

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD
OF THE
One Hundred And Fifteenth Legislature
OF THE
State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives
March 10, 1992 to March 31, 1992

Senate
January 8, 1992 to March 9, 1992

ABSENT - Bowers, Carroll, J.; Gurney, Hichborn, Hichens, Lipman, Paradis, P.; Parent, Richardson, Sheltra, Whitcomb, The Speaker.

Yes, 55; No, 84; Absent, 12; Paired, 0; Excused, 0.

55 having voted in the affirmative and 84 in the negative with 12 being absent, the motion to indefinitely postpone did not prevail.

Subsequently, the bill was passed to be engrossed as amended by Committee Amendment "A" (H-1223) as amended by House Amendment "A" (H-1289) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: (S.P. 945) (L.D. 2409) Bill "An Act to Improve Educational Public Broadcasting Statewide" (EMERGENCY) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (S-666).

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: What this bill does is it creates the Maine Public Broadcasting Corporation by combining the Maine Public Broadcasting Network, which is a part of the University of Maine and the WCBB, that's the Colby, Bowdoin, and Bates Television Channel 10 to improve educational public broadcasting statewide. The reasons we are doing this is that we feel by melding these two educational television stations doing the same thing, we feel that by putting them together and folding them and making them one, it isn't a matter of one going to the other, it is a matter of WPBN and WCBB going into the Maine Public Broadcasting Corporation. The bill authorizes the University of Maine System to transfer the assets of the Maine Public Broadcasting Network to the non-profit/non-stock private corporation to unify its operations with those of Colby, Bates and Bowdoin Educational Telecasting Corporation into a statewide, non-commercial public broadcasting unit.

It also establishes a board of trustees made up of the chancellor and three trustees from the University of Maine and also the three presidents of the Colby, Bates and Bowdoin colleges which would make a seven member board and the chancellor would be the chairman of that board. Then later, there would be not fewer or more than 12 public trustees elected by that board according to the corporation bylaws. The personnel rights were protected for both the employees from MPBN and WCBB in the bill.

There is also an \$80,258 deappropriation by this melding from MPBN to construct a radio transmitter to serve the northern part of the state, an underserved area in the radio corporation. As you understand, this is a Maine Public Television and then there will be the other unit of the Maine Public Radio and they may do business under those names.

Representative Crowley of Stockton Springs offered House Amendment "A" (H-1200) to Committee Amendment "A" (S-666) and moved its adoption.

House Amendment "A" (H-1200) to Committee Amendment "A" (S-666) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment simply changes the bylaws as we have them written in the original bill so that the president of the transferee corporation becomes a non-voting member of the board. We felt that where a person would be hired and paid \$70,000 or \$80,000 to run this corporation that he should be working for the board of directors rather than being a voting member. So, this amendment makes him a non-voting member of the board and we have run this by both of the television organizations and they agreed that it is a good idea.

Subsequently, House Amendment "A" (H-1200) to Committee Amendment "A" (S-666) was adopted.

Representative Handy of Lewiston offered House Amendment "F" (H-1290) to Committee Amendment "A" (S-666) and moved its adoption.

House Amendment "F" (H-1290) to Committee Amendment "A" (S-666) was read by the Clerk.

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

Representative HANDY: Mr. Speaker, Members of the House: This amendment that I am offering this evening puts this new entity under the Freedom of Access provisions of Chapter 13 in Title I. Because this entity will be receiving \$2 million, assuming they will be receiving \$2 million per year, as currently MPBN does from the General Fund, and because of the transfer of the assets from Maine Public Broadcasting Network to this new entity, it seems to me only appropriate that the Freedom of Access provisions apply to this new entity.

I hope you support the amendment.

Subsequently House Amendment "F" (H-1290) to Committee Amendment "A" (S-666) was adopted.

Representative O'Dea of Orono offered House Amendment "B" (H-1202) to Committee Amendment "A" (S-666) and moved its adoption.

House Amendment "B" (H-1202) to Committee Amendment "A" (S-666) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative O'Dea.

Representative O'DEA: Mr. Speaker, Men and Women of the House: House Amendment "B" is permissive language that affects the board of trustees for the new corporation. What it does is say that the presidents of Bowdoin, Bates and Colby who serve on the board in the bill may now appoint a designee to serve on the board. It also allows the chancellor to appoint the designee to serve in his place. It also allows the board of trustees at the University of Maine System to select members of the general public to serve on the board.

What this does is it keeps the members of the board of trustees at the University and the chancellor from being tied up with this board. It is designed to encourage the board to be a more of an activist board. It also provides for the election of two public members, one from the first congressional district and one from the second congressional district, thus providing a measure of geographic representation that might not otherwise be there. It also provides for an appointee by the Governor and also removes the CEO of the corporation from the board of trustees as a voting member.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, I move the indefinite postponement of this amendment.

In the Articles of Incorporation of the boards of Colby Bates and Bowdoin and the University of Maine Systems, they have written into the Articles of Incorporation a plan for dissolution. If they want to dissolve this corporation, either the University of Maine Board of Trustees and the chancellor or the three college presidents of Bates, Bowdoin and Colby, have the right to dissolve this any time between now and December 31st, the year 2001. In talking with the various college presidents and trustees and the chancellor, they said, if this were to go through, that they would just dissolve it now and the merger would never take place. I am afraid that this would destroy it. I hope you vote against this amendment.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative O'Dea.

Representative O'DEA: Mr. Speaker, Men and Women of the House: This amendment has nothing to do with the dissolution of the corporation, it merely allows the presidents for these institutions to designate other people to serve on the board. It does nothing to jeopardize the bill. If you look at House Amendment "B" and read through it, you will see that that is the case.

I believe it is an idle threat on the part of some of the WCBB people to walk away from this deal. There is nothing in here that is harmful or threatening and all it does is ensure that the board is an activist board and committed to the cause. The last thing we need in this state is another board similar to the board of trustees at the University of Maine system, a board that is comprised of very busy people who are held hostage to a system where they show up for a monthly trustees meeting and move through an agenda that has been set by somebody else. I would really hope that you would adopt this amendment.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Men and Women of the House: Because I know you would rule me out of order, I will respond to the comment about the University of Maine Board of Trustees and being held captive another day and another time. I do urge you to vote against this amendment.

The comment was made by the proponent of it that he doesn't want the president to be tied up — the trustees are already on the board now, they are serving on the board now very effectively, doing a good job and there is no need for this amendment. I urge you to vote against it.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cathcart.

Representative CATHCART: Mr. Speaker, Men and Women of the House: I urge you to vote against the indefinite postponement of this amendment. I think this amendment adds an extra safeguard and provides for more accountability on the board.

I must just express my deep concern because this bill was only printed March 9th. The Education Committee has done a commendable job but I think it is very clear that we are already having debate on this bill from different members of the Education Committee who disagree on these amendments and that worries me a lot.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I truly didn't intend to rise, usually I do. However, on this particular

amendment, I feel the safeguards are in and I am getting up only to prove to a degree that this committee is together on this for the most part. I urge the indefinite postponement based on facts already mentioned.

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

Representative DORE: Mr. Speaker, Men and Women of the House: Let me be frank, I rise because I am from the community of Auburn and WCBB is located in Lewiston, a neighboring town and I have a personal interest in this. As they say, all politics is local.

I would like to request from anyone who cares to answer, what the committee report was on the original bill?

The SPEAKER: Representative Dore of Auburn has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Members of the House: The bill as reported out of committee with the Committee Amendment was a unanimous Committee Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Crowley of Stockton Springs that House Amendment "B" (H-1202) to Committee Amendment "A" (S-666) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 62 having voted in the affirmative and 22 in the negative, the motion did prevail.

Subsequently, Committee Amendment "A" (S-666) as amended by House Amendments "A" (H-1200) and "F" (H-1290) thereto was adopted.

Under suspension of the rules, the bill was read the second time and passed to be engrossed as amended by Committee Amendment "A" (S-666) as amended by House Amendments "A" (H-1200) and "F" (H-1290) thereto in non-concurrence and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 25 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Expand the Membership of the Animal Welfare Board" (S.P. 696) (L.D. 1861) which was passed to be engrossed as amended by Committee Amendment "A" (S-639) as amended by Senate Amendments "A" (S-647), "D" (S-681) and "E" (S-685) and House Amendments "A" (H-1247) and "B" (H-1278) thereto in the House on March 25, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-639) as amended by Senate Amendments "A" (S-647), "D" (S-681), "E" (S-685) and "F" (S-689) and House Amendments "A" (H-1247) and "B" (H-1278) thereto in non-concurrence.