

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 Seventeenth Legislature

OF THE

State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives

January 3, 1996 to April 3, 1996

Senate

January 3, 1996 to March 13, 1996

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
27th Legislative Day
Wednesday, March 20, 1996

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

Prayer by Reverend Garnett L. Chute, Hermon Baptist Church.

National Anthem by Windham Chamber Singers.

Physician for the day, David J. Simmons, M.D., Calais Regional Hospital.

The following item was taken up out of order by unanimous consent:

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the members of the Windham Chamber Singers, who have been chosen to represent North America at the Twenty-Fifth International Youth and Music Festival in Vienna, Austria. We extend our congratulations and best wishes as they experience new and exciting ventures on their trip to Austria; (HLS 1013) by Representative KONTOS of Windham. (Cosponsors: Representative TYLER of Windham, President BUTLAND of Cumberland)

On objection of Representative KONTOS of Windham, was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House: The chamber singers that you just heard perform the anthem and those of you who were here earlier who heard their concert prior to session, they have an appointment with the Governor later this morning and so we are taking this out of order in order to accommodate their busy schedule.

Representative Tyler and I are extraordinarily proud of the young people from Windham that you have heard perform. Among their other accomplishments they have sung with Kenny Rogers in a concert at the Cumberland Civic Center. They have sung the anthem for the Boston Red Sox games. They have sung the anthem at a Montreal Expos game. They were invited especially to perform at the Music Educators National Conference. The only choir from Maine to be invited. Some of you may have seen them during the holidays. They were invited to perform on a special half hour long prime time special on Channel 13 for a winter concert. Some of you may have seen them on television. They were on News Center in the Afternoon for a special program. They even appeared on CBS, This Morning.

All of that because they produced their own C.D. and cassette of Christmas music, which I will have available for sale to help you with your 1996 Christmas shopping. They sold in five weeks 10,500 copies of their C.D.s and tapes in order to raise over \$80,000 for this trip to Austria. They did that, of course, with a lot of help from their parents and friends in Windham and people throughout the state who appreciate, as we do, the quality of their work, their sense of discipline, their high academic standards and their leadership in the community. These are the kind of young people all of us in our districts want to applaud and support and recognize whenever we can. I know you all have young

folks in your towns that are the kinds of models of young people to give us hope for the future.

We are very proud of them and I am delighted that you were able to hear them this morning and encourage them to have a great trip this summer to Austria. They will be the only school representing North America. It is an extraordinary honor and we are very grateful that you could share in this with us. Thank you Mr. Speaker.

Was read and passed and sent up for concurrence.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Communication: (H.C. 384)

Maine State Senate
State House Station 3
Augusta, Maine 04333

March 19, 1996

The Honorable Dan A. Gwadosky

Speaker of the House

117th Legislature

Augusta, Maine 04333

Dear Speaker Gwadosky:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Natural Resources, Alice H. Rand of Cape Elizabeth for reappointment as a member of the Land for Maine's Future Board.

Sincerely,

S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

COMMUNICATIONS

The following Communication: (H.C. 379)

117TH MAINE LEGISLATURE

February 27, 1996

Mr. Terrence MacTaggart

Chancellor

University of Maine

107 Maine Avenue

Bangor, Maine 04401

Dear Chancellor MacTaggart:

We are pleased to invite you to address a Joint Session of the 117th Maine Legislature. We have set aside Thursday, March 21, 1996 at 10:30 a.m. in the House of Representatives concerning the State of the University and any other matters that you may care to bring to our attention.

We look forward to seeing you then. Best wishes.

Sincerely,

S/Jeffrey H. Butland S/Dan A. Gwadosky

President of the Senate Speaker of the House

Was read and ordered placed on file.

The following Communication: (H.C. 380)

UNIVERSITY OF MAINE SYSTEM

OFFICE OF THE CHANCELLOR

107 Maine Avenue

Bangor, Maine 04401-4380

March 5, 1996

The Honorable Jeffrey H. Butland

President of the Senate

The Honorable Dan A. Gwadosky

Speaker of the House
State of Maine
117th Maine Legislature
State House
Augusta, ME 04333

Dear Senator Butland and Representative Gwadosky:

Thank you for your letter of February 27th inviting me to address a Joint Session of the 117th Maine Legislature on Thursday, March 21, 1996. I am most pleased to accept your invitation and look forward to this opportunity to comment on the State of the University of Maine System.

Sincerely,
S/Terrence J. MacTaggart
Chancellor-elect

Was read and ordered placed on file.

The following Communication: (S.P. 757)
117TH MAINE LEGISLATURE

March 15, 1996

Senator Norman Ferguson
Representative Harry True
Chairpersons
Joint Standing Committee on
Legal and Veterans Affairs
117th Legislature
Augusta, Maine 04333

Dear Senator Ferguson and Representative True:

Please be advised that Governor Angus S. King, Jr. has nominated Edwin W. Bowden of Camden for reappointment and the Honorable Orland G. McPherson of Eliot for appointment as members of the State Liquor and Lottery Commission.

Pursuant to Title 8 MRSA, Sections 373 & 374, these nominations will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House

Came from the Senate, read and referred to the Committee on Legal and Veterans Affairs.

Was read and referred to the Committee on Legal and Veterans Affairs in concurrence.

The following Communication: (H.C. 381)

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

March 19, 1996

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1512 An Act to Ensure Fairness and
Choice to Patients and
Providers under Managed
Health Care

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

Sincerely,
S/Sen. I. Joel Abromson S/Rep. Marc J. Vigue
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 382)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT**

March 18, 1996

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1270 An Act to Redefine the Oil
and Solid Fuel Board

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

Sincerely,
S/Sen. Philip Harriman S/Rep. G. Steven Rowe
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 383)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 18, 1996

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1213 An Act to Implement the
Recommendations of the
Special Commission on
Governmental Restructuring

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

Sincerely,
S/Sen. Jane A. Amero S/Rep. Beverly C. Daggett
Senate Chair House Chair
Was read and ordered placed on file.

The following item was taken up out of order by unanimous consent:

TABLED AND TODAY ASSIGNED

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

Expression of Legislative Sentiment recognizing
Alden G. Small (HLS 994)
TABLED - March 19, 1996 by Representative STROUT of
Corinth.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: As many of you know, Alden Small, later this month, will be retiring from the Department of Transportation. Alden Small and I have over the last 23 years have been somewhat involved with transportation issues. During my years here, I have served under five commissioners namely, David Stevens, Roger Maller, George Campbell, Dana Connors and the present commissioner John Melrose. In the time I have been here Alden Small has also served under those same five commissioners. Today, I want to say to the members of the House that I send a retirement warm message to Alden that I hope that he has many years in retirement. I want him at this time to be recognized by the members of the House.

PENDING - Passage.

Was read and passed and sent up for concurrence.

At this point, the Speaker appointed Representative JACQUES of Waterville to serve as Speaker Pro Tem.

The House was called to order by the Speaker Pro Tem.

ORDERS

On motion of Representative DORE of Auburn, the following Joint Resolution: (H.P. 1364) (Cosponsored by Representatives: BENEDIKT of Brunswick, CARLETON of Wells, GREEN of Monmouth, GWADOSKY of Fairfield, JACQUES of Waterville, MITCHELL of Vassalboro, POVICH of Ellsworth, SAXL of Bangor, SAXL of Portland, STONE of Bangor, WHITCOMB of Waldo, Senators: ABROMSON of Cumberland, AMERO of Cumberland, BUSTIN of Kennebec, BUTLAND of Cumberland, KIEFFER of Aroostook, LAWRENCE of York)

JOINT RESOLUTION COMMEMORATING YOM HASHOAH,

THE DAYS OF REMEMBRANCE OF THOSE WHO SUFFERED AS VICTIMS OF THE HOLOCAUST

WHEREAS, 54 years ago, 6,000,000 Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the year 1996 is the 51st anniversary of the conclusion of World War II; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some at the cost of their lives and others with lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 16, 1996 has been designated internationally as a Day of Remembrance of the Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 14th to April 21st as the Days of Remembrance of the Victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Seventeenth Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Nazi Holocaust and urge one and all to recommit themselves to the lessons of the Nazi Holocaust through this international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: This is my last year in the Legislature and if you bare with me, this is my first year as the person speaking for Yom Hashoah. I am afraid I might not do enough justice to the solemn occasion. Let me just say a few words.

My first personal encounter with the Holocaust was when I was a child. Yitka Isaacson, her Americanized name would be Judy. She was Dean of Women at Bates College. Her husband is a local attorney. I met her because my grandmother made her drapes and came home and told us stories about Yitka's Holocaust experience. It is a small town and eventually you encounter people you hear about in the stories. The story I remember most significantly was that Yitka never threw away even a crumb of bread. She was, at that point, an upper middle class lady with four kids. My grandmother said when the kids would not eat half a sandwich, she would put it in a plastic bag and put it in the fridge for later. Of course, that was because as you read her book, which she wrote recently, she remembers one day getting a raspberry from a friend walking down a path and how that raspberry was the most lovely thing she had ever seen because they had been in a camp starving for several months. It was the most generous gift you could get from another teenage friend.

When you meet somebody and you have heard this powerful stuff about her, it stays with you. I got to know her over the years and there is a wonderful part of this very tragic story of her life and that is that when she got liberated from the camp, she was liberated by a man named Ike Isaacson. As you have already ascertained, she married him. He stands about five feet tall and she stands close to six feet tall. People who don't know them see them and think, what an odd couple. They are deeply in love and have today four children and seven grandchildren. When she realized that she had had such a happy life in America as an adult, that her children were totally unaware of her Holocaust experience, now that she was having grandchildren, she sat down and wrote a book about her experience. The name of the book is A Seed of Sarah. It is a wonderful and powerful book that you may want to read sometime. It only takes a few days.

Later on I met Girda Hoff, married to a local physician. She was a very Orthodox Jew and that is what she had embraced both before and after her

experience in the camp. I would say about Girda, that she was my first opportunity to participate in an Orthodox seder. It was and will always be although I am not Orthodox, one of the most intellectually enlightening experiences I have ever had because it is a room full of people who really do the dinner service at the seder for about five hours. They take out different books and argue about interpretations. It is quite intellectually rigorous in its review of that section of the Bible.

Finally, my third experience of the Holocaust that stays with me is that when my husband's family emigrated from Russia, we didn't even know they existed after World War II and the initial person emigrated to Israel and then found through letters that were preWorld War II family members. Eventually they moved over here. Two of them are musicians and one of them for the Boston Symphony Orchestra. One is an engineer. They have done a variety of things. They have been here over 20 years, but what we learned from them about the Holocaust in our family was that Bob had several relatives who were marched to Babi Yar and shot in the back of the head and thrown into a pit. We would have had no way of knowing about it, the personal connection, without these relatives who immigrated from the Soviet Union during the period in the 1970s when they let Jews emigrate out.

When I was asked to do the Resolution, I realized in the past people have often asked anyone who wants to sign on to sign on. This year, since it is my last year and I seem to have been put in charge of it, I decided what I would do is ask only members of the Legislature who were Jewish to sign the Resolution and the leaders. I didn't want anybody to be left out from participation and this way the leaders symbolized all of you from both parties and from both bodies, the House and Senate. I wanted to single out Jewish members of the House and Senate because it gives you an opportunity to talk to your colleagues about what personally they may know of the Holocaust. I have discovered over the years that most members of the Jewish community have acquired personal stories either from their own families or from friends. They are moving stories and I think remembering the Holocaust helps us all to be vigilant about prejudice and about segregating people and stigmatizing them anywhere throughout the world.

I thank you all for allowing me to take this time today to talk to you about this. One final note, because we are getting out before the official Day of Remembrance, I would point out that if you are in the Augusta area on Sunday, April 14 at 2:30 at the University of Maine at Augusta there will be a keynote speaker, a Holocaust survivor, Allan Wayneberg. There is nothing more powerful than hearing somebody describe their experiences during the Holocaust. We are in a unique generation because there are still some people alive that can do that for us. Your children and grandchildren will probably not, in their lives, have opportunities to encounter live survivors of the Holocaust. Thank you.

Was read and adopted and sent up for concurrence.

On motion of Representative REED of Falmouth, the following Order: (H.O. 47)

ORDERED, that House Rules 1 and 19 be amended to read:

1. It is the duty of the Speaker to take the chair at the hour to which the House has adjourned, call the members to order, and after the appearance of a quorum, cause the journal of the preceding day to be read;

To announce the business before the House in the order in which it is to be acted upon;

To receive and submit to vote all motions and propositions regularly moved or that necessarily arise in the course of proceedings, and announce the result;

To restrain the members when engaged in debate, within the rules of order, and to enforce on all occasions, the observance of order and decorum among the members;

To decide all questions of order within 7 legislative days, subject to an appeal to the House;

To receive all messages and other communications and announce them to the House;

To authenticate by the Speaker's signature bills that have passed to be enacted and resolves finally passed;

To appoint the member who shall take the chair when the House has determined to go into committee of the whole;

To name a member to perform the duties of Speaker during the Speaker's absence;

To appoint the members who are to serve on committees; to appoint a Clerk and an Assistant Clerk of the House to fill any vacancy that may occur in those offices while the Legislature is not in session, to serve until the House in session elects a Clerk and Assistant Clerk; and to appoint a sergeant-at-arms, an assistant sergeant-at-arms, a document clerk, doorkeepers, a courier, and 5 pages, unless the House of Representatives otherwise directs. Any such appointments may be rescinded at any time by the Speaker;

To appoint honorary pages; and

To appoint legal counsel while the Legislature is in session.

19. Every member who is in the House when a question is put where the member is not excluded by interest shall vote, unless the presiding officer for reasons excuses that member, and when yeas and nays are ordered, no member may leave the member's seat until the vote is declared; in all elections by the House, or on joint ballot of the two Houses, no member may leave the member's seat, after voting, before a return of the House is had. A call for yeas and nays must close no more than 30 minutes after such call was commenced.

Was read and tabled one legislative day pursuant to House Rule 54.

CONSENT CALENDAR

First Day

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

(H.P. 1285) (L.D. 1765) Bill "An Act to Amend the Standards for Appointing the Guardian of a Minor" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-792)

(H.P. 1315) (L.D. 1799) Bill "An Act Concerning Notice in Foreclosure Proceedings" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-793)

(H.P. 1333) (L.D. 1828) Bill "An Act to Transfer Land from the Town of Brownfield to the Town of Hiram" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-791)

There being no objections, the above items were ordered to appear on the Consent Calendar of later in today's session 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:

(S.P. 706) (L.D. 1805) Bill "An Act to Amend the Charter of the Somerset Woods Trustees in Order to Qualify the Charter as a Charitable Corporation under Internal Revenue Service Rules"

(S.P. 249) (L.D. 646) Bill "An Act to Reinstate the Laws Governing Dam Abandonment" (C. "A" S-484)

(S.P. 638) (L.D. 1673) Bill "An Act to Ensure That Charity Care Guidelines That Apply to Hospitals Also Apply to Their Subsidiaries" (C. "A" S-482)

(S.P. 658) (L.D. 1718) Bill "An Act to Repeal and Replace the Charter of Bowdoin College" (EMERGENCY) (C. "A" S-480)

(S.P. 720) (L.D. 1824) Bill "An Act Relating to Solid Waste Management" (C. "A" S-481)

(S.P. 730) (L.D. 1834) Bill "An Act to Amend the Laws Relating to Regulation of Wetlands" (C. "A" S-483)

(H.P. 1303) (L.D. 1784) Bill "An Act to Amend the Home Health Laws"

(H.P. 1210) (L.D. 1660) Bill "An Act to Amend the Monetary Limit of Improvements That Must be Approved by the Department of Administrative and Financial Services for School Administrative Units" (C. "A" H-786)

(H.P. 1268) (L.D. 1743) Bill "An Act to Establish Consistency between Federal and State Drinking Water Laws" (C. "A" H-785)

(H.P. 1269) (L.D. 1744) Bill "An Act to Revise the State Active Service Laws" (EMERGENCY) (Governor's Bill) (C. "A" H-784)

(H.P. 1318) (L.D. 1802) Bill "An Act to Consolidate and Improve Delivery of International Trade Services in Maine" (Governor's Bill) (C. "A" H-789)

(H.P. 1335) (L.D. 1829) Resolve, to Name a Portion of Highway in Millinocket in Honor of Prisoners of War and Those Designated as Missing in Action (EMERGENCY) (C. "A" H-788)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

BILLS IN THE SECOND READING As Amended

Bill "An Act to Implement the Recommendations of the Committee to Study the Operations of the Governor Baxter School for the Deaf" (H.P. 370) (L.D. 505) (C. "A" H-787)

Bill "An Act to Increase the Penalties for Certain Crimes Involving Alcohol and Illegal Drugs" (S.P. 323) (L.D. 904) (C. "A" S-477)

Bill "An Act to Support Abatement of Uncontrolled Tire Stockpiles" (H.P. 1298) (L.D. 1781) (C. "A" H-782)

Bill "An Act to Exclude Services Provided by Direct Sellers from the Definition of Employment for Purposes of Unemployment Compensation" (H.P. 1320) (L.D. 1807) (Governor's Bill) (C. "A" H-781)

Bill "An Act Concerning the Treatment of Ocular Diseases by Optometrists" (H.P. 1326) (L.D. 1814) (C. "A" H-790)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence and in non-concurrence and sent up for concurrence and the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

Bill "An Act to Grandfather Municipal Ordinances Regulating the Spreading of Sludge" (S.P. 705) (L.D. 1804)

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

On motion of Representative GOULD of Greenville was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed and later today assigned.

Bill "An Act to Provide a New Jobs Tax Credit" (H.P. 1039) (L.D. 1458) (C. "A" H-783)

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

On motion of Representative CAMERON of Rumford was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed as amended and later today assigned.

Bill "An Act to Revise Certain Fish and Wildlife Laws" (EMERGENCY) (S.P. 637) (L.D. 1645) (C. "A" S-485)

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

On motion of Representative UNDERWOOD of Oxford was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed as amended and later today assigned.

ENACTORS

An Act to Amend the Laws Pertaining to the Regulation of Denturists (S.P. 342) (L.D. 947) (H. "A" H-774 to C. "A" S-460)

An Act to Include Sexual Contact in the Definition of Prostitution (H.P. 1216) (L.D. 1666) (C. "A" H-712)

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.

An Act to Create the Motor Carrier Training Advisory Board (H.P. 1299) (L.D. 1782) (C. "A" H-748)

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

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

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

The Speaker resumed the Chair.
The House was called to Order by the Speaker.

The following items were taken up out of order by unanimous consent:

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act to Implement the Recommendations of the Productivity Realization Task Force and to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for Fiscal Years Ending June 30, 1996 and June 30, 1997" (EMERGENCY) (H.P. 1363) (L.D. 1873) (Submitted by the Governor pursuant to Public Law 1995, chapter 99, Part D.)

Reference to the Committee on Appropriations and Financial Affairs suggested.

Under suspension of the rules, and without reference to a Committee, the Bill was read once.

The Bill was assigned for second reading later in today's session.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

SENATE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (S-451) - Minority (2) "Ought to Pass" as amended by Committee Amendment "B" (S-452) - Committee on Business and Economic Development on Bill "An Act to Amend the Membership of Certain Boards and Commissions" (S.P. 640) (L.D. 1675)

- In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-451).

TABLED - March 13, 1996 (Till Later Today) by Representative ROWE of Portland.

PENDING - Motion of Representative DAVIDSON of Brunswick to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-451) Report.

On motion of Representative ROWE of Portland, tabled pending the motion of Representative DAVIDSON of Brunswick to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-451) Report and later today assigned.

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-771) - Minority (3) "Ought to Pass" as amended by Committee Amendment "B" (H-772) - Committee on Taxation on Bill "An Act to Establish a Higher Education Tax Credit for Middle-class Families" (H.P. 1171) (L.D. 1603).

TABLED - March 14, 1996 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Motion of Representative REED of Falmouth to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-771) Report.

Subsequently, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-771) was read by the Clerk and adopted. The Bill was assigned for second reading later in today's session.

Bill "An Act to Improve the Provisions of Mental Health Services to Patients Residing in the Community" (H.P. 1358) (L.D. 1863)

(Committee on Human Resources suggested)

TABLED - March 19, 1996 (Till Later Today) by Representative LEMKE of Westbrook.

PENDING - Reference.

On motion of Representative LEMKE of Westbrook tabled pending reference and later today assigned.

SENATE DIVIDED REPORT - Report "A" (8) "Ought Not to Pass" - Report "B" (4) "Ought to Pass" as amended by Committee Amendment "A" (S-474) - Report "C" (1) "Ought to Pass" as amended by Committee Amendment "B" (S-475) - Committee on Utilities and Energy on Bill "An Act Relating to Pole Attachment Rate Disputes" (S.P. 612) (L.D. 1616)

- In Senate, Report "A" "Ought Not to Pass" read and accepted.

TABLED - March 19, 1996 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Acceptance of Any Report.
On motion of Representative MITCHELL of Vassalboro, tabled pending acceptance of any Report and later today assigned.

SENATE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (S-476) - Committee on State and Local Government on Bill "An Act to Establish the Penobscot County Budget Committee" (S.P. 613) (L.D. 1617)

- In Senate, Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-476).

TABLED - March 19, 1996 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

On motion of Representative DAGGETT of Augusta, tabled pending the motion of Representative AHEARNE of Madawaska to accept the Majority "Ought Not to Pass" Report and later today assigned.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were Tabled and Today Assigned:

HOUSE DIVIDED REPORT - Majority (12) "Ought Not to Pass" - Minority (1) "Ought to Pass" as amended by Committee Amendment "A" (H-780) - Committee on State and Local Government on Bill "An Act to Establish a User Fee System for Towns Requiring Sheriff's Services" (H.P. 1125) (L.D. 1570)

TABLED - March 19, 1996 by Representative SAXL of Bangor.

PENDING - Acceptance of Either Report.

Representative DAGGETT of Augusta moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative OTT: Mr. Speaker, Men and Women of the House: I realize the difficulties about turning a 12-to-1 report, but I do think it is important that the record reflect the effort made by the York County Task Force which provided the genesis for this bill. That task force was formed in February 1993, by the county commissioners who realized that they needed some reliable information if we were to look objectively at how county services were being delivered to York County residents. This was a special task force, it was actually called the Sheriff's Services Funding Task Force and it had a mandate from the commissioners to review and evaluate the allocation of cost for the delivery of sheriff's services and specifically the jail services, the operation of the jail, the use of the Sheriff's Department for rural patrol purposes and the use of the communications services for the county for emergencies.

What we have now in the county, at least in York County, is a significant disparity in the cost allocation between municipalities. That cost allocation is based primarily on the property valuation tax system. It is a burden for a lot of York towns as well as for all of us in the state. That task force had a cross section of perhaps 16 members from the county from local enforcement, Sheriff's Department, County Prosecutor's Office, the private sector and municipal officers who worked throughout most of 1993 and came up with a final report, a unanimous vote, that had 39 pages basically recommending what became L.D. 1570. There was an effort to bring some balance in the way we pay for the functions of county services by utilizing the concept of the user fee basis for assessing costs. It is not a contest between big towns and small towns. I think that argument became a polarized lightning rod for the objections and the opposition of this bill.

There is a Minority Report, which addresses and eliminates the objections that people had to the introduction of the Majority Report, which was the bill itself. The Minority Report would eliminate the application of any state-wide use of user fees within the county government system. The bill that was introduced gave the opportunity of utilizing the user fee alternative to taxing for services for the entire state, if counties opted to elect to use that type of funding mechanism. The Minority Report would take this away and limit it only to York County. Some people had objections that the bill itself was limited only to the sheriff's services. Why shouldn't it be extended to apply to all county services? The Minority Report addresses that concern. It would extend and expand the option of using user fees to all county services, should that be the desire of the county officers. It also eliminated any application to the present York County form of government.

Basically, the Minority Report replaced the bill and basically provided for a simple proposal. If York County and only York County were to adopt a charter, in that case, one of the methods of funding

the costs could be a funding mechanism based upon the collection of user fees. An idea ahead of its time, not really. There are a number of state services that we all know, utilize the user fees for providing their funds. Could the concept apply to some county services? The task force felt so, as I say, submitted a unanimous report of some 39 pages indicated a road map of how to get there.

The Minority Report would provide the opportunity to discuss and consider an additional option for funding county services over and beyond what has become a burden that people share on the assessment of their property evaluations. It is an additional tool that could lead to more efficiency in county government. I hope you will take this into consideration and vote against the pending motion so we can go on to adopt the Minority Report. Thank you.

Representative McALEVEY of Waterboro requested a roll call on the motion to accept 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 members present and voting. All 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 Chair recognizes the Representative from Kittery, Representative Lemont.

Representative LEMONT: Mr. Speaker, Ladies and Gentlemen of the House: I, too, recognize the incredible task of trying to overturn a Majority Report of 12 to 1. I would just like to share with you a little bit my feelings on this legislation. We have heard so much talk about reorganizing and reinventing government. This Minority Report is one small option in attempting to do that. The word "may" is used in the Minority Report. This is nothing more than an option.

County government is funded through property taxes. It is very discriminatory and it certainly does not identify the people that are most able to pay these taxes. In my community of Kittery, this would only affect Kittery if this bill is successful by the amount of \$3,000. To my constituents, it is not the \$3,000, it is a fairness issue. For my constituents to fund county services through their property taxes all over the county, they do not think is a fair way to do things. This is not the big communities versus the little communities. Every community has the same problems and restraints on funds as we do in the big communities. I don't really truly believe my community is a big community. It is a pilot program. It is something we would like to try to do. It only affects York County. I wish you would give us the opportunity to look at this. Thank you very much.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I do believe this is an opportunity, as a resident of York County, to have a referendum on how they want to fund their county government. It is a referendum on rather we want to charter or not. The people in that county may very well vote that down. I believe that we should give them the right for their own self-determination and that this Legislature doesn't have the right to tell

them that they can't have a charter if they want to. It should be those of us who live in that county to have the right to vote. This is a local issue. It should be left to us. We don't care if the other 15 counties in this state do not want to have a charter, that is fine. Just allow us to put it out to our people and let them make the determination and not be determined by this Legislature. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: In regard to the comments that were made by the previous speaker, I would just like to remind those members here that any county, at this time, can have a charter commission. This legislation is not necessary to provide for a charter commission. If any county would like to take a look at the way it is organized, the appropriate mechanism is to have a charter commission under the current statute.

I would encourage you not to consider passing this piece of legislation if your interest is in self-determination by a county. That is currently available and, in fact, in the last year, I spoke to that same issue because I think that there are many people here that are unaware of the opportunities that are available for a county to take a look at the way that it is organized. I would encourage you not to use that as a reason to oppose the motion that is in front of you. In fact, my personal opinion is that the county of York, if they are interested in taking a look at their organization, they do it by a charter commission first and bring the results of that back to this Legislature. Thank you.

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

Representative OTT: Mr. Speaker, Men and Women of the House: I just want to add a remark to the previous speaker. It is true that under existing law that any county can apply for a charter to change its present form of government. The difference is that if they were to apply and adopt a charter, the only funding mechanism that is available under present law is based upon property tax evaluations. This bill does expand that and add that in addition to that method of raising taxes, if the county were to, again, adopt a charter form of government. It could look at user fees as an option for funding certain services. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative NASS: Mr. Speaker, Men and Women of the House: I rise to ask you to support the Majority Report and vote in favor of "Ought Not to Pass." The task force report that was referred to earlier by the good Representative from York, as in my towns at least have been uniformly rejected. It was done a number of years ago. Community leaders that I talked to see this issue of one against the rich coastal towns versus the poor and more spread out inland towns. The chair of the joint committee that dealt with this has spoke eloquently on this and has indicated that all counties in the State of Maine currently have the right to develop a charter or charter changes. If the result in York County of that activity some time in the future results in the need to change its source of funding, at that time, is the proper time to come back to the Legislature and ask for changes. This proposal, Minority Report,

has the cart before the horse. I ask you to vote with the Majority "Ought Not to Pass." Thank you.

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

ROLL CALL NO. 319

YEA - Adams, Ahearne, Berry, Bouffard, Brennan, Carr, Chartrand, Chase, Chick, Chizmar, Clark, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Donnelly, Dore, Driscoll, Etnier, Gamache, Gerry, Gieringer, Gooley, Gould, Green, Guerrette, Hartnett, Hatch, Heeschen, Hichborn, Jacques, Johnson, Joseph, Joyner, Kneeland, Kontos, Labrecque, Lane, Layton, Lemaire, Lemke, Libby JD; Lindahl, Look, Lovett, Lumbr, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Morrison, Nass, O'Gara, O'Neal, Paul, Peavey, Perkins, Poulin, Povich, Rice, Richard, Ricker, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Stone, Strout, Taylor, Thompson, Treat, Tripp, True, Tufts, Tuttle, Tyler, Underwood, Vigue, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Benedikt, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Dexter, DiPietro, Fisher, Gates, Greenlaw, Jones, K.; Jones, S.; Joy, Joyce, Keane, Kerr, Kilkelly, Lemont, Libby JL; Mitchell JE; Murphy, Nadeau, Ott, Pendleton, Pinkham, Poirier, Pouliot, Reed, G.; Reed, W.; Richardson, Robichaud, Stedman, Volenik, Winsor.

ABSENT - Bunker, Cloutier, Dunn, Farnum, Fitzpatrick, Heino, LaFountain, Mitchell EH; Nickerson, Plowman, Townsend, Truman.

Yes, 99; No, 40; Absent, 12; Excused, 0.

99 having voted in the affirmative and 40 voted in the negative, with 12 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

Resolve, to Secure a Release of Property from the State (S.P. 760) (L.D. 1872)

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

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

Bill "An Act to Amend the Maine Turnpike Authority's Budget for Calendar Year 1996" (EMERGENCY) (S.P. 759) (L.D. 1871)

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

Was referred to the Committee on Transportation in concurrence.

Refer to Education and Cultural Affairs Pursuant to Joint Order (S.P. 721)

Report of the Committee on Education and Cultural Affairs on Bill "An Act to Authorize Casco Bay College to Grant Degrees" (S.P. 758) (L.D. 1870) reporting that it be referred to the Committee on Education and Cultural Affairs pursuant to Joint Order (S.P. 721).

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Education and Cultural Affairs and Ordered Printed.

Report was read and accepted and the Bill referred to the Committee on Education and Cultural Affairs in concurrence.

The Chair laid before the House the following items which were tabled earlier in today's session:

Bill "An Act to Provide a New Jobs Tax Credit" (H.P. 1039) (L.D. 1458) (C. "A" H-783) which was tabled by Representative CAMERON of Rumford pending passage to be engrossed as amended.

Representative CAMERON of Rumford presented House Amendment "A" (H-797) which was read by the Clerk.

On motion of Representative WHITCOMB of Waldo tabled pending adoption of House Amendment "A" (H-797) and later today assigned.

Bill "An Act to Provide a New Jobs Tax Credit" (H.P. 1039) (L.D. 1458) (C. "A" H-783) which was tabled by Representative WHITCOMB of Waldo pending adoption of House Amendment "A" (H-797).

Subsequently, House Amendment "A" (H-797) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-783) and House Amendment "A" (H-797) and sent up for concurrence.

SENATE DIVIDED REPORT - Report "A" (8) **"Ought Not to Pass"** - Report "B" (4) **"Ought to Pass"** as amended by Committee Amendment "A" (S-474) - Report "C" (1) **"Ought to Pass"** as amended by Committee Amendment "B" (S-475) - Committee on Utilities and Energy on Bill "An Act Relating to Pole Attachment Rate Disputes" (S.P. 612) (L.D. 1616) which was tabled by Representative MITCHELL of Vassalboro pending acceptance of any Report.
- In Senate, Report "A" **"Ought Not to Pass"** read and accepted.

Representative KONTOS of Windham moved that the House accept Report "B" **"Ought to Pass"** as amended.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I urge you to reject the Minority Report on this bill for several reasons. This is the fifth time this matter has been before you. Simply stated, it relates to the cable television industry paying a fair share for the right to attach their wires to the telephone or power company poles. The cable people are asking for a subsidy. The Maine PUC has ruled that they should pay a proportional share of the cost of each pole they use. They are not required to use the power off telephone poles. They choose to do so because it is less expensive.

After the fourth time this bill came before this body, it was defeated. The PUC was ordered to establish a formula and a review process to determine fair charges for pole attachment. This was done and is in place. This process has not been used by the cable people. Instead, they are before us with another bill that, again, establishes the subsidy for the cable industry. My concern is for the customer ratepayers of the two regulated utilities. They are the ultimate beneficiaries of the income dividend,

that is the customers, not the utility from pole-attachment rates.

Income generated from pole attachments is used to offset utility costs that are covered by rates. Testimony presented by the Public Advocates Office and the PUC confirm this process. As an unregulated business, the cable companies have no obligation to tell us, nor did they what portion of the cable rates were from pole-attachment costs. While alleging that Maine pole-attachment rates were high, they could not show the lower pole rates in other states do produce lower overall cable rates. Please reject the motion before us and go on to accept the Majority "Ought Not to Pass" on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House: To give you a little background in this issue and to help you understand why it came out divided from the committee, pole-attachment rates are those rates charged to users of the pole. Rather than having three poles in one location, we have one. The utility and in some cases the cable company that also uses some space on that pole to run its lines pays a fee to the owner of the pole. Most of those poles in Maine are owned by electric utilities. Some of them, a small percentage are owned by telephone utilities and the cable companies own none of their own.

The Representative from Cumberland is right, this bill has been in front of the committee a number of times. The last time we heard it, we referred it to the PUC, which came out with Rule 880, which came up with a formula to determine these rates. Forty states, however, use an FCC formula which differs quite a bit from the one that was developed by the PUC. I had previously been on the same side as Representative Taylor on this issue until the landscape of telecommunications began to change. Those of us who signed the Minority Report came at this issue from a slightly different direction that people who have looked at this issue in the past, in my judgment. What we looked at was federal legislation that changed the landscape in terms of telecommunication providers. It is now a much more competitive industry. I will include both regulated and nonregulated entities who want to get into the business of bringing you a whole variety of telecommunications services, not just telephones, not just electricity, not just cable, but a whole variety of new opportunities on the horizon for us and the people we represent.

In my judgment, what happens with the PUC formula that is now in place, if it were you and you will hear arguments probably from the other side that will suggest that this formula has never actually been applied to mediate a dispute between a cable company and a utility. If that were used, however, the rates can exceed the pole-attachment rate. The cost to the company to attach its line to that pole owned by someone else could be charged \$25 to \$30.

If you could look at the Committee Report, you would discover that most of the people who signed the "Ought Not to Pass," the Majority Report, lived in areas that tended to be more densely populated. Those of us, in many cases, who live in less densely populated areas realize it is unlikely for a cable company to advance into the areas where we live because the cost of these pole attachments is potentially high and the number of users on any one

of those polls may be fairly low. If you came from Portland and 25, 30, 50 or 100 users off one attachment, it is a very different business decision for you than if you live in Representative Luther's district, for example, where you may only get one or two users off that attachment. It is a business proposition for the cable company.

If you believe, as I do, that based on federal legislation and an industry that is expanding faster than we can keep up with it, that these rates need to be fair and predictable. That is one of the pieces that I think is important for us to consider as a matter of state policy. It is more likely that you are going to see greater competition, which ultimately if you are a capitalist, will reduce cost. Right now, while the Representative from Cumberland has argued that these rates go to the utilities and ultimately then reduces cost to ratepayers, well, that hasn't happened. These are very high rates, some of the highest in the country for the cable companies and it is actually, in my judgment, reducing access to some parts of the state. In many cases, the argument in the committee was one of geography as much as it was public policy.

Secondly, the report that I am asking you to support puts the jurisdiction still with the PUC, unlike the original bill and asks the PUC to look at rates that are comparable to other New England states, which is after all where all these other companies are competing. I don't see a down side to this for consumers. We have kept control with regulators that we are familiar with. We have eliminated the need for anybody to have to go to Washington to get some help. We are looking at an industry that is changing and we are trying to allow some flexibility and predictability for the people that are likely to be players in this industry. For that reason, I hope you support those of us who signed onto this report. Thank you.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: The legislation that is currently in place allows for the PUC to determine the correct cost that the utilities can allocate to the polls and calculate in the costs that can be charged to the cable TV people. The problem with this legislation is that it is trying to fix a problem that hasn't even arisen yet. Nobody has gone to the PUC to find out from them what they feel is an appropriate cost. This is like trying to fix something that hasn't really happened. What I would like all of you to do is just to close your eyes for a minute and imagine for a moment that there is a bill that is so unnecessary that Representatives Adams, Taylor, Heesch and myself all voted "Ought Not to Pass." Think about the combination of those votes. I believe that speaks for itself. Please vote against Report "B" so we can move to the other body and vote for "Ought Not to Pass." Thank you.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to share with you some of the concerns that we have from some of the statements from the small cable people that came to us. We keep talking small business, but these small cable people are small business people in Maine.

The first is from Pine Tree Cable Vision Downeast Information Highway from Pembroke, Maine. "Small

cable television operators are in danger of extinction. People sometimes assume that all cable television operations have identical interests and unlimited economic strength, but that is far from true. The situation with small cable television companies is very different from large operators and therefore we formed the small groups called the Small Cable Business Association." He gave us a chart of what they were paying when they started, \$2.35 for poles in 1988. In 1995, they are paying \$9.50 for poles. The proposal from the PUC is going to be \$25 per pole. This is a small business in a rural area.

Cable TV of Kennebunk, Kenneth Thompson spoke to us. "I appreciate your willingness to listen to us as we attempt to explain the unconscionable burden state regulation has placed on Maine cable television companies. The pole-attachment rate was \$2.32 per pole when most of Maine was wired for cable television service. In the past decade the cost has quadrupled. Constrained only by vigorous litigation between cable companies and the utilities that resulted in long-term contracts that are now expiring. The new rates proposed by the Maine PUC will double, triple and even quadruple the current disabling rates of \$9.50 per pole. The pole cost as followed by the utilities is not true. The actual annual cost of a pole in place is \$25 and \$33, not \$75 or \$158 dollars."

Michael Edgecomb from Limestone said, "I work for Frontier Partner Vision. The eleven cable systems I represent in Aroostook County total 248 miles of plants. Seven thousand seventy-six subscribers which average 31.3 homes per mile. In that 248 miles of plants I have 8,443 poles averaging 34 poles per mile. This averages 1.8 poles per customer, in the larger towns this ratio will be less than in the smaller towns. In Stockholm, Maine, for instance, I am on 201 miles. I have 5.72 miles of cable or 35 poles per mile. I have 60 subscribers. This equals 10.5 homes per mile of cable. As you can see, even a dollar increase in pole attachment rates represent a considerable cost per subscriber. Frontier Vision alone pays 1.3 million dollars in total attachment fees along with \$510,000 to the electric companies plus \$183,000 in telephone bills for a total of 1.7 million dollars. This does not even count construction and make-ready costs we also pay to the electric and telephone companies. We also know both the electric utility and phone companies will be providing services that cable now provides. Will the State of Maine be party to their efforts to price us out of business with exorbitant rates?"

I recognize very well that we do not have a member of the other Chamber on our bill. It is very important to me to be on record as how I am going to vote. My husband and I are changing a cottage on a lake into a retirement home. We are in Roxbury, Maine. I started counting the poles from the camp down to the Town of Rumford. When I got to 33 poles, I stopped counting, because there is absolutely no way that that cable television company will be able to service us, nor will they service any of you who have constituents in rural areas. Of course, the telephone companies will be available to bring you cable on your telephone lines or you can go out and buy a dish. We were talking about small businesses in Maine. We could do something today for the small business people of Maine and we could keep them in business, but either way, I want to be on record as how I am voting and I want all of you to be on record

as how your voting so, Mr. Speaker, when the vote is taken I request the yeas and nays.

Representative LUTHER of Mexico requested a roll call on the motion to accept Report "B" "Ought to Pass" as amended.

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 members present and voting. All 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 Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Mr. Speaker, Men and Women of the House: I make it a practice in life that when giants are fighting, it is best to stay out from under foot unless you are very good friends with each and all of them. In this case, the giant fighting, I am referring not to my predecessors on the Utilities Committee who stood up to speak to you today, but the telecommunications giant, such as those who now provide our cable television service, phone service and our electrical service. Those giants are going to change the world that you and I know about how we get pictures, phone service and everything else that comes over wire into our homes, that is reality of the coming world.

Five times in the last four sessions, as my friend Representative Taylor points out, this very law has come up before this body. All five times it has been defeated. There is a very good reason for that. The reasons for it were always very good, we sent this down to the Public Utilities Commission to request them to come back with as savvy an answer as they could. They did so, as has been previously referenced, that's the Rule 880. The cable companies did not like the answer they got from the Legislature five times before. They didn't like the answer they got from the PUC this one time, so they bring the bill back again. They are trying through every method known to these telecommunications giants to get the answer they want by asking the question repeatedly.

For that reason, I am in full agreement with Representative Stone and Representative Taylor and all eight of us that stood on the Majority "Ought Not to Pass" Report. That is because what we are being asked to do is to short circuit something that has never yet been tried. We are dealing with a dispute resolution here. No dispute has ever been filed with the Public Utilities Commission. Whatever deal you got is the deal that your town fathers and mothers worked out with your local cable company, that is all you have got. Nothing that this bill will do will change that contract. No dispute has ever been filed with the PUC to try to do anything about it. Companies whose interest it is made sure they get a positive answer where ever they go, wanted to short circuit that process before it even starts.

What it is about is the fact most of the utility poles that line our roads are owned by either your local light company or your local phone company. Your local cable company does not own its own poles. They just pay a piece of rent to string a wire down each pole. The amount of that rent under Maine law has to be passed on directly by your light and phone company to you and me as savings. It has been done

that way over several years. You and I have received millions of dollars in exchange for those little rentals. The cost of those rentals as you may well imagine, is a hot thing between telecommunication providers, especially since starting now, with the law signed by the President of the United States, just a few weeks ago, a law largely written by Olympia Snowe of Maine and completely endorsed in her work by Speaker Newt Gingrich and signed by the Democratic President of the United States.

It says that all those people are going to start competing with each other as much as they choose to provide the services you and I used to think only came from one of them. It is a complicated world and we are being asked to take sides in that world without necessarily knowing what the picture is going to be. I think that is fundamentally wrong, because the deal we have had so far has worked and no dispute has ever come out of it. We are being asked to judge an outcome and give answers for far in the future in a whole world of competition you and I have not yet experienced.

The amendment that is before us, Committee Amendment "B" (S-474), for those of you who have it in your books on your desk, you should understand that it allows five other New England states to help set our rates. Under the terms of the amendment, what the rates that we would be charged will be an average computed by the PUC of five other New England states. This means that it will allow Rhode Island, a densely populated state, barely the size of Penobscot County with over half the population of the State of Maine, to state to us what our attachment rates will be because that is one of the states they must judge by.

Secondly, you will also notice that the amendment says that none of the existing agreements between public utilities and cable companies are affected by the proposal in front of us now, meaning that the deal you got is the deal your still going to get. It is not going to change a thing. It is not going to save you a penny more. It is not going to move it one inch down the road. It is just going to demand that the court, the PUC, give the answer we picked far in advance into the 21st century.

Lastly, I would ask you to take a peak at the green sheets that I passed out to you. I have received many puzzling notes in the short time that it has been on your desk. This is the formula that the FCC uses to arrive at the rates charged in those other states, including Rhode Island. The problem there is if you don't understand this formula right now, then you should probably think twice about voting yes upon the bill in front of us. If you don't understand the formula right now, do not bring it to your town lawyer, do not take it to the Public Utilities Commission, you must find a lawyer who is able to argue before the FCC in Washington. Those are very few and you must go to Washington to find them. This is the formula that those other states will be using to determine what their rates are and what ours will be.

When giants fight, I think it is best to stay out from under foot, especially since there is not going to be two giants do it anymore, but a whole bunch of them. I think as this world gets more confusing what we must do is react to it when the choices are before us and not in advance of having all the answers, because we haven't yet asked all the questions. For that reason, I would encourage you to defeat the

motion now on the floor to accept Report "B," that I have tried to describe to you and go on to accept the overwhelming Majority "Ought Not to Pass" Report, which will give us the opportunity to answer better questions later when they are asked in the future.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I am not down here representing giants. I represent people who live in rural areas who now have cable TV and will not have it if we do not pass this bill. I want you to have some real numbers to work from. The pole-attachment rate now is approximately \$9.25. We are talking about raising it to \$35 for CMP, \$25 for Bangor Hydro and \$35 for NYNEX, that is what you are going to be doing here today. Go home and tell the people how you voted. Thank you.

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

Representative MARSHALL: Mr. Speaker, Colleagues of the House: I am a relatively new member on the Utilities Committee and this is a relatively confusing issue. I think it can be boiled down fairly simply. There are many of the arguments here this morning that sound like if you don't have cable television in your house, life will cease to exist. We don't have it at my house and we seem to be getting along somehow. I don't know how it is we are doing it. I think the bottom of this thing is you want the dispute resolution to be with the NPUC here in Maine or you want the dispute resolution to be in Washington. I think that's basically what it boils down to. I see people shaking their head, but I would rather have the dispute resolved here with the state and have our input in it and watch eye over it. Once it goes to Washington, I think we are getting all out of it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I would say for all the committee members we are dealing with the best information we have and what we think to be accurate. To clarify one point, I would like to quote from a letter from Chairman Welch of the Public Utilities Commission. It was written March 1, 1996, in answer to a direct question from a member on the committee. "With the caveats, I estimate that the cable-operator rates for attaching to the poles of the three companies, cable, electric and telephone, by far the numerous variety would likely be in the range of \$15 to \$20 per year." Indeed, as we have discussed, if the rates produced by the rule reach anything beyond \$15 to \$17, I would recommend to the commission that we consider revising Chapter 880. I think some of the numbers you are hearing are negotiating figures. They might have been put out by the utilities, but are in no way anything that your PUC is ready to accept or allow.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House: A point of correction, the memo before you keeps the jurisdiction on these matters at the Maine PUC.

Secondly, in reference to the letter just quoted by the Representative from Cumberland, I don't know about the rest of you, that particular piece of correspondence occurred between one member of the

committee and the chair of the commission. He is an honorable man, the chair of the commission, but his word on a letter has no weight of law, nor the weight of what is going to happen to a rulemaking at the PUC. I find that somewhat shaky specification in this argument. The real issue is whether you are looking for opportunities for greater competition among telecommunication providers that is fair, predictable and consistent in terms of this particular cost to those providers or if you prefer to retain the status quo, which is the formula that we have now in place through Rule 880.

In response to one of the other comments that was made according to the PUC, there have been no cases brought before them on this matter. Let me tell you why I think that is true. The formula would allow these pole-attachment rates to be as high as \$25 or \$30. The people negotiating these terms for these pole-attachment rates know that the big club out there for these high dollar figures is available if they go to the PUC. If you are negotiating, what are you going to do? Are you going to try to negotiate for a lower cost rather than risking that later, higher number that is available using the PUC formula, if you go there to solve your dispute. To me, that wasn't a great resolution to dealing with this particular matter. Thank you Mr. Speaker.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: There has been a lot of conversation going around about formulas, the PUC and other issues. The fact of the matter is that several people have stated that nobody has gone back to the PUC yet. The price of \$25 to \$35 isn't a price that the PUC has established. They have a formula, but nobody has looked at the formula and nobody has gone to the PUC and had them review the costs that the electric utilities and other utilities have included that would allow them to come up with that price. Nobody has asked the question. We have legislation that is currently in force and nobody has looked at it and nobody has tried to use it and to try to fix something before we decide if there is anything even wrong with it. I think it is just an erroneous thought process.

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

Representative HEESCHEN: Thank you Mr. Speaker, Members of the House: I concur with the Representative from Bangor. There is a remedy that exists at the Public Utilities Commission. The cable industry came into the committee with figures that were questionable. They were comparing outdated New England figures to hypothetical, some years off in the future, figures and that was where we were getting this \$25 to \$35. That is hypothetical, they weren't comparing apples to oranges. They didn't take into account that actually the current rate in the state for most pole attachments was under \$9. You can compare that to the New England wide rates, which they admitted weren't necessarily up-to-date. The challenge that Representative Stone mentioned is that the cable industry could go and challenge the carrying-cost assumptions, which actually provide the difference between what CMP's figure would come to, which is around \$11 and Bangor Hydro's would come to, which is about \$16 with direct application of this formula at this time. If they did challenge those carrying costs, frankly, every consumer in the state

would be better off because those carrying costs are what the utilities are using to justify their rates.

I think the Public Advocate has made it abundantly clear that even with the alternate rate plan in place here, that additional costs imposed on the utilities by losing these revenues could be passed on to the consumer. If they got higher pole rentals, those would come back in the form of lower rates. I encourage you to defeat this motion so we may accept the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Mr. Speaker, Men and Women of the House: Though as I am fond of saying I represent proudly a piece of Portland, I do also proudly come from within 30 miles of where my friend Representative Luther now lives in Oxford County. My mother, who still lives in that town had difficulty in getting her cable hitched up. Any town, no matter where it is in the State of Maine that is served by cable television today, has an option open to them to get cable to individual homes that may be far down the line. It is called a franchise fee. In the documents that your town fathers and mothers negotiated with your cable company, the fee can be used for that purpose. Nothing we do today changes that contract that your company gave your town fathers and mothers. In fact, the amendment before us expressly prohibits tampering with that contract. Any vote you do today isn't going to make cable any more available to you than it already is or isn't. If you have a problem with that, it is between your town and your local company. I would remind you to turn the amendment over on the back and it specifically points out that nothing you do today is going to change any contracts.

What we are dealing with today is the fact to give a guaranteed answer from the Maine State Court of Electricity and Utility Affairs, the PUC, as to how all further disputes will come out. It will almost say we have given you your guaranteed answer before any of you ask the question. In fact, some of the guaranteed answers we will be able to plan for in the 21st Century and use against your town fathers and mothers in negotiating any contract that comes up between now and then. Those huge numbers that you heard from the Central Maine Power Company and from NYNEX cannot happen unless the Public Utilities Commission says they may. The method of your town stopping it from happening is to take the dispute to the Public Utilities Commission. Nobody has ever done that yet. What we are being asked to do is to give the answer before anybody ever has and that just strikes me as unfair to our communities, to all the providers big and small that are going to enter into all this business in the future.

NYNEX, at the moment, for example, has an agreement that prohibits any of their rates for these gizmos that we have been talking about ever going up for the length of their agreement for more than 40 cents a month. Those enormous increases that you hear are exactly the sort of bandinage that goes on between your town lawyers, your town fathers, your town mothers and the cable company lawyers. Those are the things you have to beware because the final court of appeal that protects us is the PUC. We are being asked to tell the PUC what their answer is before they have even been asked.

I will tell you one of the things that settled this for me in the presentations to the Utilities

Committee and that was the testimony given from the chief counsel of the New England Cable Television Association who in describing their fight with Maine utilities said, "I admit that CMP and NET and Bangor Hydro are doing nothing to us that we wouldn't go and do to them, if we had the chance." I don't think we need to make a choice between this kind of giant. Let's leave it alone and keep the law as it is. I would request, please, that you vote no on the motion before us to accept the "Ought to Pass" Minority Report, so that we may go on to accept the overwhelming majority "Ought Not to Pass" and leave this thing as it is until the picture develops a little clearer. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of Report "B" as amended by Committee Amendment "A". All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 320

YEA - Ahearne, Benedikt, Berry, Cameron, Chizmar, Clark, Daggett, DiPietro, Donnelly, Dore, Fisher, Gates, Gerry, Gould, Guerrette, Hatch, Jones, K.; Keane, Kerr, Kontos, Luther, McElroy, Meres, Mitchell EH; Morrison, Murphy, Nadeau, Nass, O'Gara, O'Neal, Povich, Richard, Rosebush, Samson, Tyler, Vigue, Volenik, Wheeler, The Speaker.

NAY - Adams, Aikman, Ault, Bailey, Barth, Bigl, Birney, Bouffard, Brennan, Buck, Campbell, Carr, Chartrand, Chase, Chick, Clukey, Cross, Damren, Davidson, Desmond, Dexter, Driscoll, Etnier, Gamache, Gieringer, Gooley, Green, Greenlaw, Hartnett, Heesch, Hichborn, Johnson, Jones, S.; Joseph, Joy, Joyce, Joyner, Kilkelly, Kneeland, Labrecque, LaFountain, Lane, Layton, Lemaire, Lemont, Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, Mitchell JE; Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Poirier, Poulin, Pouliot, Reed, G.; Reed, W.; Rice, Richardson, Ricker, Robichaud, Rowe, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stedman, Stevens, Stone, Strout, Taylor, Thompson, Treat, Tripp, True, Tufts, Tuttle, Underwood, Waterhouse, Watson, Whitcomb, Winglass, Winn, Winsor.

ABSENT - Bunker, Carleton, Cloutier, Dunn, Farnum, Fitzpatrick, Heino, Jacques, Lemke, Libby JD; Nickerson, Plowman, Townsend, Truman.

Yes, 39; No, 98; Absent, 14; Excused, 0.

39 having voted in the affirmative and 98 voted in the negative, with 14 being absent, Report "B" "Ought to Pass" as amended was not accepted.

Subsequently, Report "A" "Ought Not to Pass" was accepted in concurrence.

On motion of Representative MITCHELL of Vassalboro, the House recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS
Ought to Pass as Amended

Report of the Committee on Legal and Veterans Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-489) on Bill "An Act to Allow the Adjutant General to Sell Unfit and Unneeded Property and Apply Proceeds to the Military Bureau's Construction and Capital Repair Account, to Authorize the Adjutant General to Transfer Real Property, and to Authorize the Military Bureau to Retain the Proceeds of Armory Rentals" (S.P. 660) (L.D. 1720)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-489).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-489) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: I am presently looking at Committee Amendment "A" and I see language in here which is different than my recollection of what the law is. On page 2, it appears that the commissioner is going to be given the authority at any time to sell armories or properties once certain conditions have been met. I would like to ask the committee's logic in having done that. I do note that they are creating at the same breath in subsection 3 of section 264 authorization to sell without that, Brunswick, Newport, Rumford, Sanford and South Portland armories. I would like to know if there are any plans that were developed or the committee made aware of whether or not those armories will be replaced with the money that will be forthcoming from the sale of those five armories?

The SPEAKER: The Representative from Eagle Lake, Representative Martin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: In direct response to Representative Martin's inquiries, the sections eluded to are basically the general need to go before the Committee on Legal and Veterans Affairs with his proposed plans of what he would like to do. Nothing can go forward without the authorization of the committee and ultimately this body. The reason that the five armories in the other section were eluded to specifically by name, those armories are in terrible shape and they really are a liability and that is why they are suggested for sale. What will happen with those proceeds if and when there is a reasonable market value in the sale is there are other armories throughout the state that are in tough shape and could use attention. That is where the money will flow to.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: I want to thank the Representative for the response. I would just note on page 3, line 30 it says, "Capital expenditures includes authorization to make expenditures from the construction and capital accounts to repair properties of the military bureau as well as to construct new facilities." That does not include, at least in that section, any requirements that the Legislature is going to be involved in that particular end of it. I do agree that in further sales of any other armory that that will require the approval of the Legislature, but in

terms of the transfers of the dollars, I don't see where there is a requirement in that category that will require any monies to receive approval from the Legislature.

It would appear to me that this authorizes the department for construction and I have no problems in terms of capital repair on the remaining armories. I do have a problem of not coming to the Legislature for authorization to construct new facilities. I don't see it in the section 264, which deals with sale of property, nor do I see it section 152 or 154 that has been created by the committee. I would wonder what will happen in that instance.

The SPEAKER: The Representative from Eagle Lake, Representative Martin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Thank you Mr. Speaker. I move this matter be tabled one legislative day pending adoption of Committee Amendment "A."

On motion of Representative MARTIN of Eagle Lake, tabled pending adoption of Committee Amendment "A" (S-489) and specially assigned for Thursday, March 21, 1996.

Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-472) on Bill "An Act to Allow the Diagnosis of Biologically-based Mental Illness by Licensed Psychologists" (EMERGENCY) (S.P. 622) (L.D. 1630)

Signed:

Senators: ABROMSON of Cumberland
SMALL of Sagadahoc
Representatives: JONES of Pittsfield
VIGUE of Winslow
CAMPBELL of Holden
GUERRETTE of Pittston
LUMBRA of Bangor

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-473) on same Bill.

Signed:

Senator: MCCORMICK of Kennebec
Representatives: GATES of Rockport
SAXL of Portland
MAYO of Bath
CHASE of China
THOMPSON of Naples

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-472).

Was read.

Representative VIGUE of Winslow moved that the House accept the Majority "Ought to Pass" as amended Report.

On further motion of the same Representative, tabled pending his motion to accept the Majority "Ought to Pass" as amended Report and specially assigned for Thursday, March 21, 1996.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative REED from the Committee on Taxation on Bill "An Act to Enable the Loring Development

Authority to Establish the Loring Job Increment Financing Fund and to Impose Term Limits on Trustees of the Authority" (H.P. 1266) (L.D. 1741) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-799)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-799) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 21, 1996.

Ought to Pass as Amended

Representative STROUT from the Committee on **Agriculture, Conservation and Forestry** on Bill "An Act Strengthening the Laws That Prohibit the Drugging of Animals Competing in Pulling Events and Livestock Exhibitions" (H.P. 1322) (L.D. 1809) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-802)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-802) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 21, 1996.

Ought to Pass as Amended

Representative AHEARNE from the Committee on **State and Local Government** on Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in Certain Real Estate and Personal Property Held by Various State Agencies at 6 Locations (H.P. 1329) (L.D. 1821) (Governor's Bill) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-806)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-806) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 21, 1996.

Divided Report

Majority Report of the Committee on **Education and Cultural Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-794) on Resolve, to Recognize the Maine School for the Arts and the Maine High School for the Arts (EMERGENCY) (H.P. 1316) (L.D. 1800)

Signed:

Senator: SMALL of Sagadahoc
Representatives: CLOUTIER of South Portland
AULT of Wayne
BARTH of Bethel
DESMOND of Mapleton
STEVENS of Orono
WINN of Glenburn
MARTIN of Eagle Lake

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

Signed:

Senators: ESTY of Cumberland
ABROMSON of Cumberland
Representatives: LIBBY of Buxton
McELROY of Unity
BRENNAN of Portland

Was read.

On motion of Representative WHITCOMB of Waldo, tabled until later today pending acceptance of either Report.

CONSENT CALENDAR

First Day

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

(S.P. 703) (L.D. 1792) Bill "An Act Concerning the Number of Washington County Commissioners" Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-487)

(H.P. 1123) (L.D. 1567) Bill "An Act to Facilitate Sewer and Water Main Extensions" (Governor's Bill) Committee on **Utilities and Energy** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-796)

(H.P. 1194) (L.D. 1638) Bill "An Act to Amend the Charter of the Boothbay Harbor Water District" Committee on **Utilities and Energy** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-795)

(H.P. 1240) (L.D. 1700) Bill "An Act to Allow the Removal from Public Office of Certain Elected County Officials" (EMERGENCY) Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-803)

(H.P. 1253) (L.D. 1722) Bill "An Act to Develop the Maine Public Health Improvement Plan" Committee on **Taxation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-800)

(H.P. 1296) (L.D. 1778) Resolve, to Require the Department of Agriculture, Food and Rural Resources to Take Various Actions in Support of the Dairy Industry (EMERGENCY) Committee on **Agriculture, Conservation and Forestry** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-801)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 21, 1996 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. 1285) (L.D. 1765) Bill "An Act to Amend the Standards for Appointing the Guardian of a Minor" (C. "A" H-792)

(H.P. 1315) (L.D. 1799) Bill "An Act Concerning Notice in Foreclosure Proceedings" (C. "A" H-793)

(H.P. 1333) (L.D. 1828) Bill "An Act to Transfer Land from the Town of Brownfield to the Town of Hiram" (C. "A" H-791)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

BILLS IN THE SECOND READING

Bill "An Act to Implement the Recommendations of the Productivity Realization Task Force and to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for Fiscal Years Ending June 30, 1996 and June 30, 1997" (EMERGENCY) (H.P. 1363) (L.D. 1873)

As Amended

Bill "An Act to Establish a Higher Education Tax Credit for Middle-class Families" (H.P. 1171) (L.D. 1603) (C. "A" H-771)

Were reported by the Committee on Bills in the Second Reading, read the second time, the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

ENACTORS
Emergency Measure

An Act to Increase the Borrowing Capacity of the Ashland Water and Sewer District (H.P. 1190) (L.D. 1631) (C. "A" H-761)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Encourage Tire Stockpile Abatement (H.P. 1208) (L.D. 1658) (C. "A" H-768)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Ensure the Proper and Humane Care of Persons Requiring Mental Health Services (H.P. 1284) (L.D. 1764) (C. "A" H-769)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Amend the Law Concerning Tobacco Use by Juveniles (S.P. 628) (L.D. 1635) (C. "A" S-471)

An Act to Establish the Town Boundary between the Town of Canaan and the Town of Cornville and between the Town of Canaan and the Town of Skowhegan Located in the County of Somerset (H.P. 1230) (L.D. 1683)

An Act to Exempt Working Rural Mail Carriers and Taxicab Operators from Certain Provisions of the Seat Belt Law (H.P. 1265) (L.D. 1740) (H. "A" H-758 to C. "A" H-747)

An Act to Establish the Boundary Line between the Town of Cornville and the Towns of Solon and Athens (S.P. 679) (L.D. 1745)

An Act to Authorize the Maine Photographic Workshops to Grant Degrees (S.P. 682) (L.D. 1747)

An Act to Amend the Definition of "State Agency Client" (H.P. 1281) (L.D. 1760)

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.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

At this point, the Speaker appointed Representative JACQUES of Waterville to serve as Speaker Pro Tem.

The House was called to order by the Speaker Pro Tem.

The Chair laid before the House the following items which were tabled earlier in today's session:

House Divided Report - Committee on Education and Cultural Affairs- (8) Members "Ought to Pass" as amended by Committee Amendment "A" (H-794) - (5) Members "Ought Not to Pass" - on Resolve, to Recognize the Maine School for the Arts and the Maine High School for the Arts (EMERGENCY) (H.P. 1316) (L.D. 1800) which was tabled by Representative WHITCOMB of Waldo pending acceptance of either Report.

On motion of Representative AULT of Wayne the House accepted the Majority "Ought to Pass" as amended Report.

The Resolve was read once. Committee Amendment "A" (H-794) was read by the Clerk and adopted. The Resolve was assigned for second reading Thursday, March 21, 1996.

An Act to Create the Motor Carrier Training Advisory Board (H.P. 1299) (L.D. 1782) (C. "A" H-748) which was tabled by Representative MITCHELL of Vassalboro pending passage to be enacted.

On motion of Representative STROUT of Corinth, rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1782 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-748) was adopted.

The same Representative presented House Amendment "A" (H-807) to Committee Amendment "A" (H-748) which was read by the Clerk and adopted.

Committee Amendment "A" (H-748) as amended by House Amendment "A" (H-807) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-748) as amended by House Amendment "A" (H-807) thereto in non-concurrence and sent up for concurrence.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was Tabled and Today Assigned:

Bill "An Act to Ensure That Basic Health Care Needs of Women Are Covered in Insurance Policies" (H.P. 976) (L.D. 1385)

- In House, passed to be engrossed as amended by Committee Amendment "A" (H-707) on March 7, 1996.

- In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-707) as amended by Senate Amendment "A" (S-469) thereto in non-concurrence.

TABLED - March 19, 1996 by Representative WATERHOUSE of Bridgton.

PENDING - Motion to Recede and Concur.

On motion of Representative VIGUE of Winslow, the House voted to Recede.

On motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-707) as amended by Senate Amendment "A" (S-469) was adopted.

The same Representative presented House Amendment "B" (H-810) to Committee Amendment "A" (H-707) which was read by the Clerk and adopted.

Committee Amendment "A" (H-707) as amended by House Amendment "B" (H-810) and Senate Amendment "A" (S-469) thereto was adopted.

On motion of Representative CARLETON of Wells, tabled pending passage to be engrossed as amended by Committee Amendment "A" (H-707) as amended by House Amendment "B" (H-810) and Senate Amendment "A" (S-469) thereto and later today assigned.

The Chair laid before the House the following item which was tabled earlier in today's session:

Bill "An Act to Ensure That Basic Health Care Needs of Women Are Covered in Insurance Policies" (H.P. 976) (L.D. 1385) which was tabled by Representative CARLETON of Wells pending passage to be engrossed as amended by Committee Amendment "A" (H-707) as amended by House Amendment "B" (H-810) and Senate Amendment "A" (S-469) thereto.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-707) as amended by House Amendment "B" (H-810) and Senate Amendment "A" (S-469) thereto in non-concurrence and sent up for concurrence.

The Speaker resumed the Chair.

The House was called to Order by the Speaker.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly who wishes to speak on the record.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: Earlier today on Roll Call 319, I voted nay and wish to correct that and be voting yea.

On motion of Representative DORE of Auburn, the House adjourned at 5:30 p.m. until 9:00 a.m., Thursday, March 21, 1996 in memory of the victims of the Holocaust.