

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Fifteenth Legislature**

OF THE

**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

House of Representatives  
May 20, 1991 to July 10, 1991

House Amendment "A" (H-362) in non-concurrence and sent up for concurrence.

**PASSED TO BE ENACTED**

An Act to Amend the Financial Responsibility Laws (H.P. 16) (L.D. 19) (C. "A" H-240)

An Act to Clarify the Definition of Public Employer under the Municipal Public Employees Labor Relations Laws (H.P. 577) (L.D. 828) (C. "A" H-242)

An Act to Assist the Expansion of Municipal Sewer Systems (H.P. 781) (L.D. 1113) (C. "A" H-230 and H. "A" H-259)

An Act to Clarify the Procedures of Local Boards of Appeal (H.P. 832) (L.D. 1198) (H. "A" H-248)

An Act to Prescribe the Duties and Liabilities of Ice-skating Rink Operators and Persons Who Use Ice-skating Rinks (H.P. 1217) (L.D. 1775) (H. "A" H-285)

An Act Regarding Purchase of Service Credit by Members Who Previously Taught in Other than Public School (S.P. 158) (L.D. 370) (C. "A" S-115)

An Act to Regulate Water Utility Contingency Reserve Funds (S.P. 171) (L.D. 426) (C. "A" S-113)

An Act to Clarify the Confidentiality of Public Employee Disciplinary Records (S.P. 322) (L.D. 878) (C. "A" S-114)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

**PASSED TO BE ENACTED**

An Act to Require Administrative Agencies to Create Municipal Fiscal Impact Statements When They Create Rules (S.P. 403) (L.D. 1079) (S. "A" S-130)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Ladies and Gentlemen of the House: This is a fast track that we are operating on. I'm afraid that we have become passengers on an ill-advised journey. I am afraid that we will be passing legislation that we will later come to deeply regret.

No, I don't mean that it will be tightening or strengthening our environmental laws, there is no danger of that. The magic words uttered at the appropriate time that is sort of an incantation — property taxes, mandates, jobs — have made sure we wouldn't do anything that foolish. No, what I mean is that we will be passing ill-conceived and poorly thought out legislation such as that typified by the bill before us now, L.D. 1039, An Act to Require

Administrative Agencies to Create Municipal Fiscal Impact Statements When They Create Rules.

Because we are so afraid of these magic words that I just mentioned and so eager to at least appear to do the right thing, we are ready to bequeath the succeeding legislatures the burden of these kinds of "feel good" laws and the result of our own lack of due deliberation and evaluation. These laws promise so much more than they can deliver. They are based on faulty premises, they look at only half the story, we haven't even considered the implications of these laws. Some of these premises come down to that all evil of property taxes can be traced to the legislative mandates and rules. Another premise is that we never listen to businesses or towns here. Anybody knows that these are untrue.

Many of these impact study bills require only looking at one side, — costs, not benefits. They don't look at what about the costs if we don't take action.

This bill was reported out of committee despite the fact that the Maine Municipal Association, in its testimony, admitted that they are at least five to ten years from having appropriate and useful data. They are just starting to develop models for different sized communities. It would be five to ten years before full implementation of any kind of community data input is ready. Moreover, the University of Southern Maine is only starting to create a method of analyzing impacts at their new state and local center so we don't even have now and will not have for some time the information needed to even respond to the charge that this bill makes. This leads me to question the fiscal note. Frankly, I don't believe it. It says that there will be no problem. If it is going to take five to ten years to develop the data, if the University of Southern Maine is just getting underway a process to evaluate this, I don't think it is possible that this can be absorbed within the current budget and resources of state agencies. I believe we should do the right thing but this certainly isn't it.

Mr. Speaker, I move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will consider carefully the motion that has been placed before you.

What we hear all across the state are the rules and regulations that come out without ever giving consideration to the results and what they mean at the local level. Please look at this, examine it, and let's have some answers before we insist that these rules and regulations be implemented. It is only fair to the taxpayers back home that this information be made available.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: The committee contemplated and discussed this particular issue along with other "mandate bills." However, it was decided that we should vote this piece of legislation "Ought to Pass." Maine agency rules are an important form of law which every citizen in our state must obey. Maine rules are enforceable in court and carry penalties and sanctions for violations, just as our statutory law does. Everything that Representative Heesch has told you is absolutely true. We had

these discussions within the committee.

The fiscal note could not be determined at this time because agencies felt that they could not, in any way, reflect to us what the cost of deciding what the fiscal note to the municipalities would be. However, because of the statement I just made about the strength of the rules within state government, the committee felt that agencies should give second thoughts to each and every rule promulgated and the effect that they would have on the municipalities of the state.

Representative Small requested a roll call.

The SPEAKER PRO TEM: 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 Heeschen of Wilton that L.D. 1079 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 64

YEA - Adams, Aliberti, Anthony, Farnsworth, Handy, Heeschen, Holt, Kontos, Larrivee, Luther, Mahany, McKeen, Pfeiffer, Powers, Rand, Richardson, Sheltra, Treat, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutillier, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farren, Foss, Garland, Gean, Goodridge, Graham, Gray, Greenlaw, Gurney, Gwadosky, Hale, Hanley, Hastings, Heino, Hepburn, Hichborn, Hogle, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kutasi, LaPointe, Lawrence, Lebowitz, Lemke, Lipman, Look, Lord, MacBride, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, Melendy, Merrill, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nash, Norton, Nutting, Oliver, Ott, Paradis, P.; Parent, Paul, Pendexter, Pineau, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Simonds, Simpson, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Cashman, Duplessis, Farnum, Gould, R. A.; Hichens, Libby, Macomber, Michaud, Nadeau, O'Dea, O'Gara, Paradis, J.; Pendleton, Ruhlin, Skoglund, The Speaker.

Yes, 19; No, 116; Absent, 16; Paired, 0; Excused, 0.

19 having voted in the affirmative and 116 in the negative with 16 being absent, the motion did not prevail.

Subsequently, the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

An Act to Require Door-to-door Sellers of Frozen Foods to Disclose Actual Unit Prices (S.P. 430) (L.D. 1151) (C. "A" S-118)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

ENACTOR

Tabled and Assigned

An Act Concerning the Suspension of Licenses by the Commissioner of Marine Resources (S.P. 457) (L.D. 1233)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Mitchell of Freeport, tabled pending passage to be enacted and specially assigned for Wednesday, May 22, 1991.

PASSED TO BE ENACTED

An Act Concerning Consent to Dental Care (H.P. 60) (L.D. 88) (H. "A" H-264 to C. "A" H-170)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

ENACTOR

(Indefinitely Postponed)

An Act to Implement the Recommendations of the Travel Information Advisory Council Concerning Informational Signs (H.P. 86) (L.D. 121) (S. "A" S-58 and H. "F" H-247 to C. "A" H-72)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Mr. Speaker, Ladies and Gentlemen of the House: I move that L.D. 121 and all accompanying papers be indefinitely postponed.

I rise this evening to ask you to postpone your decision on L.D. 121 which I think is a bill, if passed, would send us down a road that would open a door to such visual pollution that I think would absolutely destroy all the good work that some of you and perhaps many of you were involved in during your legislative service to the people of the State of Maine.

Back in 1965, following the Highway Beautification Act that was passed by the federal government, the State of Maine, I think, embarked on a vigorous campaign to try to implement the guidelines that were contained in that Act to the