

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Twelfth
Legislature
OF THE
STATE OF MAINE

VOLUME I
SECOND REGULAR SESSION
January 8 - April 2, 1986

The House was called to order by the Speaker.
Prayer by Reverend John Ineson, St. Andrews Episcopal Church, Newcastle.

National Anthem by the Morse High School Band, Bath

The Journal of Friday, February 7, 1986, was read and approved.

Quorum call was held.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Energy and Natural Resources

Bill "An Act to Establish an Official Endangered Plant List" (H.P. 1413) (L.D. 1997) (Presented by Representative ROLDE of York) (Cosponsors: Representatives BELL of Paris, COLES of Harpswell and Senator BROWN of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Aid in Enforcement of Child Support Payments" (H.P. 1414) (L.D. 1998) (Presented by Representative DUFFY of Bangor) (Cosponsors: Representative VOSE of Eastport and Senator PERKINS of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

LATER TODAY ASSIGNED

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow the Legislature to Shorten the Terms of Office of Active Retired Judges" (H.P. 1415) (L.D. 1999) (Presented by Representative KANE of South Portland) (Cosponsors: Senator CARPENTER of Aroostook, Representatives PRIEST of Brunswick and STETSON of Damariscotta)

(The Committee on Judiciary had been suggested.)

On motion of Representative Gwadosky of Fairfield, tabled pending reference and later today assigned.

State Government

Bill "An Act Concerning the Allocation of Certain Operating Costs of the Administration of the Maine Children's Trust Fund" (Emergency) (H.P. 1416) (L.D.

2000) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representatives MURRAY of Bangor, COTE of Auburn and SWAZEY of Bucksport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

Utilities

Bill "An Act to Amend the Charter of the Sewer District of the Town of Kennebunk" (H.P. 1417) (L.D. 2001) (Presented by Representative MURPHY of Kennebunk) (Cosponsor: Senator DUTREMBLE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

ORDERS

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

ORDERED, that Representative Rita B. Melendy of Rockland be excused February 10, 11, 12, & 13 for Legislative Business.

AND BE IT FURTHER ORDERED, that Representative Carol Allen of Washington be excused February 10, 11, 12, & 13 for Legislative Business.

AND BE IT FURTHER ORDERED, that Representative Edward L. Dexter of Kingfield be excused February 3 & 4 due to illness.

Was read and passed.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following items:

Recognizing:

the volunteers at the Village School, who have contributed to the quality of education in Gorham: Cynthia Acker; Irene Berch; Darlene Esty; Linda Frinsko; Linda Jackson; Judi Lord; Margo Lambertson; Roberta Libby; Priscilla Mercier; Carol Noonan; and Carol Santoro; (HLS 731) by Representative HILLOCK of Gorham. (Cosponsor: Senator USHER of Cumberland)

On motion of Representative Diamond of Bangor, was removed from the Special Sentiment Calendar:

Was read.

On motion of Representative Diamond of Bangor, tabled pending passage and specially assigned for Wednesday, February 12, 1986.

Recognizing:

the volunteers at the Little Falls School, who have contributed to the quality of education in Gorham: Beverly Blanchard; Chris Crawford; Einger Desjardins; Lyn Doyle; Lillian Grant; Sylvia Hawkes; Margaret Hillock; Cheri Johnson; Judy Lopez; Peggy Marchand; Linda Morey; Joyce Northrup; Vivian Panarese; Betty Jo Sands; Linda Taton; and Judy Westbrook; (HLS 732) by Representative HILLOCK of Gorham. (Cosponsor: Senator USHER of Cumberland)

On motion of Representative Diamond of Bangor, was removed from the Special Sentiment Calendar:

Was read.

On motion of Representative Diamond of Bangor, tabled pending passage and specially assigned for Wednesday, February 12, 1986.

Recognizing:

the volunteers at the Shaw Junior High School, who have contributed to the quality of education in Gorham: Donna Arsenault; Jan Brown; Linda Cook; Judy Congdon; Carol Currier; Rosemary DeMint; Sherry Faber; Deede Files; Ellen Gilman; Nancy Harris; Linda Jackson; Janette Jorgenson; Connie Loughran; Peggy Marchand; Joan McDermott; MaryAnn McGouldrick; Ann Moody; Linda Morey; Jane Mosher; Carol Noonan; Sheila Olmstead; Cathy Risbara; Carol Santoro; Wendy Sargeant; Karen Webber; and Wanda Worrey; (HLS 733) by Representative HILLOCK of Gorham. (Cosponsor: Senator USHER of Cumberland)

On motion of Representative Diamond of Bangor, was removed from the Special Sentiment Calendar:

Was read.

On motion of Representative Diamond of Bangor, tabled pending passage and specially assigned for Wednesday, February 12, 1986.

Recognizing:

the volunteers at Gorham High School, who have contributed to the quality of education in Gorham: Ida Barr; Jean Bell; Glenna Bernard; Sherry Faber; Shirley French; Linda Jackson; Judi Lord; Albert Mercier; Priscilla Mercier; Cheryl Miner; Linda Newell; Cynthia Towle; and Debbie Webb; (HLS 734) by Representative HILLOCK of Gorham. (Cosponsor: Senator USHER of Cumberland)

On motion of Representative Diamond of Bangor, was removed from the Special Sentiment Calendar:

Was read.

On motion of Representative Diamond of Bangor, tabled pending passage and specially assigned for Wednesday, February 12, 1986.

Recognizing:

the volunteers at the Narragansett School, who have contributed to the quality of education in Gorham: Susan Abramson; Karen Alden; Jean Bell; Pamela Benware; Nancy Brady; Linda Brown; Marsha Caufield; Jane Charron; Diana Cook; Joane Denehy; Terri Douglass; Terri Downing; Denise Ernest; Sheri Faber; Jeanne Flaherty; Lorraine Gagnon; Penny Guerin; Janice Hagerman; Linda Hall; Madelyn Hunt; Linda Jackson; Lynne Johnston; Roberta Libby; Anna Loveitt; Laurie Martin; Debra Mathews; Audrey May; K.J. Metivier; Rhonda Nicholson; Susan O'Brien; Sheila Olmstead; Carol Packard; Mary Philbrick; Kathy Powell; Barbara Raser; Judy Roberts; Marian Robinson; Wendy Sargeant; Kathy Saunders; Lynda Schulz; Nancy Scott; Susan Sedenka; Betsy Shiers; Harriett Standish; Brenda Sturgis; Susan Thomas; Cynthia Troy; and Kathy Ward; (HLS 735) by Representative HILLOCK of Gorham. (Cosponsor: Senator USHER of Cumberland)

On motion of Representative Diamond of Bangor, was removed from the Special Sentiment Calendar:

Was read.

On motion of Representative Diamond of Bangor, tabled pending passage and specially assigned for Wednesday, February 12, 1986.

Recognizing:

Norm Crepeau, Mike Petit, Jim Gauvin and Gerry Gelinis, of Biddeford, who have been chosen as members of Maine's Class A All-State Football Team; (HLS 737) by Representative RACINE of Biddeford. (Cosponsors: Representatives DESCOTEAUX of Biddeford, RIOUX of Biddeford, and Senator DUTREMBLE of York)

On motion of Representative Racine of Biddeford, was removed from the Special Sentiment Calendar:

Was read.

The SPEAKER: The Chair is pleased to recognize in the gallery three of those persons. One of them is out sick with the flu--Gerry Gelinis is not here today. I would like to recognize and present to you Mike Petit, who is a senior; Norm Crepeau, who is a senior and Jim Gauvin who is a junior from Biddeford High School. They are accompanied by their coach Mike Landry and Don Wilson, the Athletic Director.

Would you please stand and accept the greetings of the Maine House? (Applause)

Subsequently, the Order was passed and sent up for concurrence.

Recognizing:

the volunteers at the White Rock School, who have contributed to the quality of education of Gorham: Marilyn Buck; Margaret Butler; Diana Clarke; Janet

Cranston; Chris Crawford; Donna Curtis; June Davis; Lyn Doyle; Cherry Finck; Therese Hersey; Nancy Hart; Sylvia Hawkes; Cynthia Houlihan; John Houlihan; Linda McGill; Dianne Morton; Vivian Panarese; Filomena Russell; Linda Strout; Linda Taton; Carol Toussaint; and Judy Westbrook; (HLS 739) by Representative HILLOCK of Gorham. (Cosponsor: Senator USHER of Cumberland)

On motion of Representative Diamond of Bangor, was removed from the Special Sentiment Calendar:

Was read.

On motion of Representative Diamond of Bangor, tabled pending passage and specially assigned for Wednesday, February 12, 1986.

Recognizing:

Mr. and Mrs. Delmar McPherson, of Gorham, who have been honored by the Pineland Parents and Friends Association for active service to the mentally retarded for over 30 years; (SLS 421)

On motion of Representative Diamond of Bangor, was removed from the Special Sentiment Calendar.

Was read.

On motion of Representative Diamond of Bangor, tabled pending passage and specially assigned for Wednesday, February 12, 1986.

REPORTS OF COMMITTEES

Divided Report

Later Today Assigned

Nine Members of the Committee on State Government on Bill "An Act to Change Martin Luther King Day from a Special Observance Day to a State Holiday" (Emergency) (H.P. 1335) (L.D. 1872) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-500)

Signed:

Senators: ANDREWS of Cumberland
KERRY of York

Representatives: GWADOSKY of Fairfield
MADEAU of Saco
DESCOTEAUX of Biddeford
LACROIX of Oakland
BOUTILIER of Lewiston
HICHBORN of LaGrange
COTE of Auburn

Three Members of the same Committee on same Bill report in Report "B" that the same "Ought Not to Pass"

Signed:

Senator: HICHENS of York

Representatives: DILLENBACK of Cumberland
WENTWORTH of Wells

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-501)

Signed:

Representative: SPROUL of Augusta

Reports were read.

Representative Gwadosky of Fairfield moved acceptance of the Majority Report "Ought to Pass" Report "A."

On motion of the same Representative, tabled pending acceptance of the Majority Report "Ought to Pass" Report "A" and later today assigned.

CONSENT CALENDAR

FIRST DAY

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

(H.P. 1227) (L.D. 1734) Bill "An Act Relating to Dividends on Insurance Policies" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-503)

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, February 12, 1986 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. 1259) (L.D. 1769) Bill "An Act to Amend the Laws Relating to Investigative Information of the State Fire Marshal's Office" (Emergency) (C. "A" H-497)

(S.P. 664) (L.D. 1706) Bill "An Act to Amend Certain Motor Vehicle Laws"

(S.P. 652) (L.D. 1684) Bill "An Act to Amend the Access Roads to Public Ski Areas"

(H.P. 1324) (L.D. 1859) Bill "An Act to Resolve a Conflict in the Law Dealing with the Crime of Gross Sexual Misconduct" (Emergency)

(H.P. 1334) (L.D. 1871) Bill "An Act to Amend the Protection from Abuse Law" (Emergency)

(H.P. 1049) (L.D. 1525) Bill "An Act to Establish

a Maine-New Hampshire Boundary Commission" (C. "B" H-499)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed 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 Concerning Lobster Trap Identification Tags" (S.P. 785) (L.D. 1970)

Was reported by the Committee on Bills in the Second Reading, read the second time and Passed to be Engrossed in concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Prohibit Local Measured Service Prior to December 31, 1986" (Emergency) (H.P. 1387) (L.D. 1956)

- In House, Minority "Ought to Pass" Report of the Committee on Utilities read and accepted and the Bill passed to be engrossed on February 3, 1986.

- In Senate, Majority "Ought Not to Pass" Report of the Committee on Utilities read and accepted in non-concurrence.

TABLED - February 7, 1986 by Representative VOSE of Eastport.

PENDING - Further consideration.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, I move that the House recede and concur.

There is nothing more, quite frankly, I can say that I haven't already said about local measured service. I think what is here before us today is a bill that the majority of our committee simply didn't agree on. This bill, as you well know, denies implementation of local measured service until December 31st. I happen to think another way is much better. I think we should let it go into being. I think we should also put a statutory cap on it. I also think that we should sunset it. I think we should tell the telephone company to take a poll and tell us which direction those users would want to take. That is the way I want to do it but this bill does not do that; therefore, I hope that you will go along with me and kill this bill with a recede and concur motion.

On motion of Representative Clark of Millinocket, the House voted to recede.

The same Representative offered House Amendment "A" to L.D. 1956 and moved its adoption.

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

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, I move the indefinite postponement of House Amendment "A" and would speak to my motion.

Mr. Speaker, Ladies and Gentlemen of the House: I cannot see any use whatsoever of taking off an emergency preamble. We all know exactly what is happening here. It doesn't appear that they have the votes to pass this bill with the emergency preamble on it; therefore, strip it, and in the House chances are, it probably will pass but we don't know what is going to happen down in the Senate. I don't see any purpose of.....

The SPEAKER: The Chair would caution the Representative from mentioning the other body by name or their vote or lack thereof.

Representative VOSE: I sincerely apologize. I hope you go along with my motion to indefinitely postpone.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: As a legislative appointee to the State Committee on Aging, I would like to present some of the concerns of that committee on the present legislation. We are concerned first and foremost about how measured service will affect Maine's low income and vulnerable elderly citizens.

Since the date of the order, we requested a delay in measured service because we wanted a concise demographic portrayal of which elderly gain and which elderly lose as a result of measured service. We support delay until such time that we know the effects on the low income and frail older people or until the lifeline program exists to assist low income people who must use the phone.

Our second reason for supporting delay is because we question the cost savings claimed as a benefit by the commission. The commission has claimed that there will be a gain in economic efficiency but we fear the possibility that the total cost of residential service to the consumer will be raised instead.

The commission states that calling repression of more than 12 percent will be needed to affect any savings. We believe these savings, if any, will be small, and question whether it is justified to ask Maine consumers to make such drastic changes and calling habits for such a small savings.

In addition to cost savings, the commission believes affordable prices and fairness justify this local measured service. We believe, however, that these have not been adequately investigated and must be examined further. There must also be other reasons for local measured service but the commission has not documented them.

The third reason we support delay is that we are particularly troubled at how peak hours are defined. Even two free hours between twelve and two are not adequate. This makes most calls to business, doctors offices, agencies, social administrations and more likely even to friends, occur during peak hours and makes so-called free calls occur during lunch periods. We do not anticipate people will change their lunch hours to receive calls during free time. Customers who must call during peak hours will be losers.

Our fourth area of concern is how local measured service will affect volunteerism. Our particular concern is for such volunteer programs, as telephone reassurance programs, which are important to frail older people. People who volunteer make a commitment of their time and energy but these people are not necessarily well-to-do persons. Policy should be

implemented which provide incentives but not disincentives for volunteerism.

Finally, the Maine Committee on Aging has major concerns how local measured service will affect elderly homebound individuals or any homebound individuals for that matter. Personally, I know many elderly, including family members who are completely dependent upon the phone. The telephone is their only means of shopping, banking, seeking information and keeping in touch. To time all calls causes undue anxiety which elderly persons do not deserve or need. For years we have been told to let your fingers do the walking in the Yellow Pages; now we are told, we will do the walking at a cost.

The Maine Committee on Aging remains unconvinced that the local measured service before us is the best alternative to customers, we support delay and hope that interested parties could work on a more acceptable position and a study be done to assure protection to low income and frail older persons.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: There is much valid argument and comment which has just been made by my good friend, Representative Hickey from Augusta, but I take an opposing view to the primary reason and importance for the telephone in our communication system in the state as being one to support our socialization programs or our volunteerism. The business of a telephone company is to support the business of the state — its primary reason is to support those functions that are necessary to create jobs and to maintain the jobs which are currently on board and in our society. Other things must take a second place to that. Right now, we find ourselves in the position of not having enough equipment to satisfy all of the demands that are being made against the telephone service of this state. All you have to do is start making phone calls at nine o'clock in the morning and you will find, as I do when I go into my area, (and in my town, we still have 1930's technology) that six out of ten attempts that I make up there until noon will be defeated and I have to wait my turn. There are only so many conversations that you can put into these cables as they wire our state together and if it is filled, then you have to wait your turn and you stand by for time.

We have heard in debate that this is not a consumable product, that it was unlike fuel oil, it was unlike gasoline, it was unlike any other commodity that is consumed — ladies and gentlemen, let me assure you that the telephone service is consumed, it is consumed by time. We are faced with either disciplining our society to remove themselves from those periods of high volume, which occur twice a day, and conduct their socialization or conduct their volunteering at those hours when there is not these peak demands. They will have to use other times that are available to them. There is no penalty for this other than possibly a little inconvenience, a little discipline on the individual. If we choose to go the other route, which is to provide everyone with unlimited service, then we must expand the current equipment that we have, both for the switching capabilities and for the cables that are run.

Let me give you an example of what is involved with cables. I have here in my possession a length of cable — it is one foot long and it weighs four

and a half pounds, it takes 11 of those spools to make one mile of cable. They weigh 11 tons. That is an awfully lot of equipment and a lot of material. It has 900 conversations in it at one time, that is all you can get in. Even with a shoe horn, you can't get one more in, somebody has to wait. So, that is what we are up against during those peak periods. We either have to expand the equipment, and when we start to expand the equipment, this becomes very expensive. Someone must pay. The purpose of local measured service is to determine who will pay. Who will pay for expansion or who will pay for the priority of using the lines during those peak periods. That is where we are, that is what we must consider and judge here today.

My philosophy comes from one which says, those who use will pay and those who use during the periods of demand will be required to pay. Our primary purpose for our communications is, as I said, not to socialize on the phone and it is not to support volunteer efforts, it is to support the business of the state so that we can create more jobs for our young people and then we can go on and maintain the business environment and economic development that we have started. It is part of our infrastructure, it is as important as our highways and if we don't do it today and support that expansion, we must modernize, we have large sections of our state that, as I mentioned my own and Representative Cashman's area has 1930 technology, that is what we are wired together with so I urge you to defeat this motion which is before us right now for the amendment will serve no useful purpose. The PUC's order is before us, it will go into effect this week on the 15th and by removing the emergency, the effectiveness of that order will only delay it 90 days after the close of the session and then we will almost be at the referendum vote period at that point anyway so I see no useful purpose to support the motion which is before us.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, as I understand it, the pending motion before the House is indefinite postponement of the amendment?

The SPEAKER: The Chair would answer in the affirmative.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: Then I would hope you would vote no on the pending motion and I would 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 Portland, Representative Baker.

Representative BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would defeat the motion to indefinitely postpone this amendment. I think this House took a very firm position last week on the issue and I think we should stand by our guns. That means standing by our guns in the face of the Public Utilities Commission. If

we succeed and get this amendment passed, the Public Utilities Commission would get the message and they will have to deal with it and I think that is what we should do.

The SPEAKER: The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, My Fellow Representatives: I am outraged at an editorial comment last week in a newspaper of general circulation casting aspersions on the common sense of this body and suggesting that the other body is more sensible. I think that editors should not jump to such conclusions based on a single vote or on a single issue. I am sort of in mind of an admonition by an instructor when I was undergoing flight training for the U.S. Navy who told me, of all things, do not make the same mistake twice. It is okay to make a mistake but don't make the same mistake twice. So, I just implore the members of this House, just don't make the same mistake twice, let's vote yes on the pending motion.

The SPEAKER: A roll call has been ordered.

The pending question before the House is the motion of Representative Vose of Eastport that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

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

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Stevens of Bangor. If the Representative from Bangor, Representative Stevens, were present and voting, she would be voting nay; if I were voting, I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Baileyville, Representative Tammaro.

Representative TAMMARO: Mr. Speaker, I request permission to pair my vote with the Representative from Washington, Representative Allen. If she were present and voting, she would be voting yes; I would be voting no.

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

Representative MICHAUD: Mr. Speaker: I request permission to pair my vote with the Representative from Rockland, Representative Melendy. If she were present and voting, she would be voting yea; I would be voting nay.

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

Representative DUFFY: Mr. Speaker, I would like to pair my vote with Representative Beaulieu of Portland. If she were present and voting, she would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is the motion of Representative Vose of Eastport that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

53 having voted in the affirmative and 80 in the negative with 10 being absent and 8 having paired, the motion did not prevail.

(See Roll Call No. 234)

Thereupon, House Amendment "A" (H-502) was adopted.

The Bill passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Representative Murray of Bangor was granted unanimous consent to address the House.

Representative MURRAY: Mr. Speaker, Men and Women of the House: I just want it on the record that I was not in favor of the last motion although I was recorded incorrectly.

(Off Record Remarks)

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

The Chair laid before the House the following matter: Bill "An Act to Change Martin Luther King Day from a Special Observance Day to a State Holiday" (Emergency) (H.P. 1335) (L.D. 1872) which was tabled earlier in the day and later today assigned pending acceptance of the Majority Report "Ought to Pass" Report "A".

On motion of Representative Gwadosky of Fairfield, retabled pending acceptance of the Majority Report "A" "Ought to Pass" Report and specially assigned for Wednesday, February 12, 1986.

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

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-496) - Minority (6) "Ought Not to Pass" - Committee on Utilities on Bill "An Act Concerning Local Telephone Service Rate Structure" (H.P. 1388) (L.D. 1957)

TABLED - February 7, 1986 by Representative VOSE of Eastport.

PENDING - Acceptance of Either Report.

On motion of Representative Vose from Eastport, retabled pending acceptance of either report and specially assigned for Wednesday, February 12, 1986.

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

Bill "An Act Relating to Use of Sulfite as a Food Preservative" (S.P. 793) (L.D. 1994)

- In Senate, Referred to Committee on Agriculture.

TABLED - February 7, 1986 by Representative NELSON of Portland.

PENDING - Reference in concurrence.

Subsequently, was referred to the Committee on

Agriculture in concurrence.

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

Bill "An Act to Make Supplemental Allocations from the Ground Water Oil Clean-up Fund to Support Activities and Staff of the Board of Underground Oil Storage Tank Installers" (Emergency) (S.P. 787) (L.D. 1980)
- In Senate, referred to the Committee on Audit and Program Review.

TABLED - February 7, 1986 by Representative Michaud of Medway.

PENDING - Reference in concurrence.

On motion of Representative Michaud from Medway, referred to the Committee on Energy and Natural Resources in non-concurrence and sent up for concurrence.

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

(At Ease)

The Chair laid before the House the following matter: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow the Legislature to Shorten the Terms of Office of Active Retired Judges" (H.P. 1415) (L.D. 1999) which was tabled earlier in the day and later today assigned pending reference.

Subsequently, was referred to the Committee on Judiciary, ordered printed, and sent up for concurrence.

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

PAPERS FROM THE SENATE

Bill "An Act to Establish a Toll-free Statewide Hot Line for Victims of Sexual Assault and Domestic Violence" (S.P. 796) (L.D. 2003)

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

Referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Amend the Drug Enforcement Law" (S.P. 797) (L.D. 2004)

Came from the Senate, referred to the Committee

on Judiciary and Ordered Printed.

Referred to the Committee on Judiciary in concurrence.

Bill "An Act to Amend the Requirement that All Part-time Law Enforcement Officers be Trained by the Maine Criminal Justice Academy" (S.P. 798) (L.D. 2005)

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

On motion of Representative Gwasdosky, was referred to the Committee on State Government in non-concurrence and sent up for concurrence.

Bill "An Act Creating the Cornish Water District" (Emergency) (S.P. 795) (L.D. 2002)

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

Referred to the Committee on Utilities in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Business and Commerce reporting "Leave to Withdraw" on Bill "An Act to Prohibit Insurers from Denying Medical Malpractice Insurance to Certain Physicians" (S.P. 727) (L.D. 1850)

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

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

PAPERS FROM THE SENATE

The following Joint Resolution: (S.P. 799)

JOINT RESOLUTION MEMORIALIZING RONALD W. REAGAN, PRESIDENT OF THE UNITED STATES AND JOHN S. HERRINGTON, SECRETARY OF THE UNITED STATES DEPARTMENT OF ENERGY TO OPPOSE LOCATING HIGH LEVEL RADIOACTIVE WASTE DUMP SITES AT THE SEBAGO LAKE BATHOLITH AND BOTTLE LAKE COMPLEX WITHIN THE STATE OF MAINE

WE, Your Memorialists, the House of Representatives and Senate of the State of Maine of the 112th Legislature, now assembled, most respectfully present and petition the Honorable Ronald W. Reagan, President of the United States, and John S. Herrington, Secretary of the United States Department of Energy, as follows:

WHEREAS, the federal government is searching for places to dump the Nation's high level radioactive

waste which must be isolated from the population and food chain for at least 10,000 years; and

WHEREAS, two of 12 proposed sites in 7 states under consideration are located in Maine, one covering 385 square miles in parts of Cumberland, Oxford and Androscoggin Counties and the other covering 92 square miles in parts of Hancock, Penobscot and Washington Counties; and

WHEREAS, the citizens of Maine have reason for serious concern over the limited period for response to the Government's recommendations which precludes the necessary time for research and formulation of sound reasons to prevent Maine from becoming a possible nuclear waste dump site; and

WHEREAS, little or no consideration has been given to the transportation factor, the hostile climate and the fact that neither of the proposed sites can be safely accessed by truck or rail without exposing densely populated areas along the way to great risk; and

WHEREAS, location of vast quantities of high level nuclear wastes in Maine would threaten Indian lands, Canadian lands and have a great negative impact on the tourist industry of this State fostering uncertain usage of large tracts of vacation lands which are so vital to the State's economy; and

WHEREAS, beyond the nightmare of possible contamination of Portland's water supply and other waters, serious geological questions have been raised such as faulting and fracturing of crystalline rock which could provide pathways for unacceptable levels of ground water at the depths proposed; now, therefore be it

RESOLVED: That We, your Memorialists, do hereby respectfully urge and petition the President of the United States and the Secretary of Energy to do everything within their power to strenuously oppose the location of a high level radioactive waste dump at either the Sebago Lake Batholith or Bottle Lake Complex within the State of Maine; and be it further

RESOLVED: Considering the magnitude of the issue involved, that the President and the Secretary of Energy give the citizens of Maine adequate opportunity to fully address the many concerns relating to the designation of the Sebago Lake Batholith and Bottle Lake Complex as potential sites for a national high level nuclear waste dump and be it further

RESOLVED: That duly attested copies of the Joint Resolution be immediately transmitted by the Secretary of State to the President of the United States, to the Secretary of the United States Department of Energy and to Members of the Maine Congressional Delegation.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

CONSENT CALENDAR

FIRST DAY

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

(S.P. 655) (L.D. 1693) Bill "An Act to Permit the Transfer of Protection from Abuse Hearings from Superior Court to District Court" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-373)

(S.P. 658) (L.D. 1696) Bill "An Act to Allow Justices of the Superior Court to Act on Requests for Preliminary Child Protection Orders" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-374)

(S.P. 699) (L.D. 1784) Bill "An Act to Clarify Set-back Requirements under the Shoreland Zoning Law" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-375)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, February 12, 1986 under the listing of Second Day.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Non-Concurrent Matter

Bill "An Act to Set Standards for Care in Whitewater Rafting" (S.P. 786) (L.D. 1976) which was referred to the Committee on Judiciary in the House on February 7, 1986.

Came from the Senate referred to the Committee on Legal Affairs in non-concurrence.

The House voted to recede and concur.

On motion of Representative Brodeur of Auburn,
Adjourned until February 12, 1986 at nine o'clock
in the morning.