

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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HOUSE

Friday, March 9, 1984

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

Prayer by Pastor Bruce Meyer, Prince of Peace Lutheran Church, Augusta.

The Journal of Thursday, March 8, 1984, was read and approved.

Papers from the Senate

The following Joint Resolution: (S. P. 818)

JOINT RESOLUTION SUPPORTING THE RECOMMENDATIONS OF THE LOW-LEVEL RADIOACTIVE WASTE SITING COMMISSION

WHEREAS, the State of Maine has accepted its responsibility under the United States Low-level Radioactive Waste Policy Act of 1980 to provide for the capacity for disposal of low-level radioactive waste generated within this State; and

WHEREAS, the Low-level Waste Siting Commission has been carefully studying this problem since 1981; and

WHEREAS, the commission has studied several policy options, including:

1. Joining a Northeast Interstate Low-level Radioactive Waste Management Compact;
2. Joining a Northern New England Compact;
3. Developing a facility for Maine generators only;
4. A staged response, beginning with on-site storage at Maine Yankee; and
5. Arranging to use a site in another state; and

WHEREAS, the commission has made a number of recommendations to the Legislature in its February 1984 report; now, therefore, be it

RESOLVED: That We, the Members of the 111th Legislature assembled in the Second Regular Session, do hereby endorse the recommendations of the Low-level Radioactive Waste Study Commission, specifically:

1. NORTHEAST COMPACT

A. The State should not adopt the Northern Interstate Low-level Radioactive Waste Management Compact in its present form;

B. The commission should negotiate with the other northeastern states to modify that compact and answer the concerns which we have identified, especially the problem of host state selection and to provide the assurance that all environmental and public health safeguards required by the host state, although costly, are allowable; and

C. The state should continue to participate in the discussion of the northeast policy working group, whatever the outcome of the Northeast Interstate Low-level Radioactive Waste Management Compact negotiations, in order to address the common national problems of interim access, defense waste and the search for better options.

2. NORTHERN NEW ENGLAND COMPACT

A. The commission should continue discussions with the Northern New England Steering Committee, in order to refine the compact concept and language as a possible future option.

B. The commission should continue with the northern New England states on the technical problems of siting a small facility in our area.

C. The commission and the Northern New England Steering Committee should hold exploratory discussions with possible host states outside the 3-state region.

3. FACILITY FOR MAINE GENERATORS ONLY

A. The commission should continue exploration of the option of "going-it-alone" including completion of the preliminary analyses which are now underway, including:

- (1) Small shallow land burial facility design;
- (2) Financial analysis of a small shallow

land burial facility;

- (3) Engineered alternatives to shallow land burial;

- (4) Financial analysis of a small engineered low-level waste facility; and

- (5) Transportation procedures and costs.

B. The commission should work closely with the Maine Congressional Delegation to keep them aware of our interest in this option and to make sure that it remains permissible under any future congressional action.

4. STAGED RESPONSE-STARTING WITH ON-SITE STORAGE

The commission should fully explore on-site storage, with the cooperation of Maine Yankee, for time periods ranging from 5 years to the life of the plant.

5. ARRANGING TO USE A SITE IN ANOTHER STATE

The commission should maintain contact with any other states that might eventually be willing to receive low-level radioactive waste from Maine.

6. DEFENSE WASTE

The commission should express the concern of the Legislature over the problem of defense waste to our Congressional Delegation, and work cooperatively with the other states to develop sound national policy, including consideration of disposal of defense waste at the United States Department of Energy Sites.

7. NATIONAL CONCERNS

The commission should work closely with the Maine Congressional Delegation to:

A. Make sure that the option of "going-it-alone" remains permissible;

B. Make sure that adequate provision is made for interim access for Maine and others during the post-1986 period, before any exclusionary compact is ratified for any region;

C. Reach a sound, fair, national policy on disposal of low-level waste from defense activities, such as the Kittery-Portsmouth Shipyard; and

D. Encourage the search for better options than the traditional shallow land burial; and be it further

RESOLVED: That the commission should continue study of the issues and analysis of further developments in other states, with periodic reports to the Legislature over the next 6 to 12 months.

Came from the Senate, read and adopted.

Under suspension of the Joint Rule 28, the Resolution was read and adopted in concurrence.

Bill "An Act to Reallocate Unsold Bonds as Previously Authorized by Private and Special Law of 1971, Chapter 140, for the Development and Improvement of State Park Facilities" (Emergency) (S. P. 814) (L. D. 2191)

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

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

Bill "An Act to Amend the Investment Provisions and Certain Related Sections of the Maine Insurance Code" (S. P. 815) (L. D. 2192)

Came from the Senate, referred to the Committee on Business Legislation and Ordered Printed.

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Clarify the Congregate Housing Program for Maine's Elderly" (S. P. 816) (L. D. 2193)

Came from the Senate, referred to the Committee on Health and Institutional Services and Ordered Printed.

Was referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Require State Agencies Auth-

orized to Expend Proceeds of Bonds Approved by the Electorate to Report the Status of the Bonds to the Legislature Prior to the Date of Deauthorization as Provided in the Constitution of Maine" (S. P. 819) (L. D. 2199)

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

Was referred to the Committee on State Government in concurrence.

Reports of Committees

Unanimous Leave to Withdraw

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Relating to Major Policy-Influencing Positions in Certain Regulatory and Law Enforcement Agencies" (S. P. 530) (L. D. 1553)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Redistribute Unused Home Fuel Assistance Program Money" (S. P. 756) (L. D. 2059)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act to Establish a Commission to Review and Evaluate the University of Maine System" (S. P. 537) (L. D. 1566)

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

Petitions, Bills and Resolves Requiring Reference

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

Joint Select Committee on Alcoholism Services

Bill "An Act to Provide Medicaid Reimbursement for Substance Abuse Services" (H. P. 1667) (Presented by Representative Rolde of York) (Cosponsor: Senator Bustin of Kennebec) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1985" (Emergency) (H. P. 1668) (Presented by Representative Rolde of York) (Cosponsors: Representative Brodeur of Auburn and Senator Bustin of Kennebec) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Ordered Printed.

Sent up for concurrence.

Education

Bill "An Act to Revise the Laws Governing Certification of Educational Personnel" (H. P. 1669) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Representatives Rolde of York and Crouse of Washburn) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

Ordered Printed.

Sent up for concurrence.

Later Today Assigned

Bill "An Act to Establish Guidelines Pertaining to Bond Questions Presented to Maine Voters" (H. P. 1670) (Presented by Representative Diamond of Bangor) (Cosponsors: Senator Wood of York, Representatives Crouse of Washburn and Higgins of Scarborough) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Reference of Bills had suggested the Committee on Election Laws.

Representative Diamond of Bangor moved that the Bill be referred to the Committee on State Government.

On motion of Representative Gwadnosky of Fairfield, tabled pending the motion of Representative Diamond of Bangor to refer to the Committee on State Government and later

today assigned.

Energy and Natural Resources

Bill "An Act to Establish Minimum Energy Efficiency Standards for Major Appliances Sold in Maine" (H. P. 1671) (Presented by Representative Cashman of Old Town) (Cosponsors: Representatives Lisnik of Presque Isle and Nadeau of Lewiston) (Submitted by the Office of Public Advocate pursuant to Joint Rule 24)

Bill "An Act to Repeal the Definition of Air Pollution" (H. P. 1672) (Presented by Representative Jacques of Waterville) (Cosponsors: Representatives Mitchell of Freeport and Ridley of Shapleigh) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

Ordered Printed.

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Authorizing an Adoption Assistance Compact and Procedures for Interstate Services Payments" (H. P. 1673) (Presented by Representative Nelson of Portland) (Cosponsors: Representative McCollister of Canton and Senator Gill of Cumberland) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Ordered Printed.

Sent up for concurrence.

Public Utilities

Bill "An Act Relating to Itemized Telephone Bills" (H. P. 1674) (Presented by Representative Michael of Auburn) (Cosponsors: Representative McGowan of Pittsfield, Senators Kany of Kennebec and Baldacci of Penobscot) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for concurrence.

State Government

RESOLVE, Authorizing the Commissioner of Mental Health and Mental Retardation to Enter into Agreements to Supply Water to Neighbors of Pineland Center Whose Wells are Contaminated (Emergency) (H. P. 1675) (Presented by Representative Mitchell of Freeport) (Cosponsors: Senator Diamond of Cumberland and Representative Carroll of Gray) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for concurrence.

House Reports of Committees Unanimous Leave to Withdraw

Representative Hall from the Committee on Energy and Natural Resources on Bill "An Act to Ensure Public Safety on Public Reserved and Other Public Lands" (H. P. 1423) (L. D. 1868) reporting "Leave to Withdraw"

Representative Baulieu from the Committee on Labor on Bill "An Act to Improve the Functioning of the Neutral Processes in Maine's Labor Relations Laws" (H. P. 1590) (L. D. 2100) reporting "Leave to Withdraw"

Representative Locke from the Committee on Education on Bill "An Act Relating to Certain Testing in Cases of Individuals with Dyslexia" (H. P. 1529) (L. D. 2008) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative Maybury from the Committee on Health and Institutional Services on Bill "An Act to Clarify the Licensing Authority of the Board of Registration in Medicine" (H. P. 1491) (L. D. 1966) reporting "Ought to Pass" in New Draft (H. P. 1665) (L. D. 2197)

Report was read and accepted, the New

Draft given its first reading and assigned for second reading Monday, March 12, 1984.

Ought to Pass in New Draft/New Title

Representative Carroll from the Committee on Transportation on Bill "An Act Relating to Hazardous Material" (H. P. 1167) (L. D. 1547) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Hazardous Materials Control" (H. P. 1666) (L. D. 2198)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, March 12, 1984.

Ought to Pass

Pursuant to Joint Order (H. P. 1572)

Representative McHenry from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1984 (Emergency) (H. P. 1676) (L. D. 2205) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1572)

Report was read and accepted, the Resolve read once and assigned for second reading Monday, March 12, 1984.

Divided Report Tabled and Assigned

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-504) on Bill "An Act Concerning Menhaden Fishing in Casco Bay" (H. P. 928) (L. D. 1207) Signed:

Senators:

MINKOWSKY of Androscoggin
SHUTE of Waldo

Representatives:

CROWLEY of Stockton Springs
SALSBURY of Bar Harbor
CONNERS of Franklin
VOSE of Eastport
SCARPINO of St. George
HOLLOWAY of Edgecomb
MITCHELL of Freeport

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

Signed:

Senator:

DUTREMBLE of York

Representatives:

MELENDY of Rockland
AINSWORTH of Yarmouth
MANNING of Portland

Reports were read.

Representative Crowley of Stockton Springs moved that the Majority "Ought to Pass" Report be accepted.

On motion of Representative Melendy of Rockland, tabled pending the motion of Representative Crowley to accept the Majority Report and specially assigned for Tuesday, March 13.

Consent Calendar

First Day

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

(H. P. 1567) (L. D. 2076) Bill "An Act to Amend the Medical Radiation Health and Institutional Services reporting "Ought to Pass".

There being no objections, the above item was ordered to appear on the Consent Calendar of Monday, March 12, 1984 under the 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. 1556) (L. D. 2057) Bill "An Act Relating to Conveyance of Rolled Bales of Hay" (C. "A" H-505)

No objections having been noted at the end

of the Second Legislative Day, the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act Amending the Laws Relating to the Finance Authority of Maine Concerning Eligibility of Small Business for Financing" (H. P. 1661) (L. D. 2194)

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

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: I looked for this bill yesterday, maybe it was on our desks but I couldn't find it, I do find it in the pile of bills that were just distributed.

I just had a couple of questions that I would ask the sponsor of this bill. Does this mean that in fact we are going to use FAME to finance office buildings now? These were excluded from financing in the past and it looks to me, just glancing at it quickly, that we are going to be in the business now of providing financing for office buildings. I would pose a question to the sponsor to just give us a brief explanation of what this bill does.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: Yes, this would allow FAME to help sponsor some office space. If you read through the bill, you will find there are a good many qualifications and limits for that. With the coming of new high technology and expansion of business in Maine, ourselves as well as a good many other people, we felt it was time that we assisted office space, which is one of the fastest growing types of business in the state today.

Right now in your smaller areas, it is almost impossible for any business office space to be built with the law the way it reads. Thirty thousand square feet of space is almost impossible, or is impossible, for any small area, and there are very few offices in the state of Maine which have 30,000 square feet of office space. I brought in this bill to expand small business in the State of Maine and to provide for more jobs.

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

As Amended

Bill "An Act to Amend the Charter of the Jackman Sewer District to Clarify the Limit on Indebtedness and to Clarify Certain Other Language in the Charter" (Emergency) (S. P. 681) (L. D. 1859) (C. "A" S-298)

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

Representative Ketover of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-502) was read by the Clerk and adopted.

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

Passed to Be Enacted

An Act to Increase Mileage Payments to Jurors (H. P. 1434) (L. D. 1879) (H. "A" H-493)

An Act Concerning Local Leeway Under the School Finance Law (H. P. 1565) (L. D. 2074) (H. "A" H-492)

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.

Orders of the Day

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

An Act to Amend the Charter of the Van

Buren Light and Power District (Emergency) (H. P. 1562) (L. D. 2064)

Tabled—March 8, 1984 by Representative Vose of Eastport.

Pending—Passage to be Enacted.

On motion of Representative Vose of Eastport, retabled pending passage to be enacted and specially assigned for Tuesday, March 13, 1984.

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

An Act to Change the Name of Coho Salmon to Pacific Salmon (H. P. 1484) (L. D. 1947) (H. "A" H-478 to C. "A" H-478)

Tabled—March 8, 1984 by Representative Crowley of Stockton Springs.

Pending—Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Representative Crowley.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Just to briefly explain what this bill has done and what the amendments do. The purpose of the bill is to change the term Coho Salmon to Pacific Salmon wherever it occurs and to define Pacific Salmon. It is possible that Representative Rolde might have a few words to say in addition to this.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Let me just briefly explain what the bill does. There are some aquaculture experiments going on down in Yarmouth with the type of Pacific Salmon called Pink Salmon and our current law only protects one type of Pacific Salmon which is called the Coho Salmon. This bill, although the title of it says it is changing the name of Coho to Pacific, what it does, it would afford protection for all five species of Pacific Salmon.

The reason for the problem today is—I wanted to say that this bill was flying along until Jonathan "Seagull" Hull came swooping down with his legalistic nitpicking and found that there was some very small thing that had to be changed. The words "cage culture" and "salmon ranching" had to be changed to aquaculture. This is what the amendment that Representative Crowley is going to offer will do.

On motion of Mr. Crowley of Stockton Springs, under suspension of the rules the House reconsidered its action whereby this bill was passed to be engrossed.

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

The same gentleman offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" (H-507) to Committee Amendment "A" (H-488) was read by the Clerk and adopted.

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

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

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

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (H. P. 1442) (L. D. 1887) (C. "A" H-488)

Tabled—March 8, 1984 by Representative Mitchell of Vassalboro.

Pending—Final Passage.

On motion of Representative Mitchell of Vassalboro, retabled pending final passage and assigned for Monday, March 12, 1984.

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

Bill "An Act to Amend Certain Rules of the Emergency Medical Services" (S. P. 709) (L. D. 1955) (H. "A" H-491 to C. "A" S-290)

Tabled—March 8, 1984 by Representative Brodeur of Auburn.

Pending—Passage to be Engrossed.

On motion of Representative Nelson of Portland, retabled pending passage to be engrossed and assigned for Monday, March 12, 1984.

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

Bill "An Act Authorizing York County to Spend Surplus Funds for an Addition to the York County Jail" (H. P. 1639) (L. D. 2161)

Tabled—March 8, 1984 by Representative Paul of Sanford.

Pending—Adoption of House Amendment "A" (H-503).

Representative Wentworth of Wells requested permission to withdraw House Amendment "A" (H-503), which was granted.

The same gentleman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-506) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "B" in non-concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Establish Guidelines Pertaining to Bond Questions Presented to Maine Voters" (H. P. 1670) which was tabled earlier in the day and later today assigned pending the motion of Mr. Diamond of Bangor to refer the Bill to the Committee on State Government. (Committee on Reference of Bills had suggested the Committee on Election Laws)

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Speaker, does this bill appear before us in violation of Joint Rule 27?

Thereupon, the bill was tabled pending a ruling from the Chair.

On motion of Mrs. Mitchell of Vassalboro, the following matter was taken from the Unassigned Table:

An Act to Revise the Markup Percentage for Maine Produced Products Under the Liquor Law (H. P. 1355) (L. D. 1791) (H. "A" H-455).

Tabled—February 6, 1984 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

(Off Record Remarks)

On motion of Mr. Jacques of Waterville, Adjourned until Monday, March 12, 1984 at four o'clock in the afternoon.