

MAINE STATE LEGISLATURE

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

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 5, 1990 to May 16, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
49th Legislative Day
Monday, May 13, 1991

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

Prayer by Reverend Bruce Hudson, Highland Avenue Methodist Church, Gardiner.

National Anthem by "Nor-Easters Barber Shop Chorus", Brunswick Chapter.

The Journal of Thursday, May 9, 1991, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

May 9, 1991

Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its former action whereby it accepted the Minority Ought Not to Pass Report on the Bill "An Act to Establish the State of Maine Credit Card" (H.P. 248) (L.D. 339)

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Transfer Responsibility for the Regulation of Home Service Contracts from the Real Estate Commission to the Bureau of Insurance" (S.P. 688) (L.D. 1829)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Business Legislation.)

Under suspension of the rules and without reference to a Committee, the bill was read twice and passed to be engrossed in concurrence.

Bill "An Act Concerning Room Requirements for Hotels under the Liquor Licensing Laws" (S.P. 687) (L.D. 1828)

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

Was referred to the Committee on Legal Affairs in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Amend the Electricians' Licensing Laws" (S.P. 565) (L.D. 1485)

Report of the Committee on Human Resources reporting "Ought Not to Pass" on Bill "An Act to More Effectively Recover Overpayments of Public Assistance" (S.P. 607) (L.D. 1611)

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 Business Legislation reporting "Leave to Withdraw" on Resolve, to Establish the Commission to Study the Feasibility of Using the Metric System (EMERGENCY) (S.P. 627) (L.D. 1631)

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

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-137) on Resolve, Authorizing a Payment to Steven P. Smith and Ramona Smith of \$47,908.06 (S.P. 350) (L.D. 952)

Signed:

Senators: MILLS of Oxford
SUMMERS of Cumberland
KANY of Kennebec

Representatives: STEVENS of Sabattus
TUPPER of Orrington
HICHENS of Eliot
BOWERS of Sherman
JALBERT of Lisbon
PLOURDE of Biddeford

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representatives: LAWRENCE of Kittery
DAGGETT of Augusta
POULIN of Oakland
RICHARDSON of Portland

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-137).

Reports were read.

Representative Lawrence of Kittery moved that the House accept the Minority "Ought Not to Pass" Report.

Representative Hichens of Eliot requested a division.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This bill is nothing but a fairness bill. What happened here is that these people were selling gasoline in Maine and New Hampshire. Through some quirk or mix-up, these people were paying taxes to Maine and also New Hampshire. They overpaid in Maine to the tune of something like \$194,000. When that was brought out that they overpaid gasoline tax in Maine for gasoline that they sold in New Hampshire, the state then refunded a portion of the amount that they overpaid. The state says they will only pay part of it because the State of Maine has a statute of limitation that says you can only bring action to collect overpayment of taxes for three years. In this case, they went over a period of five years; therefore, the statute of limitation ran out.

They paid the Smith's for three years, they now do not want to pay the remainder of the money that was overpaid. There is one thing about the Bureau of Taxation or any bureaucracy in the State of Maine, it is a one-way street. If they owe you money, the statute of limitation applies, they will not pay past the three years. But if you owe money, they say if it is a continuing thing, we can go back five years. In this case, had the Smith's owed taxes for five years, the State of Maine would have said, you pay us for five years plus interest and penalty but the fact that they owe the Smith's some money, they say the statute of limitation applies.

The argument was given that we are setting a precedent here. Every time a bill is presented and somebody says we will set a precedent, we will never get any work done. This is just fair play. The State of Maine overcharged these people and I think they should pay them back. I would ask that you do not support the Minority Report but support the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: This bill is one of the biggest personal giveaway's in the state. This is a one person tax amnesty program. The people in question here did pay five years of taxes to two states. The reason why they did that is they were relying on the information and advice of a company that gave them the advice that they were buying the oil from. This company gave them bad advice for five years. Now this company is bringing in this bill to

let the people off that they gave the bad advice to for those two years that are not forgiven.

If any one of your constituents, any member of this body, mispays income taxes for over three years, they can only go back three years. Are we going to bring in a bill for every person who mispays income taxes or any type of taxes for more than three years to give them a special amnesty?

The people who are at fault in this case is the company that gave them the wrong advice and these people can sue that company for the wrong advice. The State of Maine should not be doing a giveaway to protect this company for giving bad advice.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House: This was an error that was discovered by the industry themselves. My vote in this matter was, people were trying to be honest with the two states and government, got caught in the middle of a seven year tax collection and only three years to go back and get a refund from the State of Maine to pay the State of New Hampshire. I believe it is a payment that we should pay because it is not money that belongs to the State of Maine.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: The distinguished Representative from Kittery has stated the case very well. The one portion that needs to be added to it is that the State of Maine did allow for the redoing of the tax forms to cover the three years. It wasn't just an arbitrarily chosen portion of the total obligation. They allowed them the statutory limitation of going back the three years but they drew the line as they should have drawn it for any individual at the end of that three year period. It is simply the problem of the inappropriateness and inability of the state to go back to a fourth and fifth in additional years to constantly allow reworking of how one's business affairs are being handled and what taxes are owed the state.

I urge you to support the "Ought Not to Pass" motion.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative DiPietro.

Representative DIPIETRO: Mr. Speaker, Men and Women of the House: I would just like to cast my opinion on what I think we have done here. I think it is very unfair. I heard the good Representative from Kittery stating that this is a giveaway. Ladies and gentlemen of the House, this is not a giveaway — when the Smith's paid \$47,000 to the State of Maine, all they are asking for is their own money. I think the State of Maine owes that to them. This is not a giveaway, this is not something that they did not earn. This is their money and they are entitled to their money back. I hope you support the "Ought to Pass" motion.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: In response to my good chair of the Legal Affairs Committee, he mentioned and alluded to the fact that it was the company who made the mistake and they overpaid. Would the State of Maine do the same thing if the company made a mistake

and underpaid it? Would they write it off? No! They would come back and say, you owe us that money. Any of you people who have ever dealt with the IRS or the State of Maine will vouch for the fact that if you make a mistake or the tax accountant makes a mistake, regardless of what it is, you pay for it. In this case, it is only fair, they paid the money to the State of Maine which should not have been collected, they should get it back just like anybody would get a refund. I have seen people who found out (within the three year period) that there was a mistake on their income tax, they filed them on their return and the federal government and the state came back and said, okay, we will pay the difference. All it is is fair play, these people overpaid the State of Maine, the state should pay it back to those people.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Plourde.
 Representative PLOURDE: Mr. Speaker, Men and Women of the House: I urge you to vote against this motion. It is simply a fairness issue. It was an honest mistake by the parties involved and it is rightfully their money. I think it is only right that the state return it.

Again, I urge you to vote against this motion.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I want to make two brief points. First of all, technically these people did not pay taxes they did not owe. The mistake was they didn't get the appropriate license so they still owe those taxes. We are forgiving them for not getting the license that would exempt them from the taxes.

The second point is that they cannot go back beyond three years unless there is substantial fraud on the part of the taxpayer. That is the only case the state can go back beyond three years. Otherwise, the state suffers from the same statute of limitation that these people are trying to get a personal individual exemption from.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: In this particular case, the state made no error. There was no irresponsible act on the part of the state in this case. Unfortunately, the Smith's owed taxes because they did not get a distributor's permit which would have exempted them from those taxes, so the state did not make an error here.

In regard to the total amount of money, the amount was approximately \$192,000. The State of Maine has already refunded 50 percent of that. I think in all fairness that it would not be outside of a fairness issue for New Hampshire to eat the other 50 percent. I hope you will support this motion.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I think we need to go very slow with this type of legislation because I think it really sets a very bad precedent.

As many of you know, I am an accountant and I can tell you of case after case after case of wanting to go back more than three years to get some lost taxes. I know of a certain service club in my area that was collecting sales taxes inappropriately and when we went in to do the audit, we discovered that.

We were able to go back three years and get their money back. If this bill passes, they are going to be in here tomorrow asking us to amend the law so they can go back even further, through no fault of their own.

The law for three years is there for lots of reasons, not the least of which is to protect taxpayers from the government going back more than three years. Are we going to waive it on one side and not the other? I think that would be inappropriate.

I would urge you to go along with the good gentleman from Kittery, Representative Lawrence, on this motion.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Hichens.

Representative HICHENS: Mr. Speaker, Men and Women of the House: This is a clear case of double taxation. We were told in our committee that the parent company had paid the tax and then the state taxed this other company that was sending their gas into New Hampshire. We are having a case of double taxation and it isn't fair. I hope you will go against that motion.

The SPEAKER: The Chair will order a division. The pending question before the House is the motion of Representative Lawrence of Kittery that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Lawrence of Kittery requested a roll call vote.

ROLL CALL NO. 57

YEA - Adams, Anthony, Boutilier, Butland, Cahill, M.; Carleton, Cashman, Cathcart, Chonko, Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Graham, Gray, Gwadosky, Hale, Handy, Heesch, Heino, Joseph, Kerr, Kilkelly, Kontos, LaPointe, Lawrence, Lebowitz, Lipman, Mahany, Manning, Mayo, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Poulin, Pouliot, Powers, Richardson, Rydell, Saint Onge, Simonds, Simpson, Spear, Stevens, P.; Swazey, Townsend, Tracy, Treat, Vigue, Wentworth.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, R.; Barth, Bell, Bennett, Bowers, Carroll, D.; Carroll, J.; Clark, H.; DiPietro, Donnelly, Duffy, Duplessis, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Gurney, Hanley, Hastings, Hepburn, Hichborn, Hichens, Hوجلund, Hussey, Jacques, Jalbert, Ketover, Ketterer, Kutasi, Larrivee, Lemke, Libby, Look, Lord, Luther, MacBride, Macomber, Marsano, Marsh, Martin, H.; McHenry, Merrill, Morrison, Nash, Norton, Nutting, Ott, Parent, Pendexter, Pendleton, Pines, Plourde, Rand, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Salisbury, Savage, Sheltra, Small, Stevens, A.; Stevenson, Strout, Tammaro, Tardy, Tupper, Waterman, Whitcomb.

ABSENT - Bailey, H.; Holt, O'Dea, Ruhlin, Skوجلund, The Speaker.

Yes, 69; No, 76; Absent, 6; Paired, 0; Excused, 0.

69 having voted in the affirmative, 76 in the negative, with 6 being absent, the motion did not prevail.

Subsequently, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-137) was read by the Clerk and adopted and the Bill assigned for second reading, Thursday, May 16, 1991.

Sent up for Concurrence.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills 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:

Energy and Natural Resources

Bill "An Act to Amend the Maine Environmental Protection Fund Fee Schedule" (EMERGENCY) (H.P. 1275) (L.D. 1846) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Representative ADAMS of Portland) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Housing and Economic Development

Bill "An Act to Extend Confidentiality Status to Certain Records of Applicants for Housing, Community or Economic Development Activities" (H.P. 1271) (L.D. 1842) (Presented by Representative LEBOWITZ of Bangor) (Cosponsored by Representative MELENDY of Rockland, Senator CAHILL of Sagadahoc and Senator CLEVELAND of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Establish the Maine Revised Uniform Limited Partnership Act" (H.P. 1276) (L.D. 1847) (Presented by Representative PARADIS of Augusta) (Cosponsored by Senator BALDACCI of Penobscot, Senator CLARK of Cumberland and Representative MARSANO of Belfast)

Bill "An Act to Improve Implementation of the Maine Indian Claims Settlement Laws" (H.P. 1272) (L.D. 1843) (Presented by Representative BAILEY of Township 27) (Cosponsored by Senator LUDWIG of Aroostook, Senator VOSE of Washington and Representative TOWNSEND of Eastport)

Bill "An Act Amending the Definition of Murder in the First Degree to Include Homicide by Pattern or Practice of Assault or Torture of a Child under the Age of 16" (H.P. 1267) (L.D. 1838) (Presented by Representative BOUTILIER of Lewiston) (Cosponsored by Senator HOLLOWAY of Lincoln and Representative CATHCART of Orono)

Ordered Printed.

State and Local Government

Bill "An Act to Require the Use of People First Language in the Maine Revised Statutes and to Authorize Administrative Implementation of Associated Changes in Terminology" (H.P. 1274) (L.D. 1845) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Senator BRANNIGAN of Cumberland and Representative AULT of Wayne)

Bill "An Act to Amend the Charter of the Farmington Village Corporation" (EMERGENCY) (H.P. 1270) (L.D. 1841) (Presented by Representative BAILEY of Farmington) (Cosponsored by Senator WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Amend the Boundaries Between the City of Saco and the Town of Old Orchard Beach" (H.P. 1269) (L.D. 1840) (Presented by Representative CARLETON of Wells) (Cosponsored by Representative KERR of Old Orchard Beach and Representative NADEAU of Saco) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Extend Certain Income Tax Benefits to Individuals Participating in Operation Desert Shield or Operation Desert Storm" (EMERGENCY) (H.P. 1268) (L.D. 1839) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by President PRAY of Penobscot, Representative JALBERT of Lisbon and Senator McCORMICK of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Amend the Tree Growth and Open Space Laws" (H.P. 1273) (L.D. 1844) (Presented by Representative GRAY of Sedgwick) (Cosponsored by Representative MAYO of Thomaston)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative MANNING of Portland, the following Joint Resolution: (H.P. 1277) (Cosponsors: Representatives RAND of Portland, ADAMS of Portland, OLIVER of Portland, KETOVER of Portland, GURNEY of Portland, HOGLUND of Portland, RICHARDSON of Portland, O'GARA of Westbrook, REED of Falmouth, DiPIETRO of South Portland, ALIBERTI of Lewiston, TUPPER of Orrington, Senators BRANNIGAN of Cumberland and CONLEY of Cumberland)

JOINT RESOLUTION HONORING
PORTLAND HIGH SCHOOL

AS THE NATION'S SECOND OLDEST
CONTINUING PUBLIC HIGH SCHOOL

WHEREAS, Portland High School is the nation's 2nd oldest continuing public high school, founded in 1821; and

WHEREAS, Portland High School has produced thousands of graduates who have gained prominence in a number of fields, from government service to business and industry, from arts and entertainment to science and technology, from military service to education and above all to parenthood; and

WHEREAS, because of its unique urban setting, Portland High School has a character that is very special not only to students and alumni, but to all the citizens of Portland; and

WHEREAS, the citizens of Portland voted in 1987 to expend \$20,000,000 to renovate and refurbish the school so that it can address the educational needs of its youth well into the 21st century; and

WHEREAS, this is the largest school renovation project in the history of Maine; and

WHEREAS, with renovations completed, on May 13, 1991 Portland High School celebrates this investment in education with a rededication of the high school; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the First Regular Session recognize Portland High School for its contribution to the education of Maine children for the past 170 years; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Portland High School.

Was read.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Earlier this afternoon in Portland, the rededication of Portland High School came about. If you look at some of the cosponsors of this Resolution, you would understand that some of the people do not reside in the city of Portland now. However, they did graduate from Portland High School, one of which was Representative Aliberti, Representative DiPietro and Representative Tupper.

It is a tribute to the people of Portland, as you read through this, to realize this is the largest renovation in the history in the State of Maine. Not one red nickel is coming from state government. The people of Portland realized that this, the second oldest continuing high school in the country, needs to have some renovations. We tried hard to get it on the construction program through the Department of Education but was not successful. Quite frankly, the delegation from Portland worked with the Department of Education and the city school department but it would have been well into the 21st Century before Portland High School would have been able to be renovated.

I think it is a real tribute as Senator Mitchell said today (the keynote speaker) of the citizens of Portland for them to spend in excess of \$20 million. The project ran \$20 million and the bond issues will be much higher for the education of those children who will be going through Portland High in the next 100 to 150 years.

Portland High, for most of you who don't know it, has been the melting pot back when Representative Aliberti was there and he can tell you the number of different nationalities that went through that institution. There were people from eastern Europe, the Irish, the Italians, the Jewish people, they didn't call that school "United Nations" for nothing. Today, it is a different story. It is not the eastern Europeans but it is the Asians, and true to the tradition of Portland High School, they are continuing to take care of those people who are coming from other countries and, hopefully, will provide an education that will be able to give them what we, who grew up in this country all our lives, realized what we wanted for our friends, relatives, and our children.

With that, I hope you pass this Resolution.

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

Representative GURNEY: Mr. Speaker, Men and Women of the House: I am proud to have been a graduate of Portland High School. I am very happy that it will forever remain in my heart. As a member of the Class of 1983, I urge your support of this Joint Resolution.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Tupper.

Representative TUPPER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am proud to be a graduate of Portland High School. I am proud of my high school today. I am a member of the Class of '44 which was during the war years and Portland High certainly watched over its students. We weren't allowed to fraternize with any of the service personnel that flooded the streets of Portland, much to my dismay.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. I have just one little anecdote I would like to share with you, an indication of how times have changed. I never feared the principal of that school. I never feared any of the staff but there was a gentleman that used to go through the corridors in a tweed jacket, bald head, tall and his background was from the Soviet Union, his name was Duke. We all feared him. I never saw him in work clothes. He was a true custodian of that school. Even though it didn't contribute to my education, it was an anecdote that stayed with me these many years. My graduation year was 1933.

Subsequently, the Resolution was adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MACOMBER from the Committee on

Transportation on Bill "An Act to Allow Haulers of Unprocessed Milk to Purchase a 10% Overweight Permit" (EMERGENCY) (H.P. 184) (L.D. 269) reporting **"Ought Not to Pass"**

Representative OLIVER from the Committee on **Education** on Bill "An Act to Provide for Discipline of Exceptional Students with Behavior Problems" (H.P. 1038) (L.D. 1511) reporting **"Ought Not to Pass"**

Representative LAWRENCE from the Committee on **Legal Affairs** on Bill "An Act to Allow the Use of Coupons in the Purchase of Alcoholic Beverages" (H.P. 1075) (L.D. 1569) reporting **"Ought Not to Pass"**

Representative LAWRENCE from the Committee on **Legal Affairs** on Bill "An Act to Permit Access to Cemeteries by Descendants" (H.P. 850) (L.D. 1216) reporting **"Ought Not to Pass"**

Representative JOSEPH from the Committee on **State and Local Government** on Bill "An Act to Regulate the Disposition of State Surplus Property" (H.P. 570) (L.D. 821) reporting **"Ought Not to Pass"**

Representative MITCHELL from the Committee on **Marine Resources** on Bill "An Act Concerning Marine Research" (H.P. 1204) (L.D. 1760) reporting **"Ought Not to Pass"**

Representative MANNING from the Committee on **Human Resources** on Bill "An Act to Establish Interdepartmental Coordination and a Comprehensive Delivery System of Services for Persons who Have Sustained Traumatic Head Injury" (H.P. 1050) (L.D. 1523) reporting **"Ought Not to Pass"**

Representative McKEEN from the Committee on **Labor** on Bill "An Act to Regulate Employee Dismissals" (H.P. 260) (L.D. 351) reporting **"Ought Not to Pass"**

Representative RUHLIN from the Committee on **Labor** on Bill "An Act to Encourage Health Insurance in Public Contracts" (H.P. 541) (L.D. 778) reporting **"Ought Not to Pass"**

Representative JACQUES from the Committee on **Energy and Natural Resources** on Bill "An Act to Develop Integrated, Long-range, Ecologically Sound State Energy and Transportation Policies" (H.P. 606) (L.D. 866) reporting **"Ought Not to Pass"**

Representative JACQUES from the Committee on **Energy and Natural Resources** on Bill "An Act to Establish Environmental Standards for Packaging" (H.P. 949) (L.D. 1371) reporting **"Ought Not to Pass"**

Representative VIGUE from the Committee on **Business Legislation** on Bill "An Act to Increase Distributor Acceptance of Beverage Containers and to Clarify the Sorting Obligations of Contracted Agents" (H.P. 1024) (L.D. 1497) reporting **"Ought Not to Pass"**

Representative LIBBY from the Committee on **Business Legislation** on Bill "An Act to Prevent Preprinting of Federal Drug Enforcement Agency Registration Numbers on Prescription Drug Order Forms" (H.P. 1145) (L.D. 1670) 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 PARADIS from the Committee on **Judiciary** on Bill "An Act to Allow Guardians to Hospitalize Wards" (H.P. 1175) (L.D. 1716) reporting **"Leave to Withdraw"**

Representative CHONKO from the Committee on **Appropriations and Financial Affairs** on Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1991" (EMERGENCY) (H.P. 484) (L.D. 678) reporting **"Leave to Withdraw"**

Representative CHONKO from the Committee on **Appropriations and Financial Affairs** on Bill "An Act to Establish Capital Improvement Programs" (H.P. 881) (L.D. 1272) reporting **"Leave to Withdraw"**

Representative McHENRY from the Committee on **Labor** on Bill "An Act to Prevent Unfair Employment Hiring Practices" (H.P. 1000) (L.D. 1468) reporting **"Leave to Withdraw"**

Representative McHENRY from the Committee on **Labor** on Bill "An Act to Require Overtime Pay for Working on Sunday in Certain Retail Establishments" (H.P. 707) (L.D. 1012) 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 **Legal Affairs** reporting **"Ought Not to Pass"** on Bill "An Act to Provide a 15-day Waiting Period on the Sale of Handguns" (H.P. 817) (L.D. 1171)

Signed:

Senators: MILLS of Oxford
SUMMERS of Cumberland
KANY of Kennebec

Representatives: LAWRENCE of Kittery
JALBERT of Lisbon
PLOURDE of Biddeford
DAGGETT of Augusta
POULIN of Oakland
STEVENS of Sabattus
TUPPER of Orrington
HICHENS of Eliot
BOWERS of Sherman

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-276) on same Bill.

Signed:

Representative: RICHARDSON of Portland

Reports were read.

Representative Lawrence of Kittery moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I have no illusions where this bill is going. I want to let you know where this bill came from. Two years ago at a conference, I heard that the NRA in Oregon backed this identical bill. You are going to hear all kinds of stories that the NRA didn't back this bill, but two years ago in Oregon, the NRA backed this same identical bill. I thought if it was good enough for the NRA to back it in Oregon, why shouldn't it be good enough to back it here?

I have no problems with people owning guns, but sitting on the Committee of Human Resources for the past 11 years and trying to cut down the health care costs of the state and trying to deal with the people who reside across the river and those people we are talking about when we deal with the consent decree — I think there is a real problem out there where people who shouldn't have handguns are getting handguns.

I know of one incident in Portland where a woman walked into a store in the southern part of York County, a large sporting good store, got a gun, walked into a doctor's office in the City of Portland and tried to shoot the doctor.

Last year, an individual walked into a gun store in the city of Lewiston, purchased a gun, walked out and shot herself.

I understand that people have problems with waiting periods but I also understand, as the Chief of Emergency Medical Services at Central Maine Medical Center said in testimony before this committee, that gunshot wounds are some of the most costly hospital costs there are.

Mal Leary did a poll two years ago and in that poll he found that 84 percent of the people in the State of Maine approved of a waiting period, 84 percent.

Most of us who have been around this building for a long time understand that Mal's polls are pretty accurate. Say you take ten or fifteen percent off that, that still gives you a wide majority of the people of the State of Maine who are looking at a waiting period.

Handgun Control sent me a statement by Sarah Brady who is the wife of Jim Brady testimony of this particular bill. She said, "As astonishing as it may sound, in 1989, the NRA endorsed legislation in Oregon containing a 15-day waiting period that is almost identical to Representative Manning's bill."

According to Richard Gardiner, Director of the NRA State and Local Affairs Division, the NRA continues to support that bill. The NRA legislative liaison in testimony before the Oregon House of Representatives said the following about that bill, "I have mentioned that most of the gun owners I have talked to believe it is a good bill. The NRA still supports that bill."

I understand where a lot of people are coming from, they don't want to go on record on this. I

will tell you right now, I am not asking for a roll call. I want you to think about the individuals who could be getting these guns and could be using them on themselves or on their loved ones.

During testimony, I indicated that there was a woman in the Bangor area who had been at Bangor Mental Health Institution and, on two occasions in the month of February, purchased handguns. I think if we want to help the people who are mentally ill, and a lot of them are struggling as we all know, I don't think we want to make it that easy for them to (a) end their life or (b) end their life and the lives of others.

I know this is a very hard decision for some of us and it is probably a lot easier for a lot of you. If you want to start cutting down on the problems of the mentally ill, if you want to start cutting down on the problems of health care costs and those other things that are associated with somebody who is sitting in a hospital rehabilitation unit or in a nursing home — as Commissioner Ives has indicated to us, the fastest growing portion of the Medicaid budget is the nursing home area. An individual shot with a handgun who has to reside inside a nursing home for the rest of their life is certainly going to be costly to us as residents of this state. If a short period could help keep that person out of a nursing home or other social services that that person needs to get into, I think it is wise for us to take a hard look at this proposal. I would hope you would not go along with the Majority 12 to 1 Report.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Portland, Representative Manning, alluded to the fact that someone in Lewiston was killed with a gun. It was just a short while ago that a young lady was killed at a convenience store in Lewiston and that was with a knife. Shall we start to stop the sale of knives?

Mr. Speaker, I request a roll call.

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 Representative Lawrence of Kittery 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. 58

YEA - Aikman, Anderson, Anthony, Ault, Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Donnelly, Duffy, Duplessis, Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hale, Hanley, Hastings, Heeschen, Heino, Hepburn, Hichborn, Hichens, Hogglund, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover,

Ketterer, Kilkelly, Kontos, Kutasi, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Mahany, Marsano, Marsh, Martin, H.; McHenry, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pineau, Pines, Plourde, Poulin, Powers, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Adams, Aliberti, Dore, Dutremble, L.; Gurney, Handy, Manning, McKeen, Melendy, O'Gara, Oliver, Pfeiffer, Pouliot, Rand, Richardson, Simonds, Simpson, Tupper.

ABSENT - Bailey, H.; DiPietro, Holt, Mayo, O'Dea, Ruhlin, Skoglund.

Yes, 126; No, 18; Absent, 7; Paired, 0; Excused, 0.

126 having voted in the affirmative and 18 in the negative with 7 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Impose a Limit on Campaign Contributions" (H.P. 785) (L.D. 1117)

Signed:

Senators: MILLS of Oxford
KANY of Kennebec

Representatives: LAWRENCE of Kittery
JALBERT of Lisbon
PLOURDE of Biddeford
DAGGETT of Augusta
POULIN of Oakland
RICHARDSON of Portland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-277) on same Bill.

Signed:

Senator: SUMMERS of Cumberland

Representatives: STEVENS of Sabattus
TUPPER of Orrington
HICHENS of Eliot
BOWERS of Sherman

Reports were read.

Representative Lawrence of Kittery moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: First of all, I would like to request the yeas and nays when the vote is taken.

This piece of legislation is one which I

sponsored and, as a result, the reflection of many years of my political involvement — not long in the opinion of some of you, but now into the fourth term. In fact, it stems from the beginning of my political involvement because those community leaders who came to me, urging me to run, came with the stipulation that we do so without taking money from outside special interests. I say that as a bit of encouragement because I think there is a hesitancy to support this kind of legislation out of fear, out of fear that it can't be done. I say that it can be done. In fact, political campaigns can, in the minds of many people, and should be based on local input and support. In a sense this bill is for local people, for those individuals back home, and I think we owe it to those people, those average constituents, those workers, to say that we will place limitations on the amount of money that we receive from outside interests.

We hear repeatedly that money does not buy votes but it can. We have been exposed to the appearances of such at the national political scene and, in a sense, at the local level as well here in Augusta.

I would like to cite one example. In the mind of this legislator it is a clear example, not one that moved the earth, but in fact was one that this body got tired of hearing about from this legislator last session. Those of you who are veteran legislators grew annoyed at some point at the insistence of this legislator that we continue to debate an issue known as the Animal Welfare Board in the last session of the legislature. This was a clear case of a millionaire spending money to get what he wanted. Most legislators didn't care about the issue. In fact, when they found out about the subject, they found out that campaign money could be attached to one side of the vote. I had legislators from both parties tell me, "Well, I was losing their support" because the money would help them in their political progress. I appreciate the fact that the subject was not near and dear to most legislators. That's fine. Well, the millionaire got what he wanted, the legislation passed. We predicted that within five years the legislature would be back to turn the issue around and, lo and behold, this session, less than one year later, people on both sides of the issue, both political parties, are back clamoring to readjust the mistake that we made last session. Now we must, we are being told by entities, reverse our opinion on the issue. The agency, in the eyes of most observers, failed because of the law that was passed but we will see how we make out this time around when we recommit the Animal Welfare Board to a department.

Mr. Keddy, the interested millionaire, has retained Harold Pachios and others in his firm to fight his cause as well as an influential Republican lawyer, so the fight is on again.

This gentleman said to me in the hall of the House one day last year, "Why make a big deal? You know, this is how the system works." Well, I raise this again as the example — is this how you want the system to work? Can you buy issues? Does the system work by hiring lawyers and pledging campaign money at all levels? Is this what you tell the folks back home?

Let's see how the system did work. Let's look at some of the campaign reports and I admit to only looking at a few, there are a lot more that I could have studied into. The good chairman of the

Agriculture Committee, who had no opponent this time, got \$500 from the Lawrence Keddy fund in a report that was filed on October 30, 1990. The Aroostook PAC with official headquarters in Eagle Lake, Maine listed in the October 30, 1990 report, three \$1,000 contributions, two from Mr. Keddy's address and one from another location nearby. Admittedly, I cite two different reports, while I know many others in both parties received money but the point remains — was this good law making? No. Was it legal? Absolutely. Was it right? Well, that is for you to decide.

While we are discussing Maine elections, let's look at some other big campaign contributions and contributors. Let's talk about the friendly subject of tobacco, it is important to Maine, a lot of folks earn their livelihood from it, a good Maine product, at least on the shelves of many stores. We consume a lot of it. We hear the gentleman from Portland talking about health problems but it pays for a lot in the Maine political scene. Of course, the chairman of the Agriculture Committee got a contribution and many of the rest of us could and do if we wanted to, many in both political parties. Of course, being a little bit biased, I looked down through some of the contributions to the Democratic Party and if you will allow me to summarize, I could quickly pick up \$6,750 in tobacco money, including a \$2,500 donation or two to the Aroostook PAC, according to how you read the report.

Tobacco, a major influence on the political process in Maine. Maine elections — what are the influences on Maine elections? What are some other influences? Four days before the last election, Coca Cola of Houston, Texas made a \$2,500 donation to the Aroostook PAC.

I would also like to read some other donations because these are, therefore, Maine people who are supporting the Maine election process. I will quote from the House Legislative Campaign Fund filed in July of 1990. "Citycorp, New York, N.Y., \$250; Shearson Lehman, New York, N.Y., \$500; Goldman Sachs, Washington, D.C., \$1,000; Advest, Inc., Hartford, Connecticut, \$500; Kidder-Peabody, New York, N.Y., \$1,000; Prudential, New York, N.Y., \$2,000; Fahnstock, New York, N.Y., \$1,000; Merrill Lynch, New York, N.Y., \$1,000 and another from Citycorp." Well folks, is that Maine elections being paid for by Maine people? You see, that total is about \$7,300 that I just read. None of it from Maine.

I have another interesting report that I recently dug out. Some of us who have agricultural interests in this body had a bill to ban a certain hormone product from use by agricultural interests and I guess it is going to be carried over to another session. If I read these campaign reports carefully, I should have known the results before we got to committee because one of the four national companies that has put millions and millions and millions of dollars into this product and wants to see it move along its way through the regulatory process — American Cyanamid has donated to the House Legislative Campaign Fund \$300 from their lobbying PAC in New York City, so away that goes. Anheuser-Busch, another major donor as are other beverage interests to the political process in Maine.

I have talked about some pretty interesting subjects, booze, drugs, cigarettes — great funding sources. What does it mean? It means that even the illusion that this is how major sources of money are

coming to be involved in Maine politics is not what we want to be faced with.

I have no thorough understanding of the influence of money in the so-called Keating-5 in Washington but I do have an illusion and that illusion is that it wasn't particularly beneficial to some people's reputations or to the process. So this bill suggests an alternative, it suggests limiting the amount of PAC contributions to campaigns. We tried to even extend it to limitations on how much individuals could contribute to campaigns from their own funds and we ran into the Constitution on that issue.

Some would say that this is, therefore, a bill that only allows millionaires to be elected. I think a former member of this body, former Representative Rolde from York, would tell you how far millionaires necessarily get with lots of money in their campaign war chests.

This bill is a chance to take a stand. We often hear that we should wait for Congress to move on this issue and the President made some comment in his State of the Union address and we have heard various individuals say they want to limit campaign funding. Why wait for Congress? Why shouldn't the State of Maine take a step forward before we go through another election process?

It seems to me that if you read the Maine Times, the headline above the picture of a former member of this body asked, "Who really pulls the strings?" And then lists a number of the major PAC interests that donate through this gentleman, Severin Beliveau. Why should we subject ourselves to this, whether it is accurate or not? We have the ability to stop the process of Political Action Committees, from giving the illusion, rightly or wrongly, that they are a major influence in the process. We can elect Representatives and we can probably do it with less money involved in campaigns if we limited the amount of Political Action Committee money being spent.

I urge you to accept the Minority Report.

On motion of Representative Gwadosky of Fairfield, tabled pending the motion of Representative Lawrence of Kittery that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, May 16, 1991.

CONSENT CALENDAR

First Day

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

(S.P. 487) (L.D. 1325) Bill "An Act to Extend the Period of Time to Allow Certain School Secretaries to Elect Not to Be Members of the Maine State Retirement System" (EMERGENCY) Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(S.P. 594) (L.D. 1579) Bill "An Act to Limit Major Third-party Payor Status to Governmental Payors" Committee on Human Resources reporting "Ought to Pass"

(S.P. 197) (L.D. 506) Bill "An Act Amending the Primary Election Law Requiring a Minimum Number of Votes" Committee on Legal Affairs reporting

to Pass" as amended by Committee Amendment "A" (S-136)

(S.P. 223) (L.D. 550) Bill "An Act to Clarify the Legislature's Intent Regarding Quitclaim Deeds" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-133)

(S.P. 334) (L.D. 909) Bill "An Act to Provide Public Access One Weekend a Month to the Veterans' Memorial Cemetery" Committee on **Aging, Retirement and Veterans** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-138)

(S.P. 358) (L.D. 960) Bill "An Act to Amend the Maine Court Facilities Authority" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-134)

(S.P. 364) (L.D. 966) Bill "An Act to Provide Funding to Offset Rising Costs and Decreasing Federal Revenues for Public Transportation in the State" Committee on **Transportation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-139)

(S.P. 476) (L.D. 1268) Bill "An Act to Clarify Requirements for Disclosure of Confidential Client Information Held by Mental Health Service Providers" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-135)

(H.P. 837) (L.D. 1203) Bill "An Act to Implement the Recommendations of the Maine Commission on Legal Needs" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-287)

(H.P. 854) (L.D. 1220) Bill "An Act to Broaden the Crimes of Criminal Mischief and Aggravated Criminal Mischief" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-288)

(H.P. 910) (L.D. 1307) Bill "An Act Concerning Visitation Rights of Grandparents of Minor Children in the Event of the Death of a Parent" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-289)

(H.P. 432) (L.D. 615) Bill "An Act to Clarify Provisions Relating to Pharmacies" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-290)

(H.P. 661) (L.D. 940) Bill "An Act to Increase the Availability of Sign Language Training" Committee on **Education** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-291)

(H.P. 690) (L.D. 989) Bill "An Act Concerning the Lease or Lease-purchase of School Bus Garage and Maintenance Facilities and School Administrative Office Space" Committee on **Education** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-292)

(H.P. 487) (L.D. 681) Bill "An Act to Improve the Disbursement of Funds for Municipal Roads" Committee on **State and Local Government** reporting **"Ought to Pass"**

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, May 16, 1991, under the listing of Second Day.

(H.P. 728) (L.D. 1032) Bill "An Act to Improve the Level of Services Provided by the Bureau of Public Improvements on Capital Improvement Projects" Committee on **State and Local Government** reporting **"Ought to Pass"**

On motion of Representative Joseph of Waterville, was removed from Consent Calendar, First day.

Report was read and accepted, the Bill read once and assigned for second reading Thursday, May 16, 1991.

(H.P. 548) (L.D. 785) Bill "An Act to Clarify the Laws Relating to the Election or Appointment of Assessors" Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-297)

(H.P. 565) (L.D. 808) Bill "An Act to Provide Information to Persons Voting on Municipally Bonded Indebtedness Proposals" Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-298)

(H.P. 538) (L.D. 775) Bill "An Act to Improve the Disbursement of Wages to Municipal Employees" Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-299)

(H.P. 307) (L.D. 437) Bill "An Act to Reclassify Spenser Stream" Committee on **Energy and Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-301)

(H.P. 1036) (L.D. 1509) Bill "An Act to Include Land Surveyors in the Lien Laws" Committee on **Business Legislation** reporting **"Ought to Pass"**

(H.P. 737) (L.D. 1041) Bill "An Act to Amend the Laws Governing the Office of Information Services and the Information Services Policy Board" Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-302)

(H.P. 890) (L.D. 1287) Bill "An Act Regarding Training Costs of Police Officers" Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-303)

(H.P. 733) (L.D. 1037) Bill "An Act to Amend the State Government Ethics Laws" Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-304)

(H.P. 813) (L.D. 1167) Bill "An Act to Ensure that County Sheriffs Continue to Provide Rural Patrols for Small Towns in the Counties" Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-305)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, May 16, 1991, 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:

(H.P. 1053) (L.D. 1542) Bill "An Act to Correct Certain Errors and Inconsistencies in the Maine Revised Statutes, Title 17-A"

(H.P. 893) (L.D. 1290) Bill "An Act to Restore Criminal Sanctions for Failure to Obey Lawful Orders of Harbormasters" (C. "A" H-267)

(H.P. 636) (L.D. 906) Bill "An Act to Amend Certain Commercial Motor Vehicle Laws" (C. "A" H-268)

(H.P. 602) (L.D. 862) Bill "An Act to Encourage the Development of Air Transportation Service to Small Communities" (C. "A" H-269)

(H.P. 920) (L.D. 1317) Bill "An Act to Revise the Law Protecting Farmers' Rights to Farm" (C. "A" H-270)

(H.P. 1060) (L.D. 1549) Bill "An Act to Make Maine Milk Laws Conform to Federal Laws" (C. "A" H-271)

(H.P. 932) (L.D. 1352) Bill "An Act to Increase the Fees for Dog Licenses" (C. "A" H-272)

(H.P. 875) (L.D. 1261) Bill "An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in the State" (C. "A" H-273)

(H.P. 873) (L.D. 1259) Bill "An Act to Clarify the Landlord's Handling of Abandoned Property" (C. "A" H-274)

(H.P. 897) (L.D. 1294) Bill "An Act to Improve the Smoke Detector Laws" (C. "A" H-275)

(H.P. 776) (L.D. 1108) Resolve, To Require the Department of Human Services to Inform Certain Persons of their Rights (C. "A" H-278)

(H.P. 71) (L.D. 99) Bill "An Act to Amend the Penalties for Habitual Offenders and Operating After Suspension" (C. "A" H-279)

(H.P. 688) (L.D. 987) Bill "An Act to Allow the Department of Transportation to Facilitate Traffic and Highway Improvements" (C. "A" H-280)

(H.P. 447) (L.D. 637) Bill "An Act Relating to the Restoration of Drivers' Licenses" (C. "A" H-281)

(S.P. 246) (L.D. 655) Bill "An Act to Eliminate Mandatory Participation in the E-9-1-1 Program" (C. "A" S-127)

(S.P. 371) (L.D. 996) Resolve, to Permit Certain Uses of the State Seal (EMERGENCY) (C. "A" S-128)

(S.P. 426) (L.D. 1138) Bill "An Act to Clarify the Regulation of Water Districts" (C. "A" S-122)

(S.P. 509) (L.D. 1358) Bill "An Act to Grant Enforcement Powers to Sewer Districts" (C. "A" S-129)

(H.P. 829) (L.D. 1195) Bill "An Act to Amend the Maine Consumer Credit Code" (C. "A" H-282)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Regarding the Issuance of Identification Cards" (S.P. 452) (L.D. 1228)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Representative Joseph of Waterville offered House Amendment "A" (H-293) and moved its adoption.

House Amendment "A" (H-293) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-293) in non-concurrence and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Clarify the Misbranded Food Laws" (S.P. 354) (L.D. 956) (C. "A" S-123)

Was reported by the Committee on Bills in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I move that the Bill and all accompanying papers be indefinitely postponed.

L.D. 956 is intended to clarify legislation that was passed in 1989. Presently restaurants must label all foods on their menus that contain MSG, regardless of how it was added.

MSG can be added to menus in various forms, it occurs in its pure form if you just take it out of a shaker bottle and put it in. It also occurs in such things as seasoned salt, Worcestershire sauce, it comes in batter mix, it comes in various forms. The way the law is presently worded, restaurants have to label all these ingredients, regardless how the MSG got into the prepared food.

I might also add that it naturally occurs in tomatoes, Parmesan cheese and mushrooms. You can

imagine why this bill has been a nightmare for restaurant people and a nightmare for the Department of Human Services to try to enforce this bill. Therefore, this bill is now before you to try to simplify matters and what it does is it just requires restaurants to label only those foods where MSG has been added from the shaker bottle. The issue should not be how MSG is added because, in my opinion, MSG is MSG, but rather the issue of MSG is a problem, serious enough to endanger the health of citizens.

When the legislation was passed in 1989, it was done so based on the best available information at hand. Since that time, there is overwhelming evidence that MSG is not an ingredient that presents a serious health hazard to the public. Following a comprehensive review of 234 scientific studies on MSG, the FDA classified it as "generally recognized as safe." It shares the list with such common food ingredients as salt, pepper, sugar, vinegar and baking powder.

Though I am not denying that some people can experience discomfort after ingesting MSG, it doesn't compare to the allergic reactions that individuals experience when ingesting other food ingredients that they are sensitive to. Food such as peanuts, walnuts, soy beans, eggs, seafood and milk pose far greater risks in terms of both incidents and severity of symptoms. Life threatening reactions to these common foods are well established and accepted in the scientific community and, like MSG, they are not always readily visible in prepared food. Again, one could not find any significant health concern related to MSG.

Let me give you two examples of allergic reactions to food ingredients. A Brown University coed died several years ago following ingestion of Chili in a restaurant. She was not aware that the Chili recipe included peanut butter to which she was violently allergic to. More personally, the 20-year old son of a constituent of mine died several years ago after ingesting a take-out meal that included peanuts to which he was also very violently allergic to. He died instantly at the construction site where he worked. He had an anaphylactic reaction which compromised his airway. No one has ever had an allergic reaction to MSG.

If we are to get into the business of legislating the labeling of food ingredients, then let's deal with the ones that pose a significant health hazard. Special restaurants labeling of MSG is unnecessary and scientifically unwarranted. I urge you to vote for the pending motion to indefinitely postpone.

Mr. Speaker, I request a division.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Last year, we had a bill that was presented to this legislature and passed by this legislature dealing with MSG.

The good Representative from Scarborough indicated that there is nothing in MSG but all the quotes that she gave you came directly from, as you can imagine, the people who want to take this thing off the books, the people who supply the MSG. We are the only state in the Union that has it. Does that make it bad? I don't think so. Last year, this legislature decided that we ought to put it on the books. This bill was brought in by a member of the other body to clarify what the committee thought they were doing with the bill last year.

We had testimony on the other side also of people who do have really bad reactions. A member of this body's sister came in and testified how she has a very difficult time trying to find foods in restaurants that don't have MSG in it.

Another member of this body, who put the bill in last year, talked about the reaction that his wife had with MSG. A number of people who have seen the bill have indicated to me and others on the committee of the problems with MSG.

The committee decided to clarify what it put out last year and that clarification was, if MSG coming right out of a bottle was added to anything in the restaurant food, then that should be labeled. This was endorsed by the Restaurant Association, was endorsed by others who opposed it last year and I would hope you would not go along with the indefinite postponement of this particular bill.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Goodridge.

Representative GOODRIDGE: Mr. Speaker, Members of the House: I just want to address this body as a MSG sensitive individual. To say that it is just a mere discomfort, I think, is a great understatement. I have been to the hospital twice. I had to go to the emergency room after eating Chinese food which had MSG in it. That is an ordinary food which does have it. They had to give me a shot of epinephrine, I had a severe outbreak of hives, I missed a week of college, I missed two labs and a lot of work. It is not in my mind, it is not just a small thing, I do suffer from it.

If a restaurant adds MSG in the crystal form, it is easy enough for them to tell me that. I would just urge this body to support this bill for people like myself and for other people.

The SPEAKER: The Chair will order a division. The pending question before the House is the motion of Representative Pendexter of Scarborough that L.D. 956 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 63 in the negative, the motion did not prevail.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-123) in concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Establish a Statewide Area Health Education Centers System" (H.P. 112) (L.D. 155) (C. "A" H-253)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Representative Tammaro of Baileyville, the House reconsidered its action whereby Committee Amendment "A" (H-253) was adopted.

The same Representative offered House Amendment "A" (H-311) to Committee Amendment "A" (H-253) and moved its adoption.

House Amendment "A" (H-311) to Committee Amendment "A" (H-253) was read by the Clerk and adopted.

Committee Amendment "A" (H-253) as amended by House Amendment "A" (H-311) thereto was adopted.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Mr. Speaker, Men and Women of the House: Before this bill goes to engrossment, I just want to point out a few facts that came to my attention after we passed the bill out of committee.

In 1985, the University of New England College of Osteopathic Medicine, entered into a cooperative agreement with the U.S. Bureau of Health Professions to help develop and implement an Area Health Education Center called AHEC. The major impetus for its establishment was the need to recruit health professionals into rural underserved areas. By 1987, the AHEC had developed an authorized AHEC center, the Katahdin Area Health Education Center and it gained federal authorization to service an area which includes the nine rural counties of Aroostook, Franklin, Hancock, Oxford, Penobscot, Piscataquis, Somerset, Waldo and Washington. Their program is now in its sixth and last year of federal funding. Federal law allows an AHEC to apply for special initiative grants after its initial operation period has ended, October 1991 in the case of UNE.

Enactment of this bill and its amendment would designate the AHEC at UNE as a statewide AHEC. The system would consist of a statewide coordinating office located at the University of New England College of Osteopathic Medicine and a statewide advisory committee.

My concern is the establishment of a statewide AHEC — will it jeopardize the programs that we have established in the nine rural counties? UNE stated at the work session on this bill that its purpose is to allow AHEC to become involved in projects in southern Maine. Such a purpose is inconsistent with the original AHEC goal of recruiting and training physicians and other health professionals in rural underserved areas.

In my opinion, perhaps this legislation is simply not needed.

The board of the Katahdin Area Health Center testified against L.D. 155 for a host of reasons, including the failure of L.D. 155 to properly include abuse of Maine minority population.

In addition to opposition from the KHEC Board, other organizations expressing opposition and reservations concerning this bill, L.D. 155, included the Maine Medical Center, the University of Maine, and the Maine Medical Association as well as several nursing organizations that contacted me.

At such a time as a statewide AHEC is acquired, such system should be based in a public educational facility with a statewide mandate such as perhaps the University of Maine System.

Mr. Speaker, I ask for a division, please.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: This bill was presented to us back a few weeks ago. I thought it was ironic when talking against this bill that it was going to hurt rural Maine.

The prime sponsor of this bill is Representative Paradis of Frenchville. The other sponsors are the Representative from Eagle Lake, Representative Ault from Wayne and Senator Estes of York. Now, if they

really thought that it was going to hurt rural Maine, I don't think they would have put the bill in. This is opening it up for the whole state.

A member of the staff of the Maine Medical Center spoke against it. Why did he oppose the bill? It all goes back to the old fight, one was a D.O. and one was an M.D. — the M.D.'s opposed it because the D.O.'s might have an upper hand.

There were a number of people who had concerns about it when we first heard the bill. The good Representative from Scarborough talked about the University of Maine — the University of Maine has no problem with this bill now. The technical colleges have no problems with this bill now. As a matter of fact, we had no talk from the Hospital Association of Maine — do you know why? Because five or six of the hospitals in Northern Maine and Aroostook County all support this bill. So, if this is such a bad bill for rural Maine, why would those Aroostook County hospitals go for this bill?

This bill is going to help those underserved areas. It could be parts of those other seven counties that could be served by this particular program. Do we as legislators want to stop that? I don't think we do. I think we want to get health care providers into every part of the state that we possibly can.

I would hope you would go along with the passage of this because, when the committee looked at it, the real opposition came down to one thing, I have heard it for eleven years, it is the D.O.'s versus the M.D.'s. I was really hoping that this bill was going to bring these two groups together and, unfortunately, it didn't. I think if we are concerned about our own people, if we are concerned that they need providers out there, whether the provider is a D.O. or an M.D. as long as you are getting the provider, that is the key thing.

I would hope you would go along with this piece of legislation.

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: I got involved with this bill because it was something that was working. I don't remember spending as much time on anything else as I have on this bill. We opened it up to everybody to come in and give their position, their input. The bill was completely rewritten. The state is giving direction to a program that works.

I would urge you to support the bill.

When I spend most of the day driving down here, I certainly feel that I come from a rural area. You can rest assured that I wouldn't let anybody tamper with something that would impact negatively on us.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 31 in the negative, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-253) as amended by House Amendment "A" (H-311) thereto and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Law Concerning Family Medical Leave" (H.P. 75) (L.D. 103) (C. "A" H-254)

Bill "An Act Concerning Special Waste Landfills" (EMERGENCY) (S.P. 472) (L.D. 1264) (S. "D" S-132 to C. "A" S-124)

Bill "An Act to Require the State to Pay Municipal Permit Fees for New Construction or Improvements to State-owned Buildings" (S.P. 226) (L.D. 580) (C. "A" S-117)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were Passed to be Engrossed as Amended in concurrence and the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish the Maine Primary Care Residency Training Assistance Program (S.P. 374) (L.D. 999) (C. "A" S-106)

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. 122 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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Include the Testator's Birth Date in Statutory Living Wills (H.P. 77) (L.D. 105) (C. "A" H-186)

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. 114 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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Appropriate Emergency Funds for the Maine Potato Breeding Program (H.P. 394) (L.D. 568) (C. "A" H-193)

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. 126 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.

FINALLY PASSED

Emergency Measure

Resolve, to Establish the Task Force on Local Public Employee Collective Bargaining (S.P. 342) (L.D. 932) (C. "A" S-108)

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. 117 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, to Establish the Commission to Study the Use of Professional Strikebreakers (H.P. 139) (L.D. 199) (C. "A" H-185)

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. 107 voted in favor of the same and 14 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Clarify Ownership of Public Ways (H.P. 275) (L.D. 395) (C. "A" H-187)

An Act to Enhance the Protection of Children Who Have Been Removed from Their Homes (H.P. 528) (L.D. 756) (C. "A" H-202)

An Act to Provide Greater Public Input into Public Lands Management (H.P. 589) (L.D. 840) (C. "A" H-190)

An Act Concerning Taxation of Time-share Condominiums (H.P. 593) (L.D. 844) (C. "A" H-189)

An Act Relating to Name Changes During Divorce Proceedings (H.P. 794) (L.D. 1140) (C. "A" H-188)

An Act to Promote Volunteer Emergency Medical Services through Changes to the Unemployment Laws (H.P. 866) (L.D. 1246) (C. "A" H-196)

An Act Relating to the Employment of School Board Members (H.P. 903) (L.D. 1300)

An Act to Change the Geographic Representation of the Maine Potato Board (H.P. 951) (L.D. 1378) (C. "A" H-194)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all reference matters (and Joint Resolution, H.P. 1277) requiring Senate concurrence were ordered sent forthwith to the Senate.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, May 9, 1991, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Amend the Laws Regarding Sunday Sales" (H.P. 1079) (L.D. 1573)
 TABLED - May 9, 1991 (Till Later Today) by Representative MAYO of Thomaston.
 PENDING - Passage to be Engrossed.

Representative Gurney of Portland offered House Amendment "A" (H-295) and moved its adoption.

House Amendment "A" (H-295) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-295) and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Amend the Maine Human Rights Act Regarding Pregnancy" (H.P. 486) (L.D. 680) (C. "A" H-224)
 TABLED - May 9, 1991 by Representative PARADIS of Augusta.
 PENDING - Passage to be Engrossed.

On motion of Representative Paradis of Augusta, retabled pending passage to be engrossed and specially assigned for Thursday, May 16, 1991.

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

An Act Relating to Violations Involving the Disregard of Red Flashing Lights on School Buses (H.P. 443) (L.D. 633) (S. "A" S-90 to C. "A" H-106)
 TABLED - May 9, 1991 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 Thursday, May 16, 1991.

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

An Act to Amend and Add to Certain Provisions of Geographic-based Information Services (H.P. 743) (L.D. 1047)
 TABLED - May 9, 1991 by Representative MAYO of Thomaston.
 PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Thursday, May 16, 1991.

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

Bill "An Act to Modify the Ban on Plastic Rings and Other Plastic Holding Devices" (EMERGENCY) (H.P. 591) (L.D. 842) (C. "A" H-205)
 TABLED - May 9, 1991 by Representative GWADOSKY of Fairfield.
 PENDING - Passage to be Engrossed.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I move that this bill and all its accompanying papers be indefinitely postponed.

This issue was debated at length a few days ago around here. What we are talking about is these little plastic rings that hold cans of beer together and the vote was 73 to 72 to accept the "Ought to Pass" Report. I hope that you reconsider your position and get rid of these things today.

As I was thinking about the whole issue of plastic rings over the weekend, I thought of all the things we had been told by the plastic ring people over the years. The first thing that we were told about 10 years ago was that these devices are photodegradable. That means that they disappear in the sunlight and I guess technically it is technically correct. I got one from the supermarket once and I stapled it to my garage and a couple of years later, it got kind of brittle and the wind blew it off. It took about two years so I guess they are technically photodegradable but in a practical sense, they are not. Sometimes while we were led to believe that they were photodegradable, a lot of animals and birds got caught up in them because of the particular yoke they had gotten entangled in hadn't had an opportunity to photodegrade in time to save them.

The second thing we had been told by these people is that these things are recyclable and I guess technically they are. Of course, they have mixed cornstarch in them so that they are photodegradable and that makes it difficult to recycle them into any useful products. It can be recycled into real cheap plastic but it can't be recycled into any good plastic.

Also there is no market for this particular kind of plastic so, although you might be able to save a

lot of them, I don't know what you are going to do with them if you can't sell them. They will take them back in Chicago where they make the things, the Illinois Tool Works, so maybe we could all put a bin somewhere and, if one of the members is going to Chicago, they could take all of Maine's rings with them and drop them off at the Illinois Tool Works.

They have told us these two things, that they are photodegradable and recyclable. They are both true but it doesn't really work. Now they have come and asked us, once again, to bear with them just one more year so they can have this experiment where they have a little tab. If you happened to notice, they come with these little tabs at each ring and the purpose of that is it will break apart when you pull out the can of beer or soft drink or whatever. Last week, we heard that it didn't work and even if it did work, it doesn't address the whole issue. The finger holes in the middle of it would still cause an entrapment problem.

Three times they have come to us with these glowing claims and three times they have been wrong. Now they have come to us and asked for time to continue to experiment for another year and I don't think we should do it. I think the time has come to just say no.

Maine was the first state to ban these devices that are convenient but are really not very practical to our environment. I was really proud of the action of the legislature and of the state at that time. I don't think this is the time to change this very wise public policy so I hope you will all join me in voting yes to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I join the Representative in support of the pending motion to indefinitely postpone the bill and all its papers. I think this bill has been debated and debated but there is one issue that has not been brought up that I would like to mention.

When we have a recycling program and we say a certain thing is going to happen or not going to happen, then the competitive factors and the business factors are that other business people rely upon that so the degree to which people plan that these plastic holders were no longer going to be in effect, other businesses could come in and fill the void. If we are not consistent as a legislature, we are not being fair to the people who are abiding by the law and who are doing what they are supposed to do under the law and who are planning to economically benefit from coming up with other types of holders, which are biodegradable. For that reason, I support this motion.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, My Learned Colleagues: The reason why the majority of the committee voted as we did is because we figured that the industry did a bold-faced attempt to do something. They did come up with something but as was said in the debate, it isn't totally working and they are going to go back and research it and do some more testing.

After they test it and get something that works — you can't manufacture it overnight, you have to get machinery to do the job. This is not going to give them a year, it is going to give them until

March. I think we should stick with our vote.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: A lot of your small businesses back home are going to be affected if you move this ban and I mean very much affected. I think they should have every right to know how you stand on this issue.

Mr. Speaker, I request the yeas and nays when the vote is taken.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: Again tonight we are going to visit L.D. 842, whose major selling point seems to be that its proponents admit that the new breakaway design doesn't work.

I am amazed that this bill made it out of committee and that we are actually going to debate it on the floor. Giving the plastic companies ten months to work the bugs out of their six-pack carrying gizmo isn't bending over backwards to be fair, it is bending over backwards to be nuts. Let the plastics people make a carrying apparatus that biodegrades in the dark, then they can make a holder that does truly break and I know that that can be done. All of you who buy clothes for little kids know that the plastic zipper breaks after zipping it up two or three times — let them perfect the lousy plastic zipper, they are very close and then they can put that on their plastic carrier, use it once, and it will break. Let them devise a new kind of plastic that upon ingestion dissolves into complex sugars, vitamin c and fiber, so that it is good for the little critters when they eat it, but let them do it, it is their problem, not ours. We don't have to let the plastics company befoul our waters, litter our land, or kill the wildlife in a ten month trial.

I truly believe they will have the gall to come back after ten months and ask for a further extension of that deadline. We are legislators and we are elected by our constituents and those constituents have told us, loudly and clearly, that Maine's environment is the number one issue with them.

I am going to vote no on L.D. 842 because I couldn't possibly justify voting any other way.

The SPEAKER: The Chair recognizes the Representative from Coplin Plantation, Representative Powers.

Representative POWERS: Mr. Speaker, Ladies and Gentlemen of the House: I would also rise against these plastic rings. From my house to here, I could load my truck so I couldn't move with those cussed things. I picked up one in the hallway and took it to committee last Thursday and we all gave it a good test. You can stretch it for six feet and you still got plastic rings.

I think they have made a miserable attempt at solving the problem and I think plastic in any color is plastic. If it looks like a duck and it walks like a duck, what do you think it is? I tried my best to convince them that wrapping this thing in paper was the best way to go. You can already buy beer and soda wrapped in pasteboard and I think that, in a very few days after the deadline, you will also see Coors beer, Budweiser beer, Coca Cola or Pepsi Cola on the shelves. It is not going to slow them down one day or one minute. They are already

preparing for the Fall and I think all they need to do, when people are having a picnic next month, is have a great, good sale on Coca Cola.

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

Representative ADAMS: Mr. Speaker, Ladies and Gentlemen of the House: I have often been told that politics is an art and not a science and therefore facts don't matter as much, and if politics is in fact an art and not a science, I suppose that explains why as politicians we read Machiavelli and not Galileo. I haven't seen Galileo recently but I have seen Machiavelli — he has been in the hallways for about a week now since we had anything to do with this bill last time.

We have been told and for that reason I ask your permission to spend a little more time on this pleasant evening while I engage in a little further conversation about why I am asking you to wade again into the world of plastic widgetry with me and help to defeat this bill that is before us tonight.

I would remind you again that in 1978 Maine banned plastic six-pack yokes completely when we passed the original bottle bill, at least we thought we had done so, but a loophole in the law allowed plastic yokes to continue. Two years ago after much debate, we banned them again, very unequivocally, with simple language, placing it in the Solid Waste Bill and putting it there in black and white for all to read and all to heed. All did, I would point out, except the plastic industry itself which, at every single opportunity in our legislative deliberations since then, has tried to overturn that ban until this session of the legislature when they say, now it is too late to change and now they need a whole year in which to continue an experiment site. They have chosen Maine for that purpose.

I enjoy experiments. Two years ago, I did one in which I went up to a major emporium on Western Avenue and bought a plastic six-pack yoke containing soda and bought a container of soda that came in a paper wrap and compared the prices. I figured out very simply then, that in 1989 on the 12th of March, that soda that came with the plastic wrap around it, cost 2.62 cents per ounce. Soda that came with the paper wrap around it cost 2.63 cents per ounce. Interesting I thought, that after two years, both my soda and my figures were getting stale so I went back again to the same emporium, bought the same soda and found that soda that came in paper wrap now costs 3.4 cents per ounce. Soda that came with a plastic wrap has jumped a little — it now costs 4.5 cents an ounce. Any arguments about plastic costing us less I would say must be answered by that.

We were told also by the lobby in our halls that all soda would disappear from the shelves or there would be limited choices of brands and the prices would jump. I looked into the Legislative Record downstairs and I managed to find a few articles from 1977 in which the industry was saying, that should we ever pass the bottle bill then, that soda would "vanish from the shelves," "your choice would be limited," and "it will not save Maine \$20 million, you will end up paying \$20 million more for any kind of soda that you want," that which "does not disappear from the shelves." Very interesting argument, I thought. I also found it interesting to show that in both the Legislative Record and in the clip files, the young Representative that stood up to argue against it then and refuted their arguments on

the floor of this House was the good Representative from Bangor, then in his early term, who sponsored the original bottle bill and he went by the name of John R. McKernan, Jr. and he pointed out that the shelves would not go empty and Mainers would not go thirsty in 1978 and we haven't. The lobby will tell you that these new yokes are the very Cadillac's of their kind, they are going to bust into bits as soon as you and I give a tug on them.

Well, you will recall that last week I had the lady who runs our small nutritional center downstairs in the basement of the Capitol save ten days worth of yokes for me, which I counted up and saw how many had broken or not. I figured an extra experiment would be good because we have discussed this bill an extra long time and I went back again and collected 42 more six-pack yokes that she had collected in the time since. The results were the same, not one single yoke was broken, not one brace of yokes, not one loop — that is 6 times 42 or 252 loops still solid. This is 252 loops on 42 yokes that withstood 252 yanks by frustrated legislators. Now if bad tempered legislators squeezed by a bad looking budget trouble can't break plastic yokes, I would rather doubt that even the Schwarzenegger of seagulls is going to be able to do it when they are lying about on our beaches for another summer while the experiment that they need to do is conducted until March.

In 1979, there was a definitive study done on the subject of yokes. No subject is too small to be discovered and discussed at length by academia. Yes, our academia that did it was the University of Maine at Orono. It concluded that the yokes do not decay in water, they do not decay in snow, they do not decay in the shade and, in fact, "we find the manufacturers claims an overstatement, the broken pieces from our test panel, which was split apart by the wind, fell into the grass for several months after our test began and they can still be recognized as litter" — Professor Richard Hill, 1979. With that I would say that our weekly dissertation on yokes should be finished, we have had our weekly dose of yokes again by now.

I would repeat that not one single Maine average citizen showed up at the hearing to tell us that they disapproved of our ban on plastic six-pack yokes. Not one single average Maine citizen showed up to say that they thought it was a bad law. Not one single Maine citizen showed up to say that we need an experiment period, only plastic makers, only plastic sellers, only plastic purveyors did so. This is why I again ask you to vote to indefinitely postpone this bill, the motion that is now on the floor, I think it applies very well to what we need to do. Maine does not need another year of an experiment, we have been an experiment for 12 years since the bottle bill was first passed and we first made our attempt to ban these yokes. We know the result of that. The law has been on the Maine books for two years. Industry knew it was coming, they chose not to work in two years to meet the law but to diddle, delay, and ignore it. Show me another single law that you and I have knowledge of for two years that we can figure out a way to duck and simply say, well perhaps just an experiment period for me on my property taxes is what we need. Only out-of-state firms make these widgets and only one firm makes the widgets that would be allowable under the present law, the exemption for which is before us now. They are not made in Maine, they do not profit Maine — all they

do is litter Maine. I repeat again, all they are good for is holding together beer cans and lobbyists and we can do quite well without one of them, thank you.

I urge you to please vote to indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of 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 Representative Mitchell of Freeport that L.D. 842 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 59

YEA - Adams, Anthony, Ault, Barth, Bennett, Butland, Carroll, D.; Carroll, J.; Cathcart, Clark, M.; Constantine, Crowley, Daggett, Dutremble, L.; Farnsworth, Foss, Garland, Gean, Goodridge, Gray, Gurney, Hale, Handy, Hanley, Hastings, Heeschen, Heino, Hepburn, Hichens, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lemke, Libby, Lipman, Luther, Macomber, Manning, McKeen, Merrill, Mitchell, E.; Mitchell, J.; Nash, Norton, Nutting, O'Gara, Oliver, Pendexter, Pendleton, Pfeiffer, Powers, Rand, Richardson, Ricker, Rydeil, Saint Onge, Salisbury, Savage, Simonds, Simpson, Small, Stevens, P.; Stevenson, Tracy, Treat, Tupper, Waterman, Wentworth.

NAY - Aikman, Aliberti, Anderson, Bailey, R.; Bell, Boutilier, Bowers, Cahill, M.; Carleton, Cashman, Chonko, Clark, H.; Coles, Cote, DiPietro, Donnelly, Dore, Duffy, Duplessis, Erwin, Farnum, Farren, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hichborn, Hوجلund, Hussey, Jacques, Jalbert, Kerr, Ketover, LaPointe, Lebowitz, Look, Lord, MacBride, Mahany, Marsano, Marsh, Martin, H.; McHenry, Melendy, Michaud, Morrison, Murphy, Nadeau, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pineau, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Rotondi, Sheltra, Spear, Stevens, A.; Strout, Swazey, Tamaro, Tardy, Townsend, Vigue, Whitcomb.

ABSENT - Bailey, H.; Holt, Joseph, Mayo, O'Dea, Ruhlin, Skoglund, The Speaker.

Yes, 71; No, 72; Absent, 8; Paired, 0; Excused, 0.

71 having voted in the affirmative and 72 in the negative with 8 being absent, the motion did not prevail.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-205) and sent up for concurrence.

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

An Act to Provide an Expedited Process for the Commencement of Paternity Actions (S.P. 310) (L.D. 819) (C. "A" S-87)

TABLED - May 9, 1991 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 Thursday, May 16, 1991.

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

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-228) - Minority (5) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Share Proportionately the Public Safety Costs for the Capitol Area" (H.P. 411) (L.D. 594)

TABLED - May 9, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative JOSEPH of Waterville to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Joseph of Waterville that the House accept the Majority "Ought to Pass" Report and specially assigned for Thursday, May 16, 1991.

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

SENATE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (S-107) - Committee on Energy and Natural Resources on Bill "An Act to Amend the Voter Ratification Provisions of the Low-level Radioactive Waste Laws" (EMERGENCY) (S.P. 346) (L.D. 946)

- In Senate, Majority "Ought Not to Pass" Report read and accepted.

TABLED - May 9, 1991 by Representative JACQUES of Waterville.

PENDING - Acceptance of Either Report.

Representative Jacques of Waterville moved that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Coplin Plantation, Representative Powers.

Representative POWERS: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the "Ought to Pass" Report. If you have been looking at any of the material that has been passed out, you are very well aware what this bill proposes to do.

L.D. 946 is coming up in the House and this bill concerns the right of any town to have Home Rule regarding the siting of low-level radioactive waste in their town. Just stop and think for a moment - this may be in somebody elses town today but tomorrow it could very well be in your backyard. All anyone has to do in your community is raise his hand and say, "I've got 500 acres of land that I will volunteer" and the race is on. Immediately upon going on to that list, your town is in a cloud and everything comes to a halt. Literally, I mean everything as long as you are on that list.

I urge you all to think very seriously when you vote on this issue that tomorrow you could very well be the one who was here in the hallways fighting for your town, fighting for your people, and don't think that it couldn't happen. This Authority is out there and they have a great number of dollars to wave like a red flag in front of a bull, in front of these poor town to entice someone to come forward and volunteer their property. I think it is a terrible thing. To tell these people that their vote and their ordinances are no good, I think you should seriously think about the constitution that gives us the right to pursue happiness and to own property. I urge you to support the Minority Report.

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

Representative SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: The opponents of this bill, L.D. 946, that would give the people that live in the areas that have been sited to be potential low-level nuclear wastesites 90 days to vote in that town upfront on whether they would like to have a facility like that in their district, have argued that if we put this provision into the law, it will act as a roadblock that will prevent the Waste Authority from ever siting a low-level waste dump in this state. My answer to that is, good. The federal law that creates the Low-level Waste Act is a bad law. It tells the State of Maine that we owned that waste in 1986 and we are going to be responsible for it for 10,000 years. The federal government maintains complete control over the information involved with nuclear issues and over all safety issues regarding nuclear energy but they tell the State of Maine, a small state, which I don't believe has any technical capacity to either understand the waste or nuclear energy, and that we are going to be responsible for this material. How are we suppose to be responsible? We are supposed to go out and build a facility, either temporary or long-term, that is going to store this material for who knows how long? Our government operates on two-year cycles, four-year cycles and six-year cycles and yet we are telling the people that they will have to wait at least two years before they can have a chance to vote on this issue.

Clearly, if you want to buy the argument that passing this bill would be a roadblock, I would turn around and ask you to look at the other way then. If you give the people 90 days to vote, then you will know who wants it and who doesn't. The Authority can go to those towns, they can do their studies and they can come up with a site that will clearly have some indication that the voters might approve it two years from now, which is the amount of time they said it will take them to study this issue.

I have a lot of confidence in the people when it comes to these issues. I don't have the cynicism that somehow they are emotional, somehow they are ill-informed, somehow they are going to vote on an issue just how it is going to affect them in their backyard.

In 1986 as you know, I had to look at a lot of Representatives come before the Department of Energy and speak on this floor of the House as to what a bad idea it was to site a high-level nuclear waste dump in the State of Maine. I never spoke that day but I did go home to my district and I spent a lot of time talking to people about what nuclear waste was and what a nuclear dump was all about. Fifteen thousand people showed up two weeks later and they didn't just

stand there and scream and say, "Not in my backyard." They had thoroughly, as much as possible in two weeks, educated themselves as to what this issue was all about. I believe the voters in these towns of Cornville, New Vineyard, and Industry have educated themselves. They have not ignored facts on either side of the argument. They are coming here today to ask you to give them a chance to vote. If you go along with it to show that they are responsible, then the State of Maine is being as responsible as they can with a very irresponsible federal law.

I would hope you would vote against the Majority "Ought Not to Pass" Report so we can move the Minority Report and give these people 90 days to vote and let the Authority do its work.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The bill before you would change the date of the local election so it would be held before you did the geologic studies rather than after you did the studies so you could make your decision apparently without having the knowledge of the information that the geologic studies are going to provide.

The federal law says that Maine has to dispose of its own low-level radioactive waste and has to do it by a certain date. It is an unpleasant necessity but it is something has to be done. It is also the socially responsible thing to clean up after yourself.

People who would support this bill I do think are suffering from the "not in my backyard" syndrome.

A couple of weeks ago, there was an editorial in a Portland newspaper called the Casco Bay Weekly and I think that that summed up the issue probably as well as anything I have seen on it. I would like to share that editorial with you. From the editorial it says, "It is a hypocrisy for those who don't think twice about the enormous amount of electricity they use to insist that their towns are too good to be considered as dumpsites for Maine's nuclear waste, the lions share which is produced at Maine Yankee." It skips a little and then continues, "It is laudable that so many Mainers are organizing themselves and actively participating in the governmental process but it is shameful that we only really ban together when our selfish interests are threatened. It is disgusting that we continue to act as if we can just go on "P"—ing in the pool, leaving it for someone else to clean up the mess. The whole yard is our backyard and we are not the only ones "P"—ing in the pool. Disposing of undesirable materials is a necessary evil and we must all shoulder part of the burden. More importantly, we must change our own life-style so that this evil is not necessary. Let's wipe those "what me" thoughts from our mind and get on with the hard work of making our life-style less abusive of the earth that sustains us.

No one wants to have a radioactive waste dump in their town but certainly some town has to have it and the best way to do it is to start a scientific search that uses the best science possible so we can find the best site for the facility and not just have an election the moment it is even suggested that it be in one town or another town and decide right then and there that you are not going to listen to any of the facts and just get rid of it. If you do that, I really doubt that we will ever seriously be able to take care of this problem. It is a serious problem.

We are making the mess and it is our responsibility to clean it up and if we don't clean it up — as I said a couple of weeks ago on another bill — your children and grandchildren are going to be left with the job of cleaning up after you and that is not very nice.

I hope you vote to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Goodridge.

Representative GOODRIDGE: Mr. Speaker, Members of the House: I rise this evening to urge you to oppose the pending motion. I represent the town of Cornville and, as you have heard, Cornville is one of the towns selected as a possible site. I would just like to tell you a little bit about this community. It is a small rural community with about 1,000 residents. It is located just north of Skowhegan and east of Madison. There are no stores, no industry, and few of the roads are even paved. There are a lot of small farms, dairies, tree farms and many of its residents are self-employed. There is a town hall, it holds about 350 of Cornville's 1,000 residents and there is an elementary school just up the road from the town hall. There are many families who have lived there for generations and there are many who have moved there because of the way of life it represents, independence, respect for the land and slower, less hectic pace. It is a beautiful place. The children in the local school raise money each year by selling T-shirts and sweatshirts, which say "See Cornville and Live."

On March 12th, however, something happened in this quiet little town which few of them will forget. They were selected as one of five Maine communities in which one private landowner had volunteered his land to be considered as a radioactive waste dump. The most alarming fact of all, in addition to the health and environmental dangers, was the fact that the residents would have no say in this matter for over two years.

Since that day two months ago, the residents of Cornville and the other communities have mobilized themselves. They have educated themselves of the history of nuclear waste dumps and nuclear power. They have attended all meetings of the Low-level Radioactive Waste Authority. They presented testimony at public hearings and they have called ever member of the Energy and Natural Resources Committee many, many times. I think all those committee members will agree that this is an organized, committed and extremely concerned group of citizens that we are talking about.

In a vote taken this past Friday, the vote was 453 to 28 against the siting of a dump in Cornville. This was a non-binding vote, taken to express the community sentiment. I think it is quite evident how this town will vote in two years if chosen as the final site.

In the meantime, the Low-level Radioactive Waste Authority will spend tens and hundreds of thousands of dollars, if not more, to study the site even though the community will, in all likelihood, vote against the dump in two years. They will spend many dollars on renewing leases and they are already offering money to the towns to conduct independent studies and educational campaigns. They have also offered money to the towns to fight them in a legal battle which is arising over local ordinances in

these communities. They also offer the community which is finally selected a community enrichment program. This includes \$1 million annually, plus payment in lieu of taxes, improved police and fire protections, improvement of roads and water systems. For a facility which the Authority insists will be completely safe, what is the need of \$1 million a year? To myself and a lot of other people, it smacks of bribery. How can one put a price on the lives of those who may be affected, on the lives of their children and grandchildren? It seems somewhat mercenary.

I learned just last week that the Authority wants to make a video about nuclear waste. There is a firm in Nebraska who will do it for \$43,000 and a Waterville firm will produce one \$33,000. However, the Authority has scrapped plans to conduct a survey at a cost of only \$25,000 which would actually ask the citizens themselves what their opinions are. It seems the Authority is very good at telling people what they want them to hear but they are absolutely awful at listening to what the people have to say.

While they may have been willing to visit each of the towns and hold informational meetings, they were adamantly opposed to debate. Having attended their informational meeting in Cornville, I can understand why they might be hesitant to debate the issue. They didn't have any answers and when they did, they were vague and oftentimes contradictory to previous statements. No wonder they prefer to make a video, it is totally one-sided and provides no interaction with the audience; therefore there is no chance of confrontation, no debate, and no witnesses to see their ineptitude.

The Authority is also prone to flip-flopping on the issues. It was agreed upon by a vote of five to one by the Authority that any community voting against a nuclear waste disposal would be placed on an inactive list and therefore postpone any studies of the site. Well, it appears they had a change of heart. What they meant to say (but didn't say) was that the town voted against studying this site and then they would place on an inactive list. It still remains that is not what they said. In nearly a unanimous vote on Friday in which Cornville citizens made their position quite obvious is now apparently nothing more than statement of belief.

The preliminary selection of sites was tremendously flawed. It failed to take a number of factors into consideration including the site's proximity to schools, residential areas and the location of streams and watersheds. In Cornville, the school is just a mile away and the entire town is a residential area. As I stated previously, Cornville has no industry and no commercial zone.

A much more serious oversight was the use of maps by the Authority which did not include perennial streams. This would have had the effect of reducing the Industry/New Vineyard site to 70 acres compared to the original 300 plus acres being considered.

The Waste Authority has asked us not to place roadblocks in their way by allowing citizens this early to vote. I would argue that they have done that quite well on their own.

I have given you a few examples of how the Radioactive Waste Authority has discharged its responsibility and there are many more which others can testify to. Their incompetence has been quite disarming and, while I certainly won't dispute the individual intelligence of its members, the

presentations of the Authority in the process itself has upset me greatly. They have made a lot of mistakes and there are a number of wrinkles which need to be ironed out.

I am not sure if they even realize how poorly their process is working. I honestly believe they need to do some serious revisions to their siting process or Maine will have no site for a dump. I know there are grumbings out there about how Maine will never find a site if we let the people vote on it and actually have a voice. I heard some of them recently in a similar debate in this House and I have heard them tonight as well, but I do have to respectfully disagree. I believe there is a site somewhere in this state which will accept the waste but not without honest answers and some evidence that serious thought has gone into the development of a site. People of Maine want substance, not empty assurances and grand performances. They are not getting this now and that is why I urge you to give some control back to the citizens of Maine. Let these communities take a binding vote now, let the Authority make its revisions based on its experience in the past few months and let them come back and do this again, the right way. Until we allow this to happen and until we give some control back to our local communities and their citizens and until we allow them to participate in the most democratic form of governing, that of voting, many communities will be left in limbo until the final site is selected. For example, in Cornville property values have dropped. Contracts for new homes have been lost, prospective buyers of real estate have backed away and there is at least one dairy which was threatened by its contractor to not purchase its milk. I know one older woman who lives nearby the proposed site who has experienced an increase in her blood pressure from the stress and turmoil and many others have just lost hope that the home that they grew up in and their family grew up in has a much more sinister air to it. They don't necessarily believe anymore that their grandchildren will have the same opportunities.

I urge you to give these citizens the right to vote now. It will save the Authority from spending the many thousands that it said it will spend and most likely it will enhance the siting by removing from the process those communities who are obviously opposed. The Authority will then be able to concentrate on those communities who are willing, whom they haven't alienated with misinformation and inaccuracies. So please, when you cast your vote, cast it in favor of allowing the citizens of Maine to also vote and have a voice in that which is so profoundly affecting their lives.

The SPEAKER: The Chair recognizes the Representative from Howland, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Men and Women of the House: I suppose the disposal of radioactive waste has been a thorn in our mental thinking for some time. In my area for the past six years, I have been lobbied and propagandized by both the conservative element and the radical element on the other side. I have reached a point where I don't believe more than ten percent of what either side tells me.

This bill was put in, not for the proponents or the opponents, but for the people. That was one reason why I cosponsored this bill.

There are two towns in my district, the town of Greenbush and the town of Edinburg which are both

potential sites. All the people are asking for is a right to speak. We do live in a democracy, people should have the right to say what is on their mind and I listen more to the people than I do the propaganda on either side of this particular issue. I am not afraid of what the people say.

I know that it is going to be extremely difficult to find a town anywhere in the State of Maine where the people will say, "Yes, we want this dump in our area." If they can save money by voting before the money is spent, it seems to me that they have a good argument wanting to do that.

I am not asking you to vote for or against, I am telling you why I cosponsored the bill. When you vote, you will have to vote your own conscience. I hope that you will let the people say what is on their minds too.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would vote with the Majority Report. There are at least 32 industries in the State of Maine that produce low-level nuclear waste, the Navy yard at Kittery, the hospitals, Bigelow, experimental places and other people, so it isn't just for Maine Yankee.

Another thing, I think it is the hope and prayers of all the members of the Energy and Natural Resources Committee that we won't have to have a low-level nuclear dump in the State of Maine. As you know or don't know, the commission and the Public Advocate are working hard to get our low-level nuclear waste either in Texas or California. What we have got to do in the State of Maine is show a good faith effort showing that we are not sluffing off our duty in trying to find a site but we are trying to get those states to take it.

Let's look at the sites. If what I heard is true from the young lady over there, that site won't be selected because it won't have the right type of soil, it will have too much water or something else but they have got to look at these sites. These sites that they are looking at first are sites that have been what I call (not donated) but willing to go ahead and allow their land to be looked at. I think that probably half or more of them or maybe all of them will be turned down. If we have to put a site in the State of Maine, just like we have on the dump sites, we have got to put it in the best possible safe place that we can possibly find. That is why I am asking you folks to vote with the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I will be very brief because I am so sick of this thing, you can't possibly imagine.

Quite frankly, probably it is not going to make a heck of a lot of difference one way or the other which way you go because, if you let them vote ahead, every town will vote that they don't want it there. What we should do then is do away with the Authority and save the taxpayers a lot of money and just sit back and wait for the federal government to come and take care of it for you. We have been waiting for that for about 12 years now on Maine Yankee on high-level waste and the federal government has done nothing. I would dare say that they are probably going to say, you produced it, you take care of it, and that will be fine.

The gentlelady from Pittsfield says that she is convinced that a town will accept it. Do you believe that your town would allow the people to accept low-level waste when they know full-well that the 15 best sites (best sites) have rejected it? Their people through their vote have rejected it. So, you are number 16 on the site, 16th out of safe sites or the best scientific sites and, all of a sudden, they are going to come in with a big pot of money and your people are all going to flop over because now they think this stuff is cotton candy, it is not low-level nuclear waste and it is something they really want? Be real!

Let them vote ahead of time. I have gotten to the point where it makes no difference to me. I am tired of arguing with people. It has come to the point where the whole thing is so ridiculous that it just blows my mind to even believe that after all the stuff has gone on that anyone, anyone, is going to vote for a site in their town, now or later — it just baffles me.

The difference is, if you vote now, people are going to go right back to their life the way it was, the dairy farmer will be selling his milk again, they will be able to build houses and this whole state is going to boom again because the concern that your place will be sited won't be there. But remember, somewhere down the line, when someone else determines whether we acted responsibly or not, you are probably going to lose the right to say anything. You are not going to have to worry about your right to vote before or after because Big Daddy in Washington is going to take care of it for you.

Once again, I said it just like I did the other day, I think they would love to see us continue down this road. You can call it a roadblock if you want or you can call it not a roadblock if you want but the fact of the matter is, it preempts what is going on. I will grant you the Low-level Waste Authority has not done a good job and, if that is the case, then those who criticize should do away with it and come back with a better alternative because when we passed this two and a half years ago, we were doing it based on the information we had then, not now, and if you have got a better idea, come out with it. If you don't want to deal with it, don't deal with it, get rid of the Authority, save a lot of time and money, and just let the stuff pile up where it is being piled up.

Remember, every time you have an X-ray at the doctor's, you are contributing to it. Everyday you flick the switch and the power is there, you are contributing to it. I think that editorial that Representative Mitchell pointed out is exactly what the whole situation is, it is just like trash. We all want to go back and say we did something for you but we are still producing trash every single day. We are running out of places to put it. We are still producing low-level nuclear waste every single day and we have no place to put it.

All I have got to say to you and anybody else that has problems is, come up with something better. I am open to that. Quite frankly, nobody has come up with anything better. I will say it again, no low-level radioactive waste site will be sited in the State of Maine using the conditions and the standards that are on the books today. Guarantee it! I don't think there is anybody in the State of Maine stupid enough to vote for it to be in their area, there isn't. When these people get done, there certainly

won't be anybody in the State of Maine stupid enough to vote for it because it is not nice, period.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: Just a few quick points. Remember, we are only voting on whether or not and at what point a town can vote whether or not to accept a site. This is not a vote on whether or not to close Maine Yankee, people on both sides of that issue have spoken. It is just a simple question of advancing the time frame that a town can vote on whether or not they want the site.

So often in this Legislature we have heard various groups, we heard some tonight as a matter of fact, come before us asking for more time. This is one of the seldom occasions when the towns want to vote in advance of something. I think we ought to give them that opportunity. Cornville has already done that by a rather surprising margin last Friday.

I would hope that we would defeat the motion on the floor.

Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Coplin Plantation, Representative Powers.

Representative POWERS: Mr. Speaker, Fellow Members of the House: I really would like to apologize for speaking again to this issue. I have been sitting here listening to the debate and I have some other thoughts that I would like to pass on. I may be just a little old farmer on the south branch of the Dead River but I will tell you something, if I cut trees along side the highway and that brush falls within the right-of-way of the highway or the roadway, very quickly the Forestry Department is knocking on my door. You have got to move that brush back away from the highway. So I do or go to court.

I had 40 cows, about 100 sheep, and a pair of horses and other various animals around the farm before I came here, so I have a pretty good supply of waste. It is not radioactive I don't believe, but I don't believe that anybody on the state level wants to come up there with chest waders right at the moment and help me remove that pile. I honestly believe that that waste pile is my problem, along with the brush along the highway, along with anything else that I do around my farm. I have the sole responsibility for it.

I ask you people to think just a minute if you can take the time. I know it is late and I hate to keep this thing agitated any further but it is serious business. Who does this waste that we are talking about really belong to? Is it our waste? I ask you, who produced it? Just stop and think who produced it and who benefits from the sale of electricity from Maine Yankee? I have voted continually to shut it down but it is still producing it every day. We don't have a place to hide it, it isn't going to go away for a million years so you think about it. We've got to be shutting that thing down. It is producing waste that nobody wants. They have no repository, they are going to dump it on the citizens of the state and walk away smiling with the dollars that they made from selling the electricity. You ask yourself, who the waste really belongs to and who the heck is responsible for taking care of it? I think that Maine Yankee is responsible for it. The federal government isn't going to step in — where have they been all these years? They have shown us

no leadership, they have no repository, they haven't even made a move. They are trying to dump it on us.

I ask you to vote against this Majority Report. Give the people in Cornville, Industry, New Vineyard and Farmington and any other little town, who they put the finger on because they want to dump this stuff somewhere, — they are not responsibly trying to find a real, good repository. They haven't shown me one instance where they have really tried to find a safe place. They want to dump it. I ask you to vote against the Majority Report.

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 Waterville, Representative Jacques, 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. 60

YEA - Aikman, Anderson, Ault, Barth, Boutilier, Butland, Carleton, Cashman, Cathcart, Clark, M.; Coles, Constantine, Cote, Daggett, DiPietro, Donnelly, Duffy, Duplessis, Erwin, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Gurney, Hastings, Hogle, Jacques, Ketover, Kutasi, Lebowitz, Lipman, Lord, MacBride, Manning, Marsano, Marsh, Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Gara, Paradis, P.; Parent, Pendexter, Pendleton, Pineau, Pines, Poulin, Pouliot, Richards, Simonds, Small, Spear, Swazey, Tamaro, Tardy, Townsend, Tupper, Whitcomb.

NAY - Adams, Aliberti, Anthony, Bailey, R.; Bell, Bennett, Bowers, Cahill, M.; Carroll, D.; Carroll, J.; Chonko, Clark, H.; Crowley, Dore, Dutremble, L.; Farnsworth, Gean, Goodridge, Graham, Gray, Gwadosky, Hale, Handy, Heeschen, Heino, Hepburn, Hichborn, Hichens, Hussey, Kerr, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Libby, Look, Luther, Macomber, Mahany, McHenry, McKeen, Melendy, Merrill, Michaud, Mitchell, E.; Nash, Oliver, Ott, Paradis, J.; Paul, Pfeiffer, Plourde, Powers, Rand, Reed, G.; Reed, W.; Richardson, Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Simpson, Stevens, A.; Stevens, P.; Stevenson, Strout, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

ABSENT - Bailey, H.; Hanley, Holt, Jalbert, Joseph, Martin, H.; Mayo, O'Dea, Ruhlin, Sheltra, Skoglund.

Yes, 63; No, 77; Absent, 11; Paired, 0; Excused, 0.

63 having voted in the affirmative and 77 in the negative with 11 being absent, the Majority "Ought Not to Pass" Report was not accepted.

Subsequently, the Minority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (S-107) was read by the Clerk and adopted and the bill assigned for second reading Thursday, May 16, 1991.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect the Assets of State Retirement Plans (S.P. 122) (L.D. 224) (C. "A" S-82) TABLED - May 9, 1991 by Representative GWADOSKY of Fairfield.
PENDING - Final Passage.

Representative Farnsworth of Hallowell requested a roll call vote.

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 final passage. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 61

YEA - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hale, Handy, Heeschen, Heino, Hichborn, Hichens, Hogle, Hussey, Jacques, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsh, Martin, H.; McHenry, McKeen, Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Richardson, Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Simonds, Simpson, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

NAY - Hastings, Hepburn, Kutasi, Marsano, Richards, Whitcomb.

ABSENT - Bailey, H.; Gean, Gurney, Hanley, Holt, Jalbert, Joseph, Kerr, Mayo, O'Dea, Ruhlin, Sheltra, Skoglund.

Yes, 132; No, 6; Absent, 13; Paired, 0; Excused, 0.

132 having voted in the affirmative and 6 in the negative with 13 being absent, the Resolution was finally passed and sent up for concurrence.

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

Bill "An Act Concerning Late Support Payments" (H.P. 384) (L.D. 558)

TABLED - May 9, 1991 by Representative GWADOSKY of
Fairfield.
PENDING - Adoption of Committee Amendment "A" (H-221)

On motion of Representative Manning of Portland,
retabled pending adoption of Committee Amendment "A"
(H-221) and specially assigned for Thursday, May 16,
1991.

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

SENATE PAPER

The following Joint Order: (S.P. 693)

ORDERED, the House concurring, that when the
House and Senate adjourn, they do so until Thursday,
May 16, 1991, at five o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

SENATE PAPERS

Bill "An Act to Amend the Laws Concerning Transit
District Services" (EMERGENCY) (S.P. 690) (L.D. 1836)

Resolve, to Allow the Department of Marine
Resources to Convey Land (S.P. 691) (L.D. 1837)

Came from the Senate, referred to the Committee
on **State and Local Government** and Ordered Printed.

Were referred to the Committee on **State and
Local Government** in concurrence.

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

(Off Record Remarks)

On motion of Representative Marsh of West
Gardiner,
Adjourned at 8:14 p.m. until Thursday, May 16,
1991, at five o'clock in the afternoon pursuant to
Joint Order (S.P. 693).
