

# MAINE STATE LEGISLATURE

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

**VOLUME IV**

**FIRST SPECIAL SESSION**  
August 21, 1989 to August 22, 1989  
Index

**FIRST CONFIRMATION SESSION**  
October 30, 1989  
Index

**SECOND CONFIRMATION SESSION**  
December 12, 1989  
Index

**SECOND REGULAR SESSION**  
January 3, 1990 to March 19, 1990

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
18th Legislative Day  
Wednesday, February 14, 1990

The House met according to adjournment and was called to order by the Speaker.

Prayer by Pastor Fred Osgood, Spruce Head Community Church.

The Journal of Monday, February 12, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Unanimous Ought Not To Pass

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Related to Rehabilitation Providers" (EMERGENCY) (S.P. 726) (L.D. 1901)

Report of the Committee on Aging, Retirement and Veterans reporting "Ought Not to Pass" on Bill "An Act to Allow Any Maine Veteran to Be Buried in the Maine Veterans' Memorial Cemetery" (S.P. 736) (L.D. 1940)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Resolve, to Establish a Maximum Water Level for Sebago Lake (S.P. 860) (L.D. 2204)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act to Increase the State Share of Education Funding" (S.P. 169) (L.D. 326)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Refer to the Committee on Judiciary

Report of the Committee on Human Resources on Bill "An Act to Amend Vital Statistics Provisions Pertaining to Adoptions" (S.P. 818) (L.D. 2094) reporting that it be referred to the Committee on Judiciary.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Judiciary.

Report was read and accepted and the bill referred to the Committee on Judiciary in concurrence.

Ought to Pass as Amended

Report of the Committee on Human Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-485) on Bill "An Act Related to the Systems Assessment Commission" (EMERGENCY) (S.P. 701) (L.D. 1839)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-485) as amended by Senate Amendment "A" (S-497) thereto and Senate Amendment "A" (S-490).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-485) was read by the Clerk.

Senate Amendment "A" (S-497) to Committee Amendment "A" (S-485) was read by the Clerk and adopted.

Committee Amendment "A" (S-485) as amended by Senate Amendment "A" (S-497) thereto was adopted.

Senate Amendment "A" (S-490) was read by the Clerk and adopted and the Bill assigned for second reading Friday, February 16, 1990.

COMMUNICATIONS

The following Communication: (S.P. 910)

114TH MAINE LEGISLATURE

February 12, 1990

Senator John E. Baldacci

Rep. Carol M. Allen

Chairpersons

Joint Standing Committee on Business Legislation

114th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Sharon A. Millett of Poland Spring, Walter H. Foster, Jr. of East Holden and Hobart F. Harnden of South Portland for reappointments and Franklin Howe of Bath for appointment as members of the Maine Real Estate Commission.

Pursuant to Title 32, M.R.S.A. Section 13062, these nominations will require review by the Joint Standing Committee on Business Legislation and confirmation by the Senate.

Sincerely,

S/Charles P. Pray

President of the Senate

S/John L. Martin

Speaker of the House

Came from the Senate, Read and Referred to the Committee on Business Legislation.

Was Read and Referred to the Committee on Business Legislation in concurrence.

The following Communication:

STATE OF MAINE  
SUPREME JUDICIAL COURT  
PORTLAND, MAINE 04112

February 8, 1990

The Hon. Charles P. Pray

President of the Senate

114th Maine Legislature

State House Station 3

Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

The Hon. John L. Martin

Speaker of the House

114th Maine Legislature

State House Station 2

Augusta, Maine 04333

I have your invitation of February 5, 1990, to make an annual report to a Joint Convention of the Legislature on Tuesday, February 20, 1990 at 9:30 A.M. I will be there. I entirely agree with you that intervening circumstances suggest that we rethink our earlier decision to forego the report on the State of the Judiciary this year.

As in the past, I will be accompanied by the other members of my court and the Chiefs of our trial courts.

Thank you very much indeed for giving me again the opportunity to speak directly to the entire membership of the Legislature.

With all best wishes.

Sincerely,

S/Vincent L. McKusick

Was read and ordered placed on file.

The following Communication:

MAINE STATE LEGISLATURE  
Augusta, Maine 04333

Task Force to Promote Equity of Opportunity for Women in the Public School System

February 8, 1990

The Honorable John L. Martin  
The Honorable Charles P. Pray  
Maine Legislature  
State House  
Augusta, ME 04333

Dear Speaker Martin and President Pray:

The Task Force to Promote Equity of Opportunity for Women in the Public School System is pleased to submit its report to the Legislature pursuant to Resolve 1989, c.55

The attached report and the accompanying legislation are the result of many long hours of work by an exceptionally talented group. We feel very strongly that the recommendations contained herein would contribute significantly to improving the opportunities for women administrators in our public schools. As we currently face a limited pool of qualified school administrators, such gains would have enormous benefits for not only those women, but also for the overall quality of public education in Maine.

As a cost saving measure, we have asked our staff to print only the executive summary and recommendations for full distribution. We have had a limited number of copies of the full report printed. These are available to members from the Clerk of the House and the Secretary of the Senate.

Sincerely,

S/Sen. Nancy Randall Clark S/Rep. James R. Handy  
Co-Chair Co-Chair

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

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

**Education**

Bill "An Act Regarding Eligibility for Participation in Extracurricular Activities" (EMERGENCY) (H.P. 1676) (L.D. 2318) (Presented by Representative MAHANY of Easton) (Cosponsored by Representative KILKELLY of Wiscasset, Senator LUDWIG of Aroostook and Senator DUTREMBLE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.

Sent up for Concurrence.

**Energy and Natural Resources**

Bill "An Act to Establish a Hazardous Waste Minimization Program" (H.P. 1674) (L.D. 2316) (Presented by Representative LORD of Waterboro) (Cosponsored by Representative AULT of Wayne and Senator KANY of Kennebec) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Ordered Printed.

Sent up for Concurrence.

**Taxation**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Current Use Valuation for Children's Camps (H.P. 1673) (L.D. 2315) (Presented by Representative SIMPSON of Casco) (Cosponsored by Representative MAYO of Thomaston, Representative LARRIVEE of Gorham and Senator ESTY of

Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)  
Ordered Printed.  
Sent up for Concurrence.

**Study Report-Committee on State & Local Government**

Representative JOSEPH from the Committee on State and Local Government to which was referred by the Legislative Council the Study Relative to Redistribution of County Functions have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Transfer All Functions and Personnel of the Offices of District Attorneys from the Counties to the State" (H.P. 1675) (L.D. 2317) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

**ORDERS**

On motion of Representative NUTTING of Leeds, the following Joint Resolution: (H.P. 1670) (Cosponsor: Senator BERUBE of Androscoggin)

**JOINT RESOLUTION IN HONOR OF**

**DR. CLARENCE P. QUIMBY, THE "YANKEE SCHOOLMASTER"**

WHEREAS, Dr. Clarence P. Quimby passed away on January 17, 1982, after 50 years of service as a prominent educator, humanitarian and community leader; and

WHEREAS, Dr. Quimby served as the Headmaster of Cushing Academy for 23 years, as the President of Westbrook College, as a High School Principal in Augusta and as President of the Maine High School Principals Association; and

WHEREAS, Dr. Quimby has been jointly recognized by the residents of Gardiner, Massachusetts and North Turner, Maine as the "Yankee Schoolmaster," and a memorial has been erected in Gardiner fashioned out of stone taken from North Turner; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the Second Regular Session, designate Dr. Clarence P. Quimby as the "Yankee Schoolmaster" for a lifetime of efforts and accomplishment in the field of education, and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and presented to the Quimby Memorial Committee and to the Selectmen of the Town of Turner, Maine and the Selectmen of the Town of Gardiner, Massachusetts, as an expression of our esteem.

Was read and adopted and sent up for concurrence.

On motion of Speaker MARTIN of Eagle Lake, the following Joint Resolution: (H.P. 1677) (Cosponsors: Representative FOSTER of Ellsworth, President PRAY of Penobscot and Senator TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

**JOINT RESOLUTION MEMORIALIZING THE  
CONGRESS OF THE UNITED STATES TO SET ASIDE  
SOCIAL SECURITY TRUST FUNDS CURRENTLY  
BEING USED TO FUND GENERAL GOVERNMENT EXPENSES**

WE, your Memorialists, the Members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the Second Regular Session,

most respectfully present and petition the Congress of the United States as follows:

WHEREAS, surplus funds in the Social Security Tax Fund were intended to finance the retirement of the large number of workers born in the post-war period and scheduled to retire beginning in the year 2010; and

WHEREAS, Social Security is the most regressive of all taxes, as it is assessed on only the first \$51,300 of annual income earned by workers; and

WHEREAS, from 1977 to 1990, the Social Security payroll tax rates for both employees and employers increased from 5.85% to 7.65% of earnings; and

WHEREAS, nearly 75% of all American taxpayers now pay more in Social Security taxes than they do in income taxes; and

WHEREAS, since 1980, Social Security tax revenue as a percentage of federal revenue has increased 23% while corporate income taxes have declined by an equal percentage; and

WHEREAS, the administration, with the consent of Congress, is currently using Social Security tax funds to pay for general government expenses, thus masking the actual size of the federal deficit; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to repeal the Social Security tax increase that took effect earlier this year, or to discontinue the use of Social Security contributions to fund general government expenses; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

On motion of Representative CHONKO of Topsham, the following Joint Order: (H.P. 1678)

Ordered, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the House such legislation as it sees fit providing emergency fuel assistance to elderly and low-income residents.

Was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### REPORTS OF COMMITTEES

##### Unanimous Ought Not to Pass

Representative DORE from the Committee on Taxation on Bill "An Act Concerning the Property Tax Circuit Breaker" (H.P. 1629) (L.D. 2256) reporting "Ought Not to Pass"

Representative LISNIK from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Emergency Fuel Assistance to Elderly and Low-income Residents" (EMERGENCY) (H.P. 1579) (L.D. 2188) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

##### Unanimous Leave to Withdraw

Representative ERWIN from the Committee on Banking and Insurance on Bill "An Act to Authorize Mortgagees to Require Property Insurance Provided by

Insurers Which Meet Standards Established by Federal Mortgage Loan Corporations" (EMERGENCY) (H.P. 1248) (L.D. 1741) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act Establishing Procedures for Notice of Proposed Zoning Changes" (EMERGENCY) (H.P. 1326) (L.D. 1828) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act Establishing Ownership of and Liability for Nuclear Waste" (H.P. 1538) (L.D. 2123)

Signed:

Senators:

KANY of Kennebec

LUDWIG of Aroostook

ERWIN of Oxford

Representatives:

JACQUES of Waterville

DEXTER of Kingfield

GOULD of Greenville

LORD of Waterboro

COLES of Harpswell

ANDERSON of Woodland

MITCHELL of Freeport

HOGLUND of Portland

MICHAUD of East Millinocket

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

Signed:

Representative: SIMPSON of Casco

Reports were read.

Representative Michaud of East Millinocket moved that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to ask for a roll call.

Second, I would like to explain why I am reporting this bill as the single member on the "Ought to Pass" Report. We in the Energy and Natural Resources Committee normally work very hard to reach a compromise. Many of the issues we deal with are very complex and complicated. However, this is a matter of conscience with me, as you probably know. People who have heard me speak about nuclear waste in the past know that it was just over four years ago that over 10,000 people turned out at Lake Region High School to oppose the federal law which was only (at that time) asking that certain sites in Maine and New Hampshire be looked at as potential sites for high-level nuclear waste dumps. People feel very strongly about nuclear waste dumps and the problems associated with them. On this one, however, you are going to hear a question of whether we really need a bill like this and whether it is premature.

Let me explain what this bill actually does. This defines very clearly in state law that the generators of low-level nuclear waste shall have both ownership and liability responsibilities for that waste. Critics of this bill will say that this is preempting federal law and the state of Maine cannot do this. I would like to point out that in Public Law 99240, the federal law only states that states must take title to this low-level nuclear waste if they do not provide a facility for a contract with an out-of-state facility by 1996. It doesn't say that the states themselves can require that the generators

can be held liable or to be responsible for the ownership of that waste if they do provide a facility. Our low-level waste authority is working very hard to provide a facility or a contract with an out-of-state facility. In no way do I want to criticize their efforts, I believe they are all well-intended and very responsible people and they are doing the very best job as Maine citizens and public officials do.

However, federal law, Public Law 99240 is flawed. It is flawed very simply in that it requires the states to assume the responsibility for their low-level nuclear waste after this date and I object to that. I feel the federal government is just simply shirking its responsibilities and passing it on to the states as we have seen them do so many times in the past.

I think we should question that law, I don't think it is premature to do it, I think this bill does it and does it in a responsible manner.

When we debated this bill in committee, we heard that the state of New York is actually bringing suit in federal court against certain provisions of this federal law and we were advised by our Attorney General that participation in that suit was undesirable but, at the same time, that was going on. So there are very serious problems in other states with the requirement that the states have to deal with nuclear low-level nuclear waste and have responsibility for it in the first place.

The second point I would like to make is about the liability. Liability simply says here that the generators of that waste (in this case, the largest generator in our state is Maine Yankee) would still be held jointly and severally liable for that waste. We heard over and over again in committee that they would be held jointly and severally liable anyway and all this bill simply does is make it clear in law that they would be. We are told now that they are bringing their waste to a dump site in South Carolina and if there ever was an accident or leak or some problem with that waste, they would be held jointly and severally liable financially for any damages that were done.

This is really a very simple bill. Its critics are going to argue that it is unnecessary, I am arguing that it is a very real, honest attempt on our part to question the federal law and, at the same time, if that law remains in effect, it is very clear in state law that the generators of the waste will still own and be responsible, financially, for any accidents that may occur.

Once again, I urge you to vote against the "Ought Not to Pass" Report so we may accept the Minority "Ought to Pass" Report. I do ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain to you some of the history and the reasons I brought this bill to our Energy and Natural Resources Committee. You may not know that I am a member of the Citizens Advisory Group to the Low-Level Radio Active Waste Authority and as such have been very closely involved with their struggle to deal with this burden which has been put upon the state.

As Representative Simpson has said, as of January 1, 1996, Maine can, by federal law, be made to take ownership for almost all the radio active waste generated at the nuclear power plant in Wiscasset, the low-level radio active waste, which is essentially everything except the spent fuel rods.

This law was passed late at night, just before the Christmas recess in Congress. We know about that

kind of thing, don't we? This amendment that was passed without debate in the Senate just before the Christmas recess in 1985 was a result of the 1980 Radio Active Waste Act, which shifted responsibility for low-level waste from the federal government to the states. The federal government had jealously guarded its domain over everything nuclear for some nearly 50 years. Now that was a radical switch but, for some reason, it went unnoticed by the press and thus by the people.

I expect that many of you know that low-level waste is not benign, some of the elements that are contained in sludges and filter resins have a very dangerous amount of radio activity, so dangerous that if it is not heavily shielded and you stand four feet away from it, you can get a fatal dose in a few minutes. Some of it lasts millions of years and if the particulates get out (we worry particularly about iodine I29) into the water and food supply it can endanger future generations for millennia.

Clearly, after nearly a half century, the federal government has admitted its failure in following through with its promises to take care of this waste. Like a big, bad brother it has said, what I haven't been able to do in nearly half a century, you (states) must do in a very short time, in a matter of a few years. If you do not, you must assume ownership and liability for this very dangerous waste generated by private corporations.

This pits taxpayers against the government. It is like telling us that if we don't take over a business, then we will have to own it and it is absorbing private corporations of liability as well.

Where did it say in the Constitution that the federal government can do that? This is socializing hazardous waste.

I would like to tell you a little bit about what comes out of our tax dollars to already subsidize the production of nuclear waste in nuclear power plants. Thirteen percent in 1984, according to a Wall Street Journal article from which I am taking these figures, of the electricity was nuclear powered. It got 34 percent of the direct federal energy subsidies. There are 9 civilian agencies that have line-item expenditures providing \$2.32 billion directly to nuclear power, 8 kinds of tax breaks totaling \$10.2 billion, federal loans and guarantees totaling \$3.32 billion in financing costs to which add subsidies to the nuclear fuel cycle and to several federal power marketing administrations and imponderable such as the Price-Anderson Act, which you have heard about and we've made Resolutions about here in this chamber. Even without these last items, I want you to know that direct subsidies to the nuclear power industry totals \$15.8 billion, nearly as much as the retail revenues from the sale of the electricity. I say, "Hold-enough."

Before this federal law was passed, the Congressional Research Services of the American Law Division was asked by the House Energy Committee to look up the Constitutional issues surrounding passing such a law because, as you know, the states are sovereign where they are not affected by the Constitution. In other words, federal powers are restricted to those granted to it by the Constitution and the states are sovereign otherwise. I have the paper from the Congressional Research Services and I think many of my colleagues here have seen copies of this and they end by saying, (if you would like to see the whole thing, approach me or one of the sponsors of the bill) "Thus the issues here involved, not the object of the federal regulations, which is providing regional waste facilities for nuclear power waste, but the manner in which the federal

legislation would carry out that object. It would appear that the manner proposed by the legislative provisions discussed here may raise Constitutional issues that are extremely novel and for which there is little direct judicial precedence because of the burdens and liabilities imposed upon the states by the federal government."

There are many inconsistencies in this law. For one thing, it is acknowledged that Congress has preempted the states from regulating safety aspects of nuclear power because the states don't have the expertise. Yet now, we see the federal government telling us that if we don't jump through their hoops fast enough in getting a place ready for nuclear waste, Maine Yankee can make us a present of it. I don't know if this is like Communism or Fascism but I know it is wrong.

Another peculiarity of this federal law, Public Law 99240, is its effects on interstate commerce. You know the commerce clause of the Constitution is meant to keep the states from working against each others best interests as well as working for the common good. How does that fit when a state is forced to take ownership and liability for waste from production of electricity, half of which is spent to out-of-state consumers?

The public is understandably preoccupied as is the press with our immediate problems of education, health care, drugs, housing, prisons, but the so-called "secret debate" that is raising behind the scenes on reasserting states' rights is tremendously important to us all and that is why I have brought this bill to the Energy Committee.

What were the objections of the committee? From my understanding, one thing they felt was that, since we are not being hurt now by this federal law, that we shouldn't do anything about it. I would like to remind you that we were pro-active in keeping deregulated nuclear waste out of our landfills. The government wants to deregulate about a third of this bad stuff and just say it is not radio active and it can go into incinerators, into the sewers and into the landfills. The Governor had the wisdom, as you did, to say no to that. Surely, we can be as wise on this overstepping of the bounds of authority of the federal government. So, I hope that we won't wait until we are hurt but tell the federal government in no uncertain terms that we don't want this. There is not the precedent in Maine for this -- one of the famous Maine people in statesmanship, Danny Webster, who lived and taught in the hometown of one of the bill's cosponsors fought the federal government on a settlement on boundaries in the northeastern part of our state as to which part of our state was going to be given away, but Maine stepped in and said, "No sir." We won, as you know. There is nothing wrong in telling the federal government they have made a mistake. I think we should pass this bill and let them preempt us from the federal level and explain to the people why they should make states take ownership and liability of dangerous waste produced by private, for-profit corporations.

I hope that you will follow my light and Representative Simpson's light on this difficult but pressing issue of our times.

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

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I signed onto this bill primarily because of certain concerns I had regarding nuclear waste and its disposition. I don't stand here today brave enough to give you my legal opinion as to the legality or lack of legality of this particular bill through preemption based on my

experience with the maintenance of private roads by municipalities. However, I am very concerned about nuclear waste for several reasons.

Briefly, the first is that a process concerning nuclear waste and its manufacture and particularly its disposition has been a frightful and horrendous process that, while it has evolved through the cutting edge of technology into a new field, the nuclear industry, I believe, has attempted to avoid any responsibility and enlightenment. I almost relate it to the tobacco industry.

The second issue is that I am very concerned that we always try to avoid issues and leave them to the last minute. I believe this bill will prompt people to move quicker.

Thirdly, I am very concerned that we are beginning to see a way to handle nuclear waste but nobody is really pushing the research and development of that process very greatly. State and local governments clearly are not moving to do that.

Lastly, I believe private industry does have a great duty to respond to this issue and they have not. They would be encouraged to do so by the adoption of this legislation. Accordingly, I urge you to vote your conscience today on this very issue of ownership and, ultimately, on the issue of liability. I believe that by your statement in not adopting the Majority Report and ultimately acting differently will send to everyone our statement on what is needed to be done and looked at for nuclear waste. Therefore, I urge you to vote no on the motion before you.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, I would like to explain the committee's position on this bill.

First of all, the bill seems to be technically flawed in two aspects. The definition fails to distinguish between high-level and low-level radio active waste so, if the bill was passed, Maine Yankee would be required to take the ownership of high-level radio active waste as well as low-level radio active waste. As the federal law stands now, the U.S. Department of Energy will take the high-level waste off our hands at some point but we would be stuck with that.

The second technical problem with the bill is that it requires only generators of radio active waste through the process of nuclear fusions to take the waste, which means that Maine Yankee would be given the waste of all of the other generators of the state.

Finally, I think the committee's main concern was that it is in direct conflict with federal law and it is in direct conflict with a provision of the federal law that doesn't go into effect until 1996. I didn't think that we really thought it would help much to challenge them now. We got a little legal advice and some lawyers told us that we could pass a law but it probably wouldn't end up in any sort of court challenge because of that. You ought to understand that Maine has a two-track policy to dispose of low-level radio active waste. The first thing we are doing is pursuing negotiations and they are very delicate negotiations with other states trying to establish an interstate compact to dispose of Maine's low-level radio active waste. If that fails, we have established a low-level radio active waste authority and charged them with the provision of finding us a site in Maine. I don't see any reason to change that policy at this time. I admit that I don't particularly like the federal law, I don't like it much more than Representative Holt likes it and I

think it should be changed. I think it probably will be changed but I doubt that Congress will change it now. I think they want to keep the pressure on the states to come together and form some regional facilities. Perhaps as the 1996 deadline draws closer, they might be willing to look at it but I just think, because of the technical flaws and the direct conflict with the federal law, that this probably isn't a good idea and there is no need for this bill at this time.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Men and Women of the House: As we all know, when we give our bills over to a committee, they are no longer ours, we don't own them anymore, the committee owns them. In my testimony before the Energy and Natural Resources Committee, I explained to them that I had made an error about high-level and low-level separation because I assumed, and I have a bumper sticker on my car that says "question assumptions," that everyone knew that the high-level waste spent fuel rods are the bailiwick of the federal government. I pointed that out and said to them that the title would need to be changed as well as the meat of the bill. I pointed out another error as well and asked it to be changed. This was not done and I regret to say that it was not.

Also for the Record, I surely want to correct my good friend Representative Mitchell's statement that I restricted this bill to radio active waste created through fusion -- I am sure he means fission and that was just a slip of the tongue, but surely it should be corrected. Perhaps we will get to fusion someday. However, these are not good reasons to turn down this bill. I think we could bring in an amendment if we could delay a bit that would take care of these objections.

I can't remember the second part of the difficulty with the bill -- high-level and low-level waste was not separated? And the conflict with the federal law -- I know that I have addressed that but the flaws in the bill I think probably happened because the committee didn't really take this very seriously and the work that was going to be done on it did not get done. I don't think we should throw this infant out with the bath water, I think we should take leadership on this issue and live up to our state motto, which is "I lead."

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

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

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

ROLL CALL NO. 165

YEA - Aikman, Anderson, Ault, Bailey, Begley, Bell, Boutilier, Butland, Cahill, M.; Carroll, D.; Carter, Cashman, Chonko, Coles, Constantine, Crowley, Curran, Dellert, Dexter, DiPietro, Donald, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Hanley, Hepburn, Hickey, Hoglund, Hussey, Hutchins, Jacques, Jalbert, Ketover, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord,

MacBride, Macomber, Manning, Marsano, Marston, Martin, H.; Mayo, McGowan, McPherson, McSweeney, Melendy, Merrill, Michaud, Mills, Mitchell, Nadeau, G. R.; Norton, Paradis, E.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Reed, Richard, Richards, Ridley, Ruhlin, Seavey, Sheltra, Small, Smith, Stevenson, Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Townsend, Walker, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Aliberti, Allen, Brewer, Burke, Carroll, J.; Cathcart, Clark, H.; Clark, M.; Cote, Daggett, Dore, Farnsworth, Foster, Handy, Hastings, Heeschen, Hichborn, Holt, Kilkelly, Luther, Mahany, Marsh, McHenry, McKeen, Moholland, Murphy, Nutting, O'Dea, Oliver, Paradis, J.; Parent, Rand, Rolde, Rotondi, Rydell, Simpson, Skoglund, Stevens, A.; Stevens, P.; Telow, Tracy, Tupper.

ABSENT - Anthony, Conley, Duffy, Higgins, Jackson, Joseph, McCormick, Nadeau, G. G.; O'Gara, Sherburne, The Speaker.

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

97 having voted in the affirmative and 43 in the negative with 11 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 808) (L.D. 2071) Bill "An Act to Authorize Maine School Administrative District Number 61 to Enter into a Land Exchange with S. D. Warren Company" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-493)

(S.P. 792) (L.D. 2043) Bill "An Act to Prevent Burdensome Debt Collection Practices in Small Claims Court" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-492)

(S.P. 268) (L.D. 696) Bill "An Act Concerning Out-of-state Service for Members of the Maine State Retirement System" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-494)

(H.P. 1460) (L.D. 2037) Bill "An Act to Promote the Marketing of Fresh Produce Grown within the State" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-773)

(H.P. 814) (L.D. 1126) Bill "An Act to Enhance Enforcement of the Driving Under the Influence of Alcohol and Drug Laws" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-775)

(H.P. 1499) (L.D. 2076) Bill "An Act to Clarify Mobile Home Tenants' Rights" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-776)

(H.P. 1420) (L.D. 1972) Bill "An Act to Clarify the Term of Certificates of Authorization under the Workers' Compensation Act" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-777)

(H.P. 1471) (L.D. 2056) Bill "An Act to Limit the Effect of Collateral Estoppel on Unemployment Insurance Decisions" Committee on Labor reporting



"Ought to Pass" as amended by Committee Amendment "A" (H-778)

(H.P. 1593) (L.D. 2206) Bill "An Act to Encourage Farming in Maine" (EMERGENCY) Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-779)

(H.P. 1522) (L.D. 2107) Bill "An Act Prohibiting Membership in a Trade or Similar Association from Being a Condition for Licensing or Certifying a Producer's Food as Natural or Organic" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-780)

(H.P. 1490) (L.D. 2063) Bill "An Act to Require Telecommunications Services in Public Places for Hearing Impaired Persons" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-783)

(H.P. 1374) (L.D. 1905) Bill "An Act Regarding Continuing Education for Administrators of Boarding Homes" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-784)

(H.P. 1395) (L.D. 1925) Bill "An Act to Allow Medical Testing without Physician Referral" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-785)

(H.P. 1363) (L.D. 1880) Bill "An Act to Increase Death Benefits under the Workers' Compensation Act" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-786)

(H.P. 1226) (L.D. 1698) Bill "An Act to Create the Maine Family Development Foundation" (EMERGENCY) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "B" (H-787)

(H.P. 905) (L.D. 1262) Bill "An Act to Revise the Medical Examiner Act" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "B" (H-788)

(H.P. 1505) (L.D. 2085) Bill "An Act Regarding Growth Management Efforts in Opportunity Zones" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-790)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, February 16, 1990, under the listing of Second Day.

#### CONSENT CALENDAR

##### Second Day

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

(S.P. 798) (L.D. 2046) Bill "An Act to Clarify the Rule-making Authority of the Maine Historic Preservation Commission" (C. "A" S-491)

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

(S.P. 780) (L.D. 2021) Bill "An Act to Amend the Laws Implementing, Administering and Enforcing the United States Emergency Planning and Community Right-to-Know Act of 1986" (EMERGENCY) (C. "A" S-489)

On motion of Representative Michaud of East Millinocket, was removed from the Consent Calendar, Second Day.

Subsequently, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-489) was read by the Clerk.

On motion of Representative Michaud of East Millinocket, tabled pending adoption of Committee Amendment "A" and specially assigned for Friday, February 16, 1990.

(S.P. 881) (L.D. 2251) Bill "An Act to Provide for Wider Production of Certain Deer for Food"

(S.P. 814) (L.D. 2078) Bill "An Act to Prevent Retaliatory Evictions of Mobile Park Tenants"

(S.P. 744) (L.D. 1948) Bill "An Act to Amend the Employee Suggestion Awards System"

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence.

(H.P. 1512) (L.D. 2092) Bill "An Act Concerning the Travel Information Advisory Council" (C. "A" H-761)

On motion of Representative Gwadosky of Fairfield, was removed from the Consent Calendar, Second Day.

Subsequently, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-761) was read by the Clerk.

Representative Tammaro of Baileyville offered House Amendment "A" (H-793) to Committee Amendment "A" (H-761) and moved its adoption.

House Amendment "A" (H-793) to Committee Amendment "A" (H-761) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading Friday, February 16, 1990.

(H.P. 1400) (L.D. 1936) Bill "An Act Authorizing the Public Advocate to Initiate Proceedings on Behalf of Utility Consumers" (C. "A" H-762)

(H.P. 1536) (L.D. 2121) Bill "An Act to Regulate Food Salvage Operations" (C. "A" H-767)

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

(H.P. 1314) (L.D. 1816) Bill "An Act Concerning Burials in the Maine Veterans' Memorial Cemetery"

On motion of Representative Hickey of Augusta, was removed from the Consent Calendar, Second Day.

Subsequently, the Committee Report was read and accepted, the Bill read once and assigned for second reading Friday, February 16, 1990.

(H.P. 1327) (L.D. 1829) Bill "An Act to Prohibit the Use of Herbicides in the Allagash Wilderness Waterway" (C. "A" H-768)

(H.P. 655) (L.D. 889) Bill "An Act to Improve Indoor Air Quality Through Accurate Testing and Effective Reduction of Radon Levels in Buildings" (C. "B" H-769)

(H.P. 1569) (L.D. 2174) Bill "An Act to Require Notice of Charges for Use of Telephones Made Available for Public Use" (C. "A" H-770)

(H.P. 1568) (L.D. 2173) Bill "An Act to Permit the Sale of Consumer Education Materials by the Attorney General"

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed

to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

An Act to Coordinate and Consolidate Student Financial Assistance Services under the Finance Authority of Maine (EMERGENCY) (S.P. 865) (L.D. 2216) (C. "A" S-484)

TABLED - February 12, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Friday, February 16, 1990.

The Chair laid before the House the second tabled and today assigned matter:

JOINT RESOLUTION MEMORIALIZING THE GOVERNMENTS OF EASTERN EUROPEAN COUNTRIES TO CONTINUE TO SUPPORT EFFORTS FOR FREEDOM (H.P. 1659)

TABLED - February 12, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Adoption.

Representative Rolde of York offered House Amendment "B" (H-782) and moved its adoption.

House Amendment "B" was read by the Clerk.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The other day when the original of this Resolution came before us, there was some concern expressed over on our side of the aisle about this, so I took a good look at it and came up with a redraft. Some of the elements of the redraft are that the original was addressed to the governments of eastern Europe and there are a very varied collection of governments, some like Albania, which is still a very repressive government. Other governments are in different stages of transition to democracy to their former Communist dictatorships.

Also, there was great concern that the original Resolution had no role for the United States. It did not urge the United States to aid these countries in eastern Europe, so I felt that it was better for us to memorialize the present President and Congress to help these particular countries. I also couldn't refrain (and I think this was the feeling of our caucus) from speaking about freedom and to talk of another country in addition to Albania where people apparently rose up but were suppressed and that country is the Peoples Republic of China. We all know what happened there and is still happening there. I am sure that this body would want to express its hopes for the proponents of freedom in China as well as in these other countries and that we urge our national government to do everything they can to aid these freedom loving people in these countries.

I hope that you will adopt my amendment.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Men and Women of the House: As the original sponsor of the Resolution, I am very pleased that the good Representative from York, Representative Rolde, has added his considerable wordsmithing abilities to this Resolution. I welcome his suggestions and welcome the support of the entire body to this Resolution expressing the deep sentiment and concern of our

people to the people of these nations that are trying to turn their Communist governments into a government of freedom.

Representative Paradis of Old Town offered House Amendment "A" (H-791) to House Amendment "B" (H-782) and moved its adoption.

House Amendment "A" (H-791) to House Amendment "B" (H-782) was read by the Clerk.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Before I describe this amendment that I proposed, I would like to thank Representative Rolde for his attention to detail and for the improvement on the Resolution that we presented last week. I also support what he has done.

This amendment which I have now placed before the body calls for going back to a Marshall Plan type support in order to put emphasis on the direction which we feel is most important, for the assistance to these countries which are now going through a considerable amount of turmoil, and especially with help and assistance in their economic situation that is facing the world markets.

Approximately 40 years ago, the Marshall Plan was instituted in order to bring help, assistance and relief in the forms of grants and subsidies to the countries of western Europe, which had been devastated by the effects of World War II. Countries of eastern Europe were behind the Iron Curtain and, at that time, it was assumed that the Soviet Union would assist them with a similar program. We know where they are today economically and we would hope with the Resolution going forward to our Congress would call for a similar type program to be instituted in their behalf.

I hope you will join me in adopting this Resolution we have before us.

Subsequently, House Amendment "A" to House Amendment "B" was adopted.

House Amendment "B" as amended by House Amendment "A" thereto was adopted.

The Resolution was adopted as amended and sent up for concurrence.

BILL HELD

An Act to Assure Access to Nutrition Programs for Kindergarten and Part-day Students (H.P. 882) (L.D. 1226) (H. "A" H-745 to C. "A" H-736)

- In House, Passed to be Enacted.

HELD at the request of Representative KILKELLY of Wiscasset.

On motion of Representative Kilkelly of Wiscasset, under suspension of the rules, the House reconsidered its action whereby L.D. 1226 was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1226 was passed to be engrossed as amended by Committee Amendment "A" (H-736) as amended by House Amendment "A" (H-745) thereto.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" to Committee Amendment "A" was adopted.

On motion of the same Representative, House Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "B" (H-781) to Committee Amendment "A" (H-736) and moved its adoption.

House Amendment "B" (H-781) to Committee Amendment "A" (H-736) was read by the Clerk.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "B" will require full funding for the kindergarten breakfast program for schools that have 40 percent or more students receiving free or reduced priced meals for as long as the state would require that program to be in existence. In this situation, the state, for the current year, would pay \$9,768 while the federal government will pay \$83,000 toward this program.

Children that are participating in a program will also participate in paying for the program at 30 or 35 cents a meal depending on which category they fall into. It is a full partnership. It is a mandate and it is a mandate that is fully funded as long as the mandate is required. If it is important enough for us to do it, it is important enough for us to pay for it for as long as we require it.

One of the things that we have heard several times over the last few years was a quote from Bob Keeschen who used to be Captain Kangaroo and it was, "That when kids drop out, they drop out of kindergarten and wait 10 or 11 years to make it official." How many of them were dropping out because of poor nutrition? If we turn our back on this legislation, we are turning our backs on \$83,000 worth of federal funds that can come into this state to benefit our children. We are turning our backs on additional federal "start up" money that is only available to states that mandate an expanded or new breakfast program. We are also turning our backs on the nutritional needs of many five year olds in this state.

I would urge you to support this amendment.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, I would like to pose a question through the Chair.

If in future years the appropriation is taken off through the budget, does that automatically take away the mandate for this program?

The SPEAKER: The Representative from Bath, Representative Small, has posed a question through the Chair to the Representative from Wiscasset, Representative Kilkelly, who may respond if she so desires.

The Chair recognizes that Representative.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that, if at any time in the future this legislature determines that it either cannot pay for this or chooses not to require this program to be available, then both would be eliminated.

The money would be eliminated as well as the program and would then become an option for either a school to have it or not have it.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: When I was talking to the same people, I did not get that impression. It was my understanding that future legislatures cannot be bound and if they chose to, the money could be eliminated but not necessarily the language that makes the mandate.

For that reason, I now move indefinite postponement of House Amendment "B" (H-781) to Committee Amendment "A" (H-736).

House Amendment "B" will require the mandate to be paid for forever instead of going into the formula in three years. This makes a great assumption that future legislators will honor our actions but we cannot guarantee the funding will always follow the mandate at a hundred percent cost. I think it is misleading to the legislature and the voters to say that it will.

Wouldn't it be better to make the program fully funded for those who qualify and wish to participate but not a mandate? A fully funded incentive program but not a temporary funded mandate? If future legislatures reduced or eliminated the appropriations, the qualifying schools would have the option to discontinue or continue the program, weighing its effectiveness and participation by students in its decision. You have the option today to support the program outlined in the original bill as either a mandate as in House Amendment "B" or as a grant program which will be offered as House Amendment "C."

I certainly agree with Representative Kilkelly that this a good way to go. Breakfast is important, but my major number one objection to it is the mandate, and I would prefer to see it done as a grant program that can be done if we defeat this amendment and then go on with House Amendment "C" which will do everything Representative Kilkelly asks for except makes it optional but fully funded. Then if the money is no longer there, local's will have the option to do it. Even though it is fully funded, it is still a mandate and I think you will find that most of your towns would still object to it.

So, I hope that you will defeat House Amendment "B" and then we can go on to House Amendment "C."

Mr. Speaker, I request a roll call.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: There are times in this body when we need to stand up and take a position that can be difficult and I think one of the telling contents in Representative Small's debate was the final one, that if it is not a mandate, then some towns will object to it. That is what my concern is. I believe that this is an important enough issue for the people of this body to say, yes, we need to feed these children, we need to assure that children who are living in the poor communities of our state, the only age group of children that do not currently have access to a feeding program, in fact have access. That is a difficult position to take but I think it is one that is very important. If we leave it an option, then we are going to find that some kids will get it and some kids won't and I find that objectionable.

I would urge you, please, do not indefinitely postpone my amendment but go with it.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Bath, Representative Small, that House Amendment "B"

(H-781) to Committee Amendment "A" (H-736) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 166

YEA - Aikman, Anderson, Ault, Bailey, Begley, Carroll, J.; Dellert, Donald, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Hanley, Hastings, Hepburn, Hussey, Hutchins, Jalbert, Lebowitz, Libby, Look, MacBride, Marsano, Marsh, Martin, H.; McCormick, McPherson, Merrill, Michaud, Nutting, Paradis, E.; Parent, Pendleton, Pines, Reed, Richards, Seavey, Small, Smith, Stevens, A.; Stevenson, Strout, B.; Tardy, Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Aliberti, Allen, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Crowley, Curran, Daggett, DiPietro, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hoglund, Holt, Jacques, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Lord, Luther, Mahany, Manning, Marston, Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Stevens, P.; Strout, D.; Swazey, Tammaro, Townsend, Tracy, Walker, The Speaker.

ABSENT - Anthony, Butland, Cote, Dexter, Duffy, Higgins, Jackson, Joseph, Macomber, O'Gara, Rolde, Sherburne.

Yes, 50; No, 89; Absent, 12; Paired, 0; Excused, 0.

50 having voted in the affirmative and 89 in the negative with 12 being absent, the motion to indefinitely postpone House Amendment "B" to Committee Amendment "A" did not prevail.

Subsequently, House Amendment "B" (H-781) to Committee Amendment "A" (H-736) was adopted.

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto in non-concurrence and sent up for concurrence.

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

PAPER FROM THE SENATE

Bill "An Act to Provide Funds for Pay Increases to Employees of Community-based Service Agencies for the Mentally Retarded" (S.P. 911) (L.D. 2319)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Extend the Reporting Date of the Commission on Codification of Rules (S.P. 904) (L.D. 2298)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 1

against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

The following Joint Order: (S.P. 913)

Ordered, the House concurring, that Bill, "An Act Relating to the Designation of Beneficiaries by Members of the Maine State Retirement System," H.P. 1331, L.D. 1848, and all its accompanying papers be recalled from the Governor's desk to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1678)

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Emergency Fuel Assistance" (EMERGENCY) (H.P. 1680) (L.D. 2324) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1678)

Report was read and accepted, the bill read once.

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

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 6 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide Emergency Fuel Assistance (H.P. 1680) (L.D. 2324)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Holt of Bath, Adjourned until Friday, February 16, 1990, at twelve o'clock noon.