

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

Wednesday, April 15, 1981

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

Prayer by the Reverend Stewart Price of the Methodist Church of Minot and Mechanic Falls, Sabattus.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Leave to Withdraw**

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act Concerning Administrative Fees Paid to Financial Institutions" (S. P. 277) (L. D. 786)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act Relating to Law Libraries" (S. P. 260) (L. D. 742) reporting "Ought to Pass" in New Draft (S. P. 562) (L. D. 1532)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading, Thursday, April 16.

Divided Report

Nine Members from the Committee on State Government on Bill "An Act to Require that Legislators Include in their Ethic Reports Whether they are Union Members and Pay Union Dues During the Year" (S. P. 351) (L. D. 994) report in Report "A" that the same "Ought Not to Pass".

Report was signed by the following members:

Signed:

Senator:

VIOLETTE of Aroostook

—of the Senate.

Representatives:

KANY of Waterville
McGOWAN of Pittsfield
DIAMOND of Bangor
LISNIK of Presque Isle
BELL of Paris
SMALL of Bath
MASTERTON of Cape Elizabeth
DILLENBACK of Cumberland

—of the House.

Two Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-113).

Report was signed by the following members:

Signed:

Representatives:

PARADIS of Augusta
WEBSTER of Farmington

—of the House.

Two Members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "B" (S-114).

Report was signed by the following members:

Signed:

Sensors:

AULT of Kennebec
GILL of Cumberland

—of the Senate.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed.

In the House: Reports were read.

On motion of Mr. Diamond of Bangor, the Majority "Ought Not to Pass" Report was ac-

cepted.

**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:

Business Legislation

Bill "An Act to Amend the Fair Credit Reporting Act" (H. P. 1350) (Presented by Representative Brannigan of Portland) (Cosponsor: Representative Jackson of Yarmouth) (Submitted by the Department of Business Regulation pursuant to Joint Rule 24).

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Reform the Statutes Relating to Driving under the Influence of Intoxicating Liquor or Drugs" (H. P. 1351) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Senators Clark of Cumberland and Hichens of York and Representative O'Rourke of Camden) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Enable Continuation of the Highway Safety Defensive Driver Program through an Increase in Student Registration Fees" (H. P. 1353) (Presented by Representative McKean of Limestone) (Cosponsors: Representative Strout of Corinth and Senators Emerson of Penobscot and Usher of Cumberland) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Orders

Tabled and Assigned

On motion of Representative Mitchell of Vassalboro the following Joint Order: (H. P. 1347)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding at the end of Joint Rule 17 the following:

Any legislation filed pursuant to law or resolve shall, at the time of its introduction, bear the designation of the joint standing committee having jurisdiction over the subject matter of that legislation, and shall be introduced in the House of origin of the law or resolve.

The Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: Although the Joint Rules do not provide for a day's notice before a rule is adopted, we have that procedure in the House. I think it is very important that you have an opportunity to look at any proposed rule change, so I am going to ask that you keep your calendar so you will have it printed before you when we come to the decision-making time tomorrow.

Thereupon, on motion of Mr. Diamond of Windham, tabled pending passage and tomorrow assigned.

Special Sentiment Calendar

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

Recognizing:

Sean Donegan and Michael Hastings of Readfield, who received the Bobby Orr Sportsmanship Award for dedication and achievement in the game of hockey; (S. P. 565)

Peter Crosby, Robert St. Pierre and Eddie Mallett of the Augusta Fire Department for their daring rescue of an endangered youth; (S. P. 563)

In Memory of:

Patrolman Rodney C. Bonney of the Auburn Police Department, who gave his life attempting to save a drowning youth from the Andros-

coggin River on April 6, 1981. (H. P. 1348) by Representative Michael of Auburn. (Cosponsors: Representatives Lewis of Auburn, Boyce of Auburn and Senator Trafton of Androscoggin)

The Honorable Carroll W. Keene of Clinton, outstanding citizen and former member of the Maine House of Representatives; (H. P. 1349) by Representative Hunter of Benton. (Cosponsor: Senator Teague of Somerset)

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

House Reports of Committees

Ought Not to Pass

Representative McPherson from the Committee on Transportation on Bill "An Act Concerning the Use of Blue Lights by Police Officers" (H. P. 957) (L. D. 1133) 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 Fowle from the Committee on Transportation on Bill "An Act Concerning School Bus Inspections" (H. P. 1026) (L. D. 1236) reporting "Leave to Withdraw"

Representative Hunter from the Committee on Transportation on Bill "An Act to Provide Increased Visibility of Emergency Vehicles" (H. P. 760) (L. D. 896) reporting "Leave to Withdraw"

Representative Macomber from the Committee on Transportation on Bill "An Act to Extend Emergency Equipment to Ambulance Service Chiefs" (H. P. 614) (L. D. 691) reporting "Leave to Withdraw"

Representative McKean from the Committee on Transportation on Bill "An Act to Extend the Use of Red Lights to all Ambulance Service Personnel" (H. P. 613) (L. D. 690) reporting "Leave to Withdraw"

Representative Pouliot from the Committee on Business Legislation on Bill "An Act Concerning Certain Practices of Oil and Solid Fuel Burner Technicians" (H. P. 450) (L. D. 497) reporting "Leave to Withdraw"

Reports were read and accepted 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 the State Liquor Commission with Discretionary Authority to Refund Liquor License Fees when the Licensee has been Deprived Through no Fault of His Own" (H. P. 1013) (L. D. 1223)

Report was signed by the following members:

Senator:

SHUTE of Waldo

— of the Senate.

Representatives:

STUDLEY of Berwick
TREADWELL of Veazie
COX of Brewer
PERRY of Mexico
McSWEENEY of Old Orchard Beach
GWADOSKY of Fairfield
STOVER of West Bath
SWAZEY of Bucksport
DUDLEY of Enfield

— of the House.

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

Report was signed by the following members:

Sensors:

CHARETTE of Androscoggin
VIOLETTE of Aroostook

— of the Senate.

Representative:

SOULAS of Bangor

— of the House.

Reports were read.

On motion of Mr. Cox of Brewer, the Majority "Ought Not to Pass" Report was 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. 889) (L. D. 1058) Bill "An Act to Provide for Deduction of Points from the Driver's License of a Minor Illegally Transporting Liquor"—Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-204).

(S. P. 226) (L. D. 612) Bill "An Act Relating to Reapportionment for Municipal Officers" (Emergency)—Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (S-110).

(S. P. 200) (L. D. 567) RESOLVE, Authorizing the Attorney General to Convey Certain Lands of the State to the Town of Gorham—Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-112).

(S. P. 315) (L. D. 871) RESOLVE, Authorizing the Exchange by the Department of Conservation of a Certain Parcel of Land in Rockport for a Similar Parcel of Land Adjoining the Marine Park with Gudren H. Kononen—Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-111).

(H. P. 423) (L. D. 470) Bill "An Act to Require a Record of Sales to be Kept by Dealers in Used Merchandise"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-208).

(H. P. 543) (L. D. 619) Bill "An Act to Provide Equality Between Home Improvement Loans and Other Consumer Credit Loans"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-209).

(H. P. 759) (L. D. 895) Bill "An Act Concerning the List Price of Vehicles under the Excise Tax Laws"—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-210).

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 16, under listing of Second Day.

Consent Calendar Second Day

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

(H. P. 293) (L. D. 337) Bill "An Act to Revise the Maine State Lottery" (Emergency) (C. "A" H-202).

On the objection of Mr. Higgins of Scarborough, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-202) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, I have an amendment coming to the Committee Amendment, so I wish someone would table this until later in today's session.

Whereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending adoption of Committee Amendment "A" and later today assigned.

Second Reader Later Today Assigned

Bill "An Act to Limit the Storage of Spent Fuel at Nuclear Reactors" (H. P. 1007) (L. D. 1203)

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

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: Some time ago there was a much respected man that trodded the marble floors on the second floor muttering "think about it." That is what I wish you would do about this particular piece of legislation we have in front of us today, "think about it."

What this bill does in its purest and simplest form, it proposes to close Maine Yankee in the years about 1984 or 1985 because of lack of storage space for the spent fuel because the federal government has not moved rapidly enough in their program to take this spent fuel from the reactor sites and treat it and dispose of it. The time element is working against a permanent solution to this problem by that point in time.

As a member of the Special Committee on Radioactive Waste Storage, it is part of the Energy and Natural Resources Committee, I can tell you that I have seen more federal activity and interest in this area so far this year than I did in the previous two years. I think there is some movement in that direction.

The gentleman from Bangor yesterday said that we should put the feds feet to the fire, I think was the quote. Well, I am sure that the people in Washington are watching closely what we do here in Augusta today and yesterday, and I am sure they are shaking in their boots.

But seriously, we do have an able attorney general intervening in the application request by Maine Yankee to increase the storage of spent fuel in their pool until the federal government does get on with their program. I think these hearings in which he is participating will receive a full review of all the alternatives and possibilities and the decision that comes out of that will be appropriate. I think this intervention by the State of Maine, at the direction of the Governor of the State of Maine, is sending a message to Washington that we are concerned that they do carry out the action that was initiated many years ago. If we take this legislative action to close a major energy source in Maine, Washington is going to look upon this as an action by Maine as a whole, an action that reflects the will of the people of the state.

Think about this—how do you think any request that may be made to Washington for assistance in any future energy projects in the State of Maine will be viewed if the Legislature takes this action to close a major energy source in the state? I think it might very well be prejudiced in the negative sense.

Lastly, how do you think the majority of the people of the State of Maine, the ratepayers of electrical power, will view this legislative action when it is viewed in the context of the referendum process they recently participated in and with the decision that was made by this majority?

I ask you to think about this, and I would move that this bill and all its accompanying papers be indefinitely postponed and request a division.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of Mr. Kiesman of Fryeburg to indefinitely postponed the Bill and all its accompanying papers and later today assigned.

Passed to Be Engrossed Amended Bill

Bill "An Act to Amend the Site Location Law" (H. P. 935) (L. D. 1105) (C. "A" H-195).

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

Passed to Be Engrossed

RESOLVE, Providing for Revision to the Land Use Regulation Commission's Land Use Handbook, Section 6, "Erosion Control on Logging Jobs" (H. P. 454) (L. D. 501)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act to Clarify and Make Corrections in the Liquor Laws. (H. P. 669) (L. D. 773) (S. "A" S-108)

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. 109 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Prevent Certain Abuses in Door-to-Door Sales (H. P. 833) (L. D. 1000) (C. "A" H-181)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question through the Chair to any member of the committee that had this bill, or perhaps the sponsor.

I read an article in the paper the other day, and I want to just make sure that it adequately portrays what this piece of legislation does. It seemed to indicate in the article that if an individual wanted to have some work done to their house, that it would require a three-day waiting period. If that is the case, then my problem comes, if an individual wanted to have some work done by a contractor who was in the neighborhood, is there any provision for them to waive the three-day waiting period, or is this something that they absolutely cannot challenge in any form?

My question arises because I used to be in the paving business, and quite often we would go into a neighborhood and do a driveway for an individual and perhaps his next door neighbor would come over to my crew and say, how much to do my driveway while you are here? While we were in the area sometimes, not always, it was cheaper to do two while you were there doing another one. So, it was a good deal for the neighbor next door and it was a good deal for the contractor, and I just wanted to know if this bill would prohibit that activity from happening?

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I would be glad to respond, since I am the sponsor of this bill and also it came before the Business Legislation Committee.

The answer is, that practice that you, Representative Higgins, were speaking of would not be prohibited. This comes under the statutes that deal with door-to-door solicitation. If you were going in the neighborhood door-to-door asking people to do their driveways, then, yes, you would have to wait three days.

Just to explain it a little further, right now a person can wait three days before making a final decision. They can cancel any contracts that are made door-to-door. There is some solicitor who comes along, they now have three days to cancel. The problems has been that these kind of people who are going door-to-door, and some of them were in the paving business, although not as legitimately, I am sure, as Mr. Higgins was, they would have the work done within three days, they would often have the work done within three hours and done

very shoddily, as I am sure Mr. Higgins can attest to, and how could you change your mind then? How could you find them when they are back in Virginia or off in another town somewhere? We put an emergency measure on because the paving season is beginning. I would not in any way stop a legitimate local contractor from doing the job that day. It is just if someone comes to your door to solicit.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

118 having voted in the affirmative and none in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Appropriate Funds for the Expenses of the Capitol Planning Commission (S. P. 293) (L. D. 819) (C. "A" S-103)

An Act Relating to the Costs of Transporting Persons to Hospitals for the Mentally Ill (S. P. 310) (L. D. 866) (C. "A" S-102)

An Act to Amend the Eating, Lodging and Recreational Place Licensing Law (H. P. 62) (L. D. 74) (S. "B" S-107 to C. "A" H-152)

An Act to Remove the Authority of a Juvenile Intake Worker to Make Informal Adjustments for Juveniles who Operate a Motor Vehicle under the Influence of Intoxicating Liquor or Drugs (H. P. 459) (L. D. 505) (C. "A" H-172)

An Act to Provide for the Arbitration of Disputes Between Health Insurers and Policyholders (H. P. 447) (L. D. 508) (C. "A" H-180)

An Act to Increase the Fees and Provide for Continuing Education on Podiatrists (H. P. 542) (L. D. 603) (C. "A" H-182)

An Act to Create a State Compensation Commission (H. P. 757) (L. D. 894) (H. "A" H-185)

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.

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

Consent Calendar

First Day

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

(H. P. 232) (L. D. 269) Bill "An Act to Require Interagency Licensing of Residential Facilities and Programs for Children" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-212)

No objections being noted, the above item was ordered to appear on the Consent Calendar of April 16, under listing of Second Day.

Orders of the Day

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

Bill, "An Act to Permit Knox County to Withdraw from the Maine State Retirement System" (H. P. 487) (L. D. 539) (C. "A" H-128)

Tabled—April 13 by Representative Nelson of Portland.

Pending—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Just a point of clarification as to what is happening here so those who are from Knox County won't be too nervous.

Knox County Commissioners asked their employees which of the two systems they were under, Social Security and the Retirement System, that they would like to get out of, because they simply couldn't afford to pay, as employees, both retirement systems. So, the employees chose the retirement system and

the bill came before our committee.

Now there is new information about that bill and more money will be spent than the commissioners realized, and because of that, we are trying to get the proper amount of money and now the commissioners would like to re-evaluate their choice of which system they wish to withdraw from. That is why this bill is being tabled, and that is why I am asking again if this could be tabled for two more legislative days.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: Just so the Knox County delegation members don't get even more nervous, I think the commissioners have decided but the delegation would like some time to take a look at the cost of impact of getting out of the Maine State Retirement versus Social Security, and I think we do need to have it tabled for two legislative days.

Thereupon, on motion of Mr. Diamond of Windham, tabled pending passage to be engrossed and specially assigned for Tuesday, April 21.

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

Bill, "An Act to Deregulate the Bag Limit and Size Requirements of Striped Bass" (S. P. 369) (L. D. 1088)

Tabled—April 14 by Representative Diamond of Windham.

Pending—Passage to be Engrossed.

On motion of Mr. Diamond of Windham, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill, "An Act to Repeal the Prohibition Against Transfer of Birth Control Prescriptions between Pharmacies" (S. P. 391) (L. D. 1149)

Tabled—April 14 by Representative Prescott of Hampden.

Pending—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: As you might have noticed, this bill has been tabled a couple of times and it did come out of our committee with a unanimous "ought to pass" report. Since that time, the board of Pharmacy has been meeting and has changed its rules, and the rules that it changed affected this legislation. So we would like to have a little bit more time to meet with the Attorney General that is the counsel for this commission to determine whether or not there really is a need for this legislation. We need two legislative days to do that. So, if someone would table this bill for that amount of time, I would appreciate it.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed and specially assigned for Tuesday, April 21.

The Chair laid before the House the following matter:

Bill "An Act to Revise the Maine State Lottery" (Emergency) (H. P. 293) (L. D. 337) (C. "A" H-202) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A".

On motion of Mr. Cox of Brewer, retabled pending adoption of Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Limit the Storage of Spent Fuel at Nuclear Reactors" (H. P. 1007) (L. D. 1203) which was tabled earlier in the day and later today assigned pending the motion of Mr. Kiesman of Fryeburg to indefinitely postpone the Bill and all accompanying papers.

The SPEAKER: A vote has been requested.

The pending question is on the motion of the gentleman from Fryeburg, Mr. Kiesman, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Mitchell of Vassalboro requested a roll call vote.

The SPEAKER: 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 Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I didn't speak on this bill yesterday, but the argument has been made over and over again that in the referendum the people of Maine voted not to shut down Maine Yankee. I am well aware of that because I was one of those people who voted not to shut down Maine Yankee. I did that despite a certain amount of pressure that I received, particularly in my own home from my wife and my daughter who were very concerned about nuclear power, and one of the questions that came up over and over again, which was very hard to answer, was what is going to happen about the waste situation. One thing that we didn't know at the time of the referendum was that the company was going to seek to expand their waste storage. I think if that information had been put up before the referendum, there might well have been a different result.

It is my understanding that this summer there will be announced a new referendum to shut down Maine Yankee. Again, I am basically opposed to shutting that down. But I think in light of the company's action, there might be even more support for the referendum, and I think our action yesterday in supporting this bill will help to diffuse that issue in the upcoming referendum.

I urge you not to vote to indefinitely postpone this bill but to keep it alive.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Those of you who take the Christian Science Monitor, if you will look at Page 16, there is a discussion of the problems of nuclear waste in today's issue and it gives you some idea of the scope of the problem.

I think our problem with Maine Yankee really came in the last administration in Washington when it was feared that the reprocessing of the waste offered some dangers as far as this being stolen and possibly being turned into bombs and this type of thing and there was monitorium placed on that.

This is a policy that has got to be addressed in Washington, it has got to be looked into. I personally feel that I also share the concerns here, but I think we are cutting off our noses to spite our faces a bit in this particular piece of legislation. I think we should all get after our Congressmen and Senators, we should possibly get after the President. I think there are ways that this can be addressed, but this piece of legislation poses dangers to the electrical users in the state, and I think we should indefinitely postpone it.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Speaking on this issue, especially after the Speaker yesterday spoke so very eloquently, reminds me of when I had a very good job a few years ago and I resigned from that job before I had another one lined up, and somebody said to me, I respect your courage but I question your judgment. That is sort

of the way I feel this morning, I guess, but I must address the issue.

The Speaker yesterday outlined the role of government and how various branches interact with one another. I think he did an exceptionally good job of doing so, as he always does in his presentations. He told us that the federal government's inaction in the area of nuclear waste disposal was a breach of faith. I suspect that he was referring in many ways to earlier comments made by the gentleman from Orono, Mr. Davies, who suggested that we hold the feet of the federal government to the fire. It has been expressed to us yesterday, and this morning as well, that that fire that the gentleman from Orono spoke to has gone out. The fire went out because the previous administration, as was addressed earlier, made a decision not to proceed with reprocessing the spent fuel. Just about every other country in the world that utilizes nuclear power deals with its spent fuel in a reprocessing process.

Meanwhile, what is happening with us? We are grinding our bureaucratic tires in the mire response to unnecessary fears by those who have placed in our minds, those prophets of gloom and doom, who constantly would have us wish to go backward in time rather than forward. Meanwhile, the rest of the world goes by.

If you witnessed by television yesterday the landing of the space shuttle, you were very much aware of the tremendous potential that this nation has and, yes, that this state has to solve the problems before us. We do have the ability, we do have the resources, and we have the technology. Now, for heaven's sake, let's start using some of that, let's stop thinking backward, let's think forward and let's consider the ramifications of what we are about to do.

We cannot ignore the referendum vote that was held last September; we can't take those results lightly. It has been said earlier that had the people known what they were voting on, they would have voted differently. Rubbish! The people in Maine are among the best informed people in this nation. They know what they are voting on, they study the issues, and they have a history of knowing the issues before they go to the polls, and that is just a wasted argument.

Finally, two very respected members of the Energy and Natural Resources Committee, Representative Kiesman from Fryeburg, Representative Huber of Falmouth, have studied this issue very carefully, and both of them spoke most eloquently yesterday on the subject. I respect their opinions greatly. I know that both of these individuals are immensely concerned with the environment and with the safety of all, and I think that we ought to follow their thinking on this issue. I think that we are dealing with two highly respected, highly intelligent individuals who have eloquently addressed the issue before us.

Let's not kid ourselves, if this bill is passed, it is a bill that would shut down Maine Yankee. I am opposed to that, the Maine voters are opposed to that, and I hope that you go along with the motion before us to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: It is an interesting issue that Mr. Brown has brought up that the Maine voters knew what they were doing in the referendum. I agree with him that the Maine voters did know what they were doing; however, there was some information that wasn't available to the Maine voters until about two weeks after the referendum was held, and that was Maine Yankee's plans to expand their storage capacity to put more used fuel rods in their pool at Maine Yankee. I think that had Maine voters been aware of this fact before the referendum, and they certainly could have been if Maine Yankee had let that information out because it was available, they were prepared to put it out but they withheld it until after the elections, I

think perhaps Maine voters might have voted differently.

We have got a situation where the federal government admittedly, and everyone here has agreed that they have been going back and forth from one position to another to no position whatsoever on the issue of nuclear waste, they are going to continue doing this, despite all of the promises you hear from individuals who have spoken against the bill, until they are faced with a situation, because our spent fuel storage capacity is going to run out before any other nuclear plant's will, to recognize the fact that the states are in a position of being under control of the federal government on this issue in most aspects and are unable to do much of anything to bet them to do something short of taking action that this bill would propose to do.

As I suggested yesterday, this does hold the feet of the federal government to the fire. If they want us to establish a permanent nuclear waste disposal policy, it is in their hands. They are the ones who are responsible for taking the action and bringing it to fruition. We can't do that. We don't have the technology, we don't have the legal right to do that. The only legal right we have, the only thing we can do to pull their chain, is to pass the bill and to let them know that we want a decision, and the only way we can force them to go to that point is to take an action that in the long run might not be the most beneficial thing, and we certainly have the option in a couple of years if it isn't the most beneficial thing to come back into this legislative body and change it, as we can do with any law that we pass. But we have to take that action now to make the message perfectly clear to the federal government, those agencies that have the responsibility for developing a permanent waste disposal plant, that we want action and that we are willing to gamble on that by passing legislation along these lines to let them know exactly how serious we consider the matter to be. I think this bill gives them just that kind of message, and I urge you to reject the motion to indefinitely postpone and let's give this bill its second reading.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: The concept of confrontation politics with the federal government at this time comes too late on the one hand and too early on the other. It comes too late principally because the policy over the last four years of the previous administration to prevent the reprocessing and the reusing of spent fuel from nuclear power plants has placed us here in Maine and other states in precisely the problem and predicament that we are in. Had it not been for the policy that we could not reprocess and reuse the spent fuel, we would not have the problem in our own state and our own plant of too many spent fuel rods sitting in that water pool. Anyone with any vision and any foresight could see that the policy over the last four years of not allowing us to reprocess and reuse this spent fuel was going to face us or force us into the problem we are now in. So, on the one hand this measure comes too late, because it is a measure that we should have been addressing during the last four years to try to reverse the policy that prevented us from reusing this spent fuel.

On the other hand, it is too early. We have a new administration, an administration that I believe will want to reprocess and reuse the spent fuel because it makes sense. It makes good economic sense, it is cheaper and wiser for us to do that. I think in the end, although it is going to take some time in which to turn that policy around, in the end, you will see us starting to reprocess and reuse the spent fuel not only in our own plant but across the nation.

We have a pending hearing at the federal level. The State of Maine is a party at that hearing, is participating in that hearing, we are represented in that matter, and I think it is

wise for us to attempt to let that hearing go on unfettered without legislative action from the legislative branch of government where the executive branch is already participating.

The type of fuel, and I think most people know this and let's remind ourselves, the type of fuel that we are talking about is low grade radioactive fuel. It is not the high grade fuel that you see operating our nuclear naval vessels or our military defense weapons. This is a low grade fuel, it has been building up in spent fuel rods, and I think it is going to take some time for us to turn the policy around. I think you have seen the measures to do that, and I think this form of confrontation politics at this particular time is most unwise, the policy for us as a legislative branch to be getting into, and it is unwise for public policy for our consumers and our taxpayers and citizens in this state.

So, I would urge you to go along with passing this motion to defeat the bill and vote yes today.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I must take exception to the statements of the gentleman from Orono. I know that he has many duties in the legislature and I can only presume that he must have been absent at the time the hearing on this bill took place in the committee.

He made the statement that nobody knew that this application was pending. I think all of you have heard the name Pat Garrett. He is an engineer and he is one of the outstanding proponents of closing Maine Yankee, but in the hearing, he voluntarily testified that, yes, it was known to the people who were promoting the nuclear referendum that Maine Yankee had an application in for increased storage prior to the time of the referendum. For whatever reasons, it was not fully publicized; if it was not fully publicized, I don't know—maybe because I was closer to it, because of my committee assignment I was well aware of it, as I am sure many other people were.

The statement was made that we are the first that has run into this problem. This is not accurate. There are three nuclear power plants that have already run out of space and they have already had approval from the NRC to increase their capacity. Rowe, in Massachusetts, already has approval for capacity to take them to the life of their license. That was one that was testified at the hearing that three other plants already have increased capacity approval from the NRC.

I wanted to clarify that and hope you will vote to indefinitely postpone.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, in case some of you didn't get the gist of what I said yesterday concerning current law on Maine statutes, the state of Maine does have what is in effect, a moratorium on the construction of new nuclear power plants subject to the federal government's ability to solve this problem of the nuclear waste. We have sent the message. In fact, Peter Bradford called me up a couple of years ago and said, how did you ever get that through the Maine Legislature? The message is there, and action is forthcoming.

I hope you will vote to support the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: We have heard a great deal about "feet to the fire." Now, I ask you to have some faith in our President, who lately has had a bullet wound in his chest and doesn't need his feet burned. I am sure that the consumers of the State of Maine are not willing to pay extra on their electric bills for the privilege of holding "feet to the fire."

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I voted against the nuclear referendum but like other people in here, I think we had our good reasons for that, we didn't want to stop the electrical flow. Also, some people say, if we do this, we are going to stop it, we are going to shut down Wiscasset, how do you replace that? Well, I ask you, if we increase the storage at that facility and there is an accident, how do you replace lives that we are going to take? I say, think about it.

I would like to ask a question through the Chair. Do we have a written guarantee from the federal government that by putting in more rods in storage, they will guarantee us that it will be safer or at least 99 percent safe?

The SPEAKER: The gentleman from Madawaska, Mr. McHenry, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the question, I believe, will be found at the hearing to be held, it is my understanding, in the Fall. That is the purpose of the hearing, is this a safe procedure?

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: After the debate yesterday, I had the privilege of speaking with a member of the Canadian National Parliament and with Senator George Mitchell at some length, and two new facts came up which I found rather chilling and I would like to share with you at this time.

Representative Brown spoke of other countries' great advances in being able to dispose of their radioactive waste. The Canadian member of parliament stated that in Canada, in his part of Canada, the radioactive waste is sealed up in glass balls, buried about 10 feet underground and they are experimenting with various ways to see how far this radioactive waste travels and the public isn't really very much aware of how that is done. I find that chilling and not reassuring.

The other fact was, Senator Mitchell said that if we are successful in getting a license the capacity for storage of this high level radioactive waste, we will be the only facility in the United States which will have the capacity for storing all the spent fuel rods that we create. If you ask me, that takes away the incentive from this administration or any other administration because there is no real problem. If we are taking care of all our spent fuel, then there is very little need to continue looking.

It is a very frightening prospect and I hope you will vote against the motion to indefinitely postpone.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to hear the comments from the gentlelady from Vassalboro, Mrs. Mitchell, I respect her immensely, she knows that; however we disagree from time to time. I would inform the lady that we live in America, not Canada. While I respect our neighbors to the north, we do live in the greatest country in the world, we do have the technology.

Remember, it was America that landed the space shuttle yesterday. The gentlelady tells us that she is chilled. She is going to be downright cold if we continue to move backwards in the area of energy as we have in the very recent past.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Fryeburg, Mr. Kiesman, that this bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Auburn, Mr. Boyce.

Mr. BOYCE: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here, he would be voting no and I would be voting yes.

The SPEAKER: The pending question is on the motion of the gentleman from Fryeburg, Mr. Kiesman, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Conners, Cunningham, Damren, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gavett, Gillis, Hanson, Higgins, L.M.; Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Leighton, Lewis, Livesay, MacBride, Martin, A.; Masterman, Masterton, McPherson, Murphy, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Perkins, Peterson, Racine, Randall, Reeves, J.; Salsbury, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

NAY — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodner, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Curtis, Davies, Diamond, G.W.; Diamond, J.N.; Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hayden, Hickey, Holloway, Joyce, Kane, Kany, Ketover, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Matthews, McCollister, McGowan, McHenry, McKean, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soulas, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, The Speaker.

ABSENT — Davis, Higgins, H. C.; Hobbins, Jacques, Kelleher, Kilcoyne, Lund, Manning, Martin, H.C.; McSweeney, Reeves, P.

PAIRED — Boyce-Jalbert.

Yes, 67; No, 71; Absent 11; Paired 2.

The SPEAKER: Sixty-seven having voted in the affirmative and seventy-one in the negative, with eleven being absent and two paired, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Norton of Biddeford,
Adjourned until nine-thirty tomorrow morning.