

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

HOUSE

Wednesday, March 27, 1985

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

Prayer by Reverend Paul Floyd, Church of God, Pittsfield.

Quorum called; was held.

The Journal of Tuesday, March 26, 1985 was read and approved.

On motion of Representative Mitchell of Freeport.

Recessed until the sound of the gong.

(After Recess)

The House was called to order by the Speaker.

On motion of Representative Matthews of Caribou.

Recessed until five o'clock in the evening.

(After Recess)

The House was called to order by the Speaker.

Papers from the Senate

Bill "An Act Concerning State Assistance to Areas Affected by Non-English Speaking Immigrants and Refugees" (S.P. 399) (L.D. 1109)
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 Conform Education Laws to the Personnel Grievance Procedure" (S.P. 400) (L.D. 1110)

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

Was referred to the Committee on Education in concurrence.

RESOLVE, Concerning a Study of the Impact of Residential Heating by Wood Stoves on Ambient Air Quality (S.P. 401) (L.D. 1111)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act Concerning Programs for the Homeless" (S.P. 402) (L.D. 1112)

Came from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act Relating to Parental or Court Consent Prior to Performing an Abortion on a Minor" (S.P. 403) (L.D. 1113)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Restructure the Employees' Health Insurance Program and Include the Program within the Risk Management Division, Department of Finance and Administration" (S.P. 406) (L.D. 1131)

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

Was referred to the Committee on State Government in concurrence.

Bill "An Act Relating to the Use of School Buses for Nonschool Activities when Operated by a Motor Carrier" (S.P. 404) (L.D. 1114)

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

Was referred to the Committee on Transportation in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act Concerning the Salaries of Certain Kennebec County Officers" (S.P. 279) (L.D. 737)

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

**Ought to Pass as Amended
Later Today Assigned**

Report of the Committee on Transportation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-26) on Bill "An Act to Allow the Use of Bid Bonds on State Highway Projects" (S.P. 124) (L.D. 364)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-26) as amended by Senate Amendment "A" (S-29) thereto.

Report was read.

On motion of Representative Theriault of Fort Kent, tabled pending acceptance of the Committee Report and later today assigned.

Divided Report

Majority Report of the Committee on Local and County Government on Bill "An Act Concerning Fees Charged by Municipalities for Copies of Vital Records" (S.P. 182) (L.D. 500) reporting "Ought to Pass" in New Draft (S.P. 398) (L.D. 1108)

Signed:

Senators:

TUTTLE of York
BALDACCI of Penobscot
STOVER of Sagadahoc

Representatives:

ROTONDI of Athens
MASTERMAN of Milo
SMITH of Island Falls
NICKERSON of Turner
WENTWORTH of Wells
DAGGETT of Manchester
SALSBURY of Bar Harbor

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

Signed:

Representatives:

McHENRY of Madawaska
MURPHY of Berwick
HALE of Sanford

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative McHENRY: Mr. Speaker. Ladies and Gentlemen of the House: I move that we accept the Minority "Ought Not to Pass" Report.

This bill represents a 150% increase in the availability of these certificates of death, birth and marriage plus \$2.00 additional for every additional copy. I don't believe that we are ready to accept the 150% increase in these fees. Also, to tack it on the administrative rule-making process which means, that over here in Augusta, they would decide as to how much the clerks are going to receive for these copies. I don't think we are ready for it. I was willing to compromise. I was willing to go to it slowly but the majority of the committee did not see my point of view, so therefore, I signed the Ought Not to Pass. I hope you can go along with me.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker. Members of the House: I ask you to vote against the Minority Report in order to vote for the majority report and request a division.

This was a request from the Maine City and

Town Clerks Association that municipal clerks conform with the state when charging for legal documents such as vital statistical records. For many clerks, this is part of their salary. For the others who receive a salary, this money goes into the General Fund to pay these salaries and relieve the taxpayers.

This bill would establish a fee of \$5.00 for the first document and \$2.00 for any additional records. Some people are worrying about those persons who require many copies but, as a clerk for 19 years, I found that if a person requires many copies, it only meant that they had many stocks, bonds and investments to cover. These additional copies would be \$2.00 each. The municipal clerk is a person who supplies all the information to the state, so it seems reasonable that he or she receive the same fee. The only increase in the present fees would be the first copy.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker. Members of the House. I urge you to vote "Ought Not to Pass." This bill is, as Representative McHenry said, a 150% increase. I checked with my municipality and they are now paying \$2.00 per copy and \$2.00 for each additional copy. We must remember one thing, that our constituents and we ourselves are the people of the State of Maine. We pay for the services of the Department of Human Services. Our costs to operate our facilities in our municipalities nowhere near compare with the costs of running the Department of Human Services. I cannot go home and ask my constituents to pay the same fees as the Department of Human Services require. I urge you, once again, to vote "Ought Not to Pass."

The SPEAKER: The Chair recognizes the Representative from Milo, Representative Masterman.

Representative MASTERMAN: Mr. Speaker. Men and Women of the House: Mrs. Hale was correct when she said that currently it is \$2.00 across the board. The only difference now is the initial copy which is \$5.00.

I just would like to say municipalities are simply seeking to recover their costs for providing this service of serving as a collection agency for death, marriage and birth records. We have not increased the fee they may charge since 1971. We all know that paper, printing and other costs have increased dramatically since that time. The state, in trying to recoup its costs of providing the same service, has charged \$3.00 since 1982 and now charges \$5.00. The cost covers the price of the search which is sometimes very extensive in the case of old records. The cost of duplication on the special safety paper and cost of certification. The Department of Human Services is able to justify its \$5.00 charge, the cost for the municipalities, if anything, is more. Municipalities do not have fancy computers and systems catalogue for these records. They usually store it away in old fragile books. Although the Department of Human Services also charges \$5.00 for additional copies to the same person, this bill would only allow municipalities to charge \$2.00 for additional copies. In my opinion, this is a fair deal. It deserves our support just as it received the support of ten members of our committee. I ask you to vote no on the pending motion.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote "Ought Not to Pass" on this bill. I believe, as Representative McHenry and Representative Hale, that a jump from \$2.00 to \$5.00 is 150% increase and I just don't believe that, in this day and age, that we should do this. Most of your city and town clerks are now getting salaries and they are not depending upon fees

for their salary. Therefore, I urge you to vote "Ought Not to Pass."

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

Representative NADEAU: Mr. Speaker. Very briefly. I am a cosponsor of this bill and I would just like to point out that very simply what this bill does is it allows municipalities to meet the cost of what they incur in terms of storage and these other things that Representative Masterman pointed out. But this figure of 150% increase, the reason that it sounds so significant is because it hasn't been adjusted in such a long time. The state charges \$5.00 to cover costs and they obviously deal in far more volume than municipalities can so the cost, as was pointed out, at the local level is far more. What this bill will achieve is meeting the cost of this process and passing that on to the user. I think that is perfectly appropriate. I encourage you to vote no on the pending motion.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker and Representatives of the House: I speak this afternoon as an opponent of this bill ask I would ask you to support the "Ought Not to Pass." I am a town clerk; however, I do not receive the fees directly. I do feel that maybe there should be some adjustment but I am opposed going from \$2.00 to \$5.00 for the clerks.

My problem with this is that it is too much of an increase at this time. Yes, the municipal clerks out there have work to do with these certified copies but I can tell you that \$2.00 to \$3.00 is ample enough to take care of the work we are doing. To go from \$2.00 to \$5.00 right now is too much on our constituency. I would ask you to support the "Ought Not to Pass."

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

A vote of the House was taken.

Representative McHENRY: Mr. Speaker. I request a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker. Ladies and Gentlemen of the House: The reason I support this bill, I felt all towns should be charging the same price. As you know, a birth certificate or death or whatever is on record, place of residence, the town in which the event occurs, and also the state, so one could be selling it for \$2.00 and one a dollar and so forth. So to simply make it fair, all towns would be charging the same. I hope you will support this measure.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative McHENRY: Mr. Speaker. Ladies and Gentlemen of the House: I have no strong feeling on this bill, but I do have strong feelings about letting the state tell us, our difference municipalities, as to how much is reasonable. Presently, as of January, they are charging \$5.00. What is to tell us that next year that they feel that \$5.00 is not sufficient for them to adequately run their Department in

Vital Statistics. Maybe they would have to purchase a new computer; therefore, they could justify \$8.00. If we pass this bill, automatically, each municipal clerk will have to charge \$8.00 per copy. That is the part I do not like. I could understand an increase of \$1.00 this year, another dollar the next year. Then each and every one of us could vote approval or disapproval but to pass it on the rule-making process, I never attend those rule-making processes, I am sure the clerks would because they would be having a special interest and that is why I oppose the bill. It isn't because of a big deal. Last year, we had a heck of a fight over a 20% increase in fishing licenses. We are talking 150% and people don't seem to mind. Well, everybody has a birth or death or a marriage. I think that everybody has to pay and you are talking about all your constituents. You are not talking about your clerks only. You are talking about all your constituents. I vote like my constituents were right up here, sitting up there looking at me. That is the way I vote. If you feel 150% is fair and then to pass it on to the Human Services by rule-making increasing those fees every year or every two years or every five years, whichever they want to do is fine.

The SPEAKER: The Chair recognizes the Representative from Milo, Representative Masterman.

Representative MASTERMAN: Mr. Speaker. Men and Women of the House: I think we should point out once more that we are not talking about a \$5.00 increase across the board. We are talking about the first copy. Then each additional certified copy remains at \$2.00. The only change is that first copy. I guess we would have to say that if someone was very poor, and the town clerk recognized it, they would probably give them a copy.

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

The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker. I request permission to pair my vote with Representative Rioux of Biddeford. If he were here, he would be voting no and I would be voting yes.

ROLL CALL No. 15

YEAS:—Aliberti, Allen, Beaulieu, Bragg, Brodeur, Brown, A.K.; Carter, Chonko, Clark, Coles, Connors, Connolly, Cooper, Cote, Crouse, Dellert, Diamond, Dillenback, Duffy, Farnum, Gwadosky, Handy, Harper, Hepburn, Hichborn, Hickey, Jackson, Jacques, Joseph, Lander, Lisnik, Lord, MacBride, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mills, Moholland, Murphy, E.M.; Paradis, P.E.; Parent, Paul, Randall, Richard, Ridley, Scarpino, Seavey, Sherburne, Simpson, Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Strout, Swazey, Tammaro, Tardy, Theriault, Warren.

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bott, Boutilier, Brown, D.N.; Cahill, Carroll, Crowley, Davis, Daggett, Descoteaux, Dexter, Drinkwater, Erwin, Foss, Foster, Greenlaw, Hayden, Higgins, H.C.; Hillock, Hoglund, Holloway, Ingraham, Jalbert, Kane, Kimball, Law, Lebowitz, Macomber, Manning, Masterman, Matthews, Melendy, Mitchell, Murphy, T.W.; Murray, Nadeau, G.G.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Perry, Pines, Pouliot, Priest, Racine, Reeves, Rice, Roberts, Rolde, Rotondi, Rydell, Salsbury, Small, Smith, C.B.; Stevenson, Taylor, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT:—Baker, H.R.; Bonney, Bost, Branigan, Callahan, Carrier, Cashman, Higgins, L.M.; Lacroix, Lawrence, Nadeau, G.R.; Ruhlin, Stevens, P.; The Speaker.

PAIRED:—Hale—Rioux

66 having voted in the affirmative and 69 in the negative with 14 being absent and two paired, the motion did not prevail.

Thereupon, the Majority "Ought to Pass" in New Draft was accepted, the New Draft read once and assigned for Second Reading tomorrow.

Messages and Documents

The following Communication: (S.P. 405)
112th Maine Legislature

March 25, 1985

Senator Edgar E. Erwin
Representative John M. Michael
Chairpersons
Committee on Agriculture
112th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Sumner J. Goffin of Portland for appointment as a member of the Harness Racing Commission.

Pursuant to Title 8 MRSA Section 261, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,
S/ CHARLES P. PRAY
President of the Senate
S/ JOHN L. MARTIN
Speaker of the House

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

Was Read and Referred to the Committee on Agriculture in concurrence.

Petitions, Bills and Resolves Requiring Reference

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed, and sent up for concurrence.

Aging, Retirement and Veterans

Bill "An Act Relating to the Extension of Benefits by Participating Districts under the Maine State Retirement System" (H.P. 803) (Presented by Representative BEAULIEU of Portland)
(Ordered Printed)
Sent up for concurrence.

Business and Commerce

Bill "An Act Regulating the Return of Consumer Goods" (H.P. 804) (Presented by Representative BEAULIEU of Portland) (Cosponsor: Senator DUTREMBLE of York)

Bill "An Act Concerning Assessment of Fees on Persons Depositing Checks Drawn on Insufficient Funds" (H.P. 805) (Presented by Representative SMITH of Island Falls) (Cosponsors: Representatives GREENLAW of Standish, MARTIN of Van Buren and MICHAUD of Medway)

Bill "An Act to Improve Remedies for Violations of Used Car Laws" (H.P. 806) (Presented by Representative MURRAY of Bangor) (Cosponsors: Representatives MILLS of Bethel and MARTIN of Van Buren)
(Ordered Printed)
Sent up for concurrence.

Energy and Natural Resources

Bill "An Act Exempting Municipalities from Payment of Registration and Inspection Fees for Certain Municipally-owned Dams" (H.P. 807) (Presented by Representative PINES of Limestone) (Cosponsors: Senators ERWIN of Oxford, BLACK of Cumberland and Representative DAGGETT of Manchester)
(Ordered Printed)
Sent up for concurrence.

Judiciary

An Act to Expand the Victim's Rights Laws" (H.P. 808) (Presented by Representative BEAULIEU of Portland)

(Ordered Printed)
Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Provide Penalties for Violations of Antitrust Statutes" (H.P. 809) (Presented by Representative MURRAY of Bangor)

(The Committee on Judiciary was suggested.)

On motion of Representative Kane of South Portland, tabled pending reference, and tomorrow assigned.

Legal Affairs

Bill "An Act Concerning Times for Voter Registration" (H.P. 810) (Presented by Representative WARREN of Scarborough) (Cosponsors: Representative STEVENS of Bangor, Senators DANTON of York and CHALMERS of Knox)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act Regarding Workers' Compensation Commission Staffing" (Emergency) (H.P. 811) (Presented by Representative Gwadosky of Fairfield)

(The Committee on State Government was suggested.)

Representative Carter of Winslow moved that the Bill be referred to the Committee on Appropriations and Financial Affairs.

Representative Gwadosky of Fairfield Tabled pending the motion that the Bill be referred to the Committee on Appropriations and Financial Affairs.

On motion of Representative Gwadosky of Fairfield, Tabled pending the motion of Representative Carter of Winslow that the Bill be referred to the Committee on Appropriations and Financial Affairs and later today assigned.

Orders

On motion of Representative McSWEENEY of Old Orchard Beach, the following order:

ORDERED, that Representative Stephen M. Zirkilton of Mount Desert be excused March 12 through March 22 for personal reasons.

Was read and passed.

Reports of Committees

Unanimous Leave to Withdraw

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to Authorize the Board of Environmental Protection to Promulgate Experimental Regulations for Certain Nontoxic Solid Waste" (H.P. 568) (L.D. 839) reporting "Leave to Withdraw"

Was 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 PERRY from the Committee on Legal Affairs on Bill "An Act to Amend the Laws Relating to Games of Chance" (H.P. 44) (L.D. 50) reporting "Ought to Pass" in New Draft (H.P. 813) (L.D. 1134)

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

Ought to Pass Pursuant to Joint Order (H.P. 56)

Representative NICKERSON from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1985 (Emergency) (H.P. 812) (L.D. 1133) reporting "Ought to Pass" — Pursuant to Joint Order (H.P. 56)

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

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act Related to the Use and Development of the West Branch of the Penobscot River" (Emergency) (H.P. 450) (L.D. 652)

Signed:

Senators:

EMERSON of Penobscot
USHER of Cumberland

Representatives:

HOLLOWAY of Edgecomb
MICHAUD of Medway
JACQUES of Waterville
RIDLEY of Shapleigh
BROWN of Livermore Falls
DEXTER of Kingfield
LAW of Dover-Foxcroft

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-32) on same Bill.

Signed:

Senator:

KANY of Kennebec

Representatives:

MITCHELL of Freeport
COLES of Harpswell
HOGLUND of Portland

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, I move acceptance of the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I rise today to urge you to reject the Majority "Ought Not to Pass" Report and support the Minority "Ought to Pass" as amended report. This amendment is quite simple and I believe it will appeal to your sense of reason and justice. Whereas the original bill provided for an extension of the Land Use Regulation Commission's deadline for action on Great Northern's Big Dam application to appoint 90 days after submission of the federally required environmental impact statement, this amendment simply gives LURC the authority to extend its deadline for action by a vote of two-thirds of its membership. LURC and the Board of Environmental Protection already have such authority in regard to all no-hydro application which come before them. Hydro power applications are the only instances when LURC and DEP lack such authority. This is a strange exception. In LURC's case for example, if two-thirds of the Commissioners' decide that additional time is needed to consider an application properly for construction of a logging road or a camp or a stream crossing, the Commissioner may take additional time without needing the consent of the applicant. LURC has exercised this power in the past with reason and care. Yet, when LURC deals with hydro projects, present law implies that LURC's Commissioners' will abandon their powers of reason and act in an irresponsible manner. Hydro projects have most complex and long range impacts. The Big A project is the largest and most complex project LURC has ever considered. Environmental destruction resulting from it will be irretrievable. The economic impacts make it equally significant. No logging road or camp site can compare with it. LURC's dependence upon the applicant for extension of its deadline both handicaps LURC and enables the applicant to manipulate the process by squeezing LURC up against the deadline.

Alec Giffen, the Director of the Land Use Regulation Commission, stated to the Energy and Natural Resources Committee last Friday in work session that enabling LURC to extend its deadline in hydro applications in the same

fashion already may do so on all other matters before it would be wise and sound public policy. I am asking today that you join me and many others in establishing this wise and sound public policy.

In conclusion, proponents of the Big A Dam have argued again and again that we should trust LURC's judgment. Rejection of the motion before us and acceptance of the Minority Report would do just that.

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

Representative MITCHELL: Mr. Speaker. I would request a division.

The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker. Ladies and Gentlemen of the House: First of all, I will briefly explain the Rivers Bill and where this law comes into effect. Back in 1983, when we passed the original Rivers Bill, it was to set aside certain rivers which would need legislative approval before they could be built. Also what we did with that Rivers Bill is we streamlined the hydro permitting process, which was a long drawn out debate within Committee. I guess the best way to explain the Rivers Bill and I quote from the Legislative Record, Representative Jim Mitchell of Freeport: "The Bill before us today identifies Maine's outstanding scenic and recreational segments and sets them apart by requiring legislative approval for dam building. For the remaining rivers, hydro license requirements are streamlined, making it easier to construct a hydro electric dam". The intent of the bill, as Representative Mitchell clearly stated, was to streamline the hydro development process.

Also, in the same year, we dealt with the reorganization of DEP. That law dealing with the permitting process was in conflict, so in 1984, the second session of the 111th, we passed a bill which set the 105 days into the law. It is not as if the committee at that time did not know about the Big A dam. We discussed the Big A dam at the time we dealt with that piece of legislation which basically is what's before us today. Alec Giffen, the Director of LURC at that time, also wanted a two-thirds votes from LURC. It was the unanimous report of our committee, and at that time when the Big A dam was discussed, the committee's feelings was and is the feelings of the majority of the committee members on today's report, was that if LURC needed more time, all they would have to do is let it be known to the applicant and the applicant would be foolish if they did not grant the time to the LURC Commission. That is basically some background on the Rivers Bill.

The original bill that Representative Diamond sponsored, his arguments was, well we need the EIS from the Feds and LURC needs that time. No one from LURC said they needed the time. Alec Giffen said they were willing to deal with the application within the time frame that they have and if they need more time, they would let it be known that they need more time.

Great Northern, at the public hearing, stated that if a reasonable request was made that they would grant LURC the time.

On the original bill, what the sponsors were trying to do was force LURC into taking the time that they haven't asked for. The majority of the committee feels that it is inappropriate for us to change the rules of the game. I wonder if the sponsors of this bill, say if BIW or Scott Paper, would also have a legislation in here after—say if they have a hydro dam being built or some other requirements that they need a permit whether they are going to change the process. I think that is bad state government. I think that we set a set of rules and there is an application that started the rules and they should finish with that set of rules.

I will end with a quote. Last night the hear-

ing was taped and I went over the tape and it refreshed my memory to the response that Representative Diamond gave to Representative Dexter and I will quote: "Thinking about it right now, if Great Northern has indicated to me that they have no problem with an extension and if LURC needs more time, but they have not indicated to LURC itself that, that they are going to do so, why don't they just do so? If LURC, in fact, does need the time that we think it does, then there is no problem. And if it does not need the time, then we don't need the bill." With that I hope, this body would accept the Majority "Ought Not to Pass."

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker. Ladies and Gentlemen of the House: Before I begin, I want to indicate that I am speaking as a sponsor of this legislation and as a Representative of District 119 in Bangor and not as the Majority Leader.

In response to the several points raised by the Representative from Medway, Mr. Michaud, I want to correct a couple of misperceptions and misconceptions he has on my position on the bill and also clarify to you what the minority report is. The gentlemen referred to the original bill as I had presented it to the committee, which is no longer before this body. The proposal that is in question right now is an amended version that is radically different from the bill that he referred to. I would like to make that clear. He mentioned that I was one of the sponsors of the Rivers Bill that was passed two years ago and he is right but the purpose in that was to do many things, to protect the rivers and streams of this state and also to streamline the application process. No doubt about it. At the time, in order for a person or an individual or a corporation to put together a hydro power application, they needed seven or eight applications reviewed and approved by various state agencies. We developed, through the Rivers Bill, what we called one stop shopping, giving the applicant the ability to go to one agency to get their permit approved. It was not the intent, however, of the rivers legislation to gut the regulation of our rivers and streams. To the contrary, it was to strengthen those regulations but to allow a reasonable procedure to be followed for those people who apply to develop one or more of those variety of hydro sites. But the bill was passed and, again, it is something I take great pride in and, for that reason, I have introduced this legislation that is now before us.

Last year, as he mentioned, an amendment to the rivers proceedings was adopted by the committee, one that I think was in poor judgment and one I regret passed this body and was enacted into law. What it did do was establish a different standard for hydro project than exists for other projects that come before LURC and the Department of Environmental Protection. Why? Well as the gentlemen indicated, the Big A was definitely in mind at the time and I have to believe that that was a consideration. All I know is that the proponents of the Big A Dam lobbied for the provision that is now in place. That provision came in as a bill from the Department of Environmental Protection, which simply wanted to standardize the procedures for application in the law. As they existed at the time, there was a 105 day time period with both sides, the applicant and the state agency having the ability to extend if necessary. On the part of the state agency it was a two-thirds vote of the board in question, either LURC or DEP. Well, as the committee reported it out, it deleted that reference in this bill for hydro projects to allow only the applicant the ability to extend. I think that was terrible public policy to establish and that is why we want to address it in this particular piece of legislation.

I think we have to look at what our obliga-

tions are in relation to rivers and streams. We are trustees in this instance, we are trustees of the natural resources of this state. We are by law. We have an obligation to protect the public interest. As a result, we have an obligation to pass laws that do just that. I think the law in place as it applies to hydro projects is questionable and I have legislation in that will deal with hydro projects in general. But there is no question in my mind that as it relates to the Great Northern proposal to build the Big A, it is certainly outrageous. We have a proposal here before LURC that it is by far the largest application it has ever taken on in its sixteen years of existence. No question about it. With that in mind, I think that it is important that we look at what our obligations are. I think it is important that our state agency control the destiny of that river. I think it is crazy to expect that LURC should have to indicate to the applicant for this or any other project that they want an extension. I think they should have that ability to extend on their own as they do in every other project that has come before it or comes before DEP except for these hydro projects, this very narrow category. To me, I see the state agency charged with protecting the public interest, being forced to go to the applicant with hat in hand to seek permission to extend because the law clearly states only the applicant can extend. How can we allow a law to stay in place when we have such important matters at stake? I think that there is a provision, as Representative Michaud indicated and as Great Northern has said at the hearings and at the work session, to deal with this concern, that it is implied through that statute that they have the ability to extend simply by going to them and asking because they say LURC can simply say, we'll deny it if you don't give us more time. That in itself is bad public policy, to think that an applicant has to face the threat of having an application denied when the law protects them. Look at both sides of the argument. They have a law in place that protects the applicant right now. Only the applicant may extend. They feel that that works two ways. The law doesn't say so. The only way it would work is if they are threatened with denial of their application. It was said at the hearing and I make reference to it to Representative Dexter, that if Great Northern said they will grant LURC the extension it needs, that I wouldn't need this piece of legislation. They have been arguing all along, while the original bill was before it, that they would grant that. So I said, okay fine, let's put it in writing. Let's not have this issue decided in the back room. Let's have it up front. It is a public proceeding, it is a public issue. Let's put it in writing. If you agree that LURC has the ability, albeit, implied ability, to extend, let's put it in writing so everybody understands it up front. All of a sudden, there are all kinds of qualifications and conditions set on that. One of the lobbyists for Great Northern said at the time, that they would have to check with their attorneys if that situation arose to make sure "it was in their best interest." Well we have a responsibility to look out for the public's interest. Great Northern has the responsibility to look out for its interests. If we have a law in place that gives both sides the ability to extend, if they are not comfortable with the time allowed them under the law, that is in everybody's best interest.

I think there is nothing wrong with the proposal before you. It simply says, give LURC the same ability to extend on its own, that it has in other non-hydro instances and that BEP has as well in the same situation. There is no regulatory body in the state that I can think of, be it PUC, LURC, or BEP, that cannot extend a time provision statutorily on their own. I think it is important that we recognize the significant uniqueness of this application and give them that ability to do so. As Representative Michaud said, nobody at the hearing en-

dorsed my original bill, nobody from LURC endorsed my original bill, and he is right. However, at the work session on Friday, the Director of LURC, Alec Giffen, did indeed say my bill made sense in its amended form and that it was "good public policy."

With that in mind, I think this legislature has an obligation to recognize its obligations to the people and I ask that you defeat the motion now before you do so that we can move on to acceptance of the "Ought to Pass" as amended Report.

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

Representative JACQUES: Mr. Speaker. Ladies and Gentlemen of the House: Some of you have asked and had some questions about my being on the report that way I am. I want to tell you from the onset that I am not a big proponent of dams because they do an awful job on my fishing. But that set aside, I also believe I should be consistent. I thank the Representative from Bangor for reminding me what my thoughts and intentions were on the Rivers Bill back and I don't remember seeing his face sitting as a member of the Committee and I have been told for the last three weeks what our committee intended to do and what our direction was when we did both pass the Rivers Bill and the provisions dealing with hydro electric dams. I can assure you that I know what our intentions were. It has been insinuated that this thing was being done in a fairly haphazard manner. I would like to remind you under the rules we operate by, both bills had three separate readings in both bodies, I don't remember anybody objecting at that time.

I would like to say that the original proposal called for 45 days, gave 45 days from the time when all the testimony was submitted for LURC to make a decision. Obviously, most of us thought 45 days was a little much. After much negotiating and working, we went with the 105. At that time, I was one of the few that objected to the provision of the applicant being the only one to ask for an extension. But because of the importance of this bill, the importance that we do streamline hydro electric development in the State of Maine for many reasons, I will get to that very shortly, I went along with this proposal because I knew full well and any of you who have ever dealt with a state agency know full well, that even if Great Northern Paper, which is, in this case, the applicant, did not want to give an extension, LURC has both the full power and authority to deny that permit. Now, if anybody thinks that Great Northern is going to go through this whole process, spending the money, going through all the hoops that they are going to go through, to be denied because they did not provide information that the state agency felt was necessary, you are living in a dream world and you give me that power to deny. Now I asked a question at the hearing of what would happen if Great Northern did not grant the extension and LURC would deny on the fact that they did not have the information available—the answer to me was that we would go to court. Now can you see somebody arguing on the behalf of Great Northern in court to the fact that they were treated unfairly when their company failed to provide information that is required by law for the agency to make a wise sound decision on that application. I don't think the best lawyer in the State of Maine or this country, could convince a judge that the state agency was not justified in what they did.

Now unfortunately, this whole thing has come down to a thing of either you're in favor of the dam or against it. That is not the case in my instance because I am opposed to dams and I always have been and I always will be. But I am also a realist. I realize that the southern part of the State of Maine does not

have a monopoly on being able to provide jobs and opportunity for the people in this state. I also realize that the northern part of Maine is not a private playground for white water rafters and anybody else that cares to go up there.

Now, in the past couple weeks, I, as a legislator from Waterville, have been faced with problems I wish on none of you. We have a business in our community that employs 800 people that has a 22 million dollar payroll. That pays three-quarters of a million dollars in real estate property taxes to two communities. That will have a direct effect, I am told, of almost 2000 jobs and they are right now fighting for their survival. The one main reason they are in because about eight years ago they were in the exact same situation that Great Northern is now. They chose at that time to go along with the fact that CMP would always provide electricity at a reasonable rate. Eight years later, they are in serious trouble. They chose not to pursue any alternatives. Great Northern has chosen to pursue that alternative. It is an alternative that was endorsed heartily by all of the environmental groups in the country when it was done back in the 70's after the Arab oil embargo when we were held by the throat because of oil prices. Now anybody that believes that Great Northern does not need the power to compete, come with me to Waterville, I will take you to the Keyes Fibre Mill, I will show you what is happening there.

Now, I want to repeat, I am not in favor of dams but Representative Diamond talked about bad policy, I will now tell you my chief objection to this amendment. We have criteria and rules established everywhere whether you want to build a camp or Representative Dexter wants to build a logging road, the criteria is there, the process you go through. Now in this particular case, the 105 days, from what everybody I talked to can tell me, is working very well. I asked Alec Giffen twice if he felt that the 105 days would not allow him to do the job and twice he answered me that he felt that they could do the job in 105 days. You know the nature of the beast. If we gave 365 days, we would still have this problem, like we have the problem in the legislature, 100 days and 50 days. If we had 200 days, we would be here 200 days. If we had 20 days, we probably would get our work done in 20 days and save our people a lot of money. Well, that is the same thing with 105 days. It was not an arbitrary figure. It was a figure that everybody agreed on at the time. Right now, what we want to do is say, in this particular case now, no other rivers and dams involved, we are going to pull this one out, because somebody apparently feels that the thing is working too smoothly and too well and too much like it was intended to do when we drafted this legislation, we are going to pull it out and we are going to treat it differently. That is like saying that if Paul Jacques wants to build a camp in unorganized territory and I go to LURC and they say, well there is a ruby throated thrush that nests in this particular area that you are building your camp, so now everybody else on the shore of Moosehead Lake is built under LURC specifications, but we are going to take you out, we are going to pull you over here and now we are going to change the rules and you will have to meet that criteria to build your camp there. Even ground, everything is the same, same spot but we are going to change it. Now I suggested to Representative Diamond that I thought the idea was great and if he puts a bill in I would support it to change it from this time forward disregarding anybody that is in the process now, because I think it would be totally unfair. But I do believe that if you are going to change it, you should change it for everyone, for everything from now until the future. But changing something in the middle, changing the criteria for a specific project because it carries a little more political clout or whatever the

case may be, and don't kid yourself there is a lot of politics in this whole thing, I think it is very unfair to Great Northern. I think it is very unfair with the legislature as a whole. I think it is extremely unfair to the members of the committee that deliberated not minutes, not hours, but hundreds of hours, on this whole proposal to make a good uniform fair practice. Now granted, my concern about having the applicant and the agency have the equal say was not accepted. The report was unanimous, and I might say at the urging of some of the members of the committee, because I, at one time, wanted to make it extremely difficult to build a dam, but I am living in a real world here and I think that we have come down to the position here of, do we want jobs or do we not want jobs? I might add that this LURC permit process is a very small percent of the hoops that Great Northern is going to have to jump through before they actually turn one shovel full of dirt up there. The Fisheries and Wildlife Department will be asked by LURC, by federal agencies involved, to make studies on the impact. They will be studying the impact on grasshoppers, butterflies, ferns, flowers, trees, fish, black flies, whatever you want, will all be studied in this thing. So it is not like LURC is going to say okay and the dam is going to be built. That is not the way it goes and that is not the way it is going to happen. But Representative Diamond talked about bad public policy and poor legislation. I think we should at least be consistent and be fair. He said that we are trustees of the rivers and streams and we have an obligation and I agree and I haven't changed my tune in eight years. But I think that if you go and ask some of the people around Millinocket if they feel that they are being left out or they are being looked after, as we are trustees of the resources, maybe they might have a different idea.

Representative Martin from Eagle Lake referred to Dickey-Lincoln at the hearing and the many, many years that they studied and re-studied and this thing was over their head and he got to the point of where he said that the people up there just wanted the decision made one way or the other whether it was up or down. And I will grant you, the only people that made out on Dickey-Lincoln were engineers and the lawyers. They made hundreds of thousands of dollars and the people of the State of Maine are no better off today than they were when they started the whole mess. We want to avoid that situation. I feel very confident that Alec Giffen and that LURC Commission will be able to make a wise, sound decision. I know Alec Giffen well enough to know that if he has a problem with the time frame, he will ask Great Northern for an extension. If they choose not to do so, you can count on one thing, that Representative Jacques from Waterville will be on the phone with Great Northern, asking why. They best have a very good reason and I doubt very sincerely if they will not grant that extension.

So I would hope that you would think about the potential here. This whole thing is just a delaying tactic. I don't care what anybody says. There are going to be many hoops to jump through. Unfortunately, this bill is here. We have to deal with it and I hope we deal with it in a responsible manner and that is in the manner to let things go as they were designed to do. The process is working very well. I asked the question many times and nobody could tell me why we couldn't go on with this in 105 days we had. I am still against dams. But I believe in being fair and I believe in being consistent. I think the legislature should be fair and the legislature should be consistent. That is why I signed the report I did.

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

Representative ROLDE: Mr. Speaker. Ladies and Gentlemen of the House: I had intended

to get to the hearing and testify on the original bill when it was presented. I was not able to get there. But if I had been there, these are some of the remarks that I might have made. Part of my experience in dealing with LURC was on the Audit and Program Review Committee when we reviewed LURC. One of the major things that we dealt with were a series of complaints from the paper companies about their problems dealing with LURC. We held hearings on these complaints, and after we did, we found that the biggest problem that LURC had and the biggest reason for the complaints was basically their lack of personnel and their lack of ability to deal with the work that they had a responsibility for. In fact, our committee went and supported legislation for additional positions for LURC. When I heard that LURC was going to have to deal with this incredible application, I just really couldn't conceive how they were going to manage it considering all their other responsibilities. That is one thought I wanted to leave with the committee.

Another was an experience I had myself as a Director of the Natural Resources Council. We had some of the top officials from Great Northern come and meet with the Natural Resources Council and give us a presentation of their side of the case for the Big A dam. It was a very extensive presentation and I must say an excellent presentation. While I went in to that meeting originally with a sense of being opposed to the dam, I must say that after listening to them, I became very close to changing my mind and I certainly much better understood their side of the issue. This went on for several hours. We had many questions for them. They kept apologizing all the time that the presentation that we had seen was only a very small part of their presentation. They had many many facts that they were not able to give to us. This may sort of indicate that when push came to shove, they would go to extend the time period. But the implications that I have heard today in this debate is that Great Northern would only do it if they were in trouble, that they would only give that extension if there was some problem. It strikes me that those are very odd rules for a game. We have heard a lot about changing the rules of the game. We keep talking about game. It strikes me that this is not a game. This is an issue of extreme importance to people on both sides of a very critical issue. I know how important it is to the people at Great Northern and Millinocket area and I know how important it is to the fishermen and sportsmen and rafters of the state and the people who have a real sense of feeling for the West Branch of the Penobscot. I feel that we may have rules but I don't understand why those rules are the way they are. We always change things with legislation. That is why I am going to support the bill today.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker. Men and Women of the House: I have been here long enough to know better than to rise after the gentlemen from Waterville, but nevertheless, I am here. I have heard my name mentioned several times here. My concern is what we passed out of the committee. I would like to remind the House that I have served on that committee longer than any other member. First of all, everything that my House Chairman said is absolutely true. Also, everything that Representative Jacques said was true.

When I first came down here, LURC was a four letter word that you didn't repeat. One reason was they didn't act upon the applications put in front of them. So I'll condense my remarks. Obviously, most of it has been said. But, I did ask Alec, over and over, if 105 days was enough. And I was assured over and over that it was enough. In fact, I hadn't heard him

say he was in favor of the amendment. Not in front of our committee. I did hear him say that he had time enough. Also, I might point out that they have had a man working two and one half years on that project already. A person who had a camp on the Big A. A person who should know every rock there by now. I am not saying he is going to be biased or anything like that. I am saying he does know the area. So, where is the problem? LURC tells me they can handle it. They will put some projects on the back burner which they can do and simply comply with the statutes. I have found that if you don't hold the boxer's feet to the coals that it will drag on forever. Just look down to Washington. So with this, I will keep my remarks short.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker. Ladies and Gentlemen of the House. This is one project that is very, very close to me having come from Millinocket. I don't find myself very unusual in support of the Great Northern project speaking here this evening. I don't even call it a conflict of interest. 3600 people voted for me in the last election to send me here and they are all in support of this same project, I hope. A lot of things have been discussed here today on the project and its merits. I congratulate Great Northern in taking the time of 21 volumes and some 50 pounds of documents they submitted to LURC. We ourselves in this body, this legislature, this session, will probably process that same amount, if not more, in a hundred given days. A little bit of track record on behalf of Great Northern Paper Company. They are probably one of the better employers and better conservationists of natural resources that we have in this state being one of the largest industries. They have taken the time, they have done their homework. This isn't something the company itself has done overnight. A lot of research, a lot of study has taken place in this. It has been stated a long time ago in debate and debated again that LURC has not asked for an extension. I asked Alec Giffen if he needed an extension. He replied to me that he has not needed one as of yet. I also mentioned the Great Northern Paper Company, if an extension was asked, would you grant it? Great Northern Paper Company has said time and time again, they will grant an extension with a reasonable amount of time.

This is a project that is going to be very viable to the State of Maine, keeping jobs and industry in the State of Maine. Time and time again we are losing industry, going south, in the paper industry. The paper market is very, very competitive. If anyone has worked or lived in an area where the paper market is, you have to compete with the Canadians and also other mills.

I negotiated contracts for many years on the opposite side of Great Northern. I can tell you, when we used to negotiate contracts, when we wanted a fairly decent wage, they used to up the tonage of paper. Well, those days are gone. The market for the paper industry right now is very competitive. In East Millinocket alone, where there is another mill that belongs to Great Northern, with modernization of that mill, we are apt to lose some 200 jobs. We want to keep the best interests of Great Northern in the area where it is. We don't need any stalling tactics, we don't need any road blocks up to deny the fact that they need to be competitive in the market. There is going to be a lot of debate. I have never seen a bill lobbied so hard in the last few days as this one.

I would like to see my good friend, Representative Diamond, present the bill and let it go at that and take care of dams that are going to be built in the future. But that is not the case.

I would request a roll call at this time.

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

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

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker. Ladies and Gentlemen of the House: I am for hydro power. I am not going to say that I am not because I have always been. I am for the Big A but I have a problem with the present system. You all have a copy of the editorial in the Bangor Daily News. I don't often agree with their position; in fact, seldom if ever. But today, they have addressed my concerns and I will quote: "the process that as it is currently structured raises serious doubts about its integrity, about the soundness and about whom it serves. There should be no doubts." That is exactly why I shall vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker. Ladies and Gentlemen of the House: I would like to add a few comments from the viewpoint that might be different from most of these in the House. As you know, I am from the southern end of the state. I was not familiar with the Big A, where it is going to be built. I was very, very much interested in it and spent a lot of time with the committee on it. The part that I looked at was, by having only the applicant being about to ask for an extension, it would be conceivably possible, and I am not inferring that the present people on the LURC board that we have now would do it, but it could be possible that they could keep asking for extensions and asking and asking for them, jerking the applicant around and we would have another case very similar to what we had with the Dickey-Lincoln project. I don't think there is any question in anybody's mind as to who actually is in the driver's seat. If LURC wanted extra time, I am sure that Great Northern would grant them that time. Now you think they have been through a lot of trouble so far in complying with the rules and regulations, this is a very small end of what Great Northern is going to have to go through before there is ever a shovel full of dirt spaded out of the ground for this project.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Kimball.

Representative KIMBALL: Mr. Speaker. Ladies and Gentlemen of the House: I rise as a cosponsor of L.D. 652 and Committee Amendment A. I didn't have an opportunity to speak at the public hearing, I was in Portland with a family illness. But in listening to the debate today and the debate at that time, I think it is important to point out a few things.

As far as I have been concerned, L.D. 652, from the beginning, has not been the bill to kill the Big A or not the bill to reject the licensing process. Not the bill to deny Great Northern an extension in its market and certainly not to create unemployment in Millinocket. Being born and brought up in the town of Westbrook, I certainly realize the effect and the benefit of living in a town with a paper company. Truly what L.D. 652 and Committee Amendment A is a bill to ensure informed decision making. It has been since the beginning. One of the things that we think is good public policy is the idea of making a decision based on as much information as you need. The idea of a delay, we have tried to put aside in Committee Amendment A, by looking at the notion that if LURC

wants the time, it can ask for it. But if it doesn't want the time, that is fine also. We are putting them in a compromising kind of situation, which is the same situation for any applicant to the DEP other than the hydro projects at this time.

Not too long ago, the paper had an article that said that probably when it came down to the final decision on the Big A that it would be a gut level decision. Ladies and gentlemen of the House, I submit to you that a gut level decision is not the most responsible decision certainly and certainly a decision that we wouldn't want to endorse. The decision I think that we want to endorse is credible state government and responsible state government, is one based on the majority of information.

I would urge you to vote with me and reject the "Ought Not to Pass."

I would like to ask, through the Speaker, if someone in the House could explain to me, because I am still unclear as to why the West Branch of the Penobscot was ever left out of the Rivers Bill in the first place? If that could be cleared up, I would appreciate it.

The SPEAKER: The Representative from Buxton, Representative Kimball, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: I'll try to answer that question. In the late 1970's, there was a study done on the rivers of Maine by the Department of Conservation and they rated all the rivers. They rated their scenic values and their recreational values. They came up with a number system for all the rivers of Maine. They divided those rivers into the A rivers, B rivers, C rivers and so on. It is my understanding that the West Branch of the Penobscot River got the highest rating of any river. In 1981, my freshman year in the legislature, I attended a meeting over at the Department of Conservation where the announcement was made of a gift from the Great Northern Paper Company to the State of Maine of certain rights to use the banks of the Penobscot River for recreational purposes and those rights went back 500 or 600 feet. Great Northern basically gave the state a corridor of land along the river because the river was designated a scenic river. It is my understanding at that time, that Great Northern Paper Company reached an agreement with the Executive Branch that the Executive Branch could not interfere with their application to build a dam on the river. Furthermore, the agreement said that if they did build a dam, that that corridor would extend around the impalement of the dam. When the original rivers bill was presented two years later in 1983, the West Branch of the Penobscot River was left off of that list of A rivers.

I asked former Senator Hayes, who testified at the rivers bill hearing in 1983, if the legislature was bound to an agreement made by the Executive Body. He said it wasn't, but basically that we agreed, however, to the agreement that the Executive Body had made. I think that was a really bad deal for the State of Maine. That was really a horrible, horrible deal to give up those rights for a little bit of land. But, as I understand it, that is the reason the West Branch of the Penobscot River is not one of the A rivers.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Brodeur.

Representative BRODEUR: May I pose a question through the Chair to anyone who cares to answer?

My question is: Can LURC deny an application solely on the basis that LURC does not have enough time to fully consider the application?

The SPEAKER: The Representative from Auburn, Representative Brodeur, has posed a question through the Chair to anyone who may

respond if they so desire.

The Chair recognizes the Representative from Livermore Falls, Representative Brown.

Representative BROWN: Mr. Speaker. In response to that question, in its review LURC can carefully go over all of the categories in the application and if it feels it needs additional information on any particular category within that application, it can request the applicant, in this case Great Northern Paper Company, to come forth with additional information. By so doing is issuing sort of a flag to Great Northern Paper Company that unless they are willing to produce the additional information, then the application stands a good chance of being denied. That is the process by which denial would occur. I think any of us who would think for a moment that Great Northern would not comply with that request are greatly mistaken. It is obviously in the applicant's best interest, whether it is Great Northern Paper Company in this instance, or any applicant before LURC with any kind of application, that they would grant the request rather than face a possible denial of the application.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker. Ladies and Gentlemen of the House: I will also add to Representative Brown's remarks that the burden of proof is on the applicant. If they can't provide that proof, then they can give the denial.

I have a few more comments. It was alluded that when Alec Giffen was asked whether or not he liked the amendment—of course he liked the amendment. Can you tell me any bureaucrat that is going to give up authority? I don't know of anyone. If I do, he is not a true bureaucrat. He also stated that it was bad public policy. At the hearing, I asked Representative Diamond, that if this is bad public policy, has he had another bill in to address all hydro? His answer was no, but, I will go to the council. So, his concern is not, I don't believe, basic with this issue, because he would have had a bill in to address all hydro, which he does not. Committee Amendment, minority report, gives LURC the two-thirds majority vote. I submit that under the current law that if a majority wants more time, then they can ask for more time. Not two-thirds, a majority. The time frame, the 105 days. Yes it is 105 days in the law, but it is not as if that is all they had. The preliminary permit filing was in December 1980. Back in 1980 and as Representative Dexter stated, LURC staff has been working on this. It is not just 105 days.

Representative Kimball mentioned why was the West Branch left out? Representative Mitchell answered that question. But he also failed to mention that we had amendments, when the original rivers bill came out, I believe it was 11 to 2, ought to pass. No amendment was offered on the floor to include the West Branch. There is no doubt in my mind where Representative Diamond is coming from. I wish that if he didn't want the dam that he should have come in with a bill that is straight forward and prohibit it rather than this round about way.

Jobs and economic development. It looks good on a campaign brochure. You can go around and say, yes we want jobs, we want economic development, but I think this body is going to have to put their vote where their mouth is. I hope you accept the majority "Ought Not to Pass."

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Kimball.

Representative KIMBALL: Ladies and Gentlemen of the House: One of the things that I also wanted to make clear in terms of being a cosponsor is that from the beginning and I think that those of you who know me know this to be true, I stated that I haven't been for or against the dam, that process. But what I

have been for is the idea of coming up with the majority of information that you need in order to make a decision. In respect to the Committee Amendment A, I can't imagine what the problem would be with a situation where if someone needs more information they have to ask for it on both sides of LURC and the applicant. It sounds fair to me. It sounds responsible to me. It sounds like it should have been there before, which is another question that I have as to why it wasn't. At this time, I think that the notion of putting that amendment in so that further hydro projects, after this project as well, is something that we need to do and is a responsible part of how we should function.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Law.

Representative LAW: Mr. Speaker. Members of the House: Regardless of what anybody says, this is a delaying tactic. I have been involved in many EIS's and the delaying tactics are out of this world. Now, in the past 25 or 30 years, the State of Maine has lost Passamaquoddy, Dickey-Lincoln, an Oil Refinery in Easton I believe, a power plant on Sears Island—now it is the new causeway at Sears Island, all in the name of environmental protection. Sooner or later, we have got to stop doing nothing in the name of environmental protection and do something.

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

Representative MITCHELL: Mr. Speaker. Men and Women of the House: I would like to start by thanking the Representative from Medway for rereading my speech of two years ago into the record and I am very heartened and I hope that it will count twice now.

That bill that we passed a couple of years ago, did streamline the hydro licensing process and before that law was enacted, it would have required seven permits to build the Big A dam and, under that law, it is going to require one permit and there is an outstanding legal question of whether it will require a second water quality permit. I think that was a very good bill. I don't think it was a perfect bill. Only God can write a perfect bill and perhaps the man on the rostrum. But, I think that the proposed changes are good public policy. I think that giving the board the same powers as the applicant really makes a lot of sense.

The history of our state is really burdened with many, many examples of public property really being casually dispensed to private interests. I think the most disturbing example occurred about 150 years ago when the members of the legislature gave away million and million acres of our land to private interests. The LURC board is being asked to grant the use of a public resource, the West Branch of the Penobscot River to private interests for private uses. If the project is completed, it will affect the people of this state for generations. I think that we owe those future generations of Maine a careful, thought out, deliberate decision, based on the facts as we know them today. We should not require the Land Use Regulation Commission to make an unduly, hasty decision. The future citizens of this state will have to live with the board's decision almost forever. As you vote today, I would like to ask you to think about the future and those people who are going to come after us. Ask yourself if the current system, as it is in place now, is working for the best interests of those people or are we repeating the same mistake that we made when we disposed of our land 150 years ago?

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker. Ladies and Gentlemen of the House: I won't belabor this any longer than I have to make my point. I served on the Energy and Natural

Resources Committee in the 111th Legislature and there has been a lot of reference made this evening as to what the committee was doing. If I had to vote today on the particular issue, I would probably vote no. But on this particular bill before us right now, it is a bill which changes a law which hasn't even been tried. I think that it is in our best interest to let the law work. We pass laws every year, every legislative session, and find out how they work with the citizens of this state. We haven't even given this law a chance to work. I want to make just one analogy and then I am going to sit down so you can all vote. When I was younger and we used to play baseball, we had a young team, and they were a bunch of small guys,—you know, we would size up our opposition as we started the game and sometimes we would need a few extra innings because we were small and we could not run them. But we could never negotiate those extra innings with the umpire before we started. That is what's going on right now. But you know, they haven't even thrown out the ball yet. I think that is important, if you had a little small team that could not run them you know, you might find it beneficial to you. But if you had a big team that could step up to the plate and hit those homers every time, you could be out of the game in nine innings and not need those extra innings. They haven't even thrown the ball out yet. I hope you will go along with the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Edgecomb, Representative Holloway.

Representative HOLLOWAY: Mr. Speaker and Members of the House: As a new member of the Energy Committee. I think I knew what I was getting into when I asked to go on there. I went with a very open mind about this particular application. I did listen very, very closely and I worked along with the committee and all those who were opposed to the extension and all those that were pro for the extension. Basically I had my mind open until the very last minute at the workshop on Friday. When I asked how long it took to put together a unanimous rivers bill and was told some three months, day and night; when I asked about last year's extension of the day limit to go to 105 days rather than 55 days, they all stated that it was unanimous by the entire committee. I said, then everyone that was on this committee last year agreed to 105 days and they said yes and that is where my vote came from. Because if they agreed to it last year, I don't know why they would have to disagree with it this year.

The SPEAKER: the Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker. Ladies and Gentlemen of the House: I am not on either one of those committees but I have a great interest in the Big A. I am not particularly fond of dams. Now the tone of the debate seems to indicate that if this permit is issued, it is the final word the dam will be built. I don't believe that. I think what we are trying to do here is deal with the process in the middle of the stream. Now I think there are sufficient checks and balances that satisfy my objections but not with this bill. I believe this is just a step in the process. If I am wrong, I want somebody to correct me. I don't believe that the people will have the last say on this thing as to whether this dam will be built or not, it will be the Federal Energy Resources Commission in Washington, FERC. They are the final authority as to whether this dam will be built or not. Before they issue the license to build a dam, those who have questions, like I do, about the impact on the fisheries, will have opportunity to seek the answers to the question. FERC will require environmental impact statement that I think will satisfy where I come from. For that reason, I am going to support

the majority report of the committee.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative DIAMOND.

Representative DIAMOND: Mr. Speaker. Men and Women of the House: Throughout the course of the debate this evening, there have been several points made by the opposition that I think have to be answered before we vote on this bill. I think it is very important, regardless of how you feel on this issue, they do need to be clarified. This is not, as some have suggested, a vote of this body on whether or not the Big A should be built. That is not the issue. What is the issue is the recognition of the fact that LURC has before it a very unique application that may merit more time than is currently allowed under the existing law. It may be sufficient enough time to deal with a campsite review and road construction in unorganized territory but clearly to take on the biggest project LURC has ever had, this particular provision is certainly inadequate.

There have been points made that this is a delaying tactic. I can't see how in the world this could be. Nobody has pointed out what passage of this particular provision would do to delay it. It would indeed give LURC additional time if necessary. But as Representative Carter just pointed out, the final decision is in the hands of the federal government, that is several years down the road, and in no way does LURC expect it to take nearly that long for it to complete its obligation to the state.

The one argument that bothers me the most though, and I find to be a double standard by those people who suggest it, is that that we are somehow changing the rules in the middle of the game. First of all, I agree with Representative Rolde, this is not a game. We are trustees of state resources. We are not in a game determining how many innings they are going to be or that sort of thing. We are talking with a procedural change in the time allowed a state agency to review an application that could, if approved, permanently alter the face of an area in the State of Maine. For that reason, I think it makes sense. This is not unusual for us to take this action. We are in the business of changing the rules of the game. That is our job. Every law that we pass be it emergency legislation or laws that take effect in 90 days after we adjourn, affects somebody and changes the rules for somebody. That is our nature. I look around and I can think of so many examples of legislators, some of whom are opposed to this, who have introduced this session or in previous session bills that would, under their definition, change the rules of the game. I think if my friend from Waterville, Representative Jacques, who singled out the Keyes Fibre instance, their concerns, he is supporting legislation that deals with one company changing its tax status in the middle of the game. I don't object to that. I think that's fine, it is a recognition that we have to take this step and we do every day. But to say we are changing the rules in the middle of the game is hard for me to swallow when he and others are advocating that position and I applaud it.

Representative Michaud says we are changing the rules in the middle of the game. Folk, the game we are playing is something he had addressed in legislation. We were elected to serve a session that lasts 100 legislative days. My good friend from Medway, has suggested legislation that would change the rules of the game, this year we are in right now, from 100 days to 90 days even though the people elected us to serve 100 days. Now I don't disagree necessarily with this efforts. Again, he should be applauded, because he is addressing a problem as I am addressing a problem as each one of us have a right to do. But again, under his definition, it changed the rules of the game.

How about local measured service? Here is an issue that is coming up this session. So many of us are involved in that one. Here is

something where a regulatory agency, unlike LURC, the PUC has put into place and approved, local measured service. It is scheduled to go into effect in July. It is not considering local measured service, it has already approved it. But many of us have legislation in that deals with changing that, in the middle of the game, even though the phone company is prepared to implement it. It is going to affect a lot of people. But we think it is in the public's best interest to make that change. Or at least we are going to be considering that. Also, probably when you talk about changing the rules in the middle of the game, I think of basketball. What a great game. I remember a bill we had in last session that dealt with basketball. We had a 20 year old basketball player, he wanted to play in a tournament, he was an excellent player, but he turned 20 the day before the tournament was about to begin. This legislature overwhelmingly passed legislation that would allow him to play in that game even though the rules of the game, this very real basketball game, said he couldn't do that. I voted for it. Many of you did. It got 111 votes. But we recognized that we were looking out for the public's best interests. In retrospect, maybe we question that. But we did, at that time, act responsibly and we did so because we were protecting the public and addressing an inequity in the law.

Well, that is what I am doing with this particular piece of legislation. I am not criticizing previous efforts. What I am saying is that this is no different than anything else that has come before this legislature. We have an obligation to protect the public and to protect its resources. Fine. We have a procedure in place that inhibits our ability to do so. We are not changing the standard or the criteria that Great Northern has to meet for its application only the time that a state agency has to review a very complicated complex document and to review the 250 to 300 hours worth of testimony, the transcripts of that testimony that would be compiled during April and May in order to meet their June 11th deadline. Whatever you do on this bill, if you want to vote for it or against it, all I ask is that you make your decision based, not on whether or not you favor the dam, because if you do so, you are doing an injustice to yourself and to the people. What you should do is say, is the current provision in the law adequate to address the situation facing LURC? The Director of LURC says he does indeed support this provision I have proposed. With that in mind, I ask that if you vote for the bill you are voting for it simply because you believe that change is right. If you vote against it, you do so because you think it is wrong. I will live with your decision one way or the other and, with that Mr. Speaker, I ask again that this House reject the motion before it so we can move on to acceptance of the "Ought to Pass" Report.

The SPEAKER: The pending question before the House is the motion to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Dillenback.

Representative DILLENBACK: Mr. Speaker, I request permission to pair my vote with Representative Higgins from Scarborough. If Mr. Higgins were here, he would vote no and I would vote yes.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, I wish to pair my vote with the Representative from Old Town, Representative Cashman. If Representative Cashman were here, he would be voting yes and I would be voting no.

The SPEAKER: The Chair recognizes the Representative from Mars Hill, Representative Smith.

Representative SMITH: Mr. Speaker. I wish

to pair my vote with the Representative from Portland, Representative Connolly. If Representative Connolly were here, he would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Swazey.

Representative SWAZEY: Mr. Speaker. I request permission to pair my vote with Representative Baker of Portland. If Representative Baker were here he would vote no and I would be voting yes.

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

Representative PARADIS: Mr. Speaker. I would like permission from the House to pair my vote with the Representative from Bangor, Representative Stevens. If Representative Stevens were here, she would vote no and I would vote yes.

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

Representative HIGGINS: Mr. Speaker. I wish permission to pair my vote with the Representative from Portland, Representative Brannigan. If Representative Brannigan were here and voting, he would vote yes and I vote no.

The SPEAKER: The Chair recognizes the Representative from Benton, Representative Parent.

Representative PARENT: Mr. Speaker. I request to pair my vote with the Representative from Bath, Representative Small. If Representative Small were here, she would vote no and I would vote yes.

The SPEAKER: The Chair recognizes the Representative from Vose.

Representative VOSE: Mr. Speaker. I request permission to pair my vote with the Representative from Biddeford, Representative Rioux. If Representative Rioux were here, he would vote no and I would vote yes.

The SPEAKER: The pending question before the House is acceptance of the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 16

YEAS:—Aliberti, Armstrong, Baker, A.L.; Beaulieu, Begley, Bell, Bragg, Brown, A.K.; Brown, D.N.; Cahill; Carter; Chonko, Clark, Conners, Cooper, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Drinkwater, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Harper, Hichborn, Hickey, Holloway, Ingraham, Jacques, Jalbert, Joseph, Lander, Law, Lebowitz, Lisnik, Lord, MacBride, Macomber, Martin, H.C.; Masterman, Matthews, McCollister, McGowan, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Nadeau, G.R.; Nicholson, Nickerson, Paradis, E.J.; Perry, Pines, Pouliot, Racine, Rice, Richard, Ridley, Rotondi, Salsbury, Seavey, Sherburne, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Tammaro, Tardy, Telow, Theriault, Walker, Warren, Webster, Willey, Zirkilton, The Speaker

NAYS:—Allen, Bott, Boutilier, Brodeur, Coles, Cote, Crouse, Diamond, Duffy, Hale, Handy, Hayden, Hepburn, Hillock, Høglund, Jackson, Kimball, Manning, Mayo, Melendy, Mills, Mitchell, Murray, Nelson, O'Gara, Paul, Priest, Randall, Reeves, Roberts, Rolde, Rydell, Scarpino, Simpson, Smith, C.B.; Soucy, Taylor, Wentworth, Weymouth, Whitcomb,

ABSENT:—Bonney, Bost, Callahan, Carrier, Kane, Lacroix, Lawrence, Michael, Nadeau, G.R.; Ruhlin,

PAIRED:—Baker, H.R.-Swazey; Brannigan-Higgins, H.C.; Carroll-Cashman; Connolly-Smith, C.W.; Dillenback-Higgins, L.M.; Paradis, P.E.-Stevens, P.; Parent-Small; Rioux-Vose

85 voted in favor and 40 against with 10 being absent and 16 paired, the motion did prevail.

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

Jacques.

Representative JACQUES: Mr. Speaker. Ladies and Gentlemen of the House. Having voted on the prevailing side, I now move for reconsideration and I urge you all to vote against me.

The SPEAKER: The Representative from Waterville, Representative Jacques, having voted on the prevailing side now moves that we reconsider our action whereby the Majority "Ought Not to Pass" Report was accepted.

The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker. Because I hate the loud sound of no, I request a division.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the Representative from Waterville, Representative Jacques, that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

43 voted in the affirmative and 84 in the negative, the motion to reconsider did not prevail.

Consent Calendar First Day

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

(S.P. 21) (L.D. 25) Bill "An Act to Equalize Trapping Rights in Unorganized Territory" Committee on Fisheries and Wildlife reporting "Ought to Pass"

(S.P. 99) (L.D. 297) Bill "An Act Relating to the Time of Penobscot Nation Trust Land Acquisition" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-23)

(S.P. 70) (L.D. 121) Bill "An Act Concerning Salary Provisions for Automotive Industry Personnel" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-22)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 28, 1985 under the listing of Second Day.

(H.P. 704) (L.D. 1014) Bill "An Act to Implement Procedures for Insuring the Safe Return and Proper Disposal of Restricted Pesticide Containers" (Emergency) Committee on Agriculture reporting "Ought to Pass"

On objection of Representative McCollister of Canton, was removed from Consent Calendar, First Day.

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

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

(S.P. 203) (L.D. 553) Bill "An Act to Reenact Provisions for the Court, for Good Cause, to Hear Certain Contested Motions in Separation, Annulment or Divorce Proceeding Where There are Minor Children of the Parties Prior to Referring to Mediation" (Emergency) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-25)

On motion of Representative Foster of Ellsworth, was removed from Consent Calendar, First Day.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker. Ladies and Gentlemen of the House: I would like to thank Representative Kane and Senator Carpenter and the other members of the Judiciary Committee for giving careful consideration to this amendment. The amendment

continues an exception to the divorce mediation legislation we enacted last year through a bill that I sponsored. The exception permits a court for "good cause," to hear motions for temporary relief in a divorce action before referring the parties to mediation. The amendment of L.D. 553 clarifies the exception enacted last year. It reiterates that the intention of this exception is number one, that courts permit parties to have a contested hearing on a motion for temporary relief in a divorce action only when good cause is shown for not trying mediation first. Second, that courts decide only the issues for which good cause for temporary relief is shown at these hearings. The use of the exception to mandatory mediation is to me for emergency situations to decide only those limited issues that must be decided on a temporary basis without the benefit of mediation. In this way, the aim of the divorce mediation law would be preserved. I say to you that, throughout the circles of lawyers and judges, I am fondly called the mother of mediation. So I feel that I had to put this into record.

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

Committee Amendment "A" (S-25) was read by the Clerk and adopted and the Bill assigned for Second Reading tomorrow.

(H.P. 84) (L.D. 104) Bill "An Act to Require a Trespass Reminder on Hunting and Fishing Licenses" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-33)

(H.P. 168) (L.D. 202) Bill "An Act Relating to Restrictions on Firearms while Hunting with Bow and Arrow" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-34)

(H.P. 345) (L.D. 462) Bill "An Act to Simplify the Appointment of Directors to the Maine Municipal and Rural Electrification Cooperative Agency" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-35)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 28, 1985 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. 332) (L.D. 455) Bill "An Act to Establish the Stanwood Wildlife Sanctuary in the City of Ellsworth"

(H.P. 305) (L.D. 394) Bill "An Act to Amend the Law Regarding Parking Brake Requirements on Motorcycles and Motor Driven Cycles"

(H.P. 436) (L.D. 618) Bill "An Act to Assure Equitable Compliance with the Fair Credit Reporting Act"

(S.P. 107) (L.D. 322) Bill "An Act to Change the Name of the University of Maine Blueberry Advisory Committee"

(S.P. 125) (L.D. 365) Bill "An Act to Amend the Statute Providing for the Appointment of Clerks of Judicial Courts"

(S.P. 138) (L.D. 377) Bill "An Act to Amend the Maine Administrative Procedure Act to Require the Designation of Federal and State Statutes and Regulations" (C. "A" S-20)

(H.P. 118) (L.D. 143) Bill "An Act to Clarify the Relationship between a Road Commission and the Municipal Officers" (C. "A" H-30)

(H.P. 343) (L.D. 460) Bill "An Act to Facilitate the Settlement of Tort Claims of \$2,000 or less" (C. "A" H-31)

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

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

Passed to Be Engrossed

Bill "An Act Relating to Loans and Investments by Financial Institutions" (H.P. 787) (L.D. 1102)

Bill "An Act to Conform Mortgage Lending Authority Among Financial Institutions" (H.P. 788) (L.D. 1103)

Bill "An Act Concerning Certain Fines for Persons Under the Legal Drinking Age Under the Liquor Laws" (H.P. 789) (L.D. 1104)

Were reported by the Committee on Bills in the Second Reading, read a second time, Passed to be Engrossed, and sent up for concurrence.

As Amended

RESOLVE, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells (S.P. 175) (L.D. 467) (C. "A" S-21)

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

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same Representative moved that the House indefinitely postpone Committee Amendment "A."

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Men and Women of the House: The purpose of stripping off this amendment is that the amendment is an emergency preamble to the bill and although the intentions of our committee were good, we found out that constitutionally you cannot transfer land on an emergency basis. So unfortunately, we have to strip off the emergency. It is much to the dismay of Representative Wentworth but we have talked about it in the committee.

Whereupon, on motion of Representative Gwadosky of Fairfield, Committee Amendment "A" was indefinitely postponed.

The Bill was passed to be engrossed and sent up for concurrence.

Orders of The Day Tabled and Today Assigned

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

Bill "An Act to Establish a Maine Rivers Grants Program" (Emergency) (H.P. 100) (L.D. 125) (C. "A" H-12) (H "A" H-26)

TABLED—March 22, 1985 by Representative MICHAUD of Medway.

PENDING—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker. Men and Women of the House: One of the reasons that we have tabled this bill, must be for over a couple of weeks now, is that before the bill was enacted, the commissioner went out to a private business and asked for money. An individual within that business was quite upset with the fact, according to her standards, the strong arm twisting that was done. Since that time, you could say the commissioner has been hauled to the wood shed.

The basic philosophy of the proposed rivers grant program is a user pay. Those who use, enjoy or otherwise benefit from the recreational opportunities that Maine rivers provide, will be able to directly assist in maintaining an enhancing those opportunities. The principle funding strategy for the program will be donations from canoeists, campers, sportsman and other concerns for the river related recreation value. It is the department's intent to actively promote small annual donations and, in return for the donation, they will receive decals indicating that he or she has given to the pro-

gram. Funds generated will then be distributed to communities, sportsmen clubs, environmental groups, groups sponsored specifically to coordinate recreational use on specific rivers and land owners to carry out the management activities maintaining or improving public opportunities to use Maine rivers. The specific types of activities are described in the amended L.D. While this type of small annual individual donation will be the cornerstone of the program, we feel that the individuals or organizations should also be permitted to give larger gifts. This would be consistent with the current policy which has seen gifts on voluntary work, land and management funds made by the Bureau of Parks and Recreation for many years. This program is strictly voluntary. It is similar to the duck program that Representative Jacques introduced a couple of years ago.

I hope you would vote in favor of this bill. It was a unanimous report.

Whereupon, the Bill was passed to be engrossed as amended and sent up for concurrence.

Tabled and Assigned

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

Bill "An Act Relating to Retirement Benefits of Superior Court Employees" (H.P. 81) (L.D. 101)

TABLED—March 22, 1985 by Representative HICKEY of Augusta.

PENDING—Passage to be Engrossed.

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

Representative HICKEY: Mr. Speaker. Ladies and Gentlemen of the House: I move this bill to engrossing and wish to speak briefly on my motion.

L.D. 101 is "An Act Relating to Retirement Benefits of 408 Superior Court Employees." They were involuntarily transferred from the county roles to the state roles. In the transition, they suffered a drastic loss of pension funding due to the portability law. They receive two pensions now, the county pension and then they had to start with 1 year, 2 year, 3 year on the state law. So they sustained a heavy loss. This bill will recoup the losses they sustained.

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

Representative MAYO: Mr. Speaker. I would request a division on the engrossment please.

Mr. Speaker and Ladies and Gentlemen of the House: Though I sympathize with the intent of L.D. 101, I have been caught off guard. I was informed this week of the financial impact that L.D. 101 has on my own County of Knox. Many of you are aware of the problem we have had in Knox County in passing our county budget. We have a 49% tax increase in Knox County this year. County Tax. L.D. 101 has a fiscal impact in Knox County of \$23,625.00. I would like to point out that this L.D. only affects one individual to the tune of \$23,065.00. This individual worked seven years as a county employee and then was transferred over as a state employee. They are presently retired and are receiving a retirement benefit. This L.D. will increase this individual's retirement benefit by some \$155 per month. I submit to this body that if I could take that \$23,000 and invest it in a bank, I could get that individual a lot more than \$155 per month. That individual, when he worked as a county employee, his highest salary was \$6100. When he entered state service, he ended with a salary of \$19,000. I want this body to be aware of the impact of this bill. I also want this body to be aware that this bill has been in this legislature before. It is my understanding that it was defeated three years ago.

I would urge this body to reject this bill and

maybe we could come back some other time and do this more appropriately where it doesn't affect the county taxpayers of Knox County and several other counties in this state so adversely. I feel sorry about this but I felt that I should get up and point out the effect that it does have on Knox County.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Cole.

Representative COLE: Mr. Speaker. Members of the House: I also noted this bill when it came in. I asked the Sagadahoc County Commissioners for an analysis for the cost to the county. Their latest analysis says it will cost \$37,000, that amounts to 5% of our county budget which has already raised county taxes by 17% this year.

I urge you to join with Representative Mayo and myself in rejecting this bill.

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

Representative JALBERT: Mr. Speaker, Members of the House: This is a very unfortunate situation. As a retired state employee of continuous 29 years, you must understand that length in state retirement of the retirement system depends on continuous service. The way this thing worked was that many of these Superior Court employees were working for the county under one system. I think there is 100 or some retirement systems in the State of Maine. They were working under the county system that had been adopted by each individual county. Why I voted for it in the committee is that they weren't voluntarily transferred to the state. I can see if someone worked for a municipality, then left that system and came to work for the state which is a different retirement system, that is a different ball game. They have done it voluntarily and that's the way they understood it. But it must be kept in mind, that these people who have 29 or 30 years of actual service under the retirement system, their pension is not based on 30 years actual service but based on two separate systems, one of 15 years and another one at 15 years which means that they get two small pensions, which does not equal to what a person who did work continuously for one employer for 30 years. This is an inequity that should be corrected. The main thing about the difference between these people and some of the people that worked for a municipality and then transferred to another municipality of the state is that they were involuntarily transferred to the state system. Therefore, I think something should be done to correct an inequity that should have been corrected when it was first done.

On motion of Representative Vose of Eastport, tabled pending passage to be engrossed and specially assigned for Friday, March 29, 1985.

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

SENATE REPORT—"Ought to Pass" as Amended by Committee Amendment "A" (S-19)—Committee on Agriculture on Bill "An Act Relating to Agricultural Apprenticeship and Training" (S.P. 52) (L.D. 71)

—In Senate, Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-19) as amended by Senate Amendment "A" (S-24) thereto.

TABLED—March 26, 1985 By Representative MICHAEL of Auburn.

PENDING—Acceptance of Committee Report.

On motion of Representative Hayden from Durham, tabled pending the motion of Representative Michael of Auburn to accept the committee report and tomorrow assigned.

The Chair laid before the House the following: Report of the Committee on Transporta-

tion reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-26) on Bill "An Act to Allow the Use of Bid Bonds on State Highway Projects" (S.P. 124) (L.D. 364) which was tabled earlier and later today assigned pending acceptance of the Committee Report.

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

Committee Amendment "A" (S-26) was read by the Clerk.

Senate Amendment "A" (S-29) to Committee Amendment "A" was read by the Clerk.

Representative Theriault of Fort Kent offered House Amendment (H-39) to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

On motion of Representative Theriault of Fort Kent, Senate Amendment "A" to Committee Amendment "A" was indefinitely postponed.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for Second Reading tomorrow.

(Off Record Remarks)

On motion of Representative Wentworth of Wells,

Adjourned until nine o'clock tomorrow morning.