

# MAINE STATE LEGISLATURE

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

**VOLUME III**

**FIRST CONFIRMATION SESSION**

August 21, 1987  
Index

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987  
Index

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987  
Index

**SECOND REGULAR SESSION**

January 6, 1988 to March 24, 1988

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
16th Legislative Day  
Wednesday, February 3, 1988

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

Prayer by Reverend Robert Canfield, Free Methodist Church, Gardiner.

The Journal of Tuesday, February 2, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:

The Senate of Maine  
Augusta

February 2, 1988

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 State and Local Government, the Governor's nomination of Annalee Rosenblatt of Scarborough for reappointment to the Civil Service Appeals Board.

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

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

February 2, 1988

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 State and Local Government, the Governor's nomination of Peter G. Merrill of Portland for appointment to the Maine State Housing Authority.

Peter G. Merrill is replacing Peter Howe.

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

Was read and ordered placed on file.

Bill "An Act to Make Interim Adjustments and Establish a Prospective Reimbursement System for Boarding Care Facilities Serving the Mentally Retarded" (S.P. 834) (L.D. 2168)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Human Resources.)

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

Bill "An Act to Create a Manufactured Housing Deed" (S.P. 843) (L.D. 2187)

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

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act Providing for the 1988 Amendments to the Maine Housing Authorities Act" (S.P. 841) (L.D. 2186)

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

Was referred to the Committee on Economic Development in concurrence.

Bill "An Act to Ban Importing of All Waste" (S.P. 840) (L.D. 2185)

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

Was referred to the Committee on Energy and Natural Resources in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on RESOLVE, Authorizing Alton Dishon to Bring Civil Action Against the Maine State Retirement System (S.P. 622) (L.D. 1829) (Representative JALBERT of Lisbon - of the House - Abstaining)

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

Ought to Pass as Amended

Report of the Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-309) on Bill "An Act to Clarify the Authority for Judicial Suspension of Motor Vehicle Licenses" (Emergency) (S.P. 656) (L.D. 1879).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-309) and Senate Amendment "A" (S-310).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-309) was read by the Clerk and adopted.

Senate Amendment "A" (S-310) was read by the Clerk and adopted and the Bill assigned for second reading, Thursday, February 4, 1988.

COMMUNICATIONS

The following Communication: (S.P. 842)  
COMMITTEE ON MARINE RESOURCES

ONE HUNDRED AND THIRTEENTH LEGISLATURE  
January 20, 1988

Senator Charles P. Pray, Chairman  
Legislative Council  
State House

Augusta, ME 04333

Dear Senator Pray:

The Joint Standing Committee on Marine Resources is pleased to submit the attached report of our study of shellfish monitoring pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our continuing efforts to ensure adequate protection of Maine's shellfish resource.

Sincerely,  
s/Sen. John L. Tuttle, Jr. s/Rep. James Mitchell  
Chair Chair

Came from the Senate, read and with accompanying report ordered placed on file.

LEGISLATIVE RECORD - HOUSE, FEBRUARY 3, 1988

Was read and with accompanying report ordered placed on file in concurrence.

The following Communication:  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
February 1, 1988

Charles P. Pray, Senate President  
John L. Martin, Speaker of the House  
Dear President Pray and Speaker Martin:

Private and Special Laws of 1987, chapter 51, Section 6 authorized the Joint Standing Committee on Appropriations and Financial Affairs to conduct a study concerning the manner by which alcoholism and other substance abuse services are currently funded by State Government. The Committee organized a seven-member subcommittee which has been investigating this issue. The subcommittee is now reviewing draft final recommendations and will be presenting its report to the full Appropriations Committee.

Enclosed for your review is the preliminary report of the subcommittee. Please note that one member of the subcommittee, Representative Foster, does not concur with the preliminary recommendations. We would welcome any comments you may have. The Appropriations Committee's final report will be forwarded to you in the near future.

Sincerely,  
s/Michael D. Pearson                      s/Donald V. Carter  
Senate Chair                                      House Chair

Was read and with accompanying report ordered placed on file.

The following Communication:  
DEPARTMENT OF CONSERVATION  
STATE HOUSE STATION 22  
AUGUSTA, MAINE 04333  
February 1, 1988

The Honorable John L. Martin  
Speaker of the House  
State of Maine  
Augusta, Maine 04333  
Dear Speaker Martin:

It is a pleasure to transmit "Forests For The Future: A Report on Maine's Forests to the Legislature, the Governor and the People of Maine," pursuant to MRSA Title 12 section 5103.

The report addresses the complex forests of Maine professionally and objectively. It is supported by several independent technical studies commissioned by the project. Additionally, and importantly, it sets forth an action plan.

We hope it will be helpful when the Maine House of Representatives addresses forest matters in the future. The process is ongoing, and we will report to you regularly.

Sincerely,  
s/Robert R. LaBonta  
Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication:  
STATE CLAIMS COMMISSION  
STATE HOUSE STATION 49  
AUGUSTA, MAINE 04333  
January 29, 1988

The Honorable John L. Martin  
Speaker of the House

House of Representatives  
State House Station 2  
Augusta, Maine 04333

RE: Report of Small Claim to Legislature

Dear Speaker Martin:

Herewith is Report of Small Claims which were received in this office during 1987 and which is being submitted to you for your information and records in accordance with Title 5 M.R.S.A., Section 1510-A, Subsection 8.

A similar report is also being submitted to the Honorable Charles P. Pray, President of the Senate, and if you or your staff should have any questions in connection with this report, please communicate with this office.

Very truly yours,  
s/Ronald M. Roy  
Chief Counsel

Was read and with accompanying report ordered placed on file.

The following Communication:  
PUBLIC UTILITIES COMMISSION  
STATE HOUSE STATION 18  
AUGUSTA, MAINE 04333  
February 1, 1988

The Honorable John L. Martin  
Speaker of the House  
Speaker's Office - Room 301  
State House  
Augusta, Maine 04333  
Dear Speaker Martin:

Enclosed is a copy of the Water Supply and Allocation Study, drafted by Public Utilities Commission Staff with assistance from the State Planning Office, the Attorney General's Office, the Department of Agriculture, Food and Rural Resources, the Department of Human Services, and the Department of Environmental Protection. The study submitted to you as required by Resolve 1987, Chapter 27 and Resolve 1987, Chapter 75. In accordance with those laws, the study reports findings and recommendations with respect to water supply and allocation issues confronting the State of Maine.

Water supply and allocation issues are complex and not easily resolved. The study contains, as a suggestion, one possible framework for managing the waters of Maine that is cognizant of both local and statewide concerns.

In our view, this study is a good first step toward the goal of wise and effective preservation of one of Maine's most valuable natural resources.

Sincerely,  
s/Cheryl Harrington,  
Commissioner  
s/David Moskovitz,  
Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication:  
PUBLIC UTILITIES COMMISSION  
STATE HOUSE STATION 18  
AUGUSTA, MAINE 04333  
February 1, 1988

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

Enclosed please find the Annual Report of the Maine Public Utilities Commission.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,  
s/Cheryl Harrington  
Commissioner

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

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

Legal Affairs

Bill "An Act to Amend the Laws Governing Absentee Balloting" (H.P. 1600) (L.D. 2189) (Presented by Representative ALLEN of Washington) (Cosponsors: Representatives HANDY of Lewiston, PRIEST of Brunswick, and Senator KANY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.  
Sent up for Concurrence.

Study Report - Committee on Marine Resources

Representative MITCHELL from the Committee on Marine Resources to which was referred by the Legislative Council the Study Relative to Establishing a Tax to Provide for the Comprehensive Monitoring of Paralytic Shellfish Poison have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Shellfish Sanitation and Monitoring" (H.P. 1599) (L.D. 2188) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative POULIOT from the Committee on Transportation on Bill "An Act Relating to the Expiration of a Valid Certificate of Inspection on a New or Used Motor Vehicle" (H.P. 1423) (L.D. 1934) reporting "Ought Not to Pass"

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to Provide Free Access to Certain State Lands by Disabled Persons" (H.P. 1434) (L.D. 1951) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Unanimous Leave to Withdraw

Representative LACROIX from the Committee on State and Local Government on Bill "An Act to Deorganize the Town of Atkinson" (H.P. 1433) (L.D. 1950) reporting "Leave to Withdraw"

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

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended

by Committee Amendment "A" (H-437) on Bill "An Act Allowing the Town of Island Falls to Annex Township 4, Range 3 WELS in Aroostook County" (H.P. 1017) (L.D. 1370)

Signed:  
Senator:  
Representatives:

TUTTLE of York  
CARROLL of Gray  
LACROIX of Oakland  
BOUTILIER of Lewiston  
ROTONDI of Athens  
STROUT of Windham  
ANTHONY of South Portland  
HUSSEY of Milo

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

Signed:  
Senators:  
Representatives:

GOULD of Waldo  
BALDACCI of Penobscot  
WENTWORTH of Wells  
LOOK of Jonesboro  
BICKFORD of Jay

Reports were read.

Representative Carroll of Gray moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I would like to explain that I voted against this L.D. because the landowners of Township 4 have had no input in this matter. The one resident is against it, the Commissioners are not in favor of it and only the residents of Island Falls will vote on annexing two lakeshore areas which would greatly affect the tax rates of the property owners.

I would ask for a Division, please.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Glidden.

Representative GLIDDEN: Mr. Speaker, Men and Women of the House: This is my first appearance on the floor and I would like to oppose the motion to accept the Majority Report.

I would like to bring you up-to-date briefly on this piece of property that we have under consideration. This property is an unorganized township in Township 4, Range 3, which is just south of the Township of Island Falls. It incorporates land that abutts on the Mattawamkeag Lake and also on the southern part of Pleasant Pond. This Unorganized Territory is owned by three individuals and companies. It is a pristine area and has been left in its natural state since 1879.

Pleasant Pond is one of the best landmark salmon lakes in Aroostook County. The lakes have very little development around the shoreline with practically no development in the Unorganized Territory. This Unorganized Territory is completely unrestricted as to public use. Except for the one year-round resident, the land is entirely unposted. Anyone can go on that land any time of the year without any restrictions. They can go on there using snowmobile trails, they can use the lakes for fishing and they can use the shorelines for camping. It is a very beautiful area.

The ownership of the area is divided into three parcels of land. The Powers family owns what is known as the northern portion -- it is about 10,000 acres in size. This has been in the Powers family since 1879. The other large portion of land is owned by Diamond International. They own what is known as the southern portion of the Township. That is also 10,000 acres. The third portion is owned by the Hinch family and this is known as the Appleton Strip. It is on the north side of the Township and

there is no development except a few seasonal cottages in that section of the land.

The thing that I am speaking to you about this morning is as an environmentalist. I have deep concern for this Unorganized Township. I am a member of the Island Falls Campowners Association which has membership on Mattawamkeag Lake and Pleasant Pond. The membership of the Island Falls Campowners Association is strongly opposed to this annexation.

I am personally acquainted with the sole year-round resident in the Unorganized Township. He strongly opposes annexation. I have talked to people in the Island Falls area and many of them (in fact, I would consider perhaps the majority of the people) are opposed to this annexation.

In addition to that, the three owners of the land in the Unorganized Township are all opposed to the annexation of this property. The thing that most deeply concerns me about this annexation is that it will open a real can of worms in the State of Maine. I believe this carries the message that the legislature enforces the annexation of these townships, which I think is a big mistake. We do know that, in this Unorganized Township, there are interested developers involved. If anyone wishes to talk to me about this later on, I would be glad to fill them in on what the development possibilities and long-going arrangements are that are taking place at the present time.

Most of all, I would like to urge you all to vote no on the pending motion.

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

Representative SMITH: Mr. Speaker, Men and Women of the House: This is an Island Falls bill, the first one that I have put in since I have been here and this is my eighth year.

We had a town meeting sometime ago and voted that we would take this action and I was asked to put the bill in and I have done so. I feel strongly that we should do this.

I have letters from the Selectmen supporting this. I have letters from the leading political parties (both parties) supporting this. My opponent from last year supports this and I believe that we should have some input on the development that occurs around these two bodies of water. It is a unique situation where the town of Island Falls has two bodies of water, half of which is in Township 4, Range 3. We have input on what happens in the town of Island Falls but we have nothing to say on the lower section. We feel that we should and, therefore, we have the bill here before you.

The bodies of water that we are talking about, Pleasant Lake, which is about 4.2 miles long and Mattawamkeag Lake, which is 3,853 acres, 40th in size in the state. I sent letters to nine towns that surround this Township to try to find out if there was a resident of that Township. They all came back -- no. I also have a letter from the Bureau of Taxation asking the same question -- the answer came back -- no.

When this bill came about, (shortly after, that is) it seems that a resident came forth and said he owned land there and was a voter. According to the Bureau of Taxation records, he does not own land, he is on leased land but has declared himself a resident. In fact, he did it in my town. He came out of his way to come to my town to declare his residency so I would be sure and know that he was a resident.

I checked a few records where he might have licensed his vehicles. He licensed a vehicle in

Houlton and a vehicle in Hodgdon but never, never in the town of Island Falls. On those licenses, you have to declare your residency and, when you do, that money received, if he was in the Unorganized Township, should have gone to the Bureau of Taxation but no money was received. I don't know why, all of a sudden, he is now a resident. Well, I do know and I will share it with you. I will ask you this question -- are we going to continue to let the larger landowners and the non-residents run this state? That is what they are doing (through him).

Now to suggest that the Lakes Association are residents, I would like a little rundown on that because most of them are non-residents. As you know and I know, the non-residents have come in here and forced the local people off the land because of the high values and taxes. They have even had to give up their shore property and the non-residents have taken over. They are the people that make up this Lake Association.

There is a dam in Lower Mattawamkeag Lake and the Lake Association worked seven years trying to put back some rocks to raise the water to save the shoreline. They couldn't find out who owned the land, no one would give a release. The paper company didn't give them a release to go ahead so it has been seven years.

Now the bill has been put in and someone has come forward and suggested -- well, if we do own it, we will give you permission and I think there is something going on in that respect.

The land that we are talking about is tree growth land -- that doesn't have a lot of value. As has been pointed out, it is 10,000 acres owned by a non-resident. I believe there are five parcels of land, some are smaller, but three of them are large parcels. Anyway, they are owned by non-residents and the large paper companies.

We voted on this issue and they accepted. In the bill, you will notice that we are going to vote again on it so, if there are so many people in Island Falls against this, as was suggested, then they should not be fearful of it.

Therefore, I say to you, give us that opportunity to have control of our local area and give us another chance to vote. If the people don't want it, then fine, they won't accept it.

The SPEAKER: A division has been requested. The pending question before the House is the motion of Representative Carroll from Gray that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 43 in the negative, the Majority "Ought to Pass" Report was accepted and the bill read once.

Committee Amendment "A" (H-437) was read by the Clerk and adopted and the Bill assigned for second reading, Thursday, February 4, 1988.

#### Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act Requiring Fiscal Impact Statements Describing the Costs and Benefits Associated with Each Legislative Document and Agency Rule that Affect Political Subdivisions of the State" (H.P. 855) (L.D. 1149)

Signed:

Senators:

Representatives:

BALDACCI of Penobscot  
TUTTLE of York  
HUSSEY of Milo  
ROTONDI of Athens

ANTHONY of South Portland  
 CARROLL of Gray  
 LACROIX of Oakland  
 BOUTILIER of Lewiston

Minority Report of the same Committee reporting  
"Ought to Pass" on same Bill.

Signed:  
 Senator: GOULD of Waldo  
 Representatives: STROUT of Windham  
 WENTWORTH of Wells  
 BICKFORD of Jay  
 LOOK of Jonesboro

Reports were read.

Representative Carroll of Gray moved that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: As the prime sponsor of this bill, I would like to say that the State and Local Government Committee has given very careful consideration to the issue of state mandates over the past three or four years, first under the leadership of the Representative from Fairfield, Representative Gwadnosky, and subsequently under the leadership of the Representative from Gray, Representative Carroll. They have also accorded me enormous personal courtesy.

In recent years, we have seen an enormous increase in unfunded state mandates. State mandates occur when we pass the law and the towns pay the bill. Often state representatives and local officials have not known of the full impact on property taxes until several years after the passage of a new law.

L.D. 1149 requires that any new state mandate must clearly show what will be the cost to every local jurisdiction in local tax dollars before the mandate passes the legislature. This requirement will enable a taxpayer to know what is going on in Augusta before it is too late. If we are serious about property tax relief, we must start here. I hope you will vote no on the pending motion and I hope you will consider voting for the "Ought to Pass" Report.

Some of you will undoubtedly notice a certain familiarity in the division between the people signing the Majority Report and the people signing the Minority Report. If there is any question in your mind, I hope that you might take a look at today's calendar.

Needless to say, I was somewhat disappointed by this committee report, particularly after the long hard work the committee put into this bill.

Immediately after this committee vote was taken, my good friend, the Representative from South Portland, Representative Anthony, said to me that he hoped that I would not interpret this vote by the committee as a partisan vote. Tempted as I was to offer him the obvious rejoinder that he might take this remark to his caucus instead of to me, I think that Representative Anthony has a very good point that he makes here.

I would like to tell you just a bit about the history of this bill and how we got to where we are today.

I first introduced a much stronger version of this bill at the beginning of the 112th Legislature. The State Government Committee studied the bill and held the bill over the summer of 1985. The Maine Municipal Association assisted them with studying the questions and compared Maine with the 36 other states in the country that limit unfunded mandates. Their

report was issued in the fall of 1985. The committee again worked very hard on this material. They amended the material based on the work that they had done and they reported my bill out of committee with a unanimous "Ought to Pass" As Amended Report. The Bill passed this body unanimously. It subsequently failed passage in the Senate.

L.D. 1149, the bill that is before us today, is exactly the same bill supported by all of the State Government Committee in the 112th Legislature and supported by all of you who were here in 1986. So, Representative Anthony was right in a way, the issue has not been partisan in the past.

The current State and Local Government Committee held hearings on L.D. 1149 in 1987. Maine Municipal Association testified in favor of the bill. The bill was then held over in the summer of 1987, the Committee again worked hard on the bill. They issued a report of their own in December of 1987 and asked me to withdraw my bill.

The current divided report may be partially my own fault. I may have given the impression that L.D. 1149 was an alternative to the committee's report on the same subject but that is not really the case. L.D. 1149 is not an alternative to their report, I think it can work very well with the committee's proposal.

Just a brief note about the history of fiscal notes. It was during the 103rd Legislature in 1967 that this body first required having fiscal notes on L.D.'s. There was much handwringing by legislators and bureaucrats alike at the time. They could not imagine how this information could be provided. Today, I cannot imagine functioning without this vital information and I think the same is true of fiscal notes for unfunded state mandates.

Let me ask you again to vote no on this motion because I think all of us want to address the concerns of our municipalities over rising taxes. All of us want to be fair to our cities and towns and to our taxpayers. Obviously, whether you pay a property tax or one of the many state taxes, you are still a taxpayer. When it comes to unfunded mandates, we are raising the property tax but we have never known by how much. We need to know, our cities and towns need to know and our constituents need to know. Please vote no on the "Ought Not to Pass" Report so we can vote yes on the "Ought to Pass" Report. Many of you have done this before, please do it again.

I ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: The fine lady from Cape Elizabeth has given you a very comprehensive explanation of the history of this bill and the work of the State and Local Government Committee over the summer dealing with state reimbursements for our mandates. She is absolutely correct that MMA came in last year on the hearing of this bill and testified in favor. After looking at this issue, not only in this state but in New England and around the country and nationally, it became the conclusion of the subcommittee which reported to the full committee that fiscal notes was not an effective deterrent in a mandate program.

I would like to read to you exactly what the Maine Municipal Association said to our subcommittee, which is in your report. "MMA does not recommend to you that fiscal notes continue to be pursued. The reality is that the expense of developing the capacity within state government to prepare fiscal notes potentially outweighs the benefits." That was

what the subcommittee felt and after looking at it, and looking at the bill very carefully, we decided that we would include further recommendations that would help to raise the consciousness of legislators. It is our opinion (the majority of the subcommittee and the full committee) that when we know there is going to be a mandate and know that it is going to be a local cost, we as a legislature as a whole, work very diligently to curtail those costs.

MMA again said, in their testimony to the subcommittee, "whenever fiscal information on a bill affects local governments and is provided to a committee, it generally influences their reaction to the bill. Legislators have been very cognizant of the issue of mandates and have been reluctant to pass costs on to local governments when those costs can be analyzed."

MMA is now in the process of putting together a data bank so that they can use an existing law that was passed in 1979 to allow them to give to the Office of Fiscal and Program Review information on the costs to local government on state mandated programs. When that is in effect, then I think we will see a much better and more productive use of fiscal notes by the second floor and by the legislative committees and by this body and the other body. Until that time, I think the majority of the committee and I would urge you to stay with the Majority Report and follow the recommendations of the report. As MMA said, they will strongly support all of the committee's recommendations. I would urge you to support the Majority "Ought Not to Pass" Report.

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 Carroll of Gray that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 187

YEA - Aliberti, Allen, Anthony, Baker, Boutilier, Carroll, Carter, Chonko, Clark, H.; Coles, Conley, Crowley, Daggett, Diamond, Dore, Duffy, Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Joseph, Lacroix, LaPointe, Lisnik, Mahany, Manning, Martin, H.; Mayo, McHenry, McSweeney, Melendy, Michaud, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Oliver, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Racine, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tamaro, Tardy, Thistle, Tracy, Tupper, Walker, The Speaker.

NAY - Anderson, Bailey, Begley, Bickford, Bott, Bragg, Brown, Callahan, Clark, M.; Curran, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Harper, Hepburn, Hichborn, Higgins, Hillock, Holloway, Jackson, Jalbert, Kimball, Lawrence, Lebowitz, Look, Lord, MacBride, Macomber, Marsano, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Nutting, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Scarpino, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Taylor, Telow, Warren, Webster, M.; Wentworth, Weymouth, Willey.

ABSENT - Armstrong, Bost, Cashman, Cote, Dutremble, L.; Hanley, Ketover, Kilkelly, McGowan,

Mills, O'Gara, Reeves, Stanley, Vose, Whitcomb, Zirkilton.

Yes, 71; No, 64; Absent, 16; Paired, 0; Excused, 0.

71 having voted in the affirmative and 64 in the negative with 16 being absent, the motion to accept the Majority "Ought Not to Pass" Report did prevail.

Sent up for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 807) (L.D. 2116) RESOLVE, to Extend the Deadline for the Study of the Relationship between Nonprofit Service Agencies and Professional Liability and Other Hard-to-Obtain Lines of Liability Insurance (Emergency) Committee on Banking and Insurance reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, February 4, 1988, 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. 1425) (L.D. 1936) Bill "An Act to Extend the Sunset Review Period for Rate Regulation Reform for Certain Electric Utilities" (C. "A" H-438)

(H.P. 1481) (L.D. 2016) RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (C. "A" H-439)

(H.P. 1437) (L.D. 1953) Bill "An Act Relating to Kents Hill School"

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 Relating to Taxation of Trucks" (H.P. 1284) (L.D. 1757)

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

On motion of Representative Nadeau of Saco, tabled pending passage to be engrossed and specially assigned for Thursday, February 4, 1988.

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 Clarify the Status of Police Officers Assigned to the Bureau of Intergovernmental Drug Enforcement and to Add a District Attorney to the Bureau's Policy Board" (Emergency) (S.P. 832) (L.D. 2166)

- In Senate, Referred to the Committee on Legal Affairs.

TABLED - February 2, 1988 by Representative PRIEST of Brunswick.

PENDING - Reference in concurrence.

On motion of Representative Priest of Brunswick, was referred to the Committee on State and Local



Government in non-concurrence and sent up for concurrence.

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

Bill "An Act to Require Supervisory Auditors to Obtain Professional Certification within 3 Years" (H.P. 1594) (L.D. 2180)

(Committee on State and Local Government suggested)

TABLED - February 2, 1988 by Representative CARROLL of Gray.

PENDING - Reference.

On motion of Representative Carroll of Gray, was referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

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

Bill "An Act to Provide Challenge Grants for the Development of Municipal and Regional Economic Development Strategies" (H.P. 1590) (L.D. 2171)

(Committee on Economic Development suggested)

TABLED - February 2, 1988 by Representative DIAMOND of Bangor.

PENDING - Reference.

Subsequently, was referred to the Committee on Economic Development, ordered printed and sent up for concurrence.

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1573)

Bill "An Act Relating to the Maine Uniform Transfers to Minors Act" (H.P. 642) (L.D. 865)

On motion of Representative Paradis of Augusta, was recommitted to the Committee on Judiciary.

Sent up for concurrence.

(Off Record Remarks)

On motion of Representative Manning of Portland, Adjourned until Thursday, February 4, 1988, at nine thirty o'clock in the morning.

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
SECOND REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Wednesday  
February 3, 1988

Senate called to Order by the President.

Prayer by Reverend Donald Williams of the Fellowship Baptist Church in Augusta.

REVEREND WILLIAMS: Shall we pray? Our dear heavenly Father, we thank You for the day that You have given to us, a beautiful day. Lord, I pray now that You might forgive us for any of our sins and that You would be able to hear and answer our prayer. God, I pray that You would be with this group of people today, help to govern our state. I pray that You would watch over them. I pray that You would care for them. I pray that You would give them wisdom and understanding in dealing with the issues of today. Lord, I pray that You would just lead, guide and direct in each of our lives. Thank You for Your many blessings that You have bestowed upon us. Thank You for the many things You have done for us as individuals, the many things You have done for our state, the many things You have done for our nation. Lord, would You continue to help us to follow Your leadership and guidance so that You can continue to bless us. Again, we thank You for Your love, we thank You for the many things You have done for us. In Christ's name we pray. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Revise the Definition of Spouse Under the Maine State Retirement System"

H.P. 1593 L.D. 2179

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

Bill "An Act to Encourage and Monitor the Use of New Potato Varieties"

H.P. 1595 L.D. 2181

Comes from the House referred to the Committee on AGRICULTURE and ORDERED PRINTED.

Which was referred to the Committee on AGRICULTURE and ORDERED PRINTED, in concurrence.

Bill "An Act to Ban Disposable Styrofoam Food and Drink Containers from Public Cafeterias"

H.P. 1592 L.D. 2178

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Resolve, to Develop a Plan to Minimize and Dispose of Household Hazardous Waste

H.P. 1596 L.D. 2182