

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume II

First Regular Session

May 13, 1999 – June 19, 1999

Second Regular Session

January 5, 2000 – March 22, 2000

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Clark, Colwell, Cote, Cowger, Desmond, Dudley, Dunlap, Duplessie, Frechette, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, Lemoine, Martin, Matthews, McDonough, McGlocklin, McKee, Mitchell, Norbert, O'Brien LL, Quint, Richardson J, Rines, Samson, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Townsend, Tracy, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Bruno, Buck, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Cross, Daigle, Davidson, Davis, Dugay, Duncan, Etnier, Fisher, Foster, Fuller, Gagne, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McKenney, McNeil, Mendros, Murphy E, Murphy T, Muse, Nass, Nutting, O'Brien JA, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Plowman, Povich, Powers, Richard, Richardson E, Rosen, Sanborn, Savage C, Savage W, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Tripp, True, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bumps, Lemont, McAlevey, Tuttle.

Yes, 56; No, 91; Absent, 4; Excused, 0.

56 having voted in the affirmative and 91 voted in the negative, with 4 being absent, the Majority **Ought to Pass** Report was **NOT ACCEPTED**.

Subsequently, the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 978) (L.D. 1376) Bill "An Act to Amend the Retirement Benefit Qualifications for Department of Corrections Employees" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-687)

(H.P. 1130) (L.D. 1589) Bill "An Act to Require an Assessment Evaluation of Juveniles Entering the Juvenile Justice System" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-689)

(H.P. 1333) (L.D. 1916) Bill "An Act Concerning the Regulation and Treatment of Time-shares" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-690)

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

(H.P. 825) (L.D. 1148) Bill "An Act to Amend the Maine Tort Claims Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-691)

On motion of Representative WATERHOUSE of Bridgton, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order (S.P. 843)

Report of the Committee on **NATURAL RESOURCES** on Bill "An Act to Fund Training Programs for Water Pollution Control Facility Operators"

(S.P. 845) (L.D. 2244)

Reporting **Ought to Pass** pursuant to Joint Order (S.P. 843).

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** in concurrence.

REPORTS OF COMMITTEE

Change of Committee

Representative GAGNON from the Committees on **TAXATION** and **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Restore Majority State Funding of Public Education in Maine"

(H.P. 1573) (L.D. 2221)

Reporting that it be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Establish a Trust Fund to Provide Statewide Assistance to Low-income Electric Consumers"

(H.P. 1069) (L.D. 1500)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618)** on May 21, 1999.
 - In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618) AS AMENDED BY SENATE AMENDMENT "A" (S-338)** thereto in **NON-CONCURRENCE**.

TABLED - May 25, 1999 (Till Later Today) by Representative DAVIDSON of Brunswick.

PENDING - **FURTHER CONSIDERATION**.

On motion of Representative DAVIDSON of Brunswick, the House voted to **RECEDE**.

On further motion of the same Representative, **Committee Amendment "A" (H-618) as Amended by Senate Amendment "A" (S-338)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED** House Amendment "A" (H-692) which was **READ** by the Clerk.

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

Representative DAVIDSON: Mr. Speaker, Men and Women of the House. Just to make a few comments about this bill, LD 1500 is a piece of legislation that the Utilities and Energy Committee spent a number of hours and a number of days working on throughout the course of this legislative session. Currently when you and I and everyone else in the state pays their electric bill, there is a certain portion of each months bill that goes to paying for low-income subsidies for people throughout the State of Maine. It is a worthy program. I certainly hope that it continues in its current form. One of the problems that we found in the Utilities Committee is that we subsidize a number of programs within rates. With electric deregulation coming on, the divestiture of all the generation assets of Central Maine Power and Bangor Hydro as well as Maine Public Service be forced, in fact, CMP has sold their generation assets to Florida Power and Light and you will see Bangor Hydro and Maine Public Service do the same in the northern part of the state. What the Committee on Utilities and Energy decided would be the best public policy would be you would take the money from the corporate income tax and use it to set up a low-income trust fund to pay off these things and actually take this out of rates. The Appropriations Committee did not agree with Committee on Utilities and Energy and so that decision was not made.

What we have before us is an amendment that replaces the bill and under this amendment a portion of the corporate income tax is collected from the sale by the tax assessor after today, actually May 21, 1999. It would go to the Maine State Housing Authority and basically go into a trust that would allow people to lower low-income people in the State of Maine to lower their energy costs significantly therefore relieving the amount that other people in the State of Maine pay on their bills. I think it is a good amendment. There was an amazing coalition of people that were put together representing consumer groups and generation groups as well as people in the committee. This was a unanimous report and I believe has unanimous support from the members of the committee. I encourage you to support this. I think it is good public policy for all ratepayers in the State of Maine. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. I certainly hope that you will support this. I must admit that I was very surprised to find that the monies that were going to be placed here were taken away,

because I can't think of anything that we have done thus far that would help the low-income people and everybody in the state would perhaps get a reduction in their electric rate. I was very surprised that that would happen, especially if we had the money and left it alone for a while whereby it would grow. Evidentially we don't like to do those things. I certainly hope that even though this will be a smaller amount that you will vote to have this carried out as adequately told by the good House chair.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative GOOLEY: Mr. Speaker, Men and Women of the House. To anyone who might answer, under this amendment, it includes fuel assistance to persons who qualify. My question is, do the people who receive the assistance, are they required to live in the house during the wintertime?

The SPEAKER: The Representative from Farmington, Representative Gooley has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative DAVIDSON: Mr. Speaker, Men and Women of the House. That is not outlined in the bill.

House Amendment "A" (H-692) was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-692)** in **NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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

Bill "An Act to Amend the Maine Tort Claims Act"
 (H.P. 825) (L.D. 1148)

Which was **TABLED** by Representative WATERHOUSE of Bridgton pending **ACCEPTANCE** of the Committee Report.

Subsequently, the Committee Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-691)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-691)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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

ORDERS

On motion of Representative MENDROS of Lewiston, the following Joint Order: (H.P. 1600)