

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Twelfth
Legislature
OF THE
STATE OF MAINE

VOLUME I
SECOND REGULAR SESSION
January 8 - April 2, 1986

The House was called to order by the Speaker.
Prayer by Reverend James Blanchette, Capehart
Community Church, Bangor.
National Anthem by the Mt. Ararat High School
Band, Topsham.
The Journal of Friday, January 31, 1986, was read
and approved.
Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

The Senate of Maine
Augusta

January 31, 1986

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be
advised that the Senate today confirmed, upon the
recommendation of the Joint Standing Committee on
Aging, Retirement and Veterans, the Governor's
nomination of Jon A. Lund of Hallowell for
reappointment to the Maine State Retirement System
Board of Trustees.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Encourage the Rehabilitation of
Members Receiving Disability Benefits under the Maine
State Retirement System" (S.P. 779) (L.D. 1960)

Came from the Senate, referred to the Committee
on Aging, Retirement and Veterans and Ordered Printed.

Was referred to the Committee on Aging,
Retirement and Veterans in concurrence.

Bill "An Act to Clarify the Procedure for Appeals
of Decisions of the Public Utilities Commission"
(S.P. 778) (L.D. 1959)

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

Was referred to the Committee on Utilities in
concurrence.

Non-Concurrent Matter

Bill "An Act to Provide for a Clean-up Program
Concerning Natural Die-off of Fish in the Coastal
Waters of the State" (H.P. 1383) (L.D. 1952) which
was referred to the Committee on Appropriations and
Financial Affairs in the House on January 30, 1986.

Came from the Senate referred to the Committee on
Marine Resources in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Require Employers to Notify
Employees of the Termination of Group Insurance"
(H.P. 1384) (L.D. 1953) which was referred to the
Committee on Business and Commerce in the House on
January 30, 1986.

Came from the Senate referred to the Committee on
Labor in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

112th Maine Legislature

January 30, 1986

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, ME 04333

Dear Clerk Pert:

Pursuant to my authority under the Resolves of 1985,
Chapter 43, we have appointed Ms. Patricia Russell of
Millinocket to the Joint Select Committee on Learning
Disabled Children.

Ms. Russell replaces Rae Bates, who has resigned from
the Committee.

Please let me know if you have any questions about
this matter.

Sincerely,

S/Charles P. Pray S/John L. Martin
President of the Senate Speaker of the House

Was read and ordered placed on file.

The following Communication:

State of Maine
Senate Chamber
Augusta, Maine 04333

January 30, 1986

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Pert:

Pursuant to my authority under M.R.S.A. 34, Section 525A, I have appointed Senator Jean Chalmers to a three year term on the Maine Correctional Advisory Committee.

If you have any questions about this appointment, please let me know.

Sincerely,

S/Charles P. Pray
President of the Senate

Was read and ordered placed on file.

The following Communication: (H.P. 1382)

WHITEWATER ADVISORY COMMITTEE
State House, Station 13
Augusta, Maine 04333

January 17, 1986

Sen. Charles P. Pray
President of the Senate
State House Station #3
Augusta, Maine 04333

Rep. John L. Martin
Speaker of the House
State House Station #2
Augusta, Maine 04333

Dear Sirs:

In accordance with 12 MRSA §7364-A, ¶13 this will submit the annual report of the Whitewater Advisory Committee.

Sincerely yours,

S/Clinton B. Townsend, Chairman
Whitewater Advisory Committee

Was read and with accompanying report ordered placed on file.
Sent up for concurrence.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

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

Business and Commerce

Bill "An Act to Promote Fairness for Home Buyers" (H.P. 1391) (L.D. 1962) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representatives COTE of Auburn, RYDELL of Brunswick and Senator BUSTIN of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Marine Resources

Bill "An Act Concerning Atlantic Salmon" (H.P. 1392) (L.D. 1963) (Presented by Representative CARTER of Winslow) (Cosponsors: Representatives RUHLIN of Brewer, CONNERS of Franklin and Senator PERKINS of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(The Committee on Fisheries and Wildlife was suggested).

On motion of Representative Jacques of Waterville, was referred to the Committee on Marine Resources, Ordered Printed, and sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass in New Draft/New Title

Representative BEAULIEU from the Committee on Labor on Bill "An Act to Amend the Employment Security Law" (H.P. 1229) (L.D. 1736) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Allow the Disclosure of Certain Employment Security Adjudicatory Records" (H.P. 1390) (L.D. 1961)

Report was read and accepted, The New Draft given its first reading and assigned for second reading Tuesday, February 4, 1986.

CONSENT CALENDAR

FIRST DAY

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

(S.P. 675) (L.D. 1748) Bill "An Act to Allow Administrative Agencies to Continue to Adopt Emergency Rules Where Necessary" Committee on State Government reporting "Ought to Pass"

(S.P. 650) (L.D. 1675) Bill "An Act to Clarify Equipment and Vehicle Use Policy" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-372)

(H.P. 1209) (L.D. 1716) Bill "An Act to Amend the Postgraduate Training Requirement for Licensure of Physicians" Committee on Business and Commerce reporting "Ought to Pass"

(H.P. 1235) (L.D. 1744) Bill "An Act Providing Conformity with the United States Internal Revenue Code under the Maine Income Tax Law" (Emergency) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-494)

(H.P. 1370) (L.D. 1934) RESOLVE, Relating to the Joint Select Committee on Economic Development (Emergency) Committee on State Government reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, February 4, 1986 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. 1252) (L.D. 1762) Bill "An Act to Permit the Electricians' Examining Board to Renew Certain Master, Journeyman and Limited Electricians' Licenses" (Emergency)

On motion of Representative Diamond of Bangor, was removed from the Consent Calendar, Second Day.

Report was read and accepted, the bill read once and assigned for second reading tomorrow.

(S.P. 660) (L.D. 1698) Bill "An Act Regarding the Appointment of Harbor Masters" (C. "A" S-371)

(H.P. 1223) (L.D. 1730) Bill "An Act to Revise the Maine Apiary Laws" (C. "A" H-492)

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

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

ORDERS

On motion of Representative BROWN of Gorham, the following Joint Resolution: (H.P. 1393) (Cosponsor:

Senator BROWN of Washington)

IN MEMORIAM

WHEREAS, on the morning of January 28, 1986, the space shuttle Challenger, on its remarkable reach for the stars, carrying six N.A.S.A. astronauts and America's first civilian ended abruptly and tragically as America shuddered in disbelief; and

WHEREAS, prior to that gripping moment this brave and daring crew of gifted men and women, representing the very finest of this Nation, were eagerly on their way toward making another historic triumph in our quest to explore the wonders of outer space; and

WHEREAS, school children and educators of Maine and the Nation were especially proud that the first private citizen selected to go into space was Christa McAuliffe, a teacher at Concord High School in our neighboring state of New Hampshire; and

WHEREAS, Christa McAuliffe epitomized the very best characteristics of a classroom teacher; her enthusiasm and intelligence sparked the interest of the Nation in the Teacher in Space Program and brought great honor to the teaching profession; and

WHEREAS, Christa and the crew of the space shuttle Challenger made the ultimate sacrifice while trying to unlock the dark ocean of space and for that their lives shall forever stand as a monument to human achievement, more safely guiding those pioneers to follow in the most challenging adventure of our age; and

WHEREAS, Christa's courage, leadership and risk-taking will serve as an example to all who carry on the work she loved and died for; her dream in reaching for the stars to broaden the horizons of her students and the world, a dream which we will continue to nurture, to build upon and to help grow in her memory; now, therefore, be it

RESOLVED: That, We, the Members of the Senate and the House of Representatives of the One Hundred and Twelfth Legislature, now assembled in Second Regular Session pause in our deliberations to pay this tribute to: Francis R. Scobee; Michael J. Smith; Ronald E. McNair; Ellison S. Onizuka; Judith A. Resnik; Gregory B. Jarvis; and Sharon Christa McAuliffe and at this moment join all the people of the State of Maine in expressing to the families of the deceased our deepest understanding and prayer and to inscribe upon our journals this token of sympathy and condolence to all who share this great loss; and be it further

RESOLVED: That, We, respectfully request that when the Legislature adjourns this date that it do so in honor and lasting tribute to each of the deceased; and be it further

RESOLVED: That the suitable copies of this Joint Resolution be prepared and presented forthwith to these beloved families on behalf of the Legislature and the people of Maine

Was read and adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Utilities reporting "Ought Not to Pass" on Bill "An Act to Prohibit Local Measured Service Prior to December 31, 1986" (Emergency) (H.P. 1387) (L.D. 1956)

Signed:

Senators: WEBSTER of Franklin
BALDACCI of Penobscot

Representatives: VOSE of Eastport
WILLEY of Hampden
RICHARD of Madison
PARADIS of Old Town
NICHOLSON of South Portland
WEYMOUTH of West Gardiner

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

Signed:

Senator: ANDREWS of Cumberland

Representatives: BAKER of Portland
McHENRY of Madawaska
WEBSTER of Cape Elizabeth
CLARK of Millinocket

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.
Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I move acceptance of the Majority "Ought Not to Pass" Report.

We are finally getting into the long awaited local measured service bill. As you recall, last year the PUC had given an order to the New England Telephone Company to implement local measured service. This alarmed all of us and rightly so. Therefore, there were around six to eight bills put in at that time that address the issue. Thanks to the sponsors of those particular bills, they were kind enough to withdraw those bills in order for us to take the summer and study it and also delay implementation until February 15th.

I want to make it very clear that some of those bills could have been signed out by the members of the committee. So, they agreed that they would not sign them out on the basis of our study.

The PUC themselves held hearings. We also held hearings on the local measured service and work sessions and discussions. The agreement that we had

made ahead of time and indicated as such in the letter that the Legislative Council agreed to, that any one of our committee could in fact put a bill in addressing this, this year. Two bills were put in and this L.D. 1956 is one of the two bills. You will be hearing from L.D. 1957 later on.

L.D. 1956 does, in fact, delay the implementation of local measured service until December 31st. The line of reasoning behind that is that there is going to be an initiated referendum held, unless the Legislature acts on the bill, in November and the people would have an opportunity to vote on the issue.

The question here today is not whether local measured service is good for a person or bad for a person; quite frankly, I can't tell you that. I have been to all these hearings, I have listened to the PUC who said, yes it is. New England Telephone says, yes it is good and the public advocate also agreed that it would be good for the majority. The information that I received is that 58 percent of the residents would save money; 68 percent of the businesses would save money; 66 percent of the elderly would save money; 48 percent of the low income would save money, which meant the 52 percent the other way means that maybe they would be paying higher. This is based upon the other flat rate, not the flat rate you see on the three options.

In the meantime because of the hearings and because the information we had received, they agreed (they being New England Tel., the Public Utilities Commission, and the public advocate) that they would put these three options in, Option A, Option B, and Option C. I won't go into the options because, as I pointed out to you, I am not debating local measured service. What I am debating here today is, that because people are going to vote in a referendum and let us know whether or not they want local measured service, I feel it is the duty of every person here, every legislator that is representing the people in their area, to give them as much information as possible in order to allow them to vote on the issue. Right now, I frankly don't think a lot understand it.

To give you a perfect example of that, I made a phone call to Nathan Cohen of Eastport and he and Mim weren't there, but there was somebody there taking care of his mother. She happened to be a senior citizen. She said, "It is odd that you called today because I just wrote a card to you." You know those cards that we receive, they are the so-called penny post card, which is no longer a penny post card anymore, but you have seen the cards. It says, "please vote against local measured service." So, I asked her, "Why do you want me to do that?" She said, "I really don't know except that they told us it was bad for me." I said, "Where did the cards come from?" "Well, they brought them in down to the senior citizens and they split us up into three groups and they said, you write this and you write that, and you write to Harry." So I said, I am awfully sorry that you don't understand it, since in Eastport we just got rid of the crank telephone, you know, the kind that you wheel. That is how far we are behind as far as equipment is concerned.

I said, you do realize that in our area you probably won't get it for about ten years. Oh really? I said, "Yea, you know about ten years down the pike, if it is any good. You may not get it at all if they vote against it and if it isn't any good, we will see that you don't get it." I said, "I feel

a little hurt in that you didn't trust me not to make a right decision for you senior citizens." I said, "After all you remember, I was the one that got you this building here. I took my chance and helped stake out the first floor for you and attended your meetings and have a bill presently before us, already in committee, that adjusts the elderly tax." She said, "Oh Harry, I am so sorry, you are right. I should have trusted your judgment. I know you wouldn't do anything to hurt us." And she is absolutely right. I am a guy who sees these kids on television with the cereal and they say, "Let Mikey try it, we don't want to try it." Then they say, "Hey, he likes it, he likes it." Well, all I want to do is have them try it, have the people try it for a period of about six months and tell us, is it any good, is it helping you or not?

I want you to notice the senior citizens (myself being one too) on my committee all signed the "Ought Not to Pass." We are all senior citizens too, I don't think they are afraid of it, I am not -- in fact, I took Option A down here in Augusta and will probably make out fine.

As I pointed out to you, all we are doing here today is voting whether or not to let the people try it out and tell us whether or not it is any good so they will be more qualified to vote in November, for or against, local measured service. I don't think that that is unreasonable.

I might add that the other bill that is coming your way shortly is the one bill that literally kills it. It kills it on a two year sunset. It makes it a two year pilot program -- that bill, when it comes up, you want to look at that one, but I won't talk about that one because I realize the rules very clearly state that I cannot discuss another bill that is forthcoming. But if you want to read 1957, it wouldn't be bad while we are thinking about this thing.

I hope you will support my motion.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: Now that all the smoke has cleared and hopefully you can see through some of the debate that is going to be taking place here today, I find myself in a peculiar situation, debating my good friend, Representative Vose as my chairman of that committee, but I hope you will not go with his motion to postpone this bill and give us a chance to speak on it here today.

I come from Millinocket, one of the areas that will not be affected by this piece of legislation as of now but I have a large constituency back home that feels very opposed to this. I received some 200 to 250 letters in opposition to this piece of legislation. So, I hope you give us some time to debate this. It is going to go to referendum to let the people decide if they do want this in the State of Maine and I hope that debate will follow when we turn down my good friend's motion to kill this bill.

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

Representative PARADIS: Mr. Speaker, Members of the House: I hope that you will support the "Ought Not to Pass" Majority Report side of which I am on.

The bill which is before us is an attempt to head off the effect of the referendum before it has been placed before the voters and to cancel the effects of the local measured service as far as the people out

there are concerned. Right now, the way it has been designed, approximately 20 to 25 percent of the customers telephone service in the state will be affected by this. They have been receiving dual billing over the past few months and they have an indication as to what their bills will actually be when it is implemented for certain.

The committee has spent many months on studying this to ensure the best effect for the customers and for the welfare of the company. Right now, the measured service has been designed so that we will be revenue neutral -- there will be no gain or no loss to the company. Any such rate increases will be the subject of the rate cases as brought before the PUC and judgment will be made on merit and not on the effect of local measured service.

I would hope that you would support the committee's report for the "Ought Not to Pass" so we could go on and then accept the following measure which is also a committee recommendation.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: To me there is one overriding reason why you should vote to delay implementation of local measured service -- people don't want it. They don't want use of their phone measured and they truly want to be able to make local telephone calls the way they always have. This appears to me to be an immediate concern.

There is also one reason you should vote against delaying -- people who don't use the phone much will pay less and people who use the phone a lot will pay more. This appears to me to be a more long term concern. We should vote to delay implementation until after the people have voted. Can we say we know what is best for people? Can we say, even if you hate it, it is going to be good for you? Can we say, as the Representative from Eastport does, that we know what is best for people? Can we say, even if you hate it, that it is going to be good for you? Can we, as the Representative from Eastport does, say that people don't understand local measured service? That the only way to understand it is to have it? Can we say that we are smarter than the voters? Can we say that we are smarter than "Hilda?"

Let me discuss some myths. Local measured service is optional -- that is really wrong. The cap on the flat rate equals the cap on optional local measured service so the smart thing to do is to pick Optional Measured Service, Option A, and that is what most people are doing.

Local measured service is revenue neutral -- that is wrong. Local measured service is revenue neutral for about an hour and then as the usage of local telephone calls increases over time, the amount of revenues that the phone company gets will increase with it.

Local measured service will save residential customers money -- that is wrong. Some people will save money but, in the long run, local measured service is going to cost residential customers more.

Local measured service will save small businesses money -- that is wrong. Some small businesses will save money under this plan and some small businesses will be paying a lot more.

Local measured service will bring a stronger telecommunication system -- that is wrong. Maybe it will and maybe it won't but it was very clear from

all the evidence that we have seen that the answer isn't known yet.

It seems a shame to me to blind ourselves to these facts and rush into local measured service on February 15th. If people want local measured service, there is no hurry, they can have it in 1987, but if people don't want local measured service, there is need to hurry. If we don't act to pass L.O. 1956 now, local measured service will take effect February 15th. Even if you think local measured service is in the best interest of the public, you must recognize that there is no compelling need for this to happen this very month. It will be just as available next year so avoid all the costs of putting this into effect now and possibly pulling it out just nine months from now. Avoid all the confusion to the customers, let the referendum be the deciding factor, vote for L.O. 1956 and vote against the pending motion.

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

Representative BAKER: Mr. Speaker, Men and Women of the House: I would like to preface my remarks just briefly by a little statement I would like to make. I know that I tend to be slightly passionate sometimes when I speak and this is sometimes confused by members of the House as acting. I wish to assure my colleagues that when a person is acting, they often mouth the phrases and emotions of characters with whom they, themselves, might not necessarily agree with and I wish to assure my colleagues here that what I have to say today is quite sincere.

Having said that, I would like to get into the subject matter of this particular bill. I was one of the members of the committee that withdrew a bill that I had supported and I withdrew it on the basis of the fact that I was told that I should give the Public Utilities Commission a chance to re-examine local measured service. I was convinced at the time that perhaps I shouldn't and perhaps I should take the issue to the floor and what has happened since then has made me regret my decision to withdraw the bill. I am not sure but I believe that the Public Utilities Commission has intended this local measured service to go through and they were going to stick to their guns regardless.

I attended a number of hearings on local measured service and one of the most frequent questions put forward to those people who were opposed to local measured service was, "would you object if this was optional?" Most people said, "no, we have no problem if it is optional." I should mention that, right now, it is optional already. There is an existing optional local measured service in Portland and probably other places as well and I believe only approximately 7 percent of the customers on this particular service, which is designed quite differently from the proposal that the PUC has put forward. When the new design came forward, it contained what I would say "optional." Option C, as has been pointed out by a previous speaker, has raised the flat rate to a point where Option A and B is obviously going to be more attractive and yet the proponents of local measured service say, "well, this is optional, what are you complaining about, you have a choice. You can either pay a lot more for a flat rate or you can go on this option." I would submit to the members of this body that, in my opinion, this is some form of manipulation. This is not really granting a true option. Now, I point this out

because I think it is very important for this body to remember that the public has certain perceptions of what we do. We may do things here for the right reasons but the public has a different perception and this is very important especially when we are talking about a referendum. The public perception of our actions to the previous referendum that was held last November was that our actions were pretty bad.

Proponents argue that we should give people a chance to try this out. (1) The phone company is capable of producing comparative billing and this comparative billing is ample evidence of whether or not your going to save or pay more. I should note here that this comparative billing should really be based on the current flat rate if it is going to be done, not the proposed flat rate of \$18 because obviously, with a proposed rate of \$18, you are always going to save because that is the cap, you will never go above that under local measured service. You can't help but save if the cap is going to be at Option C but I suggest the comparative billing should really show you what your costs would be under the current flat rate, which is around \$13.85 or something like that. So, I submit to this body that we have ample evidence through comparative billing.

For the legislature to be perceived as shoving a program down the throats of people would be very bad policy. There are a number of laws that are about to be voted on through referendum. We don't pass them first and then see whether the people are going to reject them or not reject them. We don't engage in that kind of policy with other issues. This may not be the best example to use but I will throw it out anyway to illustrate my point. Certainly if someone is going to hold a referendum on the death penalty in November, we wouldn't pass it to try it to see if people would like it. I am not sure that is the best analogy but I think my point is clear. We should not shove down the throats of the people this kind of controversial policy because I believe the phone company would then turn around and say, "this program is working." It would be in effect, wouldn't it? So they advertise this program as working and people are saving over what the flat rate would be. Well, that to me, is a real manipulation. If we let the program go into effect, it may be seen as our giving it our seal of approval so I would believe it is best for us to simply not let it go into effect and let the voters decide.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I know nothing about this bill particularly but I have been a trustee of a utility and it is a funny thing, utilities continually raise the cost of doing business. The prices you pay continually go up.

Now, I could be in favor of restricting this telephone service to what it is today if you want to do the same thing for my water bill, my electrical bill, my sewer bill. You put those on a flat rate and I will be very happy to vote for a flat rate here.

However, that isn't the way business is done. It is a simple thing, as far as I am concerned, you pay for what you use today and you pay for what you get. It just seems odd that, here we are going to have a referendum in the near future, which if you don't agree with what is being done, you can vote against

it.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to correct a few things here that have been said. First, the comparison of the dual billing was compared against the existing flat rates, not the rates that are being put on with this local option, optional measured service. When I said that 58 percent of the residents save money, which is the PUC figures, I am talking about them paying less than what they are at the existing flat rate that is in force now.

Now, let's discuss the option. When you say that there is no option in "C", as of January 27, 1986, 17,883 chose (at 61 percent) chose Option "A". Option "B", 6,044, which is 20 percent. And oddly enough, 19 percent or 5,481 chose Option "C". So, it is obvious this is optional, it is not mandatory, it is an optional service.

Remember once again, when you say jam it down their throats, that is rather amusing to me because we are not jamming anything down anybody's throat. As I told you before, there is a referendum, they are going to vote on it in November. All we are saying is, we want to give you every possible bit of information we can so that you will be qualified to know what you are voting for. That is all, that is the issue here.

As I would point out again, there is only one bill that will be coming before us that literally kills measured service, that is the next one.

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

Representative CONNOLLY: Mr. Speaker and Members of the House: The central argument that is being used by a spokesman like Representative Vose to try to kill this delay bill is the argument that we should let local measured service go into effect, consumers should have the experience of seeing how it works for the next six to eight and a half months and, based on that experience and the information that they get from that, that that will make them truly informed when they go to the polls to vote on the referendum in November. That certainly sounds to all of us, I think, like a very reasonable argument and one that, while I understand the arguments against it, I have for the last two or three weeks had some difficulty in succinctly articulating a response to it. But there is a response and I just hope that it makes sense as I explain it.

The obvious response to it is that both New England Telephone and the Public Utilities Commission want local measured service to go into effect now, knowing that the referendum is going to occur in November because they want to influence the vote in November, because they want to prejudice the vote in November and think that, by having it in effect for that period of time, people will begin to change their mind and will be supportive of local measured service, where they are not at this moment.

I think those of us who are opposed to local measured service in any form whatsoever would concede that some customers will see some short term, and understand short term, benefits. That short term benefit will, number one, only be at the expense of other customers and it will do nothing to tell us of the eventual long term results of local measured service.

I think that for voters to be truly informed that

we should have the benefit, we should have the information over a very long period of time that will tell us that will happen with our rates under local measured service. Every study that has been done and I would cite probably the most knowledgeable one, the one that has been done by Ralph Nader's organization in Washington, "Public Citizen", that has analyzed local measured service has come to the conclusion that the reason that regional telephone companies like New England Tel. want local measured service is so that they can get their hands on, in the easiest way possible, increased revenues so that they can finance expansion of the telecommunication industry. That is the whole reason that the telephone company, despite what they would have us believe, wants to see local measured service go into effect.

The Public Advocate Office initially was opposed to local measured service and presented a whole series of arguments against local measured service going into effect. It wasn't until last October, I believe, one month after the initiated referendum petition drive got underway and I have a hard time comprehending completely, but I think I understand the pressures that the Public Advocate must have been under to change his position, but one month after the initiated referendum began, the Public Advocate Office changed its position and came out in support of a compromise plan. I think I would characterize the change in position of the Public Advocate Office is, that they knew or they felt that local measured service was going to occur, they saw it as inevitable and so they were trying to work, trying to get the best possible plan that they could achieve. But all the arguments that they gave against it, in particular the societal effects, the effects on the elderly, the effects on the poor, the effects on families, all those negative effects that appeared in several position papers from the Public Advocate Office, the Public Advocate Office did not change its opinion, and still if you were to ask them of the societal effects, they would stick by their original position.

Regardless of how you feel about local measured service, and I understand there are some people here today who think that local measured service is a good idea, but are going to support this delay bill, regardless of how you feel, I am opposed to it. I think that we witnessed in the last session what can occur when we, as a legislature, tend to fool around with the referendum process. You may recall last year we had a lot of debate on what I refer to as the G. Gordan Liddy Amendment to the nuclear waste disposal bill and we all know what happened to that when it went to the voters in November. I think that again we have that kind of a question before us and that we should protect the integrity of the referendum process. I would hope that you would vote for delay.

The SPEAKER: The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, My Fellow Representatives: I use that word with purpose. We are Representatives, not just employees. We are representing our people. It is up to us to make the hard decisions here in this legislature and not to duck those questions by sending matters out to referendum. That is the perception of the legislature that we resort to the referendum process whenever we are faced with a tough decision. The

minority on this report suggests that we delay local measured services until after the referendum. I put the question to that group, "what will we know by next November that we do not know today? How is the public going to be any better informed to vote on the referendum than we, the Representatives, are informed to vote today?" I submit that we will not know anything more by next November than what is known right at this instant.

I believe that it is in the best interest of the people of Maine to let the local measured service go into effect now and if perchance the people decide that it is not in their best interest by next November, they will have their say at that point. But if we delay local measured service now, we are asking the people to vote in a vacuum, to buy a 'pig in a poke' and I don't think that we should put that kind of question to the people next November. We ought to bear in mind that the State of Maine is not served entirely by New England Telephone service, that a great portion of our state is served by Continental Telephone Service. As a matter of fact, I understand the most northern section of our state is served by Continental as well as Lincoln County, parts of Lincoln County. They have not implemented nor do they propose to implement local measured service at this time. I think that they are ready to go into local measured service if the people want it. But, they are standing by to see what happens as well. I submit that the Majority Report is well-reasoned and I intend to support it and I ask you to do the same.

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

Representative ROLDE: Mr. Speaker, Men and Women of the House: Just a few brief remarks. I guess the proponents of not delaying this measure are hanging their hat on the idea that you will have a better informed electorate if this goes into effect. That puts me in a very awkward position because I represent two towns, York and Kittery. In one of those towns local measured service will go into effect and in the other it won't. I am going to be in an awkward situation of having people well informed in November in one town and uninformed in the other. And then I have also got to explain to my people, if local measured service is very good, how come the people in York aren't going to get it and the people in Kittery are going to have it? And if it is very bad, how come the people in Kittery are going to be stuck with it and the people in York won't have to be? So, I am in an awful position and I am going to vote to hold this up.

I would ask one other question. I keep hearing that this is revenue neutral. I wonder if anybody can tell me how much money the telephone company has spent on promoting this in the many ads that we've seen in the paper, if it is revenue neutral?

The Speaker: The Representative from York, Representative Rolde has posed a question through the Chair to anyone who may respond if they so desire.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: I can't help but think of when I watched the commercial of the three little boys who don't want to eat their cereal and one says, "let Mikey try it, he eats anything." I think what they are doing is, they are shoving it to the people.

I too am privileged like the Representative from

Eastport to have an old maid aunt but her name is Marie, not Hilda. I talked with her and she got the other side of the story. She was told that she would pay no more than \$6.70 a month, whether or not she spoke 5 hours or 5 minutes. I think that is the biggest fallacy of this whole thing. They have told many retired people that \$6.70 is all you will pay. I think that we should delay this thing and get a good sound education to the people. I will not be one of those because I am just outside of Lewiston but I can feel the hot breath of local measured service heading down to Lisbon, because once Lewiston gets it, Lisbon will get it I know. But I feel at this time let's give credit to the people out there who will decide, the ones who will pay it. Then the truth will come out, that it is not going to be \$6.70 for using the phone all month, but \$6.70 plus 2 cents a minute if you do between nine and nine and 1 cent after that. Let's give the people out there a chance.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Nicholson.

Representative NICHOLSON: Mr. Speaker, Men and Women of the House: My remarks will be toward clarification. It's a good idea to know the facts on the subject. After two deliberations and reviews that go back starting in 1984 until now, many of us have been involved in the question of contending with the emotions of fear, confusion and mistrust. We have got to the point now that I believe with these three options, we have an understanding way to continue with the plan. Basically, we were gathering information through last year until now and I believe we should be considering the effectiveness of it going in on February 15th, and try it and gain more knowledge for intelligency and an intelligent vote. I really feel as a senior citizen and one of those people out there that we have been taken advantage of and, as a retiree, I feel that my people, the elderly, have been taken advantage of and have been used and misinformed on what this is all about. I know a person in a very key position with the AARP here in the State of Maine who says simply, it is fair and one pays for what one uses. I sincerely believe that and it is up to us whether we are twenty or eighty to master our own ship, chart our own course, control our own destiny. We can't be everything to everybody. In using the word everybody, everybody is not against using local measured service. There are many people for local measured service. I, too, could bring in lists of hundreds of names. It's very easy to get names on a referendum to put it out to vote. I don't argue the point, that is our structure. But at the same time, these same people who are voting, should have all the knowledge that they can gain, come November.

I will close with just this one thought and I think it will summarize business people and the residential. A fellow I was talking to said, "Nick, what are you trying to do to me?"; he's my age, works in Portland in one of the public buildings. "LMS has increased or will be increasing my phone bill \$5.00." I said, "LMS will not be doing that. We do have rate increases and the rate increase will be approximately 35 percent. LMS will give you a way of controlling your own bill." I said, "how many are home during the day?" He said, "none of us." I said, "you probably could save approximately \$10.00 a month by taking local measured service and not taking the rate of \$17 or \$18." Another fellow right here

in Augusta, I will not give the name, but he is a businessman, and he understands that business people have to manage and manage skillfully even when the phone bill goes up. That is in the budget. But he also has a phone in this area that is on local measured service. He took Option A for one reason. He can monitor his son that is home during the day and he will pay for those calls. So, there are reasons. If we start governing ourselves to think what it can mean to the household and that teenager that is on the phone by controlling at home. We've got to control our own destiny. The sad part of this, the 100,000 people that are using it, the 15,000 businessmen and companies and the 85,000 residents - what they are saying - something that will be good for us in the immediate future to gain the information to vote intelligently. I have been accused, and it was on the radio with my number and name, that Nicholson was trying to ram this down the peoples throat. That is far from the truth. I represent all the people and I am here to make a decision for all the people in the State of Maine and along with this is going to be people voting on this that have been organized to be against it that probably will never have local measured service. I say to all of you, join me in support of defeating this bill.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Men and Women of the House: I would like to address a number of points and questions that were raised. In response to Representative Rolde's question as to how much money NET spent to try to sell us this whole plan -- in the media and direct mail, they spent \$400,000 -- in advertising and direct mail to get the point across that this was good for us. It seems to me that if someone was going to go to that extent, I think that a lot of questions have to be raised to find out what kind of bill of goods we are trying to be sold.

With respect to Representative Dillenback's question of the billing structure and why isn't natural gas treated the same way as measured electricity and so forth -- because they are two separate and distinct things. Local telephone calls travel through two types of equipment and the wires that connect each customer with the central office, their call is then switched. That equipment is known as non-traffic sensitive equipment or the company's common facilities. The cost of that equipment does not go up or down. It does not vary with the level of use, it is not like electricity or natural gas which are commodities, which are consumed. The telephone equipment over which local telephone calls travel is modern equipment, it won't wear out. As the Public Utilities Commission said in the very same decision in which it ordered local measured service, they said the cost of the facilities is the same whether the customer places a large number of local calls or places no calls at all.

I heard my good friend Representative Vose on the radio last week giving a little vignette on how his mother encouraged him to try cauliflower, and that if he tried it, he might like it. Well I don't think that mother would try to force something down our throats that a lot of people have raised questions about whether it is good or bad for us. We need a lot more information on this and that leads me to another point. The common thread is, give this a

trial run, we will get more information about this. Well, I asked the Public Utilities Commission at a hearing in Lewiston to postpone implementation and send out comparative billing on this new plan. In fact, this is the third mandatory local measured service plan that has come before the people of the State of Maine -- the third plan, it is no wonder the people of this state are confused about this issue. I say it is incumbent upon us to have an informed and intelligent decision when the vote comes, let's delay this now and ask NET to send out comparative billings to the customers so that they can have all the information for us.

One final point, it has been said that this new plan is optional, it is not optional. It seems to be an Orwellian idea that has come forth in saying that, as Orwell said, "peace is war". Well Representative Vose and those who support mandatory local measured service are saying, mandatory is optional. I think we can all see through that. This is a mandatory plan and we are indeed playing big brother here.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: I wish to speak to you today about the effects of living under local measured service, the facts which will mean a societal change for our state. For generations in Maine, we have experienced unlimited local telephone usage, we have developed our societal institutions, our social contacts, our community businesses and our social services on the fact that there would be unlimited local calling for a fixed monthly rate. Based on almost seven years of personal experience of living under local measured service, I suggest that there are several consequences which will result if LMS goes into effect on February 15th in our state, results which will represent a cost to society as yet unknown and which will reduce the quality of life for many Maine citizens. Are we prepared to watch voluntary community service hot lines, emergency lines, and other necessary social services on a voluntary basis lapse or be reduced in their effectiveness as people try to cut down on their use of the telephone? My experience with local measured service was in Scandinavia. I know that most of you probably know something about the social democracy in Scandinavia. There is local measured service there, there are also governmental grants for all social services. There are virtually no voluntary social services. I can tell you that older people and low income people will refrain from use of the telephone for social contact purposes and for purposes relating to health and welfare. They will be afraid to use the phone because it will increase their cost. I saw this happen in Scandinavia and I feel very strongly that it will happen here in Maine. They will decide whether or not it is necessary to make a call and many times they will make the decision that call could be postponed or not made at all. The cost to state agencies, local agencies and local organizations has not been calculated and certainly cannot be done between now and February 15th. If these are publicly funded, there is no way for them to increase the public funds at this point. If they are based on volunteers, will those same volunteers be willing to use their phones? I don't think so, not to the same extent. But, more important, the people who make calls to social agencies, to hot lines, to emergency services, will in fact reduce

their calls. WE will then be in a position of watching if a crisis should develop -- as people come to a crisis before they seek help. We have worked very hard in this state to build up what we call prevention intervention services -- will families and individuals stop calling for help or advice except in a real crisis? This preventive intervention through the telephone is a key element in our social service network in this state. We also encourage families to keep in touch with one another, children to call, older parents, friends to keep in touch with older neighbors. We encourage a good deal of social calling because it is good for our people and it is good for our state. What will the effect of LMS be on this kind of social calling? How many more crises will we be dealing with? And how will we keep in contact with those who need support services if many of them decide to forgo making a telephone call because they are afraid of raising their telephone costs? The psychological effects of LMS will be as great as the practical effects. There has been no study of the role of the telephone in dispensing what Maine citizens have come to expect in the way of community services. How can we change the present system without looking at all the effects and ramifications of the change? LMS is not just a change in telephone policy, it is a sweeping social policy change for our state and I don't believe as legislators we should make that kind of sweeping change rapidly. We need to talk about it, discuss it, collect information and allow the people to decide when they vote in the referendum. I would ask you to delay local measured service so that all of these effects may be known at the time of the vote.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Men and Women of the House: Lobbyists for the telephone company have told many of us, who represent towns which are not among the eight scheduled for LMS for next week, that we should not be concerned. But my constituents in Gardiner and Randolph communicate frequently with friends and relatives in Augusta and are not prepared to let it happen somewhere else when they know perfectly well that Gardiner will be next. How can it be fair to charge people in Augusta \$18 for the flat rate when their friends and loved ones in Gardiner will pay \$13? Even though Gardiner is not one of the first LMS cities, people there were among the first to sign the petition and have signed it in large numbers. I hope you will support the Minority on L.D. 1956.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Men and Women of the House: I hope that you vote no on the pending motion before the House and I further ask for a roll call.

I did not want to get involved in this. The commission had made a decision but we had several bills to consider, a lot of people were concerned.

This only affects eight communities and how, if we let this go in, will the general population be better educated if there are only eight communities who do have local measured service, do have electronic switching and are able to receive a bill which will reflect that? My community will not.

I was for local measured service when it first started, but after receiving much information, I assure you that I cannot -- I, as a person, can say

yes, I would like to have it -- but I, as a Representative, cannot say yes because the general public out there is saying no, we don't want it. It sort of reminds me of the uniform property tax for education, the tax indexing question, and also the nuclear waste question -- we say we know better, we know what is best for you, we are going to tell you what is best -- well I say no. The people have petitioned already.

Representative Stetson has said that we are Representatives, that we should be voting on the question. Today, we will know no more in November than we do right now -- very well, let's vote. The question is, we have to vote on what the people have said -- stop it -- that is what the people want. If we are Representatives of the people, I am willing to vote on that question as a Representative of the people.

The good gentleman from Cumberland says he wishes he had flat rate on his electrical service, gas, if he had it, would he say, no, I don't want it? Because presently today you do have a flat rate on your telephone service. All we are saying is, keep it, don't do away with it. If you had it on your electrical service, I am sure you would want to keep it.

As I stated before, I think that we should vote for delay. If it is a revenue neutral for the utility, why are they fighting for it? Why not wait six more months and let the people make a real good, clean, honest choice? Not slanted, not having the utilities having all that information and giving out what they want to give out to the public. Let's have a good clean informational campaign and let the people decide or let's vote what the people want. I am willing to vote for it.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Kane.

Representative KANE: Mr. Speaker, Men and Women of the House: I will be very brief. I am not really very involved in this issue. I really only have one question about it, namely, what is the hurry? I just don't understand what the rush is. It seems to me just looking at it from the outside, we ought to view Representative Vose as sort of a young ardent overeager suitor -- a suitor that has just lavished \$400,000 on us and I think that we ought to look at his proposal today as sort of a demand that we prove our affection now. I think what we ought to do is keep our virtue and vote against the pending motion.

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

Representative MICHAEL: Mr. Speaker, Men and Women of the House: I don't know how I feel about local measured service yet, I have tended to lean against it. The jury is still out for me, I am open minded and I am listening. However, I hope that we vote against the pending motion, I would like to see this matter delayed. One thing that I am concerned with about the possibility of local measured service is something to the effect of which Representative Rydell touched on, the idea that people will sit home and save that extra 2 cents a month or whatever it may be and close themselves in a little bit more and not be in relationship with each other. I think we are in an age where it works for the society, economically and socially, to be reaching out to one another in communication. I am hesitant to support something that will close down society and keep us

from communicating with each other.

Also keep in mind that this is a tradition that we have had here. It has been a tradition since the telephone service had been implemented in this state that we have free access to local phone calling unlimited service -- I would like to keep that tradition alive for awhile.

I would also like to remind this House of how the rules are played. While I am at it, I will speak to the tradition of tradition. In this governmental system, we have rules which say that if the public should take a certain number of signatures on a petition, they create a demand on this government to hold a referendum -- now it has been said here a couple of times today that we should not be passing the buck to the public by referendum and we do that sometimes up here and I voted for some bills, which we passed the buck to the general public and I thought maybe we shouldn't do it but I did it sometimes because I wanted to pass the buck -- well, if we were voting on a measure on a bill to send a bill out to referendum, we would be doing that. However, I offer a distinction -- this is not passing the buck to the general public because the general public placed the demand on us, we have been petitioned so we will be, not that we intend to, cramming this down the voters throats if we do not delay local measured service because they have demanded the right for a referendum. We should not interfere with that. As I said, I would like to see us follow the tradition of petition -- that is, keeping intact what is in place now and that is free local service and let the voters decide what it is they want to do.

I hope that you do vote against the pending motion.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Eastport, Representative Vose, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 08 in the negative with 14 being absent, the motion did not prevail.

(See Roll Call No. 233)

Whereupon, the Minority "Ought to Pass" Report was accepted, the bill read once.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

On motion of Representative Brown of Gorham,

Adjourned until nine o'clock tomorrow morning pursuant to Joint Resolution (H.P. 1393) in honor and lasting tribute to the crew of the Space Shuttle Challenger.