

# MAINE STATE LEGISLATURE

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

**VOLUME II**

**FIRST REGULAR SESSION**

**House of Representatives**  
May 24, 1995 to June 30, 1995

Is there objection? Chair hears no objection, the Representative may proceed.

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: In regards to the letter, we did or did not receive about the obligation to repay federal funds, we did receive a letter and it stated that obviously the obligations that we as taxpayers place on the use of federal funds does not permit the U. S. Department of Transportation to send a letter to a state saying they would never request a return of the funds. There could be cases where funds were totally misused by individuals or by municipalities and in that case the federal government has to have the right to request a return of funds if they are not used for the purpose originally intended. Therefore they stated we can not possibly by our obligations guarantee that, however, these funds have never repaid by other areas of the country before and they have never been requested to be repaid and each case would obviously be done in a case by case basis depending on the intention with which those funds are used and the good faith efforts with which they would be spent. In fact, the rail authority would be a strong indication of this state's willingness to use those funds for the correct purposes. As far as the Amtrak profitability, from the testimony I heard in committee, although there's many areas in the country that are not happy with cutbacks Amtrak has made in service to those areas, as a small business person I could emphasize with what they have tried to do is to make their operation leaner and more profitable, to get rid of the parts that don't work. It's been a painful process for them and for some parts of the country, but what we will have is a stronger more profitable Amtrak, and this is one of the areas they have chosen to continue to include, partly through the strong efforts of both sides of our congressional delegation to keep those funds available. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Sirois.

Representative SIROIS: Mr. Speaker, Ladies and Gentlemen of the House: I've worked on the railroad for 35 years and if you want to move a whole pile of people, that is the cheapest way to do it. I worked under New Haven, I worked on the Bangor and Aroostook, and I worked for the government, and I know for sure if there is congestion anywhere, this is the cheapest and the quickest way you can get the people from where they want to start off from to where they want to go. As far as I'm concerned, I'm all for the railroad. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Bigl.

Representative BIGL: Mr. Speaker, Ladies and Gentlemen of the House: I just had a thought, we're talking about Amtrak and Amtrak is on shaky ground and we want to shake hands with Amtrak. Why don't we just put this bill off until we are sure that Amtrak is going to be on good solid foundation, then we invite the bill back in again, sit down with them again and shake hands at that time. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 214

YEA - Adams, Ahearne, Bailey, Barth, Benedikt, Berry, Bouffard, Brennan, Bunker, Cameron, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond,

DiPietro, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gooley, Gould, Green, Greenlaw, Hartnett, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Joyner, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Luther, Madore, Martin, Mayo, McAlevey, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nass, Nickerson, O'Gara, O'Neal, Ott, Paul, Pendleton, Perkins, Poulin, Pouliot, Povich, Reed, W.; Rice, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Strout, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Volenik, Watson, Winglass, Winn.

NAY - Aikman, Ault, Bigl, Birney, Buck, Campbell, Donnelly, Dore, Gieringer, Guerrette, Heino, Jones, S.; Joy, Labrecque, Lane, Layton, Lindahl, Look, Lumbra, Marshall, Marvin, McElroy, Peavey, Pinkham, Reed, G.; Robichaud, Stedman, Stone, Taylor, Underwood, Waterhouse, Winsor.

ABSENT - Dexter, Joyce, Keane, Kneeland, Lovett, Nadeau, Plowman, Poirier, Vigue, Wheeler, Whitcomb, Yackobitz, The Speaker.

Yes, 106; No, 32; Absent, 13; Excused, 0.

106 having voted in the affirmative and 32 voted in the negative, with 13 being absent, the Bill was 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.

The Speaker resumed the Chair.

On motion of Representative JACQUES of Waterville, the House recessed until 1:30 p.m.

(After Recess)

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-498) - Minority (4) "Ought Not to Pass" - Committee on Business and Economic Development on Bill "An Act Regarding Unredeemed Deposits on Beverage Containers" (H.P. 506) (L.D. 687)

TABLED - June 19, 1995 (Till Later Today) by Representative ROWE of Portland.

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

Subsequently, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Resolve, to Require a Study of Retail Competition in the Electric Industry (EMERGENCY) (S.P. 386) (L.D. 1063) (C. "A" S-251)

TABLED - June 20, 1995 by Representative KONTOS of Windham.

PENDING - Final Passage.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: This is probably the one

single item that's been the dearest to me since I've been here. This is a matter of 5 years that I personally have been involved in this issue.

Basically, ladies and gentlemen we're talking about retail wheeling. Retail wheeling, for the people who have not been involved, is the transportation, the movement of electricity from the generator to the user. Ladies and gentlemen this is governed by FERC, it is not governed by state regulations, it is governed by FERC. The reason I want to speak to you on this issue is that I spent, for the first time in my life, I have spent state money, your money, the people's money to go learn about what was going on in the country, so I flew to Chicago and spent 3 days at a seminar to find out what was going on. If you abide with me for a few minutes, I know we have a lot to do, I will try to explain what is going on in the country and try to give you an understanding so that you will know why I feel the way I do.

The FERC representative, Mr. Whitmore, spoke and what he said, the first thing was, what you have to do is try to prevent the thought, the idea of moving electricity from being put to a commission, a commission would delay it, ladies and gentlemen, 10 years. This is what they told us. I say, well I have nothing to worry about, I have spoken to the chairman and I spoke to, I have a friend on a committee that will bring it out, and I will get to speak to the issue. Well low and behold when I got back, guess what happened. That's exactly what had happened. We were going to have a study. Guess what happened in 1986? In 1986, the Utility Commission, we then had Tom Andrews, we had Herb Clark, Senator Vose, and ladies and gentlemen we have right here, Electric Power Transmission Wheeling, here is the report, it is downstairs in the library. It is all available. We don't have to spend money on the report as to the values of retail wheeling, it is right here.

They told us what was going on. New Hampshire has introduced legislation and what it says basically is that we are looking for the job creation aspect part of retail wheeling. We want to be ready so we can take advantage of bringing the jobs to New Hampshire. Now, you talk about sucking jobs out of state, we've had the golden little road between New Hampshire and Massachusetts that has been costing us a dollar to get in and a dollar to get out and while we're going there they're taking our money with booze and they take our money with cigarettes and you wonder why we are having problems. These people don't even have any sales tax, they don't have an income tax. They don't have to. This is what's going to happen, if we don't get on the ball and get moving on this and create the jobs here in the State of Maine, they're going to be brought to New Hampshire.

Another thing, California, supposedly California was not going into retail wheeling, California, ladies and gentlemen, retail wheeling is available January 1, 1996 to anyone that applies for it with full retail wheeling by the year 2003, full retail wheeling. The explanation that they give, they have the highest cost on the west coast and we almost had the distinction of being the same thing on the east coast. They are looking at 8.7 cents per kilowatt hour and if you go 1,000 miles to the north and you go to Washington state, the cost there is 2.2 cents per kilowatt. Four times greater and it's done

because of regulations by the PUC in California, this is exactly what has happened in this state, ladies and gentlemen. We have got all kinds of spin guru's that say we can not do this, we can not do that, for whatever reason you might say, but the federal judge has ruled that one of their arguments, stranded investment does not exist. California has said, we are looking at it and we are going to find the answers and stranded investments are part of our solution. We are going to find a solution. Ladies and gentlemen, anybody who wants to see, the Revised Statutes Titles 34, 35, Chapters 740, deals with the study report that was done in 1986 and we are going to work on this and do the same thing at the present time. We've got 10 years and that's exactly what they told us in Chicago, that it would take 10 years but we're going to take 20 because we're going to do it again and they've got a 2-year study. Ladies and gentlemen, I thank you for listening to me, I tell you I think that we should seriously look at this and try to force something to occur beyond allowing the PUC and/or the no can do guru's to restrict us and stop us from doing this. Ladies and gentlemen, thank you very much for listening, I appreciate it and I wish I could tell you we have a different avenue to go but I don't think we have. Thank you.

On motion of Representative HEESCHEN of Wilton, 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. 1063 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" (S-251) was adopted.

The same Representative presented House Amendment "A" (H-565) to Committee Amendment "A" (S-251) which was read by the Clerk.

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

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

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

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: One of the issues that the committee spent some time on was trying to come up with the representation on the working group for the study on energy competitiveness and we tried to get members on, to represent all the players involved.

As the Representative from Winslow has correctly indicated, this is a very important study. It goes, retail wheeling is one part of it, it really deals with the future of the electric industry in the State of Maine and in fact, this region.

The amendment that I have before you is a proposal to add a member representing the interests of municipalities. In looking over, considering all the different members on the study commission, we have four legislators, member representing the state planning office, the public advocate, the public

utility commission, the three major utilities are each represented, Maine Public Service, CMP, and Bangor Hydro, the consumer owned electric utilities are represented, Maine Yankee is represented independently, even though it is owned by most of the utilities in the state, we have producers, consumers, the industrial energy consumers group, which includes both consumers and producers, we have generators, independent energy producers, we have one member representing small business customers, and we have two members representing low-income or elderly customers.

In speaking for several other people, I felt that one interest group that was left out of this and which can be affected in major ways by this are municipalities. I don't believe that the consumer electric utilities, as represented by Dirigo Electric Corp., necessarily adequately represents the interests of municipalities who may, or may not choose to become a separate utility, but may be very much interested in the question of retail wheeling and other issues of competitiveness. I urge this body to support this amendment and give our municipalities a voice on this very important study. I think that then, the membership of the group will have a fair representation across the board of a wide range of interest. Thank you.

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 vote against this amendment to increase the size of this study committee. As originally conceived, the committee was to have 15 members and be ruled by majority vote. As a concession in committee, 3 members were added and two-thirds vote requirement accepted by unanimous vote of the committee. This House amendment proposes as an attempt to, by the same committee member, to further dilute the effectiveness of the study committee to find a common ground to deregulate the generation of electric power. This is a very important task and I think we need to keep the committee to a manageable size. It should be recognized that any results from this committee will come back to the Utilities Committee and eventually come to the floor so everyone in the state is going to be well represented.

For a committee to work effectively, it needs to be broad enough to cover the various interests but not so large to be unwieldy, 18 members is more than adequate. Issues will require 12 votes to carry. The sponsor of the amendment has received ample consideration in the Utility Committee and voted for the committee report. I urge you to reject the further attempt to expand the committee. Thank you.

Representative TAYLOR of Cumberland requested a roll call on adoption of House Amendment "A" (H-565) to Committee Amendment "A" (S-251).

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of 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 PRO TEM: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Men and Women of the House: This amendment brings it up to 19. Nineteen people that will be involved in a study to be conducted that has been done 10 years ago and it's fully documented right here.

I tell you ladies and gentlemen, if we continue doing these things that cost us money and really have no net effect, I am not against retail wheeling, I am probably the biggest advocate, and this will probably be the biggest job creating thing that could be done. A study will not help, what we have to do is get off the dime and get it done. We should have done this 10 years ago after we read the first study. Anyone who doubts me, come down and get this study, you can read it. It was right in the public library, right in the Capitol library. I tell you, ladies and gentlemen, a study like this we need like we need a hole in the head. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I would urge you to support the amendment that is being proposed. The size of the committee is going from 18 to 19, which is not an enormous jump. At the same time, what is being accomplished by adding one person is one person who would then be in a position to represent the interests of communities, the interest of municipalities. Those interests are many and varied and it's a voice that really ought to be heard in this discussion and I would urge your support of this amendment. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Mr. Speaker, Men and Women of the House: I also rise in support of this amendment. One of the bills that I presented has been kind of folded into this study. I think it's something worthwhile. Hopefully it will be good for the communities that we live in and as Representative Heeschen mentioned, one missing link in this study group is someone from a municipality to serve on this committee and I hope that you will support this amendment.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Utilities and Energy Committee, we discussed this issue time and again and had several opportunities to discuss it further when we went beyond the ad hoc committee and discussed it in full committee and the time is for action now and I do not believe it's necessary to amend this any further than we did in the committee. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wilton, Representative Heeschen.

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: I'm not offering this amendment to dilute the effectiveness of the committee. I'm offering this amendment to make sure that the results of the study fairly represent the interest of all parties of this state. Absent adequate representation on any kind of study committee, you run the risk of that study, it's result being suspect. I don't think it's adequate to say that the municipalities can make their case at one of the perhaps three or four public hearings that this study group will have around the state. I think

municipalities need to be an active participant throughout the process.

Now it's true, I did support the majority report, the unanimous report, but I think, often you don't think of things in a committee, at least I thought we were suppose to have the ability to offer amendments at many stages in this process. I spoke with at least one member of the ad hoc committee that looked at this, who told me that they felt that if they had thought of it when they were coming up with the recommendations that they probably would have included someone from the municipalities on this, but they didn't think of it. It seems to me each stage of the way here, we have the ability to get some additional thoughts in on something and make something better.

I should also note that I had been thinking about taking a minority report out dealing with the question of the committee decision. It would have been a unanimous minority report, because at one time I was advocating for unanimity in the results of this discussion so we would have a minority unanimous report plus a majority report or two-thirds majority report as it may be, but I actually concluded that that wasn't as important as the make-up of the commission and I do think that this will be a definite advantage to the overall product here to have this input throughout the process.

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

Representative KONTOS: Mr. Speaker, Men and Women of the House: I'll be supporting the Representative's amended language to include an additional member to the committee. In large part because it was not a topic that came up in any of our discussions but more importantly, as a matter of process regardless of who offers any language. To me as a chair of that committee, and someone who is on the ad hoc committee, or to any other member of the committee, we all have a right to offer these ideas. I don't live with an illusion, however, that it will be on there when it comes from the other body. I think it's probably going to be debated heavily at the other end of the hall, but I think we have a right to hear his argument and he makes a very good point about an entity that isn't represented in the current group.

Secondly, for the record, while the Representative from Winslow, I think, initially gave the impression that the scope of this study is retail wheeling, it includes about 20 other topics. I don't want any of you to think that the study that is being proposed here is as limited as that. It's a piece of the study. It certainly is not the only part of it and it's a major piece of work that will enlighten all of us in our decision making about electric utility competition.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: While I think it's perhaps not a bad idea to include someone from the municipalities, I will be voting against the pending motion simply because this really is the result of a compromise and the other side came a long way with us to make it an 18-member committee and to insist upon the two-thirds and I kind of thought when we left we had made a deal and I think we should stick with it. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Benedikt Representative BENEDIKT: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative BENEDIKT:: How does he plan to implement the recommendations of the previous study that he says is on file?

The SPEAKER: The Representative from Brunswick, Representative Benedikt has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: The answer really is quite simple, what we have to do is decide where we're going to go and submit legislation that will tell us we must look at retail wheeling and see about implementing it before New Hampshire does it and does it to us once again.

We have got the highest regional area, as far as total cost of electricity and if we allow the neighboring states to capture this moment, the time ahead of us we'll be trying to catch up two years from now when this study is completed. What I want to do is to let's, if you want a study, read the study, this is strictly if you take the whole ball of wax, whether it's all the different areas, it is dealing with competitive electricity and competitive electricity is the movement to selling electricity from somewhere. July 1st, a week from now, right, the mercantile in New York will be selling electricity on the market, you will be buying electricity futures. They have pooled the west, the west is now that organized that they are selling futures on their abilities to transport and move electricity to Texas, to California, to Minnesota, to Ohio, you can buy it. I can give you stories about General Motors, what they did, but I'm not going to bore you with a lot of details, you would love to hear it, if you want to hear it I will give you the stories but this is what we should be doing.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is adoption of House Amendment "A". All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 215

YEA - Adams, Benedikt, Berry, Brennan, Bunker, Chartrand, Chase, Chizmar, Cloutier, Daggett, Desmond, Dore, Etnier, Fisher, Gates, Gerry, Green, Hatch, Heeschen, Johnson, Jones, K.; Joseph, Keane, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Martin, Meres, Mitchell EH; Mitchell JE; O'Gara, Povich, Richardson, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Volenik, Watson.

NAY - Ahearne, Aikman, Ault, Barth, Bigl, Birney, Bouffard, Buck, Cameron, Campbell, Carleton, Chick, Clark, Clukey, Cross, Damren, Davidson, DiPietro, Donnelly, Farnum, Gamache, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Jones, S.; Joy, Joyce, Joyner, Kerr, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Luther, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Morrison, Murphy, Nass, Nickerson, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poulin, Pouliot, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Savage, Simoneau, Spear, Stedman, Stone, Taylor, True, Tufts,

Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, Winsor.

ABSENT - Bailey, Dexter, Driscoll, Dunn, Fitzpatrick, Jacques, Kneeland, Nadeau, Poirier, Strout, Yackobitz, The Speaker.

Yes, 52; No, 87; Absent, 12; Excused, 0.

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The Speaker resumed the Chair.

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The House was called to order by the Speaker.

52 having voted in the affirmative and 87 voted in the negative, with 12 being absent, House Amendment "A" (H-565) to Committee Amendment "A" (S-251) was not adopted.

Subsequently, Committee Amendment "A" (S-251) was adopted.

Representative VIGUE of Winslow moved that the Bill and all accompanying papers be indefinitely postponed.

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

Representative KONTOS: Mr. Speaker, Men and Women of the House: I urge you to vote against the pending motion.

The Chair ordered a division on the motion to indefinitely postpone the Bill and all accompanying papers.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: I too, must urge you please not to vote to indefinitely postpone the bill and all its accompanying papers. Although I do wish at this time to put onto the record remarks that would indicate that the subject which the good Representative from Winslow, Representative Vigue, has brought to the attention of this House, that is retail wheeling is certainly a worthy one. He deserves the credit for having kept it as an issue close to his own interests and close to ours by keeping it upon our table at the Utilities Committee and then bringing it here.

The reason we should take some note of that is because in a very changing world as the electrical monopolies we are used to thinking about, slowly split into divisions that may generate or may deliver electricity and then we're going to have to speak about how large amounts of electricity are delivered to us, that's called wheeling. Who pays? Who gets a cut? Where it goes, and how we pay for it when we get it, that retail wheeling is exactly going to be one of the subjects you and I are going to have to become familiar with, if not on this floor then in our pocketbooks when it comes time to pay the bills. For that reason, I believe the good Representative from Winslow deserves credit for keeping the idea right in front of us.

However, in order that we may pursue the idea with this study committee to come back to this body through the Utilities Committee with some ways to make it work, I would encourage you please not to support the indefinite postponement measure, so that we may go on to pass the bill and indeed deal with the subject that the good Representative from Winslow, Representative Vigue, we'll find included in the bill along with a dozen or two dozen other

subjects that will be equally important to us all. Thank you.

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 vote against the motion to indefinitely postpone. This is a very important topic. If it's done properly, it will be to the benefit to all the citizens of the state, not just those in the most populous areas. In the rural areas, we want to make sure that while we deregulate, we also keep enough structure so that nobody gets left out of the benefits of this. Please vote against the indefinite postponement. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I have never had as much interest in an issue as I have right now. I remember speaking before the 115th Utility Committee and the 116th and I could not get any interest at all. I now have got a letter here saying that the retail wheeling resolution is now in effect. I have been asked to go out and give them what information that I have to allow them to get to this point. So ladies and gentlemen, I tell you, I ask you to indefinitely postpone the bill and all accompanying papers and let's see if we can't come up with a different answer that is going to solve this problem and put us in an equal position with our neighboring state and not allow us to go down the road of a study. Thank you.

Representative VIGUE of Winslow requested a roll call on the motion to indefinitely postpone the Bill and all accompanying papers.

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 Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House: I'm sorry to delay this debate so long. To be quite honest, I am bewildered by the motion, disappointed by the motion, when I believe the committee accommodated the request of the Representative in a most appropriate way.

The bill before you is the result of the work of not just the committee, but of an ad hoc committee representing all affected parties that are in this industry. To vote to indefinitely postpone is going to be a very difficult vote for you to explain when you go home because what you said, if you indefinitely postpone, is we do not intend to look at the implications of this changing industry. We do not intend to help provide an orderly transition from a heavily regulated industry to a more competitive industry, and what will happen if we do not provide an orderly transition is that you and I and our businesses and our constituents will be at the mercy of a competitive market finding its way from being a regulated industry. That will not happen easily and men and women of this House, the money involved in these decisions is larger than the state budget. This study is designed to move us to that place in this state's history where we all understand who the

players are, what the costs are, and what the competition will and won't be. Now if you're willing to take on that responsibility of a disorderly move toward competition then you'll support the pending motion. I believe with all my heart that you are much more insightful than that and that you are going to vote against the pending motion because you know that's the responsible thing to do.

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

Representative KEANE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know too much about the subject involved here, and I'm a little bit confused by it all and I hope that people hearing their testimony can help me through this maze. I see a Representative who has been involved with this issue for quite a number of years. I see a report which was done in 1986 that addresses the subject. I see a critical nature involved to get into the competitive market as soon as possible and I see a bill before us which is going to take two years to evolve and possibly even three to be effected and I'm wondering where our priorities are and I would appreciate any type of testimony that would help me out of this dilemma. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I have seen the effects of a modified rate decrease of electricity on a number of areas. Number one, you can look at the Kyes Fiber issue, which 4 years ago I had something to do with. I worked on it. It has now created, because of a modified reduction in the price of electricity, it has now created 300 jobs. You look at the Madison Paper, a small electric utility, ladies and gentlemen, they are now studying the possibility of putting up the largest paper company in the world. Have they fallen in love with Madison Paper or with the town of Madison? No, they can buy electricity at a lower rate. There are two or three areas in the State of Maine that are buying electricity right now at half of the rates that we're paying. Do you know why? They've got a little pump that they call a utility and they transfer it, they can bring the power in because wholesale wheeling is allowed all over the country. You can bring power anywhere in the country to another place in the country, no one can prevent it. You can not prevent it from utility to utility. All you need is a pass through. A pass through means, okay you can bring it into Central Maine Power, we'll give it to you and they allow a pass through and that power is then bought at the price plus a wheeling cost. The wheeling cost is about a half of a cent per kilowatt. So ladies and gentlemen, you can look at all of these things. You can have a study. You can spend 3 years, but we're going to find ourselves 3 years behind our neighboring states. New England has got the highest costs. We've got that nice title between us and California, in between they go anywhere from 2.2, 3.3, 4.4, and they have pooled their resources and they now are selling on the mercantile. New England has done it. The Netherlands have done it. They pooled their electricity and this way they have come up with a better rate. All I'm saying is that we should try to move this a little beyond the study, at least give it some serious thought, because I think it's going to affect our future. It's going to affect our jobs. This in and of itself could create

more jobs than any amount of bond issues or any work that we might be able to do. This by itself would create them. Thank you.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the ad hoc committee that spent 16 or 17 hours working on the structure for this study so we could make a proposal to the PUC to tell them what to study and give them some suggestions. Mr. Buxton who represents Maine's largest consumers of electricity served on the ad hoc committee and is going to be a member of the study committee and had no problem with the ad hoc committee and has no problem with the study committee and he represents in most cases the very people that the good Representative is speaking about. What this study will do, in addition to working on Maine's largest consumers, it will look at the little guy and the little person that the majority of us are here to represent and this is a good study and it's a good proposal and I think we have to move forward with it. We have no alternative than to do this. Thank you.

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

Representative TAYLOR: Mr. Speaker, Men and Women of the House: To refer back to the citations made by the good Representative from Winslow, Representative Vigue, it sort of proves the point of why we're concerned. Retail wheeling on the face of it is obviously excellent for Keyes Fiber or Chinnet, as they are now called, or Madison. We want to make sure this is an even deal for the small residential owner who is going to be left with the invested cost of trapped investment in the utilities. If it isn't done carefully, they are going to be picking up a lot higher rates because many of the utility costs are fixed and there will be a much smaller basis. It's what you called cherry-picking when you go around and you pick the best customers and you get an excellent rate from Connecticut or wherever for these customers, but it leaves the investment of the larger utilities in the state to be paid for by the residential customer. They are the people who really need to be protected and are going to be one of the beneficiaries of this study. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to indefinitely postpone the Bill and all its accompanying papers. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 216

YEA - Bailey, Barth, Birney, Buck, Cameron, Campbell, Cross, Damren, DiPietro, Gieringer, Gooley, Guerrette, Heino, Hichborn, Joy, Joyce, Joyner, Keane, Kerr, Labrecque, Layton, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbra, Madore, Marshall, Marvin, Murphy, Nass, Paul, Pendleton, Perkins, Pinkham, Reed, W.; Savage, Stedman, Tufts, Vigue, Waterhouse, Winglass.

NAY - Adams, Ahearne, Aikman, Ault, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Chartrand, Chase, Chick, Chizmar, Clark, Clukey, Daggett, Davidson, Desmond, Donnelly, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Greenlaw, Hartnett, Hatch, Heeschen, Johnson, Jones, K.; Jones, S.; Joseph, Kilkelly, Kontos, LaFountain, Lane, Lemaire, Lemke, Look, Luther, Martin, Mayo, McAlevy, McElroy, Meres, Mitchell EH;



Mitchell JE; Morrison, Nickerson, O'Gara, O'Neal, Ott, Peavey, Plowman, Poulin, Pouliot, Povich, Reed, G.; Rice, Richardson, Ricker, Robichaud, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tyler, Underwood, Volenik, Watson, Wheeler, Whitcomb, Winn, Winsor, The Speaker.

ABSENT - Carleton, Cloutier, Dexter, Driscoll, Dunn, Jacques, Kneeland, Nadeau, Poirier, Tuttle, Yackobitz.

Yes, 43; No, 97; Absent, 11; Excused, 0.

43 having voted in the affirmative and 97 voted in the negative, with 11 being absent, the motion to indefinitely postpone the Bill and all accompanying papers was not accepted.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-251).

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 pending question before the House is Final Passage. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 217

YEA - Adams, Ahearne, Aikman, Ault, Bailey, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Davidson, Desmond, Donnelly, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gould, Green, Greenlaw, Hartnett, Hatch, Heeschen, Johnson, Jones, K.; Jones, S.; Joseph, Joyner, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Lemont, Look, Luther, Martin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Nickerson, O'Gara, O'Neal, Ott, Peavey, Plowman, Poulin, Pouliot, Povich, Richardson, Ricker, Robichaud, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Volenik, Watson, Wheeler, Whitcomb, Winn, Winsor, The Speaker.

NAY - Barth, Birney, Buck, Cameron, Campbell, Carleton, Damren, DiPietro, Gooley, Guerrette, Heino, Hichborn, Joy, Joyce, Labrecque, Lane, Layton, Libby JD; Libby JL; Lindahl, Lovett, Lumbra, Madore, Marshall, Marvin, Murphy, Nass, Pendleton, Perkins, Pinkham, Reed, W.; Rice, Rosebush, Savage, Stedman, Underwood, Vigue, Waterhouse, Winglass.

ABSENT - Dexter, Dunn, Jacques, Kneeland, Nadeau, Paul, Poirier, Reed, G.; Yackobitz.

Yes, 103; No, 39; Absent, 9; Excused, 0.

103 having voted in the affirmative and 39 voted in the negative, with 9 being absent, a two-thirds vote of members present being necessary, this Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

On motion of Representative GWADOSKY of Fairfield the House recessed until the sound of the bell.

(After Recess)

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

**BILLS IN THE SECOND READING**

**As Amended**

Bill "An Act to Clarify the Animal Welfare Laws and Euthanasia Procedures Performed by Certain Officials" (S.P. 497) (L.D. 1356) (C. "A" S-298)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was Passed to be Engrossed as Amended in concurrence.

Bill "An Act to Amend Certain Laws Affecting the Department of Environmental Protection" (EMERGENCY) (H.P. 989) (L.D. 1397) (C. "A" H-552)

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.

The same Representative presented House Amendment "A" (H-549) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-552) and House Amendment "A" (H-549) and sent up for concurrence.

Bill "An Act to Strengthen the Governmental Ethics and Campaign Reports and Finances Laws" (H.P. 1029) (L.D. 1444) (C. "A" H-572)

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.

The same Representative presented House Amendment "A" (H-587) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-572) and House Amendment "A" (H-587) and sent up for concurrence.

**SENATE PAPERS**

Bill "An Act to Create the Workers' Compensation Residual Market Deficit Resolution and Recovery Act" (EMERGENCY) (S.P. 594) (L.D. 1578) (Governor's Bill)

Came from the Senate, under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-305).

(The Committee on Reference of Bills had suggested reference to the Committee on Banking and Insurance.)

Under suspension of the rules, the Bill was read once without reference to a Committee. Senate Amendment "A" (S-305) was read by the Clerk and adopted. Under further suspension of the rules, the Bill was read a second time and passed to be engrossed as amended by Senate Amendment "A" (S-305) in concurrence.