

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# **LEGISLATIVE RECORD**

OF THE

**One Hundred And Thirteenth Legislature**

OF THE

**State Of Maine**

## **VOLUME IV**

### **SECOND REGULAR SESSION**

March 25, 1988 to May 5, 1988

Index

### **SECOND CONFIRMATION SESSION**

May 13, 1988

Index

### **THIRD CONFIRMATION SESSION**

June 15, 1988

Index

### **THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

Index

### **FOURTH CONFIRMATION SESSION**

November 14, 1988

Index

### **FOURTH SPECIAL SESSION**

November 28, 1988

Index

### **HOUSE & SENATE LEGISLATIVE SENTIMENTS**

December 3, 1986 to December 6, 1988

The Representative from Gorham is simply trying to attempt to reach an equitable position for all people in this particular recreation business. The dilemma we face is, is this good public policy that we direct the court to, in all cases without exceptions, pay those kinds of costs? If it is, I believe it ought to be the kind of privilege we extend to all people involved in this industry and not just a select few. If it isn't good public policy, then I suggest the entire section 7 of the original bill be deleted and then we do in fact get back to a level playing field.

I advocated this position on the commission. Representative Clark from Millinocket is right, I lost that battle there. I was not a member of the Energy and Natural Resources Committee and other duties prevented me from partaking in their work sessions. However, the idea of making things just and level for all people in this state is much more appealing. The idea of cancelling this amendment as well as the Senate amendment does not achieve that goal except making things much more horrendous.

Representative Hillock of Gorham was granted permission to address the House a third time.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: The cry of the small campground owner has been consistent, it has been consistent since 1982. This year, their cries were heard through our tort reform package that did not deal with their needs. They have been up here consistently. These people are not wealthy people, ladies and gentlemen, they cannot afford a lobbyist at \$100 an hour to sit in the halls here and bring forth their points of view.

I guess it is altogether fitting and proper that this may be the last time that I speak before this House on an issue that brought me to the legislature. When I came before the Legal Affairs Committee in 1982 to present the problems of the small campground owners, all I got from the chair was, "Well, that is the way it is, if you don't like it, come up here and try to change it." I never wanted to come up here, I never wanted to be a politician and I don't think I am. That is why I am leaving today and that is why I came up here.

The plight is consistent, it is getting worse every year, the spin off is hurting the jobs in the State of Maine, it is raising the costs for the average common man to go camping and recreate, the cost have been driven up and yes, if you don't pass on costs ladies and gentlemen, you are not going to be in business. We must understand that the millions that come here every year, the majority of them stay in our campgrounds.

We have heard testimony before us today that the state funds are inadequate to maintain campgrounds in the northern woods, they have been turned over to private industry. Well, I contend to you, unless we deal with this problem, it is never going to go away. As campground sites decrease in numbers across the state, the need for outdoor recreation is going to grow greater and the pressure for public support for more state parks is going to be greater and the pressure on the state funds, the General Fund, to support these is going to be greater and the dilemma is going to be greater.

So, what do we do here today? I feel it is fair that we have an equal, level playing field.

I request a roll call on this issue.

Subsequently, Representative Jacques of Waterville withdrew his motion to indefinitely postpone House Amendment "A" to Senate Amendment "B."

The SPEAKER: The pending question before the House is adoption of House Amendment "A" to Senate

Amendment "B." Those in favor of adoption will vote yes; those opposed will vote no.

A vote of the House was taken.

63 having voted in the affirmative and 48 in the negative, House Amendment "A" to Senate Amendment "B" was adopted.

On motion of Representative Mitchell of Freeport, tabled pending adoption of Senate Amendment "B" as amended by House Amendment "A" thereto and later today assigned.

PASSED TO BE ENACTED

An Act Providing for the 1988 Amendments to the Finance Authority of Maine Act (S.P. 912) (L.D. 2378) (C. "A" S-372)

An Act to Provide Reimbursement to Certain Employees of the Department of Corrections for Meal Expenses (S.P. 940) (L.D. 2484) (C. "A" S-375)

An Act to Establish Operating Permits for Commercial Dairy Farms (S.P. 971) (L.D. 2579)

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.

ENACTOR

Later Today Assigned

An Act to Extend a Sunset Provision in the Civil Service Law (S.P. 980) (L.D. 2605)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Amend the Maine Insurance Guaranty Association Law (S.P. 981) (L.D. 2609)

An Act to Strengthen Enforcement of Marine Resources and Boating Safety Laws (H.P. 1463) (L.D. 1974) (C. "A" H-571)

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.

PASSED TO BE ENGROSSED

An Act Concerning State Mandates to Local Governments (H.P. 1536) (L.D. 2090) (C. "A" H-578)

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

On motion of Representative Carroll of Gray, under suspension of the rules, the House reconsidered its action whereby L.D. 1536 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-578) was adopted.

The same Representative offered House Amendment "A" (H-613) to Committee Amendment "A" (H-578) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: If we are really serious about responsible government and about property tax

reform, it is very important that we get a handle on unfunded state mandates. It isn't clear to me though exactly what, if anything, is going to be accomplished by enactment of this bill.

What we need to be able to do is to say what the cost of each bill is going to be that has an unfunded state mandate to each municipality. I don't see anywhere in this bill that that will be provided for. It will cost approximately \$228,000 to get out that information.

I would like to pose a question through the Chair to the Chairman of the State and Local Government Committee. I would like to know how the plan will work in this bill and what the money in this legislation will be spent on?

The SPEAKER: The Representative from Cape Elizabeth, Representative Webster, has posed a question through the Chair to the Chairman of the State and Local Government Committee who may respond if he so desires.

The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: The Committee Amendment establishes a state mandate table to look at bills that may have state mandates on them. The money on this amendment goes to fund a position for the Office of Intergovernmental Affairs, which will set up a relationship between state, local and county governments so hopefully, some kind of communication will take place between those three levels of government.

The other appropriation establishes a position in the Fiscal and Program Review Office for that individual to look at all bills as they go through to determine whether or not they do have a state mandate and whether or not that mandate can be funded.

In response to the amount of money that it will take, we are still in hopes that MMA will be true to their endeavors that they will have their data base on line by January of next year so we can tap into that to get accurate figures on what legislation will cost if it goes back to local governments.

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

Representative WEBSTER: Mr. Speaker, Men and Women of the House: Until we have the information that will show us what it is going to cost each town by unfunded state mandates, I don't think we should spend any additional monies on research until we have the information that we need. I think we ought to vote no on this bill.

Representative Gwadosky of Fairfield requested a roll call on engrossment.

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 passage to be engrossed as amended by Committee Amendment "A" (H-578) as amended by House Amendment "A" (H-613) thereto. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 239

YEA - Allen, Anderson, Anthony, Baker, Bost, Carroll, Carter, Cashman, Chonko, Clark, M.; Coles, Conley, Cote, Crowley, Daggett, Davis, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Harper, Hichborn,

Hickey, Higgins, Hogle, Holloway, Holt, Hussey, Jacques, Jalbert, Joseph, Kilkelly, Kimball, Lacroix, LaPointe, Lisnik, Look, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Norton, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pouliot, Priest, Rand, Rice, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Small, Smith, Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Tracy, Vose, Walker, Warren, Wentworth, The Speaker.

NAY - Aliberti, Bailey, Begley, Bickford, Bott, Bragg, Brown, Callahan, Clark, H.; Curran, Dellert, Dexter, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Hanley, Hepburn, Jackson, Lawrence, Lebowitz, Lord, MacBride, Macomber, Marsano, McPherson, Nicholson, Pines, Racine, Reed, Salisbury, Seavey, Sherburne, Soucy, Stanley, Stevens, A.; Tupper, Webster, M.; Whitcomb, Willey, Zirkilton.

ABSENT - Armstrong, Boutillier, Farnum, Hillock, Ketover, Nadeau, G. R.; Nutting, Reeves, Scarpino, Stevens, P.; Taylor, Thistle, Weymouth.

Yes, 94; No, 43; Absent, 13; Vacant, 1; Paired, 0; Excused, 0.

94 having voted in the affirmative and 43 in the negative with 13 being absent and 1 vacant, the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

An Act to Make Certain Statutory Changes to Facilitate District Court Judicial Administration (H.P. 1555) (L.D. 2115) (C. "A" H-567)

An Act to Improve the Regulation of Pesticides (H.P. 1557) (L.D. 2121) (S. "A" S-356 and S. "C" S-380 to C. "A" H-516)

An Act to Amend the Harassment Law (H.P. 1579) (L.D. 2157) (C. "A" H-561)

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.

ENACTOR

Later Today Assigned

An Act to Require Supervisory Auditors to Obtain Professional Certification within 3 Years (H.P. 1594) (L.D. 2180) (H. "A" H-559 to H. "A" H-519)

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

On motion of Representative Erwin of Rumford, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Request the Alcohol and Drug Abuse Planning Committee to Examine the Feasibility of Establishing a Detention and Rehabilitation System for Chronic Operating-Under-the-Influence Offenders and Expanding the Kennebec County Community Alternative Sentencing Program (H.P. 1597) (L.D. 2183) (C. "A" H-565)

An Act to Reduce Special Education Costs to Local School Administrative Units (H.P. 1607) (L.D. 2198) (C. "A" H-560)

An Act to Facilitate the Collection and Organization of Data for Effective Use in State Government (H.P. 1622) (L.D. 2217) (H. "A" H-575 to C. "A" H-557)