D. 747)

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

Was referred to the Committee on Agriculture in
concurrence.

Bill "An Act to Create a Cholesterol Control
Program within the Department of Human Services"
(S.P. 262) (L.D. 743)

Bill "An Act to Provide Support for the Bridge
Shelter, a Home for the Mentally Ill" (S.P. 270)
(L.D. 751)

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

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

Bill "An Act Relating to the Definition of Insurance Agents' Relating to the Termination of Contracts Between Insurance Companies and Agents" (S.P. 264) (L.D. 745)

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

Was referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act Relating to Debtor Relief for Violation of Exemptions" (S.P. 263) (L.D. 744)

Bill "An Act to Revise the Laws Concerning Bail for Criminal Defendants" (S.P. 268) (L.D. 749)

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

Were referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to the Right of State Employees to Solicit Political Candidates" (S.P. 267) (L.D. 748)

RESOLVE, Creating a Watershed District Commission (S.P. 261) (L.D. 742)

RESOLVE, to Name the Eastport Breakwater the Harry L. Vose Breakwater (S.P. 269) (L.D. 750)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Were referred to the Committee on State and Local Government in concurrence.

Bill "An Act to Include the United States Internal Revenue Code, Section 457, State Deferred Compensation among the Retirement Plans which are Exempt from the Maine Premium Tax" (S.P. 260) (L.D. 741)

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

Was referred to the Committee on Taxation in concurrence.

Bill "An Act to Amend the Electric Rate Reform Act as it Applies to Cost Recovery for Utility Financing of Energy Conservation" (S.P. 265) (L.D. 746)

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

Was referred to the Committee on Utilities in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Concerning Future Indian Communities" (S.P. 113) (L.D. 286)

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

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills and Resolves were received and, upon the recommendation of the Committee on

Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Provide for Continued Treatment and Support of Incest Victims and Survivors" (Emergency) (H.P. 584) (L.D. 795) (Presented by Representative RYDELL of Brunswick) (Cosponsors: Senators BERUBE of Androscoggin, THERIAULT of Aroostook and Representative NORTON of Winthrop)

Bill "An Act to Fund the Cleanup of Fish Kills in the Coastal Waters" (H.P. 596) (L.D. 807) (Presented by Representative SMALL of Bath) (Cosponsors: Representatives HOLLOWAY of Edgecomb, COLES of Harpswell, and Senator CAHILL of Sagadahoc)

Ordered Printed.

Sent up for Concurrence.

Business Legislation

Bill "An Act to Compensate Newspaper Delivery People for Advertising Fliers" (H.P. 587) (L.D. 798) (Presented by Representative RACINE of Biddeford) (Cosponsors: Senators BUSTIN of Kennebec, USHER of Cumberland and Representative POULIOT of Lewiston)

Ordered Printed.

Sent up for Concurrence.

Education

Bill "An Act to Create the Post-secondary Enrollment Options Act for 11th and 12th Grade Students" (H.P. 592) (L.D. 803) (Presented by Representative HOGLUND of Portland) (Cosponsors: Representatives FOSS of Yarmouth, CROWLEY of Stockton Springs, and Senator BRANNIGAN of Cumberland)

Bill "An Act to Provide for School Approval for Hurricane Island Outward Bound School" (H.P. 593) (L.D. 804) (Presented by Representative NORTON of Winthrop) (Cosponsors: Senators KANY of Kennebec, BRAUN of Knox, and Representative GWADOSKY of Fairfield)

Bill "An Act to Provide for the Education of Students Residing in Long-term Drug Treatment Centers" (Emergency) (H.P. 595) (L.D. 806) (Presented by Representative ROLDE of York) (Cosponsor: Representative KIMBALL of Buxton)

Ordered Printed.

Sent up for Concurrence.

Human Resources

Bill "An Act to Amend the Law Pertaining to Labeling Medication Prescriptions" (H.P. 583) (L.D. 794) (Presented by Representative SMITH of Island Falls) (Cosponsors: Representatives BOUTILIER of Lewiston, MANNING of Portland, and Senator GAUVREAU of Androscoggin)

RESOLVE, to Establish the Commission on Children in Need of Supervision and Treatment (Emergency) (H.P. 598) (L.D. 809) (Presented by Representative ANTHONY of South Portland) (Cosponsors: Senator BUSTIN of Kennebec and Representative ROLDE of York)

Ordered Printed.

Sent up for Concurrence.

Judiciary

Bill "An Act to Establish Policies Governing Medical Malpractice Claims" (H.P. 586) (L.D. 797) (Presented by Representative ROLDE of York)

Bill "An Act to Amend Certain Probate Laws" (H.P. 591) (L.D. 802) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsors: Representatives

PARADIS of Augusta, MacBRIDE of Presque Isle, and Senator BRANNIGAN of Cumberland)

Bill "An Act Concerning Probation Revocation Proceedings in Maine" (H.P. 597) (L.D. 808) (Presented by Representative WARREN of Scarborough)

Ordered Printed.

Sent up for Concurrence.

Labor

Bill "An Act to Provide Payment of Workers' Compensation Benefits in Cases when a Decision has not been Reached within 6 Months" (H.P. 594) (L.D. 805) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representative GREENLAW of Standish and President PRAY of Penobscot)

Ordered Printed.

Sent up for Concurrence.

Legal Affairs

Bill "An Act Relating to Old Cemeteries" (H.P. 585) (L.D. 796) (Presented by Representative ROLDE of York)

Bill "An Act to Prohibit Open Alcoholic Beverage Containers in Motor Vehicles" (H.P. 590) (L.D. 801) (Presented by Representative HEPBURN of Skowhegan) (Cosponsors: Senators TUTTLE of York, ESTES of York, and Representative LAPOINTE of Auburn)

Ordered Printed.

Sent up for Concurrence.

State and Local Government

Bill "An Act Concerning Parking Violations at the Capitol Complex" (H.P. 588) (L.D. 799) (Presented by Representative RACINE of Biddeford) (Cosponsor: Representative VOSE of Eastport)

Ordered Printed.

Sent up for Concurrence.

Taxation

Bill "An Act to Increase the Income Tax Exemption for Taxpayers Who Support Elderly Relatives" (H.P. 589) (L.D. 800) (Presented by Representative DELLERT of Gardiner) (Cosponsors: Representatives LOOK of Jonesboro, STROUT of Windham, and Senator DOW of Kennebec)

Ordered Printed.

Sent up for Concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following items:
Recognizing:

Linda Vose, China Elementary School Teacher of China, who has been selected as Teacher of the Year for 1987, for her effective and excellent ways of helping students to learn; (HLS 151) by Representative PARENT of Benton. (Cosponsor: Senator BUSTIN of Kennebec)

On motion of Representative Parent of Benton, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Benton, Representative Parent.

Representative PARENT: Mr. Speaker, Members of the House: Sitting in the balcony this morning is a very special person. She is an elementary school teacher from the China Elementary School in China. She is special because she excels in her work. She has been chosen as an outstanding and excellent

teacher by her peers, one whose style and approach to teaching makes students want to learn and more importantly, to enjoy learning. That, I think, is truly the essence of good teaching.

Excellence is always deserving of the highest recognition and so I would ask the members of the House to join me in recognizing and in honoring Maine's Teacher of the Year for 1987, Mrs. Linda Vose. If I may, Linda, I would also ask the members of the House to extend their recognition, through you, to all of Maine's teachers who, like you, day after day, play a most important and most difficult role in the education and development of Maine's young people.

Congratulations and thank you Linda and thank you Maine teachers. (audience rising, amid applause)

Subsequently, was passed and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 249) (L.D. 322) Bill "An Act to Allow Reasonable Attorneys Fees for Court Appointed Counsel on Appeals by the State to any Federal Court" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-21)

(H.P. 229) (L.D. 297) Bill "An Act to Improve the Informal Conference Process for Workers' Compensation Claims" (Emergency) Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-22)

(H.P. 300) (L.D. 386) Bill "An Act Relating to the State Board of Arbitration and Conciliation" Committee on Labor reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 19, 1987, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 99) (L.D. 109) Bill "An Act Relating to the Social Services Transportation Review Committee" (Emergency)

(H.P. 138) (L.D. 179) Bill "An Act to Make Lien Fees Consistent for Sewer Assessments and Real Property Taxes"

(H.P. 246) (L.D. 316) Bill "An Act to Extend the Sunset Date for Certain Statutes Regarding Harbor Masters" (Emergency)

(H.P. 148) (L.D. 189) Bill "An Act Concerning the Provision of Legal Services by Eligible Law Students" (Emergency) (C. "A" H-19)

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.

SECOND READER

Tabled and Assigned

Bill "An Act to Clarify the Penalty Provisions for the Late Filing of Corporation Reports" (H.P. 122) (L.D. 147)

Was reported by the Committee on Bills in the Second Reading and read a second time.

On motion of Representative Allen of Washington, tabled pending passage to be engrossed and specially assigned for Thursday, March 19, 1987.

SECOND READER

Tabled and Assigned

Bill "An Act to Permit the Disclosure of Information on a Real Estate Transfer Tax Declaration of Value Form" (H.P. 553) (L.D. 740)

Was reported by the Committee on Bills in the Second Reading and read a second time.

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

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: I move that L.D. 740 be indefinitely postponed.

This bill takes away a very important privilege of Maine citizens. It takes away the confidentiality of what they buy and sell property for. Currently, in Maine, that is a right that only the tax assessor has -- the municipality and state assessor has the right to know what property is sold for. Everybody knows and recognizes the public policy of why that is necessary. It makes for fair assessments, it controls the distribution of revenue sharing educational reimbursements -- all of those reasons. They are broad and public policy reasons why the tax assessor knows what property is sold for.

However, this bill today, will make it everybody's business what everybody sells property for. Your mother, your father, your friends, your neighbors, your business competitors will all have the opportunity to know what costs were transacted when you bought and sold that property.

The question you have to ask is the objective that is trying to be accomplished by taking away this privilege, this right of Maine's citizens -- what is the objective and are we going to accomplish that objective by this bill?

The Taxation Committee will argue and others will argue, perhaps, that the public policy objective of the bill is to make real estate appraisals quicker, more accurate, more efficient and therefore, the consumer will benefit by having expedited real estate sales.

That is a good public policy -- I am not saying that it has no value, it does have value. The question is, is whether or not it has enough value to take away this privacy that we all enjoy. Ask yourself -- do you think if you ask your constituents, would you be willing to give up the privacy of how much you sold your house for to your son or how much you sold that dairy farm for to your neighbor -- would you be willing to give that up so that someone can have a slightly quicker sale or save a few dollars on their appraisal? I don't think Maine people would agree to that. I don't feel comfortable with it.

It does have value but you have to put it on a balancing scale and say, is the value strong enough, is it important enough to take away the right that Maine people have for privacy? Each day we erode some right down here. As for public policy being articulated and supported, I don't think, on this particular issue, that it can.

If we think it is important enough, I could understand passing the bill but I just don't believe that it is going to be.

They will argue that the information is already available -- multiple-list agencies print it in the back of their book. I maintain that that is a different issue. If you go to a multiple-listing agency and contract for them to sell your property,

you are fully aware that they are going to print the price in the back of their book. It is part of the arrangement. You knowingly and willingly and intelligently give away that right when you go in contract privately with a multiple-list agency, that is fine, that is your business, do as you want to, but all people don't sell with a multiple-list agency. All business transactions are not arms length transactions, we sell property for many different reasons. We sell for personal reasons, domestic reasons, business reasons, that is not anybody else's business. All that your friends, neighbors, relatives will have to do, if this bill passes, is ask the tax assessor what you sold your property for. How much did you make? And they will know.

I ask you to support me on this indefinite postponement.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: What this bill does is that it allows an assessor or appraiser, who is doing an appraisal on a piece of property, to go into the town office and receive information on comparable sales so as to assist him or her in their job of trying to provide an adequate appraisal for a piece of property.

The reason that we allow this information to be accessible to assessors is because the primary way that we assess and appraise property is to use comparable sales data. It is very important as an assessor tries to assess your property to assess the taxes on that property, that he or she be allowed access to as much information as possible to provide a proper assessment. It is just as important that the appraiser have that information at their disposal to provide for a good appraisal. Buying a home is probably the biggest investment that the majority of people in this state are going to make. The basis upon which the value of that home is established is by an appraisal. If we are not providing all the information to appraisals, we are not going to have adequate appraisals.

Representative Stevens says that we will argue that that information is available through a multiple listing service and it is. As a matter of fact, we had a hearing in Taxation last week on an unrelated bill and a gentleman, who is not a realtor, brought in a multiple listing book and read us off some of the property values in Portland, which I think indicates how secretive that information is.

It is available in other areas too. You can go to the Registry of Deeds and, if someone has made a federal housing loan to buy a piece of property, federal housing loans require five percent down, the amount of the mortgage is stated in the mortgage instrument that is recorded at the Registry of Deeds, all you have to do is figure out what five percent of that is and add it to the amount of the mortgage and you have figured out what they paid for the house.

The problem is, if the Registry of Deeds, is in Bangor, which it is, and you are doing an appraisal in Lincoln, it becomes expensive for the person paying for the appraisal to pay you to go back and forth to Bangor to get this information.

This bill would allow the appraiser to go into the town office and get it. Generally, they are going to get it anyway. It is not all that secretive.

As far as taking away rights and having the sky fall in, if this bill passes, I guess I would point out that 48 out of the 50 states allow this. This information was readily available in Maine by means of a tax indicia stamp that was placed on deeds recorded in the Registry of Deeds up until 1976. The

reason we stopped doing that was because the deeds became so complicated over the years and the registrars couldn't find any place to put indicia stamps, so they came to the legislature and asked to be relieved of that responsibility and we did it.

But the fact is, for 100 years prior to that, you could go in the Registry of Deeds and get this information. Mom and Dad never went in to see what I paid for my house, as far as I can remember, but they could have. I don't know why they would.

The extra thing that bothers me here, and it bothers me as a committee chairman and as a committee member, is in Representative Stevens' arguments, she has completely ignored the committee process.

This bill was referred to the Taxation Committee a month or so ago. We gave it a public hearing and we had a work session on it. Representative Stevens attended neither. To come in here after the committee has voted this out unanimous "Ought to Pass" Report and try to kill it on the floor of the House with highly charged emotional arguments that are as irrational as they are emotional and as far removed from reality as they are emotional, shows a complete disregard for the committee process.....

The SPEAKER: The Chair would advise the Representative from Old Town that any member may move indefinite postponement of any bill at any time. It is entirely proper within the process and it is within their right to do so. The Chair would appreciate no further comments about that action.

Representative CASHMAN: Thank you. I hope that the House will support the unanimous committee report and pass this bill on to the other body.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: I think this morning that you have to look at who wants this bill, why they want the bill, and what is the advantage of having the disclosure. Now, to go on a little bit further to the comments of the gentleman from Old Town, Representative Cashman, when he keeps mentioning that this is going to allow this to be done in the municipal office -- a great deal of us out there represent small towns. A lot of those towns have assessors that don't even have an office. And you are going to ask these municipalities to provide this information through the assessor. You know, for someone who in the last few months has been talking property tax relief, I see this bill this morning.....

The SPEAKER: The Chair would ask the Representative from Saco for what purpose he arises?

Representative NADEAU: A point of personal privilege. I believe the gentleman is out of order by questioning the integrity of the members who introduced this bill.

The SPEAKER: The Chair would advise the member from Saco that the Chair heard no mention to the intent of the sponsors -- he was referring to the realtor profession as far as I can recall, and that is all relative I might point out, including even what people think of legislators.

The Representative from Corinth may proceed.

Representative STROUT: Mr. Speaker, if I for any reason, was mentioning any of the members who sponsored this bill, I apologize.

However, the reason I bring out the property tax relief, I believe that this bill is going to cost the municipalities money by requiring assessors to be available to give the information that this bill would call for.

I would hope this morning that you would follow the direction of the gentlelady from Bangor,

Representative Stevens, and indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I would urge this House to look at the intentions of the sponsor who introduced it. I am the sponsor.

I introduced this bill for two very simple reasons, not the least of which was the fact that I recently went through the process of purchasing a home, a very nice home, I am very happy with it, but it took an awfully long time. The main reason why it took an awfully long time was because the appraisal was held up. The appraiser had to run all over the place trying to get relative sales information so he could do a proper appraisal of my house so he could properly do his job for his employer, which was Maine National Bank.

I also introduced this bill because many times we have constituents or citizens in our state who disagree with their evaluation of their property, who don't think it was done fairly. Presently under state statute, the only way you can look at relative sales information is to make an appeal of your assessment. Many people don't want to go through that process. They don't want to go through the process of having to appeal the evaluation that the local assessors place on their home. If we pass this bill as written, the assessor can release to the person who is complaining about their evaluation, the relative sales information so they can justify their appraisal. Those are two very simple reasons why I introduced this bill, why I support this bill.

The good gentleman from Corinth, Representative Strout, mentioned that he wanted us to look at who wanted this bill and why they wanted this bill. I would ask you to do the opposite, look at who does not want this bill and why they don't want it. I think you would agree that this is a good bill, this is a consumers bill.

I urge this House to go along with the unanimous report from the committee.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Tupper.

Representative TUPPER: Mr. Speaker, Members of the House: I am speaking, not only for myself, but for the Maine Association of Assessing Office, which you have a letter from on your desk, and the Central Maine Association and the MMA, who oppose L.D. 740.

The Taxation Committee's amendment will repeal the entire bill and the confidentiality of the Declaration of Value. The people of Maine have enjoyed this confidentiality since 1975. Maine people are private people and, by making this information public, there are concerns that this will dilute the quality of assessments by not sharing the accurate information. Inaccurate sales data will result in less equitable assessments for property tax purposes and for distributing state aid to education and state municipal revenue sharing. Having this information available at the assessors office is not feasible, as most assessors offices are not open during regular office hours especially in the small towns. Some of them only have a file cabinet and a kitchen table. We have to think of all Maine communities, not only those larger municipalities who may not have a problem with this bill. If the legislature wishes to make this information public, access to the information should be at the Registry of Deeds, where other types of real estate information is most often sought, and not the assessors office.

When we pass bills, sometimes we overlook the consequences to the municipality because we are not familiar with the mechanics and the disservice to the municipality. This bill could result in an added expense to the municipality.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: We have heard several comments this morning in regard to the evolution of this piece of legislation that is being discussed.

I would just like to clarify a few points. In 1975, the Declaration of Value proposal was introduced. The reason that bill was introduced was because the evaluations throughout the State of Maine and various communities were inaccurate. They were inaccurate because the indicia on the deeds recorded at the counties, for reasons which anyone can surmise, someone might put additional stamps on a deed to indicate that it sold for a higher value or they might decline to do that and put less stamps on a deed to reduce the value. So, with the school funding law and the various other pieces of legislation that dealt with reimbursement through evaluation, we needed a mechanism which would more accurately reflect true evaluations of what was happening in those communities. So, this is how L.D. 1152 at that time, the indicia bill or the Declaration of Value bill, evolved.

It evolved for the very same reasons that Maine Municipal Association stated in their letter. I don't know how many of you people have ever signed a Declaration of Value form but you take an oath when you sign that Declaration of Value form, so you are subject to perjury if you falsify that form.

The argument that the values of property could be adjusted and not accurately reflect what they were sold for, I believe, are not appropriate. We also received a letter from the Maine Association of Assessors. I have a letter on my desk this morning from the president of the International Association of Assessing Office, the main chapter, supporting this piece of legislation.

I support this piece of legislation for the same reasons as the gentleman from Old Town, the gentleman from Rockland, because it is a consumer bill. It is only fair that the people who are selling or who are buying properties know that they are paying a fair market value for that property. The only way they will know is if they have access to values of properties, like properties that are sold in those areas.

I know that I wouldn't like to sell a piece of property or purchase a piece of property through a real estate broker, or even through myself, that I couldn't get what I consider the fair value. You can say, you should understand that it is an agreement between the buyer and seller as to what the value of that property is worth, well, if you have got pieces of property on the same street or homes on the same street that are selling for \$89,000, and you have an outside broker come in to sell your home, he doesn't know what the market conditions are of that area -- he might say, it is worth x-number of dollars so you might end up selling that piece of property for \$10,000 to \$20,000 less than it is actually worth because he didn't have access to sales transactions in that community. It could be just vice versa, it could be that he put a price too high on it and the person, purchasing, might overpay.

Mrs. Tupper mentioned the problems with the small towns, with the assessors, the town offices, the additional costs. I believe Representative Strout indicated there might be an additional cost to this.

There is nothing in the bill that says that those values have to be given on demand. The assessors in those communities could set hours that they would be available to provide that information to those people making the request.

So, I think in all fairness, that prior to 1975, there was open access to what the values to the properties were, what they sold for through the indicia, through the Registry of Deeds at your county level. It has been stated that there are only two states in the nation which continue with this confidentiality (our confidentiality started in 1975) and Maine happened to be one of those.

I understand that there is legislation pending at the federal level which will outlaw the confidentiality provisions of those transactions. So, I am really not too concerned, I don't think that many people out there are concerned about the confidentiality. There are going to be some people that are. I certainly can understand that with the transactions but I would think that with the rank and file of the majority of the people, they would not be concerned with the repeal of this provision.

Representative Mayo of Thomaston requested a division.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: While I am certainly in sympathy with the good Representative from Thomaston's concerns and problems, having gone through them a couple of times and having been in the process of going through them again, I think what we really have to look at here is that we are talking of a matter of public expediency versus private privilege. No one ever said that our form of government is either cheap nor easy.

My feelings in this case is that the passage of this bill is an unwarranted intrusion into the private lives and private businesses of the people of this state. I do not feel that it is justified. There exists in this state a mechanism for assessors to get that information. There also exists in this state a mechanism for appraisers, sales people and private citizens to get that information. For us to take an action that, in my opinion, invades the privacy of the people of this state for the convenience of some governmental officials and some business interests, is totally unwarranted.

Yes, there is a concern with price and with the consumer being justly represented. I suggest, as in all things, a certain responsibility does rest on the consumer for that individual to do the necessary research. Things are not to be given away at the expense of other individuals. The information is there, it is available, yes it is not readily accessible, but it is available. No one's privacy should be readily accessible to the public.

Quite simply, I feel that this bill is an unwarranted intrusion into the privacy of the citizens of this state and would urge your support of the motion to indefinitely postpone.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I have been a broker for some 40 odd years. I remember when we had the stamps on the deeds and all you had to do was look at the deed when you were listing a property, naturally the price that they purchased the property for, was easily accessible. I think what is at stake here today is for one thing, expediency, and for another thing, in the past, haven't we done so much and heard

so much in regards to the hullabaloo in regards to the Right to Know law. Now, we can't even hold a work session without the pros and cons being in attendance. We have gone this far, I think that this bill here is certainly in order and I certainly concur with the Representative's from Old Town and from Rockland. I think, frankly, that this is a good bill because I have been stuck with appraisers, harmlessly, and I have waited six to eight weeks for an appraiser and this is a great problem and it certainly is an imposition on a consumer and the buyer.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Harper.

Representative HARPER: Mr. Speaker, Ladies and Gentlemen of the House: I wish to express my opposition to L.D. 740, which would violate confidentiality of a business transaction. I would not care to have the purchase price of my property listed in the Lincoln News or otherwise made public knowledge. I don't care about my financial affairs being relished along with the morning coffee down at the Villager Restaurant.

I would just urge that we support the motion to indefinitely postpone.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I speak in opposition to the pending motion to indefinitely postpone. I will give you the reasons why.

The information is presently available in a multiple listing, so brokers that do belong to a multiple listing have access to that information. However, those that don't belong to multiple listing don't have access to that information and neither do people, lay people, that are out there that may have a reason to know what the property has been selling for, specifically when you have a re-evaluation in town -- which happened to me in Biddeford about five or six years ago. My land value went from \$6,000 to \$18,000. Of course, when I received my bill, I was very upset. I went down to the assessors office and requested information as to the reasons why my value went up so much. The information that was given to me was that comparable land sales, the property was selling at \$20,000 an acre, and when I requested to see some of those figures, I was denied that privilege because of the confidentiality that was attached to the thing. So, I had to assume that the figures were accurate but, in my mind, I was not satisfied that they were. So, if we do pass this bill, this information will be available for comparison purposes by the average individual that is not selling his house, but the individual that may want to get that information to satisfy himself that the assessing practices and standards are being used properly. I can see why assessors are opposed to this bill because they don't want to give that information out. That is one of the reasons why they are opposed to this bill.

I would urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will go along with the indefinite postponement of this bill and I would like to give you some reasons that I don't think anybody has touched on.

From the debate that I have heard, it seems to be that you are assuming that whatever a house is sold for is the absolutely true and just value of that piece of property. That, very often, is not the

case. Having been an assessor for a number of years myself, I can remember on many, many occasions where a piece of property was sold at an exorbitant price for the mere fact that someone from a high income area really liked the particular location or the view or what not so that was an unusual sale. This is what they have to cope with when they are putting the evaluations in the town report or in the assessors book. What a piece of property sells for doesn't necessarily mean that that is a true and just value of the house. In lots of instances, people will give a piece of land to one of their children or they might give them a house or they might make out some kind of an arrangement where it would be sold for an awfully lot less.

If you open this up so the information would be readily available, I can see an influx of people going to the town office, especially in your rural areas, to find out what a piece of property sold for. Also, in your small towns, news isn't that earthshaking and I am sure they would probably be publishing this in the paper. One other thing, it is very misleading -- it is like when we put everybody's tax bill in the town report every third year -- of course, this is the first thing they look at to see what their neighbors are paying for taxes and if they are any where near what theirs are. This creates a problem and I am sure this bill that is before us would create the same thing.

When you look at it, you don't know what was included in the sale -- whether the guy had 200 feet of shore frontage or he didn't have any or he was on a back lot or it was a 200 acre woodlot or just a house lot. I have a house comparable to what this is and it sold for more than mine and in their not knowing that this guy had 200 feet on the shore instead of 100 or he had a big woodlot up in back so I think it would be more confusing than it would good.

This information is available if anyone wants to really go out and find it so I would hope that you would go along with the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This came up in a previous session and I was very much opposed to it. This time I would not be so much opposed to it as there is some merit in the Right to Know Law. But as I look at the bill, and I have made my views known to the sponsors, that I think it is almost too vague. I have talked to quite a few of the assessors in the small towns. I, as an assessor for 10 years in Lisbon, know that you can have problems. I agree with the Representative from Shapleigh that you do have some small towns that do not have the facilities. Across the river from Lisbon Falls, there is Durham, and up until a month or two ago, everything was handled in the trailer where the lady lived. This is fine and I agree that possibly the appraisers and the real estate brokers should have access to those figures. What I am concerned about is, as the Representative from Shapleigh or as the Representative from Lincoln said, they just want to find out what I sold my house for. I would have loved to have seen this bill with some provision where the town officials or assessors could have had some kind of a system where notice would have been given when somebody wished to see this information.

Take a small town, even my town of over 10,000, I believe that the assessors office with all the files and maps and everything is about half the size of the legislative lounge and they have other business to take care of. Somebody comes in, and apparently the

way this is written, it leaves it almost too open so I hope, somehow, that an amendment could be filed whereby it would give the towns and its municipalities a chance to set up guidelines whereby this information could be made available to anyone who wishes to have it.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: My good friend, Representative Ridley, mentioned that the secrecy of these values was, in fact, a help to the consumer. I would say just the opposite because people coming into a locality, without knowledge of values, if the information is available as to comparable properties, they at least have something to go on in their purchase. I think this really is a consumers bill. If you people had anything to do with closing costs that banks and other lending institutions come up with in today's marketplace, you certainly know that these young buyers, especially, have all they can do to come up with the money to pay these closing costs. Anything we can do to help them, I think we should do.

I would certainly hope that you would defeat this motion to indefinitely postpone.

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

Representative DORE: Mr. Speaker, Members of the House: I thank Representative Davis for his comments. This is a consumer bill. I am a realtor, I have been active for four years and yes, it would help realtors but it would also greatly help private sale buyers to determine the values of the property compared to the property that they are looking at. It would protect them to the tune possibly of tens of thousands of dollars. I would also like to make a comment -- I have heard a lot about nosy neighbors wanting to find out what things cost -- I have the MLS book and I can't say that anybody has been in to snoop around my book, which I would gladly show them thinking, "Hey, this is another possible customer." I don't think anybody has been in to snoop around in my book to see what so and so is paying or even in general what people are paying. They come in and say, "What can I get for \$60,000?" You can show them comparable sales and let them know what \$60,000 will get them.

I think we are thinking ill of our neighbors if we think they spend their time trying to find out what we pay for our properties. They don't. They have better things to do. There are very few people in the world like that. People in the world who are like that, I don't think anybody pays them any mind.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Stevens of Bangor that L.D. 740 be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Whitcomb of Waldo requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Stevens of Bangor that L.D. 740 be indefinitely postponed.

Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 5

YEA - Aliberti, Anderson, Armstrong, Bailey, Begley, Bickford, Bragg, Brown, Clark, H.; Clark, M.; Cote, Curran, Farnum, Farren, Foster, Gould, R. A.; Hanley, Harper, Hepburn, Hoglund, Holt, Joseph, Lacroix, LaPointe, Lawrence, Lebowitz, Look, Lord, MacBride, Mahany, Manning, Marsano, McHenry, Mills, Nutting, O'Gara, Pouliot, Rand, Ridley, Rotondi, Salsbury, Scarpino, Sherburne, Soucy, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Tracy, Tupper, Wentworth, Whitcomb, Willey.

NAY - Allen, Anthony, Baker, Callahan, Carroll, Carter, Cashman, Chonko, Conley, Connolly, Crowley, Davis, Dellert, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Foss, Garland, Greenlaw, Gurney, Gwadnosky, Hale, Handy, Hichborn, Hickey, Higgins, Hillock, Holloway, Hussey, Jackson, Jacques, Ketover, Kilkelly, Kimball, Lisnik, Macomber, Martin, H.; Matthews, K.; Mayo, McSweeney, Melendy, Michaud, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pines, Priest, Racine, Reed, Rice, Richard, Rolde, Rydell, Seavey, Sheltra, Simpson, Small, Smith, Sproul, Stanley, Swazey, Tamaro, Tardy, Taylor, Telow, Thistle, Vose, Walker, Warren, Webster, M.; Weymouth, Zirkilton.

ABSENT - Bost, Bott, Boutilier, Coles, Dexter, Ingraham, Jalbert, McGowan, McPherson, Reeves, Ruhlin, The Speaker.

Yes, 54; No, 85; Absent, 12; Paired, 0; Excused, 0.

54 having voted in the affirmative and 85 in the negative with 12 being absent, the motion did not prevail.

Representative Stevens of Bangor moved that L.D. 740 be tabled for one legislative day pending passage to be engrossed.

Subsequently, Representative Stevens of Bangor withdrew her motion to table.

Representative Stevens of Bangor offered House Amendment "A" (H-24) and moved its adoption.

House Amendment "A" (H-24) was read by the Clerk.

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

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: This amendment puts on the Declaration of Value form a release from the buyer and the seller of the property to make the information public.

We heard it said earlier that Maine people really don't care, people aren't nosy, they don't care -- well, this is an opportunity to test whether or not Maine people care. All it does is put at the top of the form a release so people can say yes, I agree to make the information public. The buyer and seller both must agree. This seems like a reasonable way to achieve both ends.

If what you have been told today is true, that Maine people really don't care, they will easily sign and release this information, the public will have the information, the appraiser's will have this information and everyone's goal will be achieved.

I urge you to accept this amendment this morning.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I would move indefinite postponement of House Amendment "A."

I think that this amendment effectively renders the bill useless. I think that it is a very good ploy when one is trying to kill a bill -- if you

can't kill a bill, then they render it useless through amendment.

I would urge the House to vote to indefinitely postpone this amendment and send this bill in its original form, from the unanimous committee report, to the other body.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: Being a new member on Taxation, I voted unanimously for the original bill. I want to urge you to vote against the amendment.

The biggest reason I would vote against this amendment is that we could create a whole new bureaucracy with this amendment. The number of people the number of times that have to be sifted through to make sure that the right person agrees or disagrees to list the amount of what they sold their house for to the municipalities or to the courts would be unbelievable.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Old Town, Representative Cashman, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

68 having voted in the affirmative and 59 in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: Another amendment is being prepared and I would hope that someone would make a motion to table this one legislative day.

On motion of Representative Diamond of Bangor, tabled pending passage to be engrossed and specially assigned for Thursday, March 19, 1987.

SECOND READER

TABLED AND ASSIGNED

Bill "An Act Regarding the Membership of the Maine Committee on Aging" (H.P. 582) (L.D. 780)

Was reported by the Committee on Bills in the Second Reading and read a second time.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Since you made me the Chairman of the prestigious Committee on Bills in the Second Reading, there is a technical error in both 9-2 and 9-3 so could they be tabled?

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and specially assigned for Thursday, March 19, 1987.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Require Employers to Give Employees 4 Hours Leave on Election Day for the Purpose of Voting" (H.P. 580) (L.D. 777)

(Committee on Labor suggested.)

TABLED - March 16, 1987 by Representative McHENRY of Madawaska.

PENDING - Reference.

On motion of Representative McHenry of Madawaska, was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative FARREN from the Committee on Fisheries and Wildlife on Bill "An Act to Limit the Party Size to 12 Persons for all Groups Operating with a Guide on Inland Waters" (H.P. 127) (L.D. 153) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 599) (L.D. 812)

Report was read and accepted.

Under suspension of the rules, the bill was read twice, passed to be engrossed and sent up for concurrence.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act Concerning Membership on the Commission on Uniform State Laws (H.P. 194) (L.D. 238) (C. "A" H-13)

An Act to Reduce the Retirement Age Requirement for Governors (H.P. 522) (L.D. 702)

Were 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.

(Off Record Remarks)

On motion of Representative Hickey of Augusta.

Adjourned until Thursday, March 19, 1987, at nine o'clock in the morning.