

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Thursday, March 26, 1981

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

Prayer by the Reverend Michael Adams of the Faith Lutheran Church of North Windham.

The journal of yesterday was read and approved.

Bill "An Act to Provide the Supreme Judicial Court with Rule-making Authority over Court Records and Certain Abandoned Property" (S. P. 506) (L. D. 1433)

Bill "An Act to Establish a Board of Prison Terms and Supervised Release" (S. P. 494) (L. D. 1429)

Came from the Senate referred to the Committee on Judiciary and ordered printed.

In the House, referred to the Committee on Judiciary in concurrence.

Bill "An Act to Regulate Dealers in Precious Metals and Stones and Jewelry for Resale and Scrap" (S. P. 503) (L. D. 1430)

Came from the Senate referred to the Committee on Legal Affairs and ordered printed.

In the House, referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Provide for Legislative Review of Agency Rules" (S. P. 505) (L. D. 1432)

Bill "An Act to Authorize Either an Engineer or an Architect to Act as a Prime Professional under Certain Circumstances" (S. P. 504) (L. D. 1431)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, referred to the Committee on State Government in concurrence.

Bill "An Act Authorizing a Bond Issue in the Amount of \$29,000,000 for the Purposes of Fostering Agricultural and Economic Development in the State of Maine" (S. P. 488) (L. D. 1428)

Came from the Senate referred to the Committee on Transportation and ordered printed.

In the House, referred to the Committee on Transportation in concurrence.

Reports of Committees**Leave to Withdraw**

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Facilitate Recovery under Uninsured Vehicle Coverage" (S. P. 242) (L. D. 697)

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Preserve Philanthropic and Charitable Gifts to Hospitals" (S. P. 295) (L. D. 821)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were and accepted in concurrence.

Ought to Pass as Amended

Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-61) on Bill "An Act to Amend the Group Life Insurance Law" (S. P. 190) (L. D. 514)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-61) and Senate Amendment "A" (S-68)

In the House, the Report was read and accepted, and the Bill read once. Committee Amendment "A" read and adopted. Senate Amendment "A" read and adopted, and the Bill assigned for Second Reading Friday, March 27.

Divided Report**Later Today Assigned**

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" on Bill "An Act to Adopt a Lead Emission Standard under the Law for Protection and Improvement of Air" (S. P. 103) (L. D. 216)

Report was signed by the following members:

Senator:

O'LEARY of Oxford

— of the Senate.

Representatives:

MICHAEL of Auburn

HUBER of Falmouth

DAVIES of Orono

MITCHELL of Freeport

HALL of Sangerville

MICHAUD of East Millinocket

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-59) on same Bill.

Report was signed by the following members:

Senators:

REDMOND of Somerset

McBREAIRTY of Aroostook

— of the Senate.

Representatives:

KIESMAN of Fryeburg

DEXTER of Kingfield

JACQUES of Waterville

AUSTIN of Bingham

— of the House.

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-59).

In the House: Reports were read.

Mr. Hall of Sangerville moved that the Majority "Ought to Pass" Report be accepted in non-concurrence.

On motion of Mr. Diamond of Windham, tabled pending the motion of Mr. Hall of Sangerville to accept the Majority Report in non-concurrence and later today assigned.

Non-Concurrent Matter

Bill "An Act Concerning Retirement and Benefits for State Employees Returning to Work after Attaining the Age of 60" (S. P. 299) (L. D. 843) which was passed to be Enacted in the House on March 24, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-69) in non-concurrence.

In the House: On motion of Mrs. Nelson of Portland, the House voted to recede and concur.

Petitions, Bills and Resolves**Requiring Reference**

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act to Increase the Salaries and the Limit of Compensation for the Several District Attorneys" (H. P. 1264) (Presented by Representative Kelleher of Bangor)

Bill "An Act to Make more Equitable the Computation of the Spruce Budworm Pre-project Excise Tax" (Emergency) (H. P. 1265) (Presented by Representative Pearson of Old Town) (Cosponsors: Senators O'Leary of Oxford and McBreairsty of Aroostook and Representative Dexter of Kingfield) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Concerning Insurance Proceeds under the Maine Insurance Code" (H. P. 1266) (Presented by Representative Kelleher of

Bangor)

Bill "An Act Concerning Certificates of Contribution under the Maine Insurance Code" (H. P. 1267) (Presented by Representative Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Establishing a Procedure under the Education Statutes for Withdrawal of a Municipality from within Vocational Region I" (H. P. 1268) (Presented by Representative Theriault of Fort Kent) (Cosponsor: Representative Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Relating to Fish and Game Licenses as Issued by Licensing Agents" (H. P. 1269) (Presented by Representative Paul of Sanford)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Relating to Bail Commissioners" (H. P. 1271) (Presented by Representative Hayden of Durham) (Cosponsor: Senator Conley of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Bill "An Act to Establish an Arson Reporting Immunity Act" (H. P. 1272) (Presented by Representative Tarbell of Bangor) (Cosponsors: Representatives Nadeau of Lewiston and Kelleher of Bangor)

Labor

Bill "An Act Making Certain Changes in the Law on Boilers and Pressure Vessels" (H. P. 1273) (Presented by Representative Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to the Sale of Alcoholic Beverages on Vessels" (H. P. 1274) (Presented by Representative Tarbell of Bangor) (Cosponsors: Representatives Drinkwater of Belfast and Kelleher of Bangor and Senator Shute of Waldo)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Increase the Revenue Generated by Power Companies Exporting Electricity" (H. P. 1275) (Presented by Representative Post of Owl's Head) (Cosponsor: Senator Conley of Cumberland)

Committee on Public Utilities was suggested.

On motion of Mr. Davies of Orono, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

State Government

Bill "An Act to Clarify Administration of Appropriations Provided to the Maine Human Services Council" (Emergency) (H. P. 1276) (Presented by Representative Kelleher of Bangor)

Bill "An Act to Establish an Efficiency Award Program and a Suggestion Solicitation Program for State Employees" (H. P. 1277) (Presented by Representative Davies of Orono) (Cosponsor: Representative Higgins of Scarborough)

Bill "An Act to Amend the Maine Administrative Procedure Act" (H. P. 1278) (Presented by Representative Kelleher of Bangor) (Cosponsors: Representative Joyce of Portland and Senators Ault of Kennebec and Gill of Cumberland)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Promoting Alcoholism Prevention, Education, Treatment and Research" (H. P. 1270) (Presented by Representative Post of Owl's Head) (Cosponsors: Senators Bustin of Kennebec, Pierce of Kennebec and Representative Bell of Paris)

(Ordered Printed)
Sent up for concurrence.

Orders

On motion of Representative McSweeney of Old Orchard Beach, it was

ORDERED, that Representative Norman E. Weymouth of West Gardiner be excused March 31 and April 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative E. Christopher Livesay of Brunswick be excused March 27, 30 and 31 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Edward C. Kelleher of Bangor be excused March 23 and 24 for personal reasons.

On motion of Representative Post of Owl's Head the following Joint Order (H. P. 1284)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill to the House establishing the cost of the Maine Forestry District for fiscal year 1981-82.

The Order was read and passed and sent up for concurrence.

By unanimous consent ordered sent forthwith to the Senate.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment)

Recognizing:

State Police Officer Malcolm T. Dow, of Patten, named 1980 Trooper of the Year, the highest annual award of the Maine State Police; (H. P. 1260) by Representative Smith of Island Falls. (Cosponsors: Senators Pray of Penobscot and Carpenter of Aroostook and Representative Michaud of East Millinocket)

Mary Jane Yahn, of Farmington, for representing Maine in the 1981 Junior Easter United States Ski Association Competitions; (H. P. 1261) by Representative Webster of Farmington.

Elizabeth A. Keene, valedictorian of Edward Little High School, class of 1981; (H. P. 1262) by Representative Lewis of Auburn.

Christopher G. Scales, valedictorian of Edward Little High School, class of 1981; (H. P. 1263) by Representative Lewis of Auburn.

Robert S. Peacock, of Lubec, who has been honored by the Maine Extension Association, as an outstanding community leader; (S. P. 529)

Susan Tam, Cindy Foster, Lawrence James Newnam III, Vicki Scribner, Greg Newell, Martha Scribner, Penny Griffith, Carol Poland, Tony Whitman and Margaret Kimball, who are the top ten students of Oxford Hills High School Class of 1981; (H. P. 1279) by Representative Bell of Paris. (Cosponsors: Senator Sutton of Oxford and Representatives Leighton of Harrison and Twitchell of Norway)

Rumford High School, winner of the State Class A wrestling championship; (H. P. 1280) by Representative Erwin of Rumford. (Cosponsors: Representative Perry of Mexico and Senator O'Leary of Oxford)

Westbrook College, which is celebrating the 150th anniversary of its funding; (H. P. 1281) by Representative Benoit of South Portland. (Cosponsors: Representative Ketover of Portland and Senator Wood of York)

In Memory of:

Rose Rand, of Sherman Mills, life-long

member of the Order of the Eastern Star and Washburn Memorial Church; (H. P. 1282 by Representative Smith of Island Falls. (Cosponsor: Senator Sewall of Penobscot)

There being no objections, these items were considered passed or adopted in concurrence or sent up for concurrence.

Later Today Assigned

Archbishop Oscar Romero of El Salvador, who was assassinated while celebrating Mass on March 24, 1980 and offer these sentiments on the first anniversary of that tragic event; (H. P. 1283) by Representative Brodeur of Auburn. (Cosponsors: Representatives Connolly of Portland and Baker of Portland)

On objection of Mr. Brodeur of Auburn, was removed from the Special Sentiment Calendar.

Thereupon, the Resolution was read.

On motion of Mr. Brodeur of Auburn, tabled pending adoption and later today assigned.

House Reports of Committees

Ought Not to Pass

Representative Carroll from the Committee on Transportation on RESOLVE, to Name the Bridge at Brownville Village which Crosses Pleasant River the Rodney W. Ross Bridge (H. P. 615) (L. D. 692) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

Leave to Withdraw

Representative Carroll from the Committee on Transportation on Bill "An Act to Make all Drivers' License Information Confidential" (S. P. 1021) (L. D. 1231) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 213) (L. D. 251) Bill "An Act to Permit the Employees of the Franklin County Community Action Council to Withdraw from the Maine State Retirement System" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-127)

(H. P. 487) (L. D. 539) Bill "An Act to Permit Knox County to Withdraw from the Maine State Retirement System" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-128)

(H. P. 458) (L. D. 504) Bill "An Act to Ease the Enforcement of Judgments" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-129)

(H. P. 763) (L. D. 900) Bill "An Act to Impose Reasonable Interest Charges on Judgment Debtors" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-130)

(S. P. 154) (L. D. 362) Bill "An Act to Amend the Group and Blanket Health Insurance Law" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-60)

(H. P. 804) (L. D. 914) Bill "An Act to Create an Environmental Health Program" (Emergency) — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-134)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 27, 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. 270) (L. D. 303) Bill "An Act to Establish the Department of Public Safety as the Lead Agency Regarding Accidental Spills of Hazardous Waste Matter" (C. "A" H-126) (Later Reconsidered)

(H. P. 699) (L. D. 824) Bill "An Act Relating to Eligibility for World War Assistance" (C. "A" H-124)

(H. P. 518) (L. D. 584) Bill "An Act Relating to Loans to Purchase Foreclosed Properties" (C. "A" H-125)

(S. P. 240) (L. D. 695) Bill "An Act to Repeal the Law Providing Reimbursement for Travel Involved in Criminal Cases"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence and the House Papers were passed to be engrossed and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act to Clarify Food Stamp Allotment Calculations in Cases of Immediate Economic Loss (S. P. 257) (L. D. 739) (C. "A" S-55)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

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

An Act Concerning the Qualifications of Licensed Guides Leading Trips Involving Children from Boys and Girls Camps (S. P. 234) (L. D. 652)

Tabled—March 25 (Until Later in the day) by Representative MacEachern of Lincoln.

Pending—Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentlewoman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: To respond to a question posed to any member of the Committee on Inland Fisheries and Wildlife yesterday, L. D. 652 provides that registered guides, who take out groups of young people on trips from summer camps, must first comply with all of the requirements for a trip leader permit but would be exempt from the fee.

Registered guides have already paid a fee for a guide's license.

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

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

Bill, "An Act Concerning the Interest Charge on Outstanding County Taxes" (H. P. 471) (L. D. 524) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-102) on March 17. — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-102) as Amended by Senate Amendment "A" (S-56) on March 24.

Tabled—March 25 by Representative Post of Owl's Head.

Pending—Further Consideration.

On motion of Mr. Kane of South Portland, tabled pending further consideration and later today assigned.

The Chair laid before the House the second tabled and today

Bill, "An Act Changing the Name of the Department of Manpower Affairs and Clarifying the Term of its Commissioner" (H. P. 291) (L. D. 335) — In House, Passed to be Engrossed on

March 16. — In Senate, Bill and Accompanying Papers Indefinitely Postponed on March 20.

Tabled—March 25 by Representative Kany of Waterville.

Pending—Further Consideration.

On motion of Mrs. Kany of Waterville, tabled pending further consideration and tomorrow assigned.

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

An Act to Exempt Fuel Adjustment Charges of Electric Utilities from the Requirement that such Charges be Prorated (H. P. 529) (L. D. 595) (C. "A" H-105)

Tabled—March 25 by Representative Connolly of Portland.

Pending—Motion of the same gentleman to Reconsider Passage to be Enacted.

Thereupon, the House reconsidered its action whereby the Bill was passed to be enacted. The Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Mrs. Mitchell of Vassalboro, Recessed until the sound of the gong.

After Recess

10:50 a.m.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT, Majority (7) "Ought to Pass" — Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (S-59) — Committee on Energy and Natural Resources on Bill "An Act to Adopt a Lead Emission Standard under the Laws of Protection and Improvement of Air" (S. P. 103) (L. D. 216) which was tabled and later today assigned pending the motion of Mr. Hall of Sangerville to accept the Majority "Ought to Pass" Report in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't accept the Majority "Ought to Pass" Report, the majority of seven members, and instead choose to accept the Minority "Ought to Pass" Report as amended, the minority of six members, on this bill.

I hope you have looked at the amendment, and I would like to explain the lead emissions measuring program to you so you can make an informed judgment. I am not here to tell you that lead is not a poison because it is, as are many other things that are in our air and water. It is a cumulative poison. In other words, it is one of those poisons that as you ingest it it accumulates, and when you do reach a level in your system, a toxic level, that is when you start having problems with it.

We did not have a standard in Maine, and neither did the federal government, up until relatively recently, and the federal EPA set a standard. After much testing and study, they arrived at a standard of 1.5 micrograms per cubic meter of air sampled on a six-day schedule and averaged on a calendar quarter.

The state is required to meet the federal standard. The State DEP has submitted a state implementation plan, a so-called SIP, agreeing to meet the federal standard, and that has already been sent and accepted by the EPA.

As part of the agreement process on meeting federal standards, the legislature must take action to affirm the agreement signed by DEP in the SIP. This is what we are doing today.

The DEP has proposed to the legislature a much more stringent standard than has already been agreed to in the SIP that they have submitted to the EPA. The state proposed standard is 1.5 micrograms per cubic meter of air

averaged on a 24-hour basis rather than on a calendar quarter. Under the proposed DEP standard, any city or any area that exceeds 1.5 micrograms per cubic meter twice in a year leads to a move by the DEP to eliminate or reduce activities that has caused this standard to be exceeded.

The DEP says that the ambient lead in the air in Maine comes from leaded gasoline and that the levels are getting better all the time, and I believe they are right, but if they are right, then there is no legitimate reason to have a standard in Maine that exceeds the federal standard, because we are getting better.

Just because Maine can, at this particular point in time, meet a standard that is much more stringent than the federal standard and that would be imposed on the adjacent states to Maine, does not mean it is the appropriate thing to do.

Let me explain the procedures that are used to measure the ambient lead in the air. The DEP has a machine that pumps air through a filter. They can measure the amount of air that is being pumped through this filter. They take a filter, put it in the machine, weigh the filter, see how much weight there is in it, run it for 24 hours, take the filter out, take a reading on the amount of air that has been pumped through it during this 24-hour period, then reduce the filter and chemically analyze it to determine the amount of lead that has been picked up on the filter.

What is really critical is the location where the sample is taken, and this is the controlling factor of the level of lead measured.

Here is an interesting thing I would like to tell you. In the whole State of Maine, the two places where the DEP proposed standard has been exceeded is in Presque Isle. Of all parts of the State of Maine, the only place I can think of that might have purer air might be Eagle Lake, but still, Presque Isle is the place where in the first quarter of 1979 they exceeded the standard and in the first quarter of 1980 they exceeded the standard. In Lewiston, they approached the standard in the first quarter and the fourth quarter of 1979. In Augusta, they approached the standard with a 1.46 level in the first quarter of 1979 and 1.12 in the first quarter of 1980. In Bangor, they approached 1.16 in the first quarter of 1979. In Presque Isle, they exceeded the standard in the first quarter, and the second sampling during that same quarter was 1.34; in the fourth quarter of 1979 they hit 1.24; in the first quarter of 1980 they hit 1.64.

What is interesting about this is where the samples are taken, and this is really the governing factor. In Presque Isle they are taken right beside the street at one of the busiest intersections in the city, and all of the dust that is kicked up from the ground is sucked into this filter, and that is how the measurement is taken. In Augusta, the measurement is taken adjacent to the parking lot at Cony High School, and I think if anyone has seen the youngsters come charging out of the parking lot at the high school when school lets out, they know there is a considerable amount of dust kicked up. At Lewiston it is taken outside the post office by the parking lot, and in Bangor it is taken in for of or adjacent to the regional office.

As you can see, selecting the site where the sample is taken has a great deal to do with the levels that are recorded. If the levels are exceeded twice in a calendar year, all the traffic could be curtailed in the downtown area, any business activity that was working with lead in any form, such as a battery shop, could be forced to close.

The DEP sampling program as proposed does not provide for an overall measurement of any of the total city, it just measures at one particular location in the city. It does this on a six-day schedule. It takes one and then six days later it takes another and so on. The sample is only taken at one point and there is no average

ing factor in their procedure or taking into account the business or traffic activity in that particular area or even weather factors on the day that they take the sample.

The federal standard, set at the same level as the state proposed standard, measures the same amount of lead, it is still 1.5 micrograms per cubic meter of air, but it is average over a three-month period. This provides for consideration of the unusual weather or activity happenings on the day the sample is taken, and it gives an accurate measurement of the ambient lead levels present at the sample site. On that basis and in consideration of my comments, I hope you will not accept the Majority "Ought to Pass" and instead vote to accept the Minority "Ought to Pass" as amended to require that the State of Maine use the federal standards that are a result of highly competent and comprehensive testing and preparation.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker and Members of the House: The question here today is whether we should adopt the federal ambient air standard of 1.5 micrograms per cubic meter based on a quarterly average, or we should the same standard based on a 24-hour average.

Lead has long been known to be a highly toxic substance to humans and it is particularly hazardous to young children. It can retard their intellectual development and create hyperactivity, and acute lead poisoning can lead to mental retardation in the very young.

The federal standard was set in October of 1978 and it was based on what was thought to be a safe level of lead exposure at that time. The standard hasn't been changed since then.

Many people in the medical profession feel that the safe level for lead exposure is much lower than the one set in 1978. In fact, some researchers argue that there is no known safe level for lead exposure.

The proposed standard is very reasonable. The level has only been reached once in Maine in the last two years. In fact, the ambient air lead level has declined by 50 percent over the next five years, and this decline is a result of the change to no-lead gasoline.

We held a public hearing on this bill and no one spoke in opposition to it. In view of the high risk associated with lead poisoning, particularly among the very, very young, and the fact that the proposed standard will not cause any economic hardships, I think we should accept the Majority "Ought to Pass" Report. By doing so, we can assure a low level of lead in Maine air and prevent further degradation of our air quality.

Mr. Speaker, when the vote is taken, I request that it be taken with the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: I am the cosponsor of this bill at the request of the department, and just to show that not always do department bills come out in very good shape, I was also the sponsor of another bill that they gave me which was completely redrafted it was so bad. This one, happily, is on the other end of the draftsman-ship, it is an excellent bill the way it is drafted, and I will not get into the details because I think you have heard probably more than you care to know about lead emissions.

However, I think it is important for the House to realize that the reason this bill is before you is because we have in another statute provided for legislative review in these matters; the ambient air quality standard for this particular pollutant lead comes under that responsibility.

This standard was discussed in, I believe, five public hearings throughout the state, and it is my understanding that at none of those public hearings was there any opposition from industry, from the small business, from individuals, but, in fact, there was support from

the medical profession primarily; that is the only testimony I happen to have in my possession.

So I think after; that extensive review by the general public, and as the gentleman from Freeport mentioned, our committee hearing, at which no one spoke in opposition, it is quite clear that this bill, by being a stricter standard, setting a stricter standard than the federal government, does, as one of the spokesmen for the bill at the hearing said, provide Maine with a margin of safety, and I think that is a good reason to pass this bill.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, I would just like to clarify one thing this morning. I did not intentionally sign the report that you see my name on. I did want to sign the Majority Report. I hope you will pardon my stupidity. She handed me two jackets and I signed the wrong one.

I did have some serious concerns. Lead affects our young children primarily, and I feel if the State of Maine wishes to adopt standards a little stricter than the federal ones, more power to the State of Maine. We have a lot to be proud of here, we have a lot to be thankful here.

I hope you will go along with the Majority Report; I intend to.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Sangerville, Mr. Hall, that the Majority "Ought to Pass" Report be accepted in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Cahill, Carrier, Carter, Chonko, Clark, Connolly, Cox, Davies, Diamond, G. W.; Diamond, J. N.; Dudley, Erwin, Fitzgerald, Fowle, Gowen, Gwadosky, Hall, Hayden, Higgins, H. C.; Hobbins, Huber, Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Laverriere, Lisnik, Livesay, Locke, Macomber, Mahany, Manning, Martin, A.; Martin, H. C.; Masterton, Matthews, McCollister, McGowan, McHenry, McKean, Michael, Michael, Mitchell, E. H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Reeves, P.; Richard, Smith, C. B.; Soulas, Soule, Stevenson, Swazey, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bordeaux, Brown, D.; Brown, K. L.; Callahan, Carroll, Conary, Conners, Crowley, Cunningham, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Foster, Gavett, Gillis, Hanson, Hickey, Higgins, L. M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesenman, Kilcoyne, Lancaster, LaPlante, Leighton, Lewis, Lund, MacBride, Masterman, McPherson, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Randall, Reeves, J.; Roberts, Salisbury, Sherburne, Small, Smith, C. W.; Stover, Strout, Studley, Tarbell, Treadwell, Walker, Wentworth.

ABSENT — Dexter, Jalbert, MacEachern, McSweeney, Racine, Ridley, Rolde, Weymouth.

Yes, 84; No, 59; Absent, 8.

The SPEAKER: Eighty-four having voted in the affirmative and fifty-nine in the negative, with eight being absent, the motion does prevail.

Thereupon, the Bill was read once and assigned for second reading tomorrow.

The Chair laid before the House the following matter:

Resolution in memory of Archbishop Oscar Romero of El Salvador (H. P. 1283) which was tabled and later today assigned pending adoption.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker and Members of the House: It is with great sadness and anger that I address the House today regarding the assassination of Archbishop Romero, the situation surrounding the Archbishop and this country's participation in that.

I have been following the events of that country, which is about the size and population of Massachusetts, for about two years now. The majority of its population is Catholic, and the church, the religious and lay leaders and membership are in every part of the country and they have been there for their lifetimes.

The major source of the information I have received has come from organizations such as the Catholic church, the Catholic press, such as the Church World and Maryknoll magazine. The information which I have become aware of is consistent with information from the World Council of Churches and in union with the Baptist Assembly.

Archbishop Oscar Romero of El Salvador was assassinated while celebrating Mass one year ago yesterday, or two days ago, March 24, 1980, while five weeks prior to his assassination, on February 17, 1980, Archbishop Romero sent the following letter to President Carter.

"Dear Mr. President: A recent news item in the press has concerned me very much. According to the article your administration is studying the possibility of backing the present government junta and giving it economic and military aid.

"Because you are a Christian and have said that you want to defend human rights, I take the liberty of expressing my pastoral point of view on this matter and of making a specific request.

"I am deeply disturbed over the news that the United States government is studying a way to accelerate El Salvador's battalions in logistics, communications and intelligence techniques. If this information is true, the contribution of your administration, instead of favoring greater justice and peace in El Salvador will almost surely intensify the injustice and repression of the common people who are organized to struggle for respect for their most basic human rights.

"Unfortunately the present government junta, and especially the Armed Forces and security forces have not demonstrated any ability to solve structurally or in political practice our serious national problems. In general, they have only resorted to repressive violence and this has resulted in a much greater toll of dead and wounded than in previous military regimes whose systematic violation of human rights was denounced by the Inter-American Commission on Human Rights.

"The brutal way in which security forces recently evicted and assassinated persons who occupied the Christian Democratic Party headquarters, in spite of the fact that the government junta and the Party—it seems—did not authorize said operation, is evidence that the junta and the Christian Democrats do not govern the country. Rather, political power is in the hands of unscrupulous military personnel who only know how to repress the people and favor the interests of the Salvadoran oligarchy.

"There is a report that last November a team of six North Americans was in El Salvador. . . . They gave out some \$200,000 worth of gas masks and bulletproof vests. They also gave instructions on how to use them in riot control. You should be informed that there is evidence

to show that beginning then the security forces, with greater personal protection and efficiency, have repressed the people even more violently, using deadly weapons.

"Therefore, since I as a Salvadoran and archbishop of the San Salvador archdiocese have obligation to work for the reign of faith and justice in my country, I urge you, if you really want to defend human rights.

"To prohibit the giving of military assistance to the Salvadoran government;

"To guarantee that your government will not intervene directly or indirectly with military, economic, diplomatic or other pressure to determine the fate of the Salvadoran people.

"We are going through a serious economic and political crisis in our country, but without a doubt the people are more conscientious and organized and thereby are agents responsible for the future of El Salvador and are the only ones capable of ending the crisis.

"It would be deplorable and unjust if by the intervention of foreign powers the Salvadoran people should be frustrated, repressed and hindered from deciding autonomously the economic and political course our country should follow.

"It would mean violating a right that we Latin American bishops meeting in Puebla publicly acknowledged—'Legitimate self-determination for our peoples. This will permit them to organize their lives in accordance with their own genius and history and to cooperate in a new international order (Puebla, 505).

"I hope your religious sentiments and your sensitivity for the defense of human rights will move you to accept my request and thereby avoid greater bloodshed in this long-suffering country. Sincerely, Oscar A. Romero, Archbishop, February 17, 1980."

About three weeks ago, in fact exactly three weeks ago, the spokesman from the U. S. State Department said, "Poland should be able to solve its problems without outside intervention, whatever its form should not occur."

What Archbishop Romero wanted was a similar policy for the country of El Salvador. Archbishop Romero said, "If I am killed, I will rise again in the people of El Salvador."

As an integral part of the church and a leader of the church, and also a Catholic church in El Salvador, his work has been continued by trying to get accurate information to the people of the world. An official document, drawn up by 12 official Catholic groups, in union with the Baptist Assembly, describes their sufferings—The people of El Salvador are living a critical and decisive hour of their history. They are deciding their future and destiny as a people.

For 50 years, the Salvadoran people have lived under the oppression of gravely unjust economic, social and political structures, which in no ways have promoted the common good of the poor majorities but have fastened the privileges and the domination of a few. Human rights have been systematically violated under military regimes of national security.

The long course of oppression has worsened, even to the limits of genocide, with the present government. Despite repeated democratic words, 1980 has witnessed the greatest repressive barbarity against the people.

More than 10,000 Salvadorans have been assassinated by security forces, members of the army and paramilitary groups. With a cruelty unparalleled in the history of this country, El Salvador has turned, as our Bishop Romero used to say, into the empire of Hell. The church has been persecuted as never before during this year. The assassination of Archbishop Romero has been the most significant crime, giving the measure of the cruelty of the current system.

If you want to inject human warmth, we have to recall the faces of mothers and wives who go from jail to jail looking for the disappeared sons and husbands and whose last hope is to find their corpses in clandestine cemeteries.

We have to recall the peasants who for months sleep out in the brush for fear that security forces will come: the peasants who flee terrorized from their settlements and are pursued and machine gunned from helicopters. This is a true situation of our country, this is the result of the politics of the current regime, this government consequently is not legitimate, it does not seek the common good but is dying the country in blood. It has the support only of the oligarchy, security forces, some military and the government of the United States.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of this Order. I think it should be delivered by unanimous consent off the record. If we continue to do this, our Legislative Record book will be so thick that it will of no value to those who read it in the future.

If we pass orders like this today, I look down the road when we will be passing several of these orders and I hope that this House will see fit to indefinitely postpone the Order.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, I would like to ask for a roll call on the motion.

I didn't intend to speak today. The only reason that this Order was on our calendar is because, under the Speaker's interpretation of the rules yesterday, Representative Brodeur was not allowed to have unanimous consent to read Archbishop Romero's letter into the record, which was the whole purpose of this.

I think the situation in El Salvador, and I have talked with many people in this House on both sides of the aisle, is significant enough and important enough that at least it ought to be spoken about on the floor of this Legislature and other bodies across the country. There are a lot of people in this country who think what is going on in El Salvador is very similar to what happened in Vietnam and that now is the time, before we get too far into the situation, when people who believe that it is wrong ought to stand up and ought to say something about it, and that is why this Order is before you today. I hope you would defeat the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, would it be possible at this time to ask an opinion of the Chair?

The SPEAKER: The gentleman may pose his request for a parliamentary inquiry.

Mr. BROWN: Thank you, Mr. Speaker, that was what I was searching for.

I guess I didn't realize that this was going to be a debate on our nation's foreign policy when I read the Calendar, and I am reading that Archbishop Oscar Romero of El Salvador was assassinated and that is a very tragic event. Had the speaker addressed his remarks to that assassination, I don't think I would be rising, but the speaker went on to — the speaker addressing himself to the issue, Mr. Brodeur — went on to debate, I think, the position of the United States in El Salvador. I think if I had known we were going to be debating that issue, I would have been prepared today perhaps to offer other remarks, but my specific request to the Speaker is, are those remarks germane to the issue on the calendar?

The SPEAKER: The Chair would advise the gentleman that since the incident involving the Resolution, the individual involving the Resolution mentioned, does deal with the problem that was outlined by the gentleman from Auburn, Mr. Brodeur, his remarks were in order and germane to the question.

The gentleman may proceed.

Mr. BROWN: Then, in light of the Chair's ruling, I think if we are going to be proceeding at some point to debate the situation in El Salvador, that we should—I don't think we should be doing it, frankly, but if we are going to be

doing it, then I think we ought to be up front about it, open about it, and include a resolution or something of that nature which describes what we are going to be debating. In light of that, I think in all fairness, we should go along with the gentleman's suggestion from Enfield, Mr. Dudley, that this Resolution be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Baker.

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: We have often heard on the House floor many remarks dealing with many issues, that many of us feel are important to us. They range from relatively minor matters to relatively major matters. We have often risen on this House floor, we have often spoken our minds on things that we believe in. Every time that I have been here, my second term, I have seen these Resolutions passed.

I know we all have different feelings about American foreign policy, and not everybody would agree with all of the remarks of the good gentleman from Auburn, Mr. Brodeur, or necessarily will agree with the political philosophy or remarks of Archbishop Romero, but I believe that despite the remarks, we should look at what is printed here on the calendar. We are paying homage to a man who was assassinated by terrorists and I know that there is not one person in this body that is not appalled and disgusted with the rampant terrorism by all political fascists. I would think that it would be an insult to the memory of this Archbishop if we are to indefinitely postpone this Order.

I am going to ask all of you, regardless of your political feelings about it, to at least honor this man who was shot down by terrorists.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I promise to be very brief on the issue today. I think we all here have some, at least, have had some concerns in the past over the number of Orders that have been proceeding along on the Sentiment Calendar unquestioned, unchallenged, ranging from—without getting into specifics, I guess, I think you all here have seen things that perhaps aren't the most momentous, earth-shattering pieces of verbiage that come along. So, leadership has not, I guess, or the House has not taken any position on what qualifies as being on the Sentiment Calendar and what does not, so there has been a lot of these issues come through. That, for now, doesn't bother me. Some of them may have been frivolous; I don't think this one is a frivolous one: I am going to vote in favor of this today, perhaps not on substance either, but my main reason in supporting it is because I, for one, happen to feel that members of the House should be granted the opportunity to speak to other members of the House on the record if they feel it is important. We went through this several weeks ago, and I am not speaking today with animosity or trying to open up any old wounds, but I do honestly and sincerely feel that members of this body should be able to address other members of the body on the record, and if it takes an Order such as this to be able to do it, then so be it.

I do rise today and hope that you will support this memorial for this gentleman, and not with any intent relative to foreign policy or anything like that. I think we should take the Order at face value, I think we are picking out a poor piece of feeling by the gentleman from Auburn to make this—because he happened to want to speak at length on this issue, to kill it for that

reason, I think, is an unfounded one. I hope you will vote in favor of this today.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I have no problem supporting Archbishop Romero. I really have no problem supporting Bishop Higgins in the far left corner, but my heart must go out to Pope John on the rostrum. He has done an excellent job handling these matters and he still has my support.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that this Resolution be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Berube, Bordeaux, Brown, D.; Cahill, Carter, Cunningham, Curtis, Damren, Davis, Dexter, Dillenback, Drinkwater, Dudley, Gillis, Hunter, Jacques, Leighton, Masterman, Matthews, Nelson, A.; O'Rourke, Paradis, E.; Reeves, J.; Roberts, Salsbury, Small, Smith, C.W.; Stover, Twitshell, Walker.

NAY — Armstrong, Baker, Beaulieu, Bell, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.L.; Callahan, Carrier, Carroll, Clark, Conary, Connors, Connolly, Cox, Crowley, Davies, Day, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterton, McCollister, McGowan, McHenry, McKean, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Pouliot, Prescott, Randall, Reeves, P.; Richard, Sherburne, Smith, C.B.; Soulas, Soule, Stevenson, Strout, Studley, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Webster, Wentworth.

ABSENT — Chonko, Hanson, Jalbert, Jordan, Martin, A.; McPherson, McSweeney, Post, Racine, Ridley, Rolde, Swazey, Vose, Weymouth.

Yes, 32; No, 104; Absent, 14.

The SPEAKER: Thirty-two having voted in the affirmative and one hundred and four in the negative, with fourteen being absent, the motion does not prevail.

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

The Chair laid before the House the following matter:

Bill, "An Act Concerning the Interest Charge on Outstanding County Taxes" (H. P. 271) (L. D. 524) which was tabled earlier and later today assigned pending further consideration.

On motion of Mr. Kane of South Portland, the House voted to recede and concur.

On motion of Mr. Hall of Sangerville, the House reconsidered its action whereby Bill, "An Act to Establish the Department of Public Safety as the Lead Agency Regarding Accidental Spills of Hazardous Waste Matter" (H. P. 270) (L. D. 303) (C "A" H-126) was passed to be engrossed pursuant to consent calendar rules.

On further motion of the same gentleman, tabled pending acceptance of the Committee Report and tomorrow assigned.

The SPEAKER: The Chair will appoint Mr. Gwadosky of Fairfield to act as Speaker pro tem for tomorrow's session.

On the disagreeing action of the two branches of the legislature on Bill, "An Act to

Reduce the Minimum Size for Exempt Lots Subdivided on the Landuse Regulation Law" (L. D. 60), the Chair appointed the following Conferees on the part of the House:

Hall of Sangerville
Martin of Eagle Lake
Huber of Falmouth

On the disagreeing action of the two branches of the legislature on Bill, "An Act Concerning the Size of Exempt Lots of the Subdivision Law" (L. D. 313), the Chair appointed the following Conferees on the part of the House:

Hall of Sangerville
Martin of Eagle Lake
Huber of Falmouth

On motion of Mr. Peterson of Caribou.
Adjourned until twelve-thirty tomorrow afternoon.