

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth***

***Legislature***

OF THE

STATE OF MAINE

**VOLUME II**

**SECOND REGULAR SESSION**

April 3 - April 16, 1986

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**SECOND SPECIAL SESSION**

May 28 - May 30, 1986

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**THIRD CONFIRMATION SESSION**

July 15, 1986

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**FOURTH CONFIRMATION SESSION**

August 29, 1986

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**THIRD SPECIAL SESSION**

October 17, 1986

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**FIFTH CONFIRMATION SESSION**

November 24, 1986

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PAPERS FROM THE HOUSE

Non-concurrent Matter

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
SECOND REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Monday  
April 7, 1986

Senate called to Order by the President.

---

Prayer by Father Royal J. Parent of St. Teresa's  
Catholic Church in Brewer.

FATHER PARENT: Father in heaven, Ruler of  
nations, be with all Your people and their  
governments. Inspire our lawmakers to pursue the  
good of all according to Your law. Grant freedom to  
our brothers and sisters who are enduring bodily or  
spiritual chains. May our young people be concerned  
with remaining blameless in Your sight and may they  
generously follow Your call to love You and one  
another. May our children grow in wisdom and prepare  
themselves to provide the leadership we need in years  
to come. Accept our dead brothers and sisters into  
Your Eternal Kingdom where we hope to reign with You  
forever. Amen.

---

Senate at Ease

Senate called to order by the President.

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Reading of the Journal of Friday, April 4, 1986.

---

Bill "An Act to Authorize Preferred Provider  
Arrangements in Maine and to Establish a Cash Reserve  
Requirement for Health Maintenance Organizations"  
H.P. 1625 L.D. 2290  
(H "A" H-627)

In Senate, April 2, 1986, PASSED TO BE ENGROSSED  
AS AMENDED BY HOUSE AMENDMENT "A" (H-627), in  
concurrence.

Comes from the House PASSED TO BE ENGROSSED AS  
AMENDED BY HOUSE AMENDMENT "B" (H-644) in  
NON-CONCURRENCE.

On motion by Senator VIOLETTE of Aroostook,  
Tabled until Later in Today's Session, pending  
FURTHER CONSIDERATION.

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Non-concurrent Matter

Bill "An Act Providing for the Lease of Unused  
Space or Facilities Owned by the State"  
S.P. 917 L.D. 2291

In Senate, April 1, 1986, PASSED TO BE  
ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS  
AMENDED BY HOUSE AMENDMENTS "A" (H-636) AND "B"  
(H-645) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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Non-concurrent Matter

Resolve, Authorizing the Commissioner of Finance  
and Administration to Convey, by Sale, the Title and  
Interest of the State in Land Located in Windham,  
County of Cumberland

S.P. 923 L.D. 2300

In Senate, April 1, 1986, PASSED TO BE  
ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS  
AMENDED BY HOUSE AMENDMENT "A" (H-643) in  
NON-CONCURRENCE.

Senate HICHENS of York moved that the Senate RECEDE and CONCUR.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending the motion of Senator HICHENS of York to RECEDE and CONCUR.

---

House Papers

Bill "An Act to Establish a Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs"  
H.P. 1652 L.D. 2330

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ ONCE, without reference to a Committee.

The Bill, LATER TODAY ASSIGNED FOR SECOND READING.

---

COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
INTER-DEPARTMENTAL MEMORANDUM

April 3, 1986

To: Joy O'Brien - Sec. of the Senate  
Dept: Executive

From: S/Richard Redmond, Commissioner  
Dept: Educational & Cult. Services

Subject: Report of Advisory Committee  
on Medical Education

In accordance with the provisions of 20-A MRSA, Chapter 421, it is my duty to annually report to the Legislature and to the Governor a plan which assures, to the extent practicable, that Contract students return to practice their profession within the state. It is my pleasure, therefore, to transmit herewith the Annual Status Report prepared by the Advisory Committee on Medical Education which summarized the Committee's activities and recommendations for the period January, 1985 - December, 1985.

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

---

COMMITTEE REPORTS

House

Ought to Pass in New Draft

The Committee on TAXATION on Bill "An Act Relating to the Sales of Extended Cable Television Services" (Emergency)

H.P. 614 L.D. 884

Reported that the same Ought to Pass in New Draft under same title (Emergency).

H.P. 1649 L.D. 2326

(Representative NELSON of Portland Abstained)

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

---

Ought to Pass in New Draft under New Title

The Committee on LEGAL AFFAIRS on Bill "An Act Relating to Liquor Excise Taxes and Freight Rates"

H.P. 1361 L.D. 1905

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Relating to Liquor Excise Taxes and Freight Rates and Making Other Changes in the Liquor Laws"

H.P. 1646 L.D. 2323

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE LATER TODAY ASSIGNED FOR SECOND READING.

Divided Report

The Committee on TAXATION on Bill "An Act to Increase the Watercraft Excise Tax Tables" H.P. 1309 L.D. 1825

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Provide for a Study of Excise Taxes on Watercraft" H.P. 1648 L.D. 2325

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act to Permit Industrial Electric Consumers to Purchase Energy from and through Transmission Lines Carrying Energy from Canada through the State" H.P. 1493 L.D. 2104

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Permit Transmission of Electricity Between Affiliated Industrial Enterprises and to Study Power Purchases and Other Aspects of Transmission of Electrical Energy through the State" H.P. 1656 L.D. 2327

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE LATER TODAY ASSIGNED FOR SECOND READING.

The Majority of the Committee on JUDICIARY on Bill "An Act to Prohibit the Promotion and Wholesale Promotion of Pornographic Material in the State of Maine"

I.B. 2 L.D. 2092

Reported that the same Ought Not to Pass.

Signed:

Senators: CARPENTER of Aroostook  
CHALMERS of Knox  
SEWALL of Lincoln

Representatives: ALLEN of Washington  
COOPER of Windham  
PRIEST of Brunswick  
DRINKWATER of Belfast  
MACBRIDE of Presque Isle  
LEBOWITZ of Bangor  
STETSON of Damariscotta

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Representatives: CARRIER of Westbrook  
PARADIS of Augusta

(Representative KANE of South Portland Abstained)

Comes from the House with the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Senate

Ought to Pass As Amended

Senator BUSTIN for the Committee on BUSINESS AND COMMERCE on Bill "An Act to Amend the Regulation of the Practice of Nursing"

S.P. 816 L.D. 2061

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-458).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-458) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

Senator STOVER for the Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Establish a Piscataquis County Budget Committee" (Emergency) S.P. 805 L.D. 2031

Reported that the same Ought to Pass in New Draft under same title. S.P. 936 L.D. 2345

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Concerning the Job Development Training Fund" S.P. 874 L.D. 2204

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Provide for a Job Development Training Funding Capability within the Resources of the State Contingent Account" (Emergency) S.P. 932 L.D. 2333

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE LATER TODAY ASSIGNED FOR SECOND READING.

Senator CARPENTER for the Committee on JUDICIARY on Bill "An Act to Clarify the Separation of Juveniles from Adults when Juveniles are Detained in County Jails after Adjudication of Commission of a Juvenile Crime" S.P. 790 L.D. 1983

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Clarify the Separation of Juveniles from Adults when Juveniles are Detained in County Jails" S.P. 933 L.D. 2334

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE LATER TODAY ASSIGNED FOR SECOND READING.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House

Bill "An Act to Require Motorcycle Driver Education for First-time Operators of Motorcycles" H.P. 1643 L.D. 2316

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

House As Amended

Bill "An Act to Create the Maine Liquor Liability Act" H.P. 1478 L.D. 2080 (C "A" H-635)

Bill "An Act Providing for the 1986 Amendments to the Finance Authority of Maine Act" H.P. 1489 L.D. 2105 (H "A" H-638 to C "A" H-613)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Senate

Bill "An Act to Provide for Development of a State Low-level Radioactive Waste Facility if Necessary" (Emergency) S.P. 892 L.D. 2242

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

---

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Limit Preferential Taxation within a Unitary Business

H.P. 1254 L.D. 1764  
(C "A" H-628)

An Act to Adopt the Maine Fair Debt Collection Practices Act

S.P. 834 L.D. 2116  
(C "A" S-451)

Bill "An Act Concerning Self-funded Pools among Public Agencies for Tort and Property Liability"

S.P. 902 L.D. 2263  
(S "A" S-447)

An Act to Encourage the Rehabilitation of Members Receiving Disability Benefits under the Maine State Retirement System

S.P. 920 L.D. 2296

An Act to Obtain Information from the Consumer Advisory Board, the Commissioner of Mental Health and Mental Retardation and the Mental Health Advisory Council

S.P. 921 L.D. 2297

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

---

An Act Concerning State Contribution to Pollution Abatement

H.P. 1469 L.D. 2071  
(H "B" H-614 to H "A" H-540; S "A" S-389)

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending ENACTMENT.

---

An Act to Provide Technical Assistance to Schools on Truancy, Dropouts and Alternative Educational Programs and to Amend the Permanent School Fund  
H.P. 1569 L.D. 2219  
(C "A" H-618)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

---

Emergency

An Act Concerning the Waldo County Budget Committee

H.P. 1436 L.D. 2027  
(C "A" H-629)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

Emergency

An Act to Establish the New England and Eastern Canada Legislative Commission

S.P. 888 L.D. 2237

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

---

Emergency

An Act to Discourage Frivolous Appeals in Cases Involving Judicial Review of Certificate of Need Decisions for Nursing Homes of the Department of Human Services

S.P. 922 L.D. 2298

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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Emergency

An Act to Amend the Charter of the Passamaquoddy Water District

H.P. 1631 L.D. 2299

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1986

H.P. 1637 L.D. 2306

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

On motion by Senator VIOLETTE of Aroostook the Senate removed from the Tabled and Later Today assigned matter:

Bill "An Act to Authorize Preferred Provider Arrangements in Maine and to Establish a Cash Reserve Requirement for Health Maintenance Organizations" H.P. 1625 L.D. 2290 (H "A" H-627)

Tabled - April 7, 1986, by Senator VIOLETTE of Aroostook.

Pending - FURTHER CONSIDERATION

(In Senate, April 2, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-627), in concurrence.)

(In House, April 4, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-644) in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED.

On motion by Senator VIOLETTE of Aroostook the Senate removed from the Tabled and Later Today assigned matter:

Resolve, Authorizing the Commissioner of Finance and Administration to Convey, by Sale, the Title and Interest of the State in Land Located in Windham, County of Cumberland

S.P. 923 L.D. 2300

Tabled - April 7, 1986, by Senator VIOLETTE of Aroostook.

Pending - Motion of Senator HICHENS of York to RECEDE and CONCUR

(In Senate, April 1, 1986, PASSED TO BE ENGROSSED.)

(In House, April 4, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-643) in NON-CONCURRENCE.)

On motion by Senator HICHENS of York, the Senate RECEDED and CONCURRED.

The Chair laid before the Senate the Tabled and specially assigned matter:

Resolve, to Protect Against Property Tax Losses Resulting from Transfers under Provisions of Certain Land Trust Transfers

H.P. 1633 L.D. 2305

Tabled - April 3, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate April 3, 1986, READ A SECOND TIME.)

(In House, April 2, 1986, PASSED TO BE ENGROSSED.)

Which was PASSED TO BE ENGROSSED in concurrence.



The Chair laid before the Senate the Tabled and specially assigned matter:

Emergency Resolve

Resolve, Creating a Maine Commission to Commemorate the Bicentennial of the United States Constitution

S.P. 813 L.D. 2045  
(C "A" S-443)

Tabled - April 4, 1986, by Senator VIOLETTE of Aroostook.

Pending - FINAL PASSAGE

(In House April 3, 1986, FINALLY PASSED.)

(In Senate April 1, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-443).)

On motion by Senator ANDREWS of Cumberland, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED its action whereby the Resolve was PASSED TO BE ENGROSSED, AS AMENDED.

On further motion by same Senator, Senate Amendment "A" (S-459) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and specially assigned matter:

SENATE REPORTS - from the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Regarding High-level Radioactive Waste"

S.P. 894 L.D. 2249

Majority Report - Ought Not to Pass.

Minority Report - Ought to Pass as Amended by Committee Amendment "A" (S-457).

Tabled - April 4, 1986, by Senator VIOLETTE of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate April 4, 1986, Reports READ.)

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending ACCEPTANCE OF EITHER REPORT.

The Chair laid before the Senate the Tabled and specially assigned matter:

Resolve, to Establish a Maine Commission to Examine Chemical Testing of Employees (Emergency)  
S.P. 934 L.D. 2343

Tabled - April 4, 1986, by Senator VIOLETTE of Aroostook.

Pending - Motion of Senator PERKINS of Hancock to RECEDE and CONCUR

(Committee on LABOR suggested.)

(In Senate April 4, 1986, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee and ORDERED PRINTED.)

(In House, April 4, 1986, referred to the Committee on LABOR and ORDERED PRINTED in NON-CONCURRENCE.)

Senator PERKINS of Hancock requested and received Leave of the Senate to Withdraw his motion to RECEDE and CONCUR.

The Senate INSISTED in NON-CONCURRENCE.

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Authorize a Bond Issue for Androscoggin County to Raise Funds for Renovations to the County Building and County Jail"

H.P. 1660 L.D. 2338

Committee on LOCAL AND COUNTY GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

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Out of order and under suspension of the Rules, the Senate considered the following:

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House

Bill "An Act to Require Emergency Vehicles to Stop and Proceed with Caution when Overtaking and Passing School Buses" (Emergency)  
H.P. 1644 L.D. 2318

Bill "An Act Relating to Driver Education for the Handicapped and Already Licensed Individuals"  
H.P. 1645 L.D. 2319

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

---

Bill "An Act Relating to the Passamaquoddy Indian Reservation"  
H.P. 1210 L.D. 1717

Which was READ A SECOND TIME.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED.

---

Senate

Bill "An Act to Authorize Temporary Licenses to Operate Family Foster Homes"  
S.P. 885 L.D. 2230

Resolve, Authorizing the Commissioner of Transportation to Issue Temporary Experimental Vehicle Permits on a Limited Basis under Strictly Controlled Conditions (Emergency)  
S.P. 927 L.D. 2314

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

---

On motion by Senator PEARSON of Penobscot RECESSED until 5 o'clock in the afternoon.

After Recess

Senate called to order by the President.

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Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

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Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Change the Name of the University of Maine to the State University of Maine and to Clarify the Public Policy on Higher Education"  
H.P. 1665 L.D. 2347

Comes from the House referred to the Committee on EDUCATION and ORDERED PRINTED.

Which was referred to the Committee on EDUCATION and ORDERED PRINTED, in concurrence.

---

Bill "An Act Extending the Boundaries of the Gray Water District to Include the Entire Town"  
H.P. 1664 L.D. 2342

Comes from the House referred to the Committee on UTILITIES and ORDERED PRINTED.

Which was referred to the Committee on UTILITIES and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
112th LEGISLATURE  
AUGUSTA, MAINE 04333

April 2, 1986

Hon. Joy J. O'Brien  
Secretary of the Senate  
State House Station #3  
Augusta, ME 04333

Dear Madam Secretary:

Pursuant to our authority under the Resolves of 1985, Chapter 44, we have re-appointed Steve Richard of Presque Isle to serve on the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons.

Mr. Richard was originally appointed, but failed to qualify in time.

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE  
112th LEGISLATURE  
AUGUSTA, MAINE 04333

April 7, 1986

Hon. Joy J. O'Brien  
Secretary of the Senate  
State House Station #3  
Augusta, ME 04333

Dear Madam Secretary:

Please be advised that pursuant to our authority under the Resolves of 1985, Chapter 44, we have appointed Ms. Loretta Rush of Millinocket to serve on the Commission.

Ms. Rush replaces Jan Brown, who recently resigned from that appointment.

Please let us know if you have any questions about this appointment.

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE  
EXECUTIVE DEPARTMENT  
DIVISION OF COMMUNITY SERVICES  
STATE HOUSE STATION 73  
AUGUSTA, MAINE 04333

April 3, 1986

The Honorable Charles P. Pray  
President of the Senate  
State House  
Augusta, Maine 04333

Dear President Pray:

In accordance with Title 22 M.R.S.A. Section 5204(3), I am submitting to the 112th Legislature a report on Maine's Weatherization Assistance Program for the year 1984-85.

I would be happy to answer any questions you may have concerning this report.

Sincerely,

S/Nancy A. Boothby  
Director

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

Off Record Remarks

COMMITTEE REPORTS

House

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Establish the Office of Human Resources" H.P. 1505 L.D. 2120

Bill "An Act Concerning the Regulation of Surplus Lines Insurance Agencies" H.P. 1519 L.D. 2148

Bill "An Act Establishing the Bureau of State Employee Health" H.P. 1578 L.D. 2227

Ought to Pass

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1986 (Emergency) H.P. 1657 L.D. 2335

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1316.

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Under suspension of the Rules, READ A SECOND A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1986 (Emergency) H.P. 1658 L.D. 2336

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1316.

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Ought To Pass in New Draft

The Committee on TAXATION on Bill "An Act Relating to Place of Payment of Motor Vehicle Excise Tax on Leased Vehicles" H.P. 1202 L.D. 1709

Reported that the same Ought to Pass in New Draft under same title. H.P. 1647 L.D. 2324

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Senate

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Provide for the Effective Enforcement and Collection of Fines Imposed for Civil Violations, Traffic Infractions and Criminal Offenses and to Increase the Sanctions for Failure to Appear" S.P. 841 L.D. 2133

Out of order and under suspension of the Rules, the Senate considered the following:

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, without reference to a Committee, in concurrence.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

Senate

House

Bill "An Act to Provide for a Job Development Training Funding Capability within the Resources of the State Contingent Account" (Emergency)  
S.P. 932 L.D. 2333

Bill "An Act to Provide for a Study of Excise Taxes on Watercraft"  
H.P. 1648 L.D. 2325

Bill "An Act to Clarify the Separation of Juveniles from Adults when Juveniles are Detained in County Jails"  
S.P. 933 L.D. 2334

Bill "An Act Relating to the Sales of Extended Cable Television Services" (Emergency)  
H.P. 1649 L.D. 2326

Bill "An Act to Establish a Piscataquis County Budget Committee"  
S.P. 936 L.D. 2345

Bill "An Act to Permit Transmission of Electricity Between Affiliated Industrial Enterprises and to Study Power Purchases and Other Aspects of Transmission of Electrical Energy through the State"  
H.P. 1656 L.D. 2327

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED.

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Sent down for concurrence.

Senate As Amended

Bill "An Act Relating to Liquor Excise Taxes and Freight Rates and Making Other Changes in the Liquor Laws"  
H.P. 1646 L.D. 2323

Bill "An Act to Amend the Regulation of the Practice of Nursing"  
S.P. 816 L.D. 2061  
(C "A" S-458)

Which was READ A SECOND TIME.

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

On motion by Senator TRAFTON of Androscoggin, Senate Amendment "A" (S-461) READ and ADOPTED.

Sent down for concurrence.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED, AS AMENDED in NON-CONCURRENCE.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

Bill "An Act to Establish a Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs"  
H.P. 1652 L.D. 2330

The Following Communication:

Bill "An Act to Authorize a Bond Issue for Androscoggin County to Raise Funds for Renovations to the County Building and County Jail"  
H.P. 1660 L.D. 2338

COMMITTEE ON EDUCATION  
ONE HUNDRED AND TWELFTH LEGISLATURE

April 7, 1986

The Honorable Charles P. Pray  
President of the Senate of Maine  
State House  
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Richard W. Redmond of Augusta, as Commissioner of the Department of Educational and Cultural Services.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators	2
	Representatives	10
NAYS:		0
ABSENT:	1	(Sen. Gauvreau of Androscoggin)

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Richard W. Redmond of Augusta, as Commissioner of the Department of Educational and Cultural Services be confirmed.

Sincerely,  
S/Larry M. Brown  
Senate Chair  
S/Ada K. Brown  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended that the nomination of Richard W. Redmond of Augusta be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on EDUCATION be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS:	Senators None
NAYS:	Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, EMERSON, ERWIN, GAUVREAU, GILL, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, NAJARIAN, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY
ABSENT:	Senators None
EXCUSED:	Senator DUTREMBLE

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent and 1 Senator being excused, and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Richard W. Redmond was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication:

COMMITTEE ON AUDIT AND PROGRAM REVIEW  
ONE HUNDRED AND TWELFTH LEGISLATURE

April 7, 1986

The Honorable Charles P. Pray  
President of the Senate  
112th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Audit and Program Review during the Second Regular Session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	8
Unanimous reports	8
Leave to Withdraw	3
Ought to Pass	0
Ought Not to Pass	0
Ought to Pass as Amended	2
Ought to Pass in New Draft	3
Divided reports	0

Respectfully submitted,

S/G. William Diamond  
Senate Chair

S/Neil Rolde  
House Chair

Which was READ and ORDERED PLACED ON FILE.

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ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today assigned matter:

An Act Concerning State Contribution to Pollution Abatement

H.P. 1469 L.D. 2071  
(H "B" H-614 to H "A"  
H-540; S "A" S-389)

Tabled - April 7, 1986, by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT

(In House, April 4, 1986, PASSED TO BE ENACTED.)

(In Senate, April 2, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-540) AS AMENDED BY HOUSE AMENDMENT "B" (H-614) thereto AND SENATE AMENDMENT "A" (S-389), in concurrence.)

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending ENACTMENT.

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The Chair laid before the Senate the Tabled and Later Today assigned matter:

SENATE REPORTS - from the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Regarding High-Level Radioactive Waste"

S.P. 894 L.D. 2249

Majority Report - Ought Not to Pass.

Minority Report - Ought to Pass as Amended by Committee Amendment "A" (S-457).

Tabled - April 7, 1986, by Senator VIOLETTE of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate April 4, 1986, Reports READ.)

Senator USHER of Cumberland moved that the Senate ACCEPT the Majority OUGHT NOT TO PASS Report.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Thank you Mr. President, Men and Women of the Maine Senate. I would ask you, this afternoon, to oppose the motion before us in accepting the Ought Not to Pass Report. I would like to explain to you why. First of all, I hope that each and every one of you had a chance to take a look at this piece of legislation, L.D. 2249, and I think that it is particularly important, for this Bill, because of all of the talk and information, and misinformation that has been floating around the halls about what this Bill is and about what this Bill does. In short, the Bill is rooted on one primary foundation. That foundation is what we now know about the nuclear industry and generating nuclear waste in 1986, is substantially different then what we have ever dreamed prior to 1986. The difference has been the high-level nuclear waste disposal siting process that has been brought to us by the Department of Energy at a nuclear industry. It has changed things dramatically, it has changed things substantially. I don't think that there is anyone in this Chamber, or outside of this Chamber, who has followed this process closely, and has followed the mismanagement, incompetence, and the failure of this industry and this Department to deal with this fundamental problem of where we put this lethal waste, would argue with the fact that we do not have, at this time, a solution to the high-level nuclear waste problem.

It has been demonstrated with dramatic clarity through the process and the nightmare that Maine has been through in the past three months. This Bill, number one, recognizes that reality, recognizes that things have changed substantially.

Number two, this Bill says, since things have changed so dramatically and substantially, and I don't think anybody would disagree with that, then isn't it right, and isn't it fair that we all take another look at this industry and as we argue before the Department of Energy and argue to Federal bureaucrats in Washington, to save our State from a nuclear dump. Isn't it reasonable that we look in our own back yard and consider what action that we have responsibility for and action that we, as a State, can take. In this case, we can't decide what those Federal bureaucrats are going to do and what the Congress is going to do with this dump issue, as a Body and as a State, we do have something to say about the generation of high-level nuclear waste.

This Bill puts the question before the voters. The question of the generation of high-level nuclear waste and the question of should we take a step, as a State, to take responsibility for the waste that we so adamantly object to being disposed of in our State. That is what it does, it calls for an open public debate. It does not shut down a nuclear power plant, it does not create massive economic disaster, it does not cost thousands of jobs. It opens the issue to public debate, pure and simple.

When I was in school and I was learning about debating, one of the tasks that my teachers would give to me was the task of defending in debate a position that I did not agree with. They would do that to increase my skills, as a debater. I remember the time that I was forced with an issue that I just couldn't make any sense out of at all, I didn't agree with it, I couldn't make an argument for it, I didn't know what I was going to do. I went to my teacher and said, "look I am really having a hard time, I don't think I can defend this issue, even though I am suppose to for this class." My teacher showed me a technique called camouflage, that is if you feel really uncomfortable with your position, you created a different position, make it look like the position you were comfortable with, but it had things about it that you could defend, that you could debate. You put out the camouflage issue and you debate the camouflage issue as though it were the issue. You try to score points that way and maybe you can win the debate. As I look at the material that has been distributed by the nuclear industry and the nuclear lobby on this issue, it seems to me that they probably had the same teacher, because it seems that there is quite a bit of camouflage going on in this debate. My conclusion has to be that they must be very uncomfortable with what L.D. 2249 does, because the information and the rhetoric that I have been hearing and reading, does not direct itself to L.D. 2249. Nothing that I have read, so far, from that lobby deals with the issue of Maine people reassessing its position on the generation of nuclear waste. Nothing that I have read, seen, or heard deals with the problem of disposing of high-level nuclear waste.

As a matter of fact, the nuclear industry has been totally silent on this issue, as we as a Body address this tragedy and as many individuals in this Body have taken bold leadership to oppose the plans of the Department of Energy and the process of the Department of Energy to bring a nuclear waste dump to Maine. This industry, the ones that are generating this waste in our State, have been very silent. So I get the feeling that they must be very uncomfortable with what this Bill does and the foundation of which this Bill rests. The material treats the high-level nuclear waste disaster, that has griped out State as if it didn't exist. We are talking business as usual, we are talking about suddenly the high-level nuclear waste problem and all that we have learned isn't there. Let me give you a couple of examples. First of all, the economic projections that we have heard from the lobby as to what the generation of nuclear waste and the generation of nuclear power means to the State economically. They have said, for example, that it costs two and a half cents per kilowatt hour, that is the cost of energy for Maine Yankee. No where in any of the material that I have seen any recognition of the hidden cost of the generation of nuclear power, namely the cost that we are grappled with because of this unsolved high-level nuclear waste problem. When you consider the cost of disposing high-level nuclear waste and the potential increase almost exponential increase of disposing of high-level nuclear waste, you have to question that two and a half cents per kilowatt hour. If you are curious about what those hidden costs might be, you not only have to take a look at the fact that the fund that we have been accumulating to deal with those wastes, we have already spent three quarters of a billion dollars out of that fund and I don't think we have come a step closer to solving this problem. You have to talk to anybody in the Sebago Lake area, or drive up to Lincoln and talk to people in that area and ask them about the hidden costs. Just ask the Department of Energy or ask the nuclear industry if they included in their projections of costs including this two and a half cents per kilowatt hour, the potential devastating effect of high-level nuclear waste in terms of property values, in terms of the tourist industry, in terms of the economy. Even if our State isn't chosen, ultimately, that waste has to go some where and that devastating and that real cost has to effect someone some where in this Country.

As far as the material that we have in front of us, economic arguments like the cost of nuclear power ignores those costs. The projections of the costs to Maine, if the people were to support a referendum to stop the generating of nuclear waste, are first of all those that I have seen before me a little green card and those other epistles that we have had on our desk. They are not based on the Bill before us, even if the question that we are proposing to put out to the voters were passed. The projection of cost of closing down our only nuclear power plant are not based on the proposal that is incorporated in L.D. 2249. The gloom and doom scenarios we get projected on this proposal and the thought of closing down a nuclear power plant become even more gloom and doom if we can root them in unrealistic projections based upon an unreality.



Let me give you an example, L.D. 2249 does not, even if it is passed at the polls in November, will not immediately close down the nuclear power plant, it calls for a transition period. The projections that we have seen are not based upon any transition they are based upon an immediate shut down. We have talked and heard about the economic disaster that is projected 1.2 billion dollars, lost over a 22 year period the loss of 1,500 jobs, again, that scenario is based upon the worst case scenario that industry analysis have been able to come up with. Industry analysis, I don't blame them, they have a point of view, they have a job to do, they want to make things as bleak looking as possible, and they have done that. I think that we have to look at things as factually and realistically as we can. All you have to do is take a look at other analysis, and other economic studies, and other economic and energy forecasts to realize that there is a different side of the story. Energy Systems Research Group which has conducted more than 140 studies for State and Federal agencies issued a report in 1982. It reported that even with oil prices at an all time high, eliminating our dependence of nuclear power could mean a rate increase of over five years as low as 1.9%, or an 80 cents per month increase on a \$40 utility bill. I am not suggesting that we accept these projections uncritically. I am suggesting that there are two points of view here, there are two polls. One says that it is going to be an economic disaster and costs thousands of jobs, and another poll says that it is not going to be an economic disaster at all, with the will we have a way and we can do it through a variety of techniques, conservation, development of hydro-electric power, bio-mass, and a variety of other sources. That is not what this Bill is all about, the Bill is about choice, the Bill is about letting both points of view, given the new reality that we are gripped with, with high-level nuclear waste, to come before the people and to express their positions. It means requiring both sides to have their positions scrutinized by full public debate. Then allowing the public to decide, one way or the other.

As I travel the State, and as I involve myself in this high-level nuclear waste crisis, and as many other people in this Body have, we found two kinds of disillusionments and one is certainly with the industry itself. The nuclear industry and the painful reality that we have sold a very bitter bill of goods. It all began when the industry began with this energy is going to be too cheap to meter. It is just wonderful, no problems, lets move full speed ahead. The Federal Government joined on and said we will solve the high-level nuclear waste problem. For years and years we have been told this and we said the technology is here, and there was tremendous political pressure in the early 1980's to pass a law that would get this thing moving and to get the high-level nuclear waste problem off the industry's back. We have the 82 high-level nuclear waste legislation that was passed in Congress, setting up the process that we are now gripped with in the State of Maine. You only have to listen to the people who have been studying and following this closely to realize the level of disillusionment our people are gripped with as a result of this process.

The Second disillusionment has been with the government itself and with the governments complicity and promotion of this industry as the failure of our government to take a step back and take a realistic picture, and objective picture, a responsible picture and follow that with responsible action in regards to this industry. We have heard in this debate that there is no connection between high-level nuclear waste generation and high-level nuclear waste disposal. That in itself is just patently absurd. I hope that we can all except that, if you don't generate it, you don't have to dispose it. Lets clear that up right away. There is a connection between high-level nuclear waste and the disposal of high-level nuclear waste. The opponents of this Bill point to the Federal Government and the very agency and the very bureaucrats who have fostered this disaster that we have been gripped with. They said according to them there is no problem, according to them there is no connection. I took a look at some of the things that they have actually said about this problem, those Federal Bureaucrats, I found a few statements that I think are important to note. Mr. Hunter Weiler, who has been traveling all over the State, if you have been following this process you probably know him real well, I have gotten to know him real well, he is the northeastern regional manager of the Department of Energy's crystalline depository project. Mr. Weiler was quoted in the newspaper on March 16, 1986 as saying, "It is very difficult for the State of Maine to fight us as strongly as they are on the one hand, and at the same time have a nuclear power plant cooking away generating waste." On WGME television during a special broadcast on this issue, the same gentlemen had this to say, "People of Maine have voted twice to keep Maine Yankee going, you do have a nuclear plant in the State, you do get your power from it, Maine is part of the problem." Then we saw on our desk, a few days ago, a letter from Mr. Ben Rusche, the Director of the Office of Civilian Radioactive Waste Management, and he claims, "There is no provision contained in the siting guidelines for consideration and possible disqualification of the site, because of the presence of or adverse taken in regard to an operational nuclear power plant." This is an example of the kind of bureaucratic double speak that we have been facing since the moment the Department of Energy stepped foot in the State of Maine. The fact is, not only should we accept openly these Department of Energy officials on this issue, all we have to do is take a look at the law, if you take a good look at the law, you understand these Department of Energy siting guidelines that we have heard so much about are not the only factors involved in the consideration of where a high-level nuclear waste dump is going, and even if there is going to be a second high-level nuclear waste dump. The final decision is not based upon those regulations and the final decision is not in the hands of the Department of Energy. It is in the hands of the Congress.

I was at Lake Region High School several weeks ago, and the Department of Energy and I, Senator Kany from Kennebec was there, and we squared off against the Department of Energy.

The Department of Energy told those kids at Lake Region High School during that assembly, that they were going to make certain that the waste is not a problem, even if it comes here for future generations of Maine people, including those kids. He said they were going to seal up this waste that is dumped and after fifty years we can lift the monitors and we can "walk away from it". It won't require constant monitoring, he told the kids, it is something that you won't have to worry about and future generations of Maine, kids, won't have to worry about. Of course, the industry would like to accept all of these things uncritically, and thank goodness the kids at Lake Region High School didn't. I certainly hope we as a Body don't. I hope very much that as we debate this Bill and as we discuss this Bill, that people will remain open. There has been a lot of pressure, people have been working this Bill very hard. There have been all kinds of claims and counterclaims about commitments one way or the other. What I want to make certain of, is that regardless of what decision you make on this Bill, that you don't make it upon these so called facts about the impact of a shut down at Maine Yankee presented from one side of the question, presenting a very extreme point of view, based upon very questionable assumptions. I ask that you take a look at L.D. 2249 and judge L.D. 2249 of the basis of what it does and the foundation upon which it rests. The foundation is that things have changed dramatically, there is no solution to the high-level nuclear waste problem, after all those years and three quarters of a billion dollars we still don't know what we are going to do about it. We still haven't found a solution. If there is a solution and if anybody in this Chamber has it, I would love to hear it, because it would be the first time that I have heard it. If we don't have a solution then we should at least consider and reconsider our position on the generation of this waste. You can come down one side of the issue or the other side of the issue and still support L.D. 2249. L.D. 2249 calls for putting that issue before the voters for a full and public debate.

Governor Brennan said a few weeks ago, publicly, that as a result of this process and the result of the bankruptcy of the Federal Government and the Nuclear Industry to find the solution to this problem, he was going to reassess his position on the generation of nuclear waste and support of a nuclear power plant in this State. Other officials have said the same thing and I think many of us have made the same assessment. L.D. 2249, purely and simply, allows every citizen in this State to make that reassessment and to express that assessment and the conclusions of that assessment at the polls. I hope you will join me in opposing the motion to indefinitely postpone this legislation.

On motion by Senator VIOLETTE of Aroostook, Tabled to a time certain, 5:44 p.m. today, pending the motion of Senator USHER of Cumberland to ACCEPT the Majority OUGHT NOT TO PASS Report.

Out of order and under suspension of the Rules, the Senate considered the following:

ORDERS

Joint Order

On motion by Senator CLARK of Cumberland the following Joint Order:

S.P. 941

ORDERED, the House concurring, that Bill "An Act to Strip Crime of its Profit", (S.P. 847) (L.D. 2139), be recalled from the Governor's desk to the Senate.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled to a Time Certain, 5:44 p.m. Today, matter:

SENATE REPORTS - from the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Regarding High-level Radioactive Waste"

S.P. 894 L.D. 2249

Majority Report - Ought Not to Pass.

Minority Report - Ought to Pass as Amended by Committee Amendment "A" (S-457).

Tabled - April 7, 1986, by Senator VIOLETTE of Aroostook.

Pending - Motion of Senator USHER of Cumberland to ACCEPT the Majority OUGHT NOT TO PASS Report

(In Senate April 4, 1986, Reports READ.)

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: I would like to pose a question through the Chair to any Senator who may care to respond. I would like to know if Maine Yankee is shut down, what happens to the existing high-level nuclear waste at that particular site?

THE PRESIDENT: The Senator from Penobscot, Senator Baldacci, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President and Members of the Senate. I will be happy to answer the Senator's question. If Maine Yankee were closed down, I am certain that the spent fuel would remain in the swimming pool until a permanent repository were available. There is always the possibility that the spent fuel could be removed, perhaps, to a defense facility. There have been some experimental dry storage facilities in the past and it is also possible that it could be removed to an area where you could have dry storage spent fuel. It is possible that it could be removed, other than that the spent fuel could stay there until a permanent repository would be available.

There are a couple of things that I would like to mention, if I may, about this Bill. Some of you may be like me, I voted to keep Maine Yankee open twice and I am in favor of this Bill, at this time, since I do think circumstances have changed and that is appropriate to debate this issue under the changed circumstances. For instance, I truly believe that the Department of Energy's final decision and the President of the United States' final decision and Congress' final decision will be made within the context of politics. I am sorry to say that is the case. You would like to think what this Country decides to do that it is based on the best possible, scientific method of dealing with high-level radioactive waste, but that is not necessarily the case at all. Unfortunately, I believe that there have already been many political decisions made to date, regarding the Department of Energy's decision to include two sites in Maine in the lists of semifinalist. It is interesting to note that Ben Rusche in his letter, that the wire services picked up and other press have made quite a big deal about, which he speaks about the guidelines being the detriment on the decision on the development of high-level nuclear waste repository. I could site numerous examples throughout the guidelines in which they simply have not been followed. I will only give you one example and that has to do with regionality, the guidelines state that regionality will be considered after the first repository is selected. That is what it says in the guidelines. Yes, there are at least two instances that it is clear and in writing that the U.S. Department of Energy used regionality in making a decision. One was, when they selected the bottle lake complex to be one of the proposed potentially acceptable sites. There were ten that had been proposed potentially acceptable sites, including one in New Hampshire and one in Maine. There were ten other candidate sites at that stage in reserve and the Department of Energy kind of just pulling out of a hat pulled two other sites, one of which happened to be in the southeast and one of which just happened to be in the northeast to make three potentially acceptable sites proposed up here in the northeast. Clearly they were just looking at regionality, wanting more in the northeast.

The second instance on regionality alone, has to do with the national survey of crystalline rock. I saw in writing numerous times, prior to 1983, when their national survey was published that they had decided to look at three regions of the Country, the northeast, the north central region, and the southeast.

Finally that come out with the survey and written within that survey they stated that for regional reasons, because they were already looking at certain types of rock formations in the west, that they were selecting these three regions. Already they have used regionality twice and yet the guidelines just talked about using regionality after the first repository was selected. That is just one instance, I won't go into a great deal of detail. Politics is there, we know that, you can't ignore it and if somebody says to you that they won't use politics, I wish you would ask them if they think the earth is flat too. I urge you, today especially, when the Department of Energy and their representatives are here in Augusta, they are over at the Augusta Armory right now hearing testimony. I would certainly hope that the newspaper they go home with, in their hand tomorrow, does not have the big headline, "Maine Senate Rejects Bill to Look at Maine Yankee Closure". I urge you to vote against the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Thank you Mr. President and Members of the Senate. I do agree with the good Senator from Kennebec, that politics are involved. I mean Washington politics. Last year I was one of the people who had the fortune of going to Washington with the Senator from Kennebec, we visited a low-level nuclear waste dump site and we had quite a lot of education on that tour. It was a complete day, early in the morning to late sun down. They told us in August that they were going to submit three locations to the President of the United States in October and the President was going to select them in November. There isn't anything that has happened since that date, because they are not sure either. I agree, no one is sure, everyone has questions about can DOE handle the issue before us. It is a very emotional and important issue. That is not the issue that we have before us, the Bill says to go to referendum. There are many, many questions that have to be answered before we sent the Bill to referendum. Each day different questions are coming up when we have our meeting. A lot of people are also very concerned about all the information at these public hearings and I applaud all of the good educational people that we have in this State. The questions that they brought before DOE can't even be answered by them and I don't think that anyone in the northeast region can answer them. They have to go back to Washington to get the answers. That is good that there are more questions that have to go out. The legal issue, does the Federal law pre-empt any State action to close Maine Yankee?

There is cost issues, decommissioning costs, yes CMP is negotiating right now to butt Canadian Power, but you can't do that overnight, you have to have the power line, that will probably take two years just to get permission to get a power line through. There are technical issues, what to do with the existing spent rods? I have seen them, I have taken tours at Maine Yankee myself, the whole Committee has.

The economic impact issues, the loss of jobs, it wasn't only the loss of jobs at Central Maine Power we have plenty of businessmen all over the State who attended the hearing, who were very concerned and some were just surviving now they said and were concerned about the added increase. I thought at the first part of this year the Maine Development had one reason to take all the Legislators on a tour, that was to better educate the Legislators on what is really going on out there in the business field. Many of the Legislators really enjoyed that tour, and I am sorry that I did not go, but I have toured many of those in the past and I knew a lot of them and had been inside many of the buildings. Here we have rejected the business atmosphere, we just did it on the dam site, hydro-electric dam, it is probably holding up all potential of dam production in the State. Everybody is concerned. The replacement of power issues, these we have to have a solution for the replacement of the power. It has no effect on whether Maine will be chosen for a repository or not. The issue wants to shut down Maine Yankee, and it shouldn't have any effect on that. The Committee felt very strongly on this and it was a good, strong ten to three vote and I urge everyone in the Senate to support the Majority Report.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator DIAMOND: Thank you Mr. President, Ladies and Gentlemen of the Senate. I come from district #27, which encompasses six towns all of which are touched by this candidate area and I can tell you that I have learned more than I wanted to in the last three months about nuclear waste and what we are going to do with all of that. I guess I am not any different than what the people in my area who live there, we have all come away much better prepared in terms of what the facts are with taking care of this waste. As a cosponsor of L.D. 2249, I cosponsored this for those reasons. The debate in 1980 and in 1982, centered on and I was one that voted to keep Maine Yankee open I must tell you twice, that debate centered on temporary storage. I remember it distinctly. We talked about temporary storage, could Maine Yankee handle their storage from now until 2008? That is where the debate centered and the question of technology, the technology of storing the nuclear waste that is going to be produced became a non-issue, because when I was told and I think several of us were told who live in this State, was that the technology was safe, don't worry about it we will take care of that. The Federal Government can deal with that issue. So we trusted the Federal Government, then of course, the last three months, as I said, we learned a lot about what that technology was.

What it is is this, we find an area that is 400 acres in width, drill down some tunnels we will go down about 3000 feet and then we will expand out with horizontal tunnels of over 2000 acres and we will shove those old canisters down that tunnel and get them under there and store them for 10,000 years. That is the safe technology and that is what we don't have to worry about. I am worried about that, I don't care if they are putting that storage in Maine granite or in some other State granite, I am not sure that this Country or world needs to have that kind of storage as our technology.

There are many middle American people, many folks who just do their job and go home at night and relax, go the next morning to pay their taxes and do those sorts of things. A lot of those people in this State, as I, felt that the Federal Government would have an answer here. We trusted them, but look at what they have done. Now we are told, don't worry about this site that is coming in, because our granite is cracked, don't worry because scientific evidence shows that they won't come here with this material, so don't worry your little heads about that. Trust DOE, but then I ask the question to myself, I said my goodness, they have proposed a site in Sebago Lake the water supply for thousands of people and yet they came here and said this could be a site. Sebago Lake area that increases tourism six or seven times depending on the time that you are talking about. Yet they came here saying this is a potential site. The travel the roads, you can go to Lincoln on the other site and say they even considered that place, when the roads themselves would suggest to us that there is no way of traveling over the highways we have with that toxic substance. Don't worry because we can trust the DOE. This Bill, and by the way I will tell you DOE will tell us one on one, not in a large meeting certainly, that they have plans to spend 1.3 billion dollars on 15 miles of highway and 1.7 billion dollars on 17 miles of railroad track. They are going to have to go around several ponds and lakes in the Sebago area, but I suspect that they can probably get there.

What this Bill, L.D. 2249, is saying simply let us vote, we didn't have all the facts, we had 3/4 of the facts when we voted before. In 1980, 42% of the people voted to phase out Maine Yankee. In 1982, 47% voted to phase it out. All I am saying with this legislation is let the people vote with all the facts this time. Lets play the game with all the cards. No tricks, no hidden agenda, lets just bring it out and vote on it. What is wrong with that, but when we say that a lot of folks get very nervous and we start hearing things like it is going to cost too much and we can't handle this financially and economically and sociologically it is going to be terrible and just a devastation of this State. Well folks, that is what a debate is all about, that is why we have a referendum, that is why this is up in November not June, so we can talk about all of these issues, because they should be talked about. The good Senator from Cumberland, Senator Usher, made a very good point, he raised some very good points and they should be debated, they should be found out, and they should be brought before the people. I am saying let us have a chance to vote.

That is not asking too much, if you have done it before when you had the chance in this Body and in this Legislature, give the people a chance to vote on all of the facts. If you don't feel that we have all of the facts right now, then I guess I might say you are probably right, but that is what the referendum process is about. I can tell you one thing that we do have now, which we didn't have before, and which middle America and middle Maine is upset about now and that is their technology. We trusted them once, I don't trust them now, I trust the people of Maine and that is why I want them to vote on it. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Mr. President and Members of the Senate. I would like to commend the good Senator from Cumberland, both Senators from Cumberland for raising this issue and the consciousness in which it brought to a lot of us that may not have thought about it when they had two earlier referendums about whether to keep Maine Yankee open or closed. You start thinking about the waste and what do you do with it. Ten thousand years they say. It is a problem, maybe it isn't as good as they said it was when they first went about installing it. The point here is that you are talking about putting out for referendum, in 1989, the close down of Maine Yankee. I have a lot of problems with that, because we do not offer the people in giving them that choice a viable plan if they decide they want to close down Maine Yankee.

Now I deal with utilities every once in a while, and I took it upon myself to do some research on this particular issue to a great deal. At first, I thought what is wrong with the referendum letting people vote on whether to keep it open or not. Because they do have to live with that waste question, but then as I got more and more into the Attorney General's opinions, more into the legal ramifications, the supremacy clause of the Constitution, the Contract Clause, the Due Process to get into the legal issues. Then you get into the Energy issues. Maine Yankee generates 830 megawatts of electricity. I reviewed the Energy Resources plans and under mandatory standards and commercial, residential, lighting, anything you want to look at, the best they could come up with were 415 megawatts. What do you do about the other 415 with a 2% growth in electricity? You have to offer the people a viable alternative. You have tremendous resources in Canada and you have tremendous oil fields in the Middle East and I submit to you that if you allow the plant to be on the ballot in November and people vote to close it down, that you are going to be more dependent on Canadian hydro-power and imported foreign oil. We established the Federal Purpa Act and we established the State Purpa Act, because of the Arab oil embargo in 1973, dependence on foreign sources was not in our best interests. Code generation is a big thing that you hear about today, paper companies are doing it, whether it is bio-mass, wood ship, hydro, whatever it is and they are required by law to be able to sell that power to a utility at the highest avoided cost. It has been a bonanza for them, but it has also gotten us into more power of our own, more of our own resources.

When you close down Maine Yankee or you put it out to the voters are you eliminating the problem of nuclear waste? No you are not, the nuclear waste question is still there. When our Congressional Delegation is standing up and they are arguing that they should not have a nuclear dump in Maine, and the Senator from Nevada stands up and says well it is nice to hear that, but you are generating the wastes and you are staying that you don't want it in your own State.

I submit to you that it is much more hypocritical to stand there and argue against having a waste site in Maine, in closing down Maine Yankee and driving more power from NEPOOL, which is dependant upon nuclear facilities feeding into it, like milkstone pilgrim to, and even other nuclear facilities that feed into that you would be more hypocritical because people would say to you, sure you want the fruits of nuclear power, but you are not willing to pay for the labor. So I think that after a while you can see the genesis of the nuclear waste question, the nuclear generation question, but at the same time it sounds pretty hypocritical then to stop that and then all of a sudden get the power that you need from nuclear sources. On top of that the increasing dependence of foreign resources. Maine is in a tremendously unique position to take advantage of a turn in economic situations that has effected this Country. All of a sudden it is not sun belt in the southeast that are prosperous, in the northeast it is hurting, and the Texans are telling us to freeze, but now we have the Vice President of the United States going over to Saudi Arabia to tell them to stabilize the world oil prices, because it is hurting Houston. Maine has a tremendous opportunity to have growth, a tremendous amount of growth with the lowering of those oil prices, the lowering of the interest rate. A tremendous opportunity.

If we give the people a vote on this question, and they decide to close down Maine Yankee, the increase in implementing the energy conservation programs and the increase in paying for higher energy use will increase tremendously the electric rate that we are now paying, even if you figure it at \$10 a barrel. The close down of Maine Yankee is still going to cost \$800 million. It is going to cost us at a time when I think we can seize the opportunity to move tremendously ahead. So we are not presented here today with 50,000 signatures to put this out to referendum, we have this submitted to us based on a conscious concern about arguing with the DOE about a waste site in realizing that we have a nuclear generating facility in our back yard. It is that concern that is being register here today, and I think that it is a genuine concern. The point is, even if that is eliminated that there is still another argument of being dependent on nuclear energy to fuel the economy of the State of Maine. Then we will look more and more like the State that isn't willing to do anything, but import everything. We are not willing to become independent on our own resources, but dependent on others. That is a serious question. I think that it would be a mistake to send this out for closure, when we haven't got the planning, we haven't offered the people the planning, there are too many legal issues that are surrounding it and have not been answered. I submit to you to vote for the Majority Report.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Mr. President and Members of the Senate. I would like to respond a little bit to the remarks of the good Senator from Penobscot, unless I am mistaken, the good Senator has cosponsored a Bill to import Canadian Power.

So I guess I would ask the good Senator to respond to his concern that we are importing too much foreign oil and energy and why he is on a Bill that would do exactly that.

The concerns which I have deal with the storage of the spent fuel rods now, currently at Maine Yankee, I guess my question to the Members of the Majority Report is given the technology, as the good Senator from Cumberland has elaborated, in storing spent fuel rods in a open pool and I have been into that plant also. Are the signers of the Majority Report quite safe and secure in their knowledge that all is well at Maine Yankee with the storage of spent fuel rods and that we will not be reaching a serious crisis unless we take action and are dealing with these spend fuel and the high-level waste problem at Maine Yankee.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President and Members of the Senate. To the good Senator from Kennebec, Senator Matthews, I would like to clarify the Bill which the Utility Committee has deals with wheeling and has been developed by the Committee deals with wheeling within the State of Maine from one company in particular to sell to its affiliate in another part of the State. But, I do appreciate his point.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland to ACCEPT the Majority Ought Not to Pass Report.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President, I request a Roll Call and would like to speak to my motion. I just couldn't let something pass that the good Senator from Penobscot said, and that is about foreign fuel and I would just like to point out that the Arian is not indigenous to Maine, even though we do have some below the Sebago Lake area and that does create a problem for us, but it is not economic to extract it. Uranium for Maine Yankee often comes from South Africa. I would also like to point out that half of Maine Yankee is owned by out of state utilities, as you all are aware, so we really only benefit from half of the electricity generated there. Thirdly, I want to mention that north American basin provides all that hydro-power that hydro Quebec will soon be offering to NEEPOOL and directly to individual utilities here in the State of Maine and individual companies in the State of Maine, that there is probably a lid on that price.

It is very unlike foreign oil in that you cannot really ship the electricity over seas, they are really limited as to who their customers can be. So it is a very different situation, certainly this whole question is worthy of debate and I hope that you would vote against the pending motion.

THE PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Thank you Mr. President and Members of the Senate. Not all of us believe in polls, but just to inform you Friday night there was a poll taken on the local television station in Portland and the question was "Do you want to close down Maine Yankee in 1989" the results were 45% yes, and 55% no.

Another poll was taken by Maine Yankee to 500 registered voters in Maine and 49% favored the continued operation of Maine Yankee and 38% voted the other way. 75% of the people in their phone calls thought that the electric rates would go higher and that was their main concern and that was part of the poll that was taken at Maine Yankee.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Thank you Mr. President, Men and Women of the Senate. Just to respond to a couple of points that have been made in the debate this evening. First of all, I am glad that we don't have a great reliance on polls, just for your information that channel 6 poll is not a poll at all, for those of you who are not familiar with that station or might not live in the Portland area, they just have people call in and register what they think about an issue and often times people will call in several times to increase the tally. It is not, by any stretch of the imagination, a scientific poll and I have heard several criticisms of the Maine Yankee poll, and the way questions were phrased and there were some questions about the creditability of that poll, but since we don't regard polls as being significant of course we won't discuss it.

The questions that have been raised about transitioning from our dependence upon nuclear energy to complete independence on nuclear energy are very serious issues, they are very good questions, and their problems and concerns that we have to address and we have to address very seriously. The question of replacement power certainly has been debated in this State, it was debated in 1980 and it was debated in 1982 and it was a very heated debate, it was a very good debate. Some of the claims that were made about the cost, the excessive cost, to being free of nuclear power, well they came under some very heavy criticisms during that public debate. There were criticisms of those who believe that we could transition from nuclear power immediately at no cost at all. It was a healthy debate, it was a good debate, it was a solid debate.

Those economic questions are still here and the legal questions are still here. We have consulted, as we looked at this question, with some constitutional lawyers from Maine and from Washington about this question. We think they are solid and constitutional arguments that can be made with states standing up and defining and deciding for itself its energy future. We have looked at some independent energy analysis and projections of what it would mean to become independent of nuclear power.

I am extremely impressed with the steps that could be taken, if we had the will to do it, if we had the will to become independent, not the gloom and doom, not the one side of the story that shows economic catastrophe, but viable, conceivable and workable alternatives that could take us from our dependence of nuclear power to generation of power that doesn't contradict our view that if we can't generate, and I believe many people in this State, I certainly do and I can't imagine that many people in the Senate don't believe this, that in fact we don't have a solution to the high-level nuclear waste problem and if we don't how can we continue to generate this waste?

The referendum we heard in this debate does not give the people a viable plan. If we decide to shut it down. I would like to ask anyone in this Chamber to give us a viable plan for the disposal of the waste that we are generating at that plant and that would change the debate substantially. We don't have to decide right now if we have a viable, sellable plan to vote for this legislation, L.D. 2249. What we are voting on is for a debate, an open public debate, and to give the people of this State a chance to access those economic arguments that they heard before in light of the new reality, the tragic reality that we are now gripped with. And if they believe that it costs too much money to shut the plant down, if after poking the holes in the economic projections and the disaster scenarios that we have heard, they still believe that it is worth generating this waste, to spite the fact that we have no solution of the waste problem. They will go to the polls and they will vote to keep Maine Yankee open and to keep generating this waste. We will have a new element to that debate, which is so important, and that is a reality that in 1980 and in 1982 was a myth, was a falsehood, was a bankrupt claim, and we are saying that we have a certain ethic in this State that if you don't know what to do with the waste that you are making then, perhaps, you should stop making that waste.

The whole point of this isn't to keep a high-level nuclear waste dump out of Maine. If it is our arguments before Washington that would be reduced to virtually nothing. What are we saying? That it is okay if we develop this waste and dump it in New Hampshire irresponsible. It is okay if we dump it in Virginia, it is okay if we dump it in Wisconsin, we just don't want it in our back yard. We will continue to generate it, we just don't want it. Talk is cheap, actions speak louder than words, and actions based upon responsibility, I think, speaks the loudest of all. The difference is the facts that we know that we didn't know before.

There are some additional differences that I am sure will come into the 1986 debate for nuclear power. Number one, we know that the projections of the cost of replacement power is substantially different now than they were before, we have made dramatic progress in the area of code-generation, in the area of conservation, and bio-mass technology, and hydro-electric power. The cost of oil has changed dramatically, it is a different debate, but the fundamental difference that we can't lose sight of is the difference that we have been dealing with for the last three months, and that is the fact that we don't have a place to put this waste.

Let the debate go on, let our citizens discuss the reality of this situation, not the myth the reality, and lets put the economic arguments of both sides to the test. I am not afraid to do that, I am not afraid of the judgement of Maine people. If the side that believes that Maine Yankee should be closed down prematurely cannot prevail, then so be it, I believe in their judgement. What are we afraid of? I am not afraid to put that issue before the Maine people.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator DIAMOND: Thank you Mr. President, Ladies and Gentlemen of the Senate. I just rise because one issue that was brought up during the last few speakers was the issue of polls and I just thought that struck a little note. One who has set through hours and hours of these public hearings with thousands of people present and in some cases just ten or twenty people present, I have to tell you that is the kind of poll that we are talking about. The kind of people that came forth and asked to have the chance to debate this issue that we are talking about today, including business men and business women, it included the clergy, it included the teachers, it included students, it included rich and poor, and it included Democratic leaders in this State and Republican leaders in this State have all at one time or another in the last few months paraded before the microphone and said, let us have this debate. I would hope that the Maine Senate would do that. I hope that the Maine Senate would say yes, we are going to give you that chance to have that debate. That is all that L.D. 2249 does and if we can, as a Maine Senate, say to the public in this State, to the voters in this State, that you might have an answer here for us. There are a lot of questions to be answered here certainly, a lot of issues to be talked about, but let us have the debate. I would hope that the Maine Senate would set forth with that very step this evening on this vote that is forth coming. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCII: Mr. President and Members of the Senate. We were elected by roughly 35,000 people to come down or up to Augusta to make decisions for people, because they trust us or for a host of other reasons.

We weren't elected to come to Augusta to sent out surveys to see how people felt in our district. We weren't sent to Augusta to watch the nightly news and when they do a poll, which way the people voted and therefore that is going to determine how we are going to vote. We were elected to come to Augusta to sit down, to research the issues, to find out what exactly was in this particular situation and then make a decision. We are not faced with thousands of signatures questioning a referendum. We are not faced with thousands of people parading that they want the ability to debate and to vote on this particular issue. We are faced with a concern about having a potential nuclear waste site in the State of Maine, and at the same time generating the nuclear power.

I submit to you that unless this Body is prepared to propose a viable plan to offer the people that we are wasting our time. Unless you can present to the people what you have as an alternative to the present situation, that we are just wasting our time and I submit to you that between the legal economic and the social concerns for this particular issue would be a mistake to send it out to ask for a close down in 1989.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise in their places and remain standing until counted.

Obviously, more than one-fifth having arisen, a Roll Call is in order.

The pending question before the Senate is the motion of Senator USHER of Cumberland to ACCEPT the Majority OUGHT NOT TO PASS Report.

A Yes vote will be in favor of Acceptance.

A No vote will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, BALDACCI, BERUBE, BROWN, BUSTIN, CHALMERS, DOW, EMERSON, ERWIN, GAUVREAU, GILL, HICHENS, MAYBURY, MCBREAIRTY, PERKINS, SEWALL, SHUTE, STOVER, USHER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, ANDREWS, BLACK, CARPENTER, CLARK, DIAMOND, KANY, KERRY, MATTHEWS, NAJARIAN, PEARSON, TRAFTON, TUTTLE, TWITCHELL

ABSENT: Senators None

EXCUSED: Senator DUTREMBLE

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with No Senators being absent and 1 Senator being excused, the motion by Senator USHER of Cumberland to ACCEPT the Majority OUGHT NOT TO PASS Report, PREVAILS.

Sent down for concurrence.

(See Action Later Today)

The Chair laid before the Senate the Tabled and Later Today assigned matter:

Bill "An Act Relating to the Passamaquoddy Indian Reservation"

H.P. 1210 L.D. 1717

Tabled - April 7, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, April 7, 1986, READ A SECOND TIME.)

(In House, April 3, 1986, PASSED TO BE ENGROSSED.)

On motion by Senator VIOLETTE of Aroostook, Tabled Unassigned, pending PASSAGE TO BE ENGROSSED.



The Chair laid before the Senate the Tabled and Later Today assigned matter:

Bill "An Act Relating to Liquor Excise Taxes and Freight Rates and Making Other Changes in the Liquor Laws"

H.P. 1646 L.D. 2323  
(S "A" S-461)

Tabled - April 7, 1986 by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE

(In Senate, April 7, 1986, READ A SECOND TIME. Senate Amendment "A" (S-461) READ and ADOPTED.)

(In House, April 7, 1986, PASSED TO BE ENGROSSED.)

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

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Senator USHER of Cumberland moved that the Senate RECONSIDER its action whereby it ACCEPTED the Majority OUGHT NOT TO PASS Report on:

Bill "An Act Regarding High-level Radioactive Waste"

S.P. 894 L.D. 2249

(In Senate April 7, 1986, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Mr. President, having voted on the prevailing side, I now move reconsideration and I would urge to you vote against my motion.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President and Members of the Senate. I would just like to say that I am really sorry knowing the Senate sentiment that we are dealing with this issue today. It was clear to me before today that the Senate would not favor this measure and I really am sorry to see the Department of Energy and its representatives go home tomorrow, that is what the headline is going to be in the newspaper, and I thought I would mention that to you before you voted on reconsideration.

They are going to go home with a smile on their face, and I just think that it is too darn bad, because the plan really should be the good Senator from Penobscot, asked about a plan and the reason that I voted in favor of this measure I was not one of its initiators, or one of its early proponents at all, but the reason I voted for it was that I believed that it was important to send the message to the Department of Energy that people of Maine care enough about nuclear power and the very serious threat about the very strong possibility about having a nuclear waste repository in our State. That they care enough to actually consider the possibility of closing down Maine Yankee and they would debate that issue. I hope that you keep that in mind as you vote on reconsideration and I am really sorry that we are voting on this Bill today. I had hoped that we would have been able to Table it another day knowing the basic sentiment, I just wanted to share those thoughts with you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Mr. President and Members of the Senate. I would just remind the Body that the words from the gentlemen from Cumberland, Senator Usher, who said that there are a great many questions that are unanswered, a great many questions that are unanswered. The good gentlemen from Cumberland is now going to silence the debate on this issue and try to ram this thing through. I would ask the support of the Members of this Senate ...

THE PRESIDENT: The Chair objects to the comments in reference to the Senator from Cumberland, Senator Usher, of attempting to "ram" anything through. The Chair asks the Senator to keep his remarks to the issue that is before us.

The Chair recognizes the same Senator.

Senator MATTHEWS: My apologies Mr. President and to the good gentlemen from Cumberland. I would ask that the debate continue. There isn't a more important issue before the State of Maine other than what to do with high-level waste and its storage and Maine Yankee that produces a great deal of waste in the State of Maine. In the spirit of democracy, lets let this issued be aired. Mr. President, I would ask that this be Tabled 1 Legislative Day.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland that the Senate RECONSIDER its action whereby it ACCEPTED the majority OUGHT NOT TO PASS Report.

The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Mr. President a point of order, I believe the motion was to Table 1 Legislative Day.

THE PRESIDENT: The Chair would answer in the negative, the pending question is the motion of Senator USHER of Cumberland that the Senate RECONSIDER its action whereby it ACCEPTED the Majority OUGHT NOT TO PASS Report. Senator Matthews, of Kennebec, debated the issue and cannot move the Tabling of it.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. Just for the information of the Senators this morning when the good Senator from Kennebec, Senator Kany, asked to have this matter Tabled until Later in Today's session, I most certainly agreed to have the motion Tabled until Later in Today's session. I listened to her concern this morning, she wanted this Tabled until Later in the day, it was Tabled last Friday again, I do not think we have been trying to force this down an early vote.

We have discussed this, and I must admit that I am some what surprised whether we do this today or whether we do this tomorrow or the next day, those same headlines are going to appear in the press and if they can read it today or tomorrow, they can read it Wednesday or Thursday, but I am a little surprised that the comments that the Senator would make suggesting in terms of tabling this or the like, because I think I have extended very opportunity to deal with this issue in an appropriate fashion. The Senate has already voted the motion is now simply to reconsider, the Senate is already on Record on voting this evening in opposition to this Bill. That will be the headline tomorrow and if we want to have the headlines two days in a row on the issue then we can delay the reconsideration, but I think the Senate ought to take it up this evening, it has debated the issue in excess of one hour or more and let the matter go to the other Body.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Thank you Mr. President and Members of the Senate. In response to the two Senators from Kennebec, the debate is still going on the public hearings are still being in effect. Lets concentrate on the issue that is before us now. We have eight days left to come up with our information to submit it to DOE. We have issues here, one is a referendum and it has nothing to do with us being chosen as a repository in the State of Maine. The issue before us now is that we have eight days left to get all that information together and I am on that Commission and I know that we have a meeting and we have to get all of that information. We have to get it in by the 16th of March and I think that is the issue we should concentrate on. Put all of our knowledge there and we still have a couple of public hearings left.

Senator CARPENTER of Aroostook moved to Table 1 Legislative Day, pending the motion of Senator USHER of Cumberland to RECONSIDER whereby the Senate ACCEPTED the Majority OUGHT NOT TO PASS Report.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: I request a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator CARPENTER of Aroostook, that this matter be TABLED 1 Legislative Day, pending the motion of Senator USHER of Cumberland to RECONSIDER whereby the Senate ACCEPTED the Majority OUGHT NOT TO PASS Report.

A Division has been requested.

Will all those Senators in favor of the motion to Reconsider the Adoption of the Majority Report, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

12 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator CARPENTER of Aroostook to TABLE 1 Legislative Day, FAILS.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland to RECONSIDER whereby the Majority OUGHT NOT TO PASS Report was ACCEPTED.

The Chair will order a Division.

Will all those Senators in favor of the Acceptance of Reconsideration, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

12 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator USHER of Cumberland to RECONSIDER whereby the Majority OUGHT NOT TO PASS Report, was ACCEPTED, FAILS.

Sent down for concurrence.

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Senator PEARSON of Penobscot was granted unanimous consent to address the Senate Off the Record.

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On motion by Senator CLARK of Cumberland ADJOURNED until Tuesday, April 8, 1986, at 8:30 in the morning.