

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Twelfth
Legislature

OF THE
STATE OF MAINE

VOLUME II

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April 3 - April 16, 1986
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The House was called to order by the Speaker.
Prayer by Dr. Jack E. Shankel, Superintendent of
the Maine District Church of the Nazarene, Vassalboro.
The Journal of Monday, April 7, 1986 was read
and approved.
Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

The Senate of Maine

April 7, 1986

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be
advised that the Senate today confirmed, upon the
recommendation of the Joint Standing Committee on
Education, the Governor's nomination of Richard W.
Redmond of Augusta for appointment as Commissioner of
the Department of Educational and Cultural Services.

Richard W. Redmond is replacing Robert Boose.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting
"Leave to Withdraw" on Bill "An Act to Provide for
the Effective Enforcement and Collection of Fines
Imposed for Civil Violations, Traffic Infractions and
Criminal Offenses and to Increase the Sanctions for
Failure to Appear" (S.P. 841) (L.D. 2133)

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

Ought to Pass in New Draft

Report of the Committee on Local and County
Government on Bill "An Act to Establish a Piscataquis
County Budget Committee" (Emergency) (S.P. 805) (L.D.
2031) reporting "Ought to Pass" in New Draft (S.P.
936) (L.D. 2345)

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

Report was read and accepted.

Under suspension of the rules read, the New Draft
was read twice and passed to be engrossed in
concurrence.

Ought to Pass in New Draft/New Title

Report of the Committee on Appropriations and
Financial Affairs on Bill "An Act Concerning the Job
Development Training Fund" (S.P. 874) (L.D. 2204)
reporting "Ought to Pass" in New Draft under New
Title Bill "An Act to Provide for a Job Development
Training Funding Capability within the Resources of
the State Contingent Account" (Emergency) (S.P. 932)
(L.D. 2333).

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

Report was read and accepted, the New Draft given
its first reading and assigned for second reading
later in today's session.

Ought to Pass in New Draft/New Title

Report of the Committee on Judiciary on Bill "An
Act to Clarify the Separation of Juveniles from
Adults when Juveniles are Detained in County Jails
after Adjudication of Commission of a Juvenile Crime"
(S.P. 790) (L.D. 1983) reporting "Ought to Pass" in
New Draft under New Title Bill "An Act to Clarify the
Separation of Juveniles from Adults when Juveniles
are Detained in County Jails" (S.P. 933) (L.D. 2334).

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

Report was read and accepted, the New Draft given
its first reading and assigned for second reading
later in today's session.

Divided Report

LATER TODAY ASSIGNED

Majority Report of the Committee on Energy and
Natural Resources reporting "Ought Not to Pass" on
Bill "An Act Regarding High-level Radioactive Waste"
(S.P. 894) (L.D. 2249)

Signed:

Senators:

USHER of Cumberland
EMERSON of Penobscot

Representatives:

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

Minority Report of the same Committee reporting

"Ought to Pass" as amended by Committee Amendment "A" (S-457) on same Bill.

Signed:

Senator: KANY of Kennebec

(Representative MITCHELL of Freeport - Abstained)
(Representative COLES of Harpswell - Abstained)

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

Reports were read.

On motion of Representative Michaud of Medway, tabled pending acceptance of either report and later today assigned.

Non-Concurrent Matter

Bill "An Act Relating to Liquor Excise Taxes and Freight Rates and Making Other Changes in the Liquor Laws" (H.P. 1646) (L.D. 2323) which was passed to be engrossed in the House on April 4, 1986.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-461) in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

112th Maine Legislature

April 2, 1986

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, ME 04333

Dear Clerk Pert:

Pursuant to our authority under the Resolves of 1985, Chapter 44, we have re-appointed Steve Richard to serve on the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons.

Mr. Richard was originally appointed, but failed to qualify in time.

Sincerely,

S/Charles P. Pray S/John L. Martin
President of the Senate Speaker of the House

Was read and ordered placed on file.

The following Communication:

112th Maine Legislature

April 7, 1986

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, ME 04333

Dear Clerk Pert:

Please be advised that pursuant to our authority under the Resolves of 1985, Chapter 44, we have appointed Ms. Loretta Rush of Millinocket to serve on the Commission.

Ms. Rush replaces Jan Brown, who recently resigned from that appointment.

Please let us know if you have any questions about this appointment.

Sincerely,

S/Charles P. Pray S/John L. Martin
President of the Senate Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

April 3, 1986

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to my authority under Chapter 60, of the Private and Special Laws of 1985, I have today appointed Rep. Elaine Lacroix, of Oakland, to serve as a House member on the Supreme Judicial Court Relocation Commission. She will be replacing Rep. Dan Gwadosky who has resigned.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

placed on file.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

April 4, 1986

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to my authority under MRSA 5, § 7021, I have today reappointed Joanne H. Clarey, of Portland, to the Maine Commission for Women.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
EXECUTIVE DEPARTMENT
DIVISION OF COMMUNITY SERVICES
STATE HOUSE STATION 73
AUGUSTA, MAINE 04333

April 3, 1986

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives
State House
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Title 22 M.R.S.A. Section 5204 (3), I am submitting to the 112th Legislature a report on Maine's Weatherization Assistance Program for the year 1984-85.

I would be happy to answer any questions you may have concerning this report.

Sincerely,

S/Nancy A. Boothby
Director

Was read and with accompanying report ordered

The following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON AUDIT AND PROGRAM REVIEW

April 7, 1986

The Honorable John L. Martin
Speaker of the House
112th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Audit and Program Review during the second regular session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	9
Unanimous reports	8
Leave to Withdraw	3
Ought to Pass	0
Ought Not to Pass	0
Ought to Pass as Amended	2
Ought to Pass in New Draft	3
Divided reports	0

Respectfully submitted,

S/G. William Diamond S/Neil Rolde
Senate Chair House Chair

Was read and ordered placed on file.

ORDERS

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

ORDERED, that Representative Norman R. Paul of Sanford be excused April 14 and 16 due to illness.

Was read and passed.

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative MURRAY from the Committee on Business and Commerce on Bill "An Act to Amend the Law Giving Protection to Shareholders in Maine Corporations" (H.P. 1529) (L.D. 2164) reporting "Ought to Pass" in New Draft (H.P. 1669) (L.D. 2353)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Divided Report

LATER TODAY ASSIGNED

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-650) on Bill "An Act to Improve Compliance with Maine Tax Laws" (H.P. 1511) (L.D. 2131)

Signed:

Senators: DIAMOND of Cumberland
TWITCHELL of Oxford
EMERSON of Penobscot

Representatives: MAYO of Thomaston
NELSON of Portland
TARDY of Palmyra
McCOLLISTER of Canton
CASHMAN of Old Town
SWAZEY of Bucksport

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

Signed:

Representatives: INGRAHAM of Houlton
ZIRNKILTON of Mount Desert
WEBSTER of Cape Elizabeth
JACKSON of Harrison

Reports were read.

Representative Cashman of Old Town moved that the House accept the Majority "Ought to Pass" Report.

On motion of the same Representative, tabled pending his motion and later today assigned.

Divided Report

TABLED AND ASSIGNED

Seven Members of the Committee on Business and Commerce on Bill "An Act Relating to Handling Fees and Unredeemed Deposits in the Returnable Container Law" (Emergency) (H.P. 1492) (L.D. 2103) report in Report "A" that the same "Ought to Pass" in New Draft (H.P. 1667) (L.D. 2348)

Signed:

Senator: BUSTIN of Kennebec

Representatives: RYDELL of Brunswick
STEVENS of Bangor
MURRAY of Bangor
MARTIN of Van Buren
BRANNIGAN of Portland
ARMSTRONG of Wilton

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

Signed:

Senator: KERRY of York

Representatives: HILLOCK of Gorham
ALIBERTI of Lewiston
TELOW of Lewiston
BAKER of Orrington

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought to Pass" in New Draft (H.P. 1668) (L.D. 2349)

Signed:

Senator: SEWALL of Lincoln

Reports were read.

Representative Brannigan of Portland moved that the House accept the Majority "Ought to Pass" Report.

On motion of the same Representative, tabled pending his motion and tomorrow assigned.

Divided Report

Majority Report of the Committee on Business and Commerce reporting "Ought to Pass" on Bill "An Act to Prohibit Mandatory Retrospective Rating in Workers' Compensation Insurance Policies" (H.P. 1598) (L.D. 2251)

Signed:

Senators: SEWALL of Lincoln
KERRY of York
BUSTIN of Kennebec

Representatives: ALIBERTI of Lewiston
MURRAY of Bangor
BRANNIGAN of Portland
RYDELL of Brunswick
TELOW of Lewiston
MARTIN of Van Buren
STEVENS of Bangor

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

Signed:

Representatives: ARMSTRONG of Wilton
HILLOCK of Gorham
BAKER of Orrington

Reports were read.

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

Representative BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House

accept the Majority "Ought to Pass" Report.

This matter deals with a workers' compensation rating and deals with mandatory retrospective rating. Retrospecting rating is looking at past experience and adjusting a past premium, the money you have already paid. That is different from experience rating where you look at the past and adjust the future premium.

Retrospective rating has been around for a long time and, on a voluntary basis, is a good way to proceed. But for the first time in the state, mandatory retrospective rating has been allowed by our superintendent, no where else is that done.

It is the opinion of the majority of our committee that this might very well upset the delicate balance that we set up together here last year. It could mean some very huge increases in cost. This is restricted to larger companies.

It will be said that it could hurt small companies. We had no evidence of that in the committee. Only one case really was cited during our rather lengthy discussion on this matter and that case hinged really, it seemed, on another issue, an issue dealing with ownership and that is going to be changed by the Bureau of Insurance itself although we offered to do it in this law.

I just seems to us that, at this time, mandating retrospective rating is the wrong thing to do and we would ask you to support the majority opinion.

Subsequently, the Majority Report was accepted, the Bill read once and assigned for second reading later in today's session

CONSENT CALENDAR

FIRST DAY

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

(S.P. 816) (L.D. 2061) Bill "An Act to Amend the Regulation of the Practice of Nursing" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (S-458)

There being no objections, the above item was ordered to appear on the Consent Calendar of later in today's session 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:

(S.P. 892) (L.D. 2242) Bill "An Act to Provide for Development of a State Low-level Radioactive Waste Facility if Necessary" (Emergency)

(S.P. 885) (L.D. 2230) Bill "An Act to Authorize Temporary Licenses to Operate Family Foster Homes"

(S.P. 927) (L.D. 2314) RESOLVE, Authorizing the

Commissioner of Transportation to Issue Temporary Experimental Vehicle Permits on a Limited Basis under Strictly Controlled Conditions (Emergency)

(H.P. 1585) (L.D. 2232) Bill "An Act to Provide Appropriate Penalties for Violations of Milk Commission Statutes and to Provide for Administrative Enforcement" (C. "A" H-648)

(H.P. 1431) (L.D. 2022) Bill "An Act to Amend Watercraft Excise Tax Laws" (C. "A" H-649)

(H.P. 1571) (L.D. 2221) Bill "An Act to Amend the Annual Operating-under-the-influence Report and to Establish a State-operated Evaluation Program within the Driver Education Program of the Department of Human Services" (C. "A" H-651)

(H.P. 1479) (L.D. 2081) Bill "An Act to Exempt the Town of Hope from Liability for Certain Tax-acquired Property" (Emergency)

(H.P. 1588) (L.D. 2233) Bill "An Act to Improve Child Welfare Services in Maine" (C. "A" H-653)

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

As Amended

Bill "An Act to Provide Funds for the Teacher of the Year Program" (H.P. 1517) (L.D. 2146) (C. "A" H-646)

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

(Off Record Remarks)

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

On motion of Representative Baker of Portland, Recessed until five o'clock in the afternoon.

(After Recess)

The House was called to order by the Speaker.

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

CONSENT CALENDAR

SECOND DAY

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

(S.P. 816) (L.D. 2061) Bill "An Act to Amend the Regulation of the Practice of Nursing" (C. "A" S-458)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as Amended in concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Provide for a Job Development Training Funding Capability within the Resources of the State Contingent Account" (Emergency) (S.P. 932) (L.D. 2333)

Bill "An Act to Clarify the Separation of Juveniles from Adults when Juveniles are Detained in County Jails" (S.P. 933) (L.D. 2334)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were Passed to be Engrossed in concurrence

SECOND READER

TABLED AND ASSIGNED

Bill "An Act to Prohibit Mandatory Retrospective Rating in Workers' Compensation Insurance Policies" (H.P. 1598) (L.D. 2251)

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

On motion of Representative Brannigan of Portland, tabled pending passage to be engrossed and tomorrow assigned.

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Law Giving Protection to Shareholders in Maine Corporations" (H.P. 1669) (L.D. 2353)

Was reported by the Committee on Bills in the Second Reading, read the second time, the House Paper was Passed to be Engrossed and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Authorize the Treasurer of State to Temporarily Invest Excess Money Including Unspent Bond Proceeds in Tax-exempt Obligations (S.P. 862) (L.D. 2176) (H. "A" H-639)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to Use of Sulfite as a Food Preservative (S.P. 908) (L.D. 2275) (H. "A" H-640; S. "A" S-449)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and one against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish the Cost of the 1986 Spruce Budworm Suppression Project and to Provide Operating Funds for the Spruce Budworm Management Program (H.P. 1591) (L.D. 2244)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Remove Maximum Annual Limits on the Captured Assessed Values within Tax Increment Financing Districts (H.P. 1622) (L.D. 2285) (H. "A" H-637)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENGROSSED

An Act Establishing a Commission to Implement Computerization of Criminal History Record Information (H.P. 1627) (L.D. 2295) (S. "A" S-454)

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

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 2295 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-660) and moved its adoption.

House Amendment "B" (H-660) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended House Amendment "B" (H-660) and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Require the Workers' Compensation Commission to Study the Causes of Delay and its Effects on the Participants in the Workers' Compensation System (H.P. 1636) (L.D. 2309)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Require Emergency Vehicles to Stop and Proceed with Caution when Overtaking and Passing School Buses (H.P. 1644) (L.D. 2318)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Reorganize the Maine Potato Industry (S.P. 876) (L.D. 2205) (S. "A" S-450)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENGROSSED

AS AMENDED

An Act Providing for the Lease of Unused Space or Facilities Owned by the State (S.P. 917) (L.D. 2291) (H. "A" H-636) (H. "B" H-645)

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

On motion of Representative Gwadosky of Fairfield, under suspension of the rules, the House reconsidered its action whereby L.D. 2291 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "B" (H-645) was adopted.

The same Representative offered House Amendment "A" (H-661) to House Amendment "B" (H-645) and moved its adoption.

House Amendment "A" (H-661) to House Amendment "B" (H-645) was read by the Clerk.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This is a technical amendment to include the facilities at Bigelow Mountain that are currently maintained by the Department of Marine Resources are excluded from the provisions of this bill.

Subsequently, House Amendment "A" to House Amendment "B" was adopted.

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

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

PASSED TO BE ENACTED

An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations (H.P. 1507) (L.D. 2121)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Improve Lobster Research and Management (H.P. 1597) (L.D. 2248) (H. "A" H-606; H. "B" H-616; H. "C" H-641)

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

Representative Scarpino of St. George requested a roll call vote on enactment.

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 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 pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

93 having voted in the affirmative and 43 in the negative with 15 being absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(See Roll Call No, 279)

PASSED TO BE ENACTED

An Act Concerning Atlantic Salmon (H.P. 1621) (L.D. 2284) (H. "A" H-642)

An Act to Authorize Preferred Provider Arrangements in Maine and to Establish a Cash Reserve Requirement for Health Maintenance Organizations (H.P. 1625) (L.D. 2290) (H. "B" H-644)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENGROSSED

AS AMENDED

An Act to Require Motorcycle Driver Education for First-time Operators of Motorcycles (H.P. 1643) (L.D. 2316)

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

On motion of Representative Theriault of Fort Kent, under suspension of the rules, the House reconsidered its action whereby L.D. 2316 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-659) and moved its adoption.

House Amendment "A" (H-659) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "A" (H-659) and sent up for concurrence.

PASSED TO BE ENACTED

An Act Relating to Driver Education for the Handicapped and Already Licensed Individuals (H.P. 1645) (L.D. 2319)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be

enacted, signed by the Speaker and sent to the Senate.

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Establish a Sales Tax Exemption for Sales to Incorporated Nonprofit Homes for the Elderly" (H.P. 1463) (L.D. 2060) reporting "Ought Not to Pass"

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

CONSENT CALENDAR

FIRST DAY

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

(H.P. 1626) (L.D. 2294) RESOLVE, Authorizing the Sale of Certain Public Reserved Lands in Winterville Plantation Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 1664) (L.D. 2342) Bill "An Act Extending the Boundaries of the Gray Water District to Include the Entire Town" Committee on Utilities reporting "Ought to Pass"

Under suspension of the rules, second day notification was given, the House Papers were passed to be engrossed and sent up for concurrence.

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

CONSENT CALENDAR

FIRST DAY

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

(H.P. 1635) (L.D. 2308) Bill "An Act to Extend the Deadline and Increase the Appropriation for the Special Select Commission on the Administration and Financing of General Assistance" Committee on Human Resources reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, April 9, 1986 under the listing of Second Day.

Reference is made to (H.P. 1385) (L.D. 1954) Bill "An Act to Revise the Energy Building Standards Act"

In reference to the action of the House on March 31, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative JACQUES of Waterville
Representative RIDLEY of Shapleigh
Representative DEXTER of Kingfield

At this point, the Speaker appointed Representative Gwadosky of Fairfield to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

The Chair laid before the House the following matter: Majority Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act Regarding High-level Radioactive Waste" (S.P. 894) (L.D. 2249) which was tabled earlier in the day and later today assigned pending acceptance of either report.

Representative Michaud of Medway moved that the House accept the Majority "Ought Not to Pass" Report.

Representative Mitchell of Freeport requested a roll call vote on that motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lagrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: My friends have asked me why I put my name as a willing sponsor on this bill. I would like to tell you that in my district there are towns, several towns, that are either in the Bottle Lake Complex or adjacent to the Bottle Lake Complex. I recognize that there is no connection whatsoever between the site location for a repository for the storage of high-level radioactive waste and the Maine Yankee but the people in my area are made up largely of two groups, one of the old natives like myself and the other group are those that we sometimes say "come from away." The only difference between us, some came a lot later than others. There is considerable concern in our area about any nuclear problems. If we have one thing in common, it is the word nuclear, which raises the hackles on a lot of people.

There are a lot of very serious questions concerning nuclear problems, whether it is the production of power, production of waste or the disposal of waste. Ever since last August, when I attended the first meeting, I have been hearing rumors and lies and distortions and facts and deception and they are all so intermingled that I have to admit to you that I can't separate fact from fiction.

It seems to me that the people are sending us conflicting and contradictory signals. We have twice voted with very decisive margins to permit the production of nuclear power at Maine Yankee. Yet

today, some of the same voices are raised high to complain about taking care of the waste that is being produced.

I was a little bit concerned myself because I couldn't remember how I voted. I didn't even remember voting on the referendum. I thought I must be rather stupid so I will go back home and I will ask some of my neighbors. I didn't tell them that I didn't remember myself. I am sure that I did vote because I always vote, but looking back, I am sure that I probably thought the production of nuclear power was nothing but a part of an evolutionary process. We went from candles to kerosene lamps to electric lights, electricity made by hydropower, power made by the using of coal and I am sure that I thought of this as being merely another step.

I asked 20 of my neighbors how they voted and I asked people that I knew, people I could trust, I knew they would give me a straight from the shoulder answer. I asked 20 people -- how did you vote on that referendum? Two of them spoke up quickly and said they voted against the production of power at Maine Yankee. Ten of them, very honestly said, I didn't even know it was ever on the ballot. Eight of them said, I probably voted for it, I don't know why I wouldn't have, but they weren't sure either. That made me feel a little bit better but the consensus of the thinking of the people in my area today is probably 99 percent against the disposal site that is being considered in the Bottle Lake Complex.

We do have a couple over there though who feel that the expenditure of anywhere from \$10 billion to \$50 billion for the construction of a repository would mean an economic boom for that area and we have never had one over there. I can understand how they feel.

I have many people in my area who complain that I have have been soft-peddling this issue because my first news letter that went out gave straight from the shoulder information that we had gotten from the DOE right in this very hall. I concluded it by saying that I didn't think this was the time to sell the farm and move out. I got a lot of criticism for that statement because they said, you are telling these people they don't need to worry.

One person said, we are trying to educate these Maine natives and what you are telling them is working against us. I could understand that. One said, these Maine natives just sit back and relish their ignorance. I didn't quite like that but that didn't bother me.

The next one drove the nail in real deep. One individual said, you are so old that you are going to be dead before they ever make one of these things so you don't care. I didn't mind that, that didn't hurt my feelings, I can take the heat of something like that. My answer was, my people who lived on the same hill for 178 years within 20 or 25 miles of where this repository would be if you ever put one in the Bottle Lake Complex, seven generations of my people are buried within two miles of my home -- of course I care. I have grandchildren and, like a lot of other foolish old grandfathers, I think a lot more of my grandchildren than I do of myself.

I say, if people want to play hard ball, let's play hard ball. This bill throws the ball into the people's court. I understand what a democracy is and I know you do. I believe in the democratic process and I have a lot of faith in the people. I agree that it should be the people and not the politicians

who make the decisions. I am not a doctor, I am not a scientist, I am not an engineer and I don't know the answers to these questions. With all due regard and due respect to all the brains that are in this hall tonight, as I look around, I don't see anybody whose judgment in this particular matter I would trust any more than I do my own and I don't trust my own at all.

It would seem to me, that if we are going to make a decision that the people who are going to be affected, should have a right to participate in the decision making process. I think we should give them that right to participate in the decision making process and I think the people should be made to assume some of the responsibility of the decision that is to be made.

I think that, if we believe in the validity of our position, whether it is for or against, that we should be willing to give the people that right.

There is going to be a referendum and it doesn't make any difference whether it comes in November of 1986 because we give them the right to make that decision then or whether it comes in 1987 because they get that right by initiating a petition of their own. I believe if the people ask the questions and have the opportunity to think this over, and if they get answers to the questions or if they don't get answers to the questions, I have enough faith in the people to feel that they will have their heads screwed on right and they will make the right decision. I am not afraid to let this go out to the people.

I am not speaking here tonight to get votes. I don't care how anybody votes. I merely want to state my position. I am going to vote my conscience and I hope that you will vote your conscience and I say, God help the both of us.

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

Representative COLES: Mr. Speaker, Men and Women of the House: Something that Representative Hichborn mentioned, I would like to emphasize. A very practical reason why I voted for this -- (or would have anyway) there is no doubt in my mind and there shouldn't be any doubt in any one else's mind, we are going to have a referendum on Maine Yankee.

The Maine nuclear referendum committee has proven themselves three times that they are very capable of initiating a bill and forcing it to a referendum. The question is, when are we going to have the referendum and what is the bill going to say? If we turn down this bill today and the other body turns it down again also, the people who initiate the petition are going to define the question and the schedule and the timing. The only time this legislature will have a say in it, to define these issues, is now. So, it is not whether we are going to have a referendum or not that we are talking about today, it is just when and how.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker and Members of the House: I wish to express my feelings to Representative Hichborn that I share with him that the district that I represent has felt the same way that his has. If we go back to January 16th, when the Department of Energy announced those two areas as sites for a high-level waste site, we had a responsibility to go back to our districts and tell the people the implications of that decision. I went

around immediately the day after, on the 17th, to every business, town office, school board, citizens, general store people and I told them about this. Their first impression was, this was again a Maine Yankee bill, a no-nuke bill, something to that degree. They couldn't quite understand what I was talking about, they couldn't understand why I was so excited, but the local newspaper was a little more receptive to the problem, the Bridgton News. They covered it as their headline story and they announced also, that on January 29th, 12 days later, we would have a meeting at the high school to talk about this problem, for people to come out, get some information, learn what this was all about.

At that January 29th meeting, approximately 600 people showed up. A panel of State Representatives, members of the Radioactive Waste Siting Commission were there, members from the State Geological Service were there and we began the question and answer period. It started out with, just what is high-level waste, what is this problem, how did we get here?

That meeting went well into the morning. The questions started out at that level but soon evolved to questions about radioactivity, nuclear power plants, nuclear arms, etc. There is a tremendous amount of education that still needs to be done here. One of the ways we can continue that educational process, I believe, is through this referendum process.

Because Representative Hichborn and myself, Representative Jackson, Representatives who represent the people who have truly felt the impact of being so arbitrarily selected to be the site of one of the nations only or second high-level repository, the impact of that decision was felt much faster and much quicker in those areas. I believe that that feeling needs to be developed further. I see the decision here to let this go to referendum as a very important one.

At the public hearing that was held just about a week ago on this bill, the proponents of the bill expressed the very same feelings. Every argument, every reason that they gave for letting this go out to the people, was based along this same logic. But the opposition was much different. The opposition did not discuss the importance of education, the importance that the facts have changed, the situation has changed, we don't live in a static world, we live in a dynamic world, things change -- the opposition was whether it was good or bad to close Maine Yankee.

The implication was that the decision would be made right there in committee or right here today whether we would decide whether Maine Yankee would stay open or closed. The arguments for the opposition were all built on that. How much the power would cost, how much it wouldn't cost, how much it would cost to close it, how much it wouldn't cost, whether the plant was safe or whether it wasn't safe. That disturbed me because that wasn't the question. The question was, would we put this out to referendum and let the debate go on, let those questions be raised to the public and for the people to decide. The assumption of the opposition was that those answers are already known. The people have already decided, they voted twice, twice in the past to keep the power plant open.

There are lots of other issues involved. I think there is only one issue here and that is whether we are going to allow this debate to go on, whether we feel that by letting it go on we will learn more.

that through that educational process a decision on whether the two issues of production of waste and storage of waste are connected and where this state will stand on that question.

I feel that the future of the Maine Yankee Nuclear Power Plant is not a good one. At some point in the future, we know that plant will be closed, it is a question of when.

Today, what we are asking you to consider is to let that debate go on, let that public educational process to continue.

People have said to me, we can't let this go out in November because when people vote they will be very emotional. I think that is good. I think they should be very emotional because that is what has made them ask so many good questions and come up with so many good answers to the whole question of waste storage. It isn't just a question of waste storage, that is just one aspect of the whole nuclear process, production, production of arms, those are important public policy questions and people feel very betrayed right now that they have delegated the responsibility for those questions and answers to the Department of Energy, to the Nuclear Regulatory Commission, to the Advisory Commission, to us as State Representatives, to Congress. The betrayal was the very reason that Citizens Against Nuclear Trash organized, formed into 40 different committees, raised \$280,000 in seven weeks. I have tried to work with them as much as I possibly can to restore some of that trust and confidence.

When those people came up last Wednesday to the hearing (and that hearing was packed) and in the words not of mine, but of spokesmen of Central Maine Power Company, packed with people from Maine Yankee who were being paid out of stockholders accounts to be there and I saw the expression on the faces of the people I represent that came up to that hearing. I felt again that betrayal, that distrust. Their sign said, let the people decide. The opposition was saying no, let's debate it right here, right in this small little room, let's get it over with and let's keep the power plant operating. That is not the question, that is not what has moved me, that is not what has gotten me to my feet today, it is what I have seen happen in my own district with the people that felt betrayed, felt that we need to discuss this, want you to discuss it further, want your involvement and they want to come to a conclusion that nuclear power is economical, it is safe, it is efficient, but they don't feel that right now. I think they have good reasons. Those reasons, I think, will bear more fruit, will be better understood if we vote today to continue to let this go out to the people. I am not worried about their emotional level. They have proven over and over again to me that they are very responsible -- their fund raising, as I mentioned, their committees, their technical committees, their research abilities, their involvement.

I hope you will feel what I am feeling, you will feel what Representative Hichborn is feeling -- that that is the issue, not to close or keep Maine Yankee open, but to let the people decide.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, was concerned about this issue when they were talking about the waste disposal. Having been through two referendums on the

Maine Yankee and also as House Chairman of the Committee on Utilities, I wrote a letter to Mr. Ben C. Rusche, Director of the Office of Civilian Radioactive Waste Management in Washington D.C. I am going to read this letter to you and enter it into the Record.

"Dear Mr. Rusche: As you know, a great storm of public concern has arisen over the decision by the U. S. Department of Energy to select two sites in Maine as candidates for a second high-level radioactive waste depository.

This concern has arisen to such a level of intensity that some of our legislators have proposed legislation to shut down our only nuclear plant, Maine Yankee, in 1989, even though its license does not expire until 2008.

As House Chairman of the Maine Legislature's Committee on Utilities, I would like to ask you whether the shutdown of the Maine Yankee plant before the expiration of its license will have any effect on the U. S. Department of Energy's decision to select Maine as a high-level waste depository."

That was sent out on March 21st. On March 25th, I received this answer. "Dear Mr. Chairman: Thank you for your letters of March 13th and March 21, 1986, regarding the relationship between the Maine Yankee Nuclear Power Plant and the Department of Energy's siting process for the Crystalline Repository Program.

There is no relationship between locations of nuclear power plants, the spent fuel they produce, and the ultimate selection of a site for a second geologic repository. A premature shutdown of Maine Yankee would not affect the siting process associated with the Crystalline Repository Program in any way.

The Department's siting process follows the provisions contained in the "General Guidelines for the Recommendation of Sites for the Nuclear Waste Repositories." These siting guidelines were concurred on by the Nuclear Regulatory Commission and were finalized in December 1984. They are codified at 10 CFR Part 960 (49 FR 47714). There is no provision contained in the siting guidelines for consideration and possible disqualification of a site because of the presence of or adverse actions taken in regard to an operational nuclear power plant.

Our efforts to site, construct, and operate a deep geologic repository for the permanent disposal of spent fuel and high-level radioactive waste will continue even if all nuclear reactors generating electricity were shut down this year. At this time, there exists just over 12,000 metric tons of civilian spent nuclear fuel generated by commercial nuclear power plants and approximately 10,000 tons of high-level radioactive waste that has been produced by our nation's defense related activities. The department has a legal obligation to move forward and comply with the provisions contained in the Nuclear Waste Policy Act regarding the disposal of these wastes. It is our clear intent to do so.

I appreciate having the opportunity to clarify for you the relationship, or rather, lack of one, that exists between the Crystalline Repository siting program and locations of operating reactors."

I have no problem with this at all. I am going to represent the people of Maine twice, twice in a referendum -- they told me keep Maine Yankee open and that is exactly how I am going to vote. I am going to try to keep Maine Yankee open because that is what the people of Maine have indicated they want.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I can't resist the opportunity to comment on Mr. Ben Rusche's letter to Representative Vose. First of all, you have got to remember that since 1982, the facts have changed. In fact in 1982, when the voters of Maine voted to keep Maine Yankee open for the second time, that our National Waste Policy Act had yet to be enacted by Congress.

The implication of Mr. Rusche's letter is that the decision to site a high-level radioactive waste repository in this country will be a technical one and that the Department of Energy will go ahead without regard to any sort of political pressure that the voters of any state would put upon them. I don't think that is true. For one thing, the law requires, not Mr. Rusche or the Department of Energy to make the decision, but the Congress of the United States and the President of the United States. The Congress of the United States is a political institution and certainly the President of the United States is an office and the person who holds that office is a result of a political process.

What the bill today would do would allow the people to reevaluate the new facts, the facts which have changed since 1982 and make a decision. I don't think we should fear the decision that the people should make, it is their state, it is their intelligence or lack of it that has put us all here. Both sides in this matter claim victory.

At the public hearing, the owners of the nuclear power plant presented a petition to us, a poll that they did. It was done by Cambridge Research and it indicated that they would win a third referendum with about the same margin that they had won the last one. Some people that I talked to on the other side of the issue are pretty convinced that that poll is wrong and that they are going to win. In any case, I don't think we have anything to fear from the people and I don't see any reason why they shouldn't be allowed to vote on this issue again. They will vote on it again, if not this year, next year, because I think that it is almost certain that they are going to bring an initiated petition into this legislature next winter if we don't pass this bill today.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if I can add anything to the debate this afternoon that hasn't already been said but the Representative from Casco indicated that I represent a constituency which is quite concerned with what has occurred in the last two plus months. I have to stand here this afternoon to tell you why I feel that the members of this body should oppose the motion that is currently before us and support the Minority Report.

You heard this afternoon that the issue is not Maine Yankee, it is not the nuclear generation facilities throughout the country that is the problem. It became apparent to me early in January that we do have a problem. That problem is, we are generating a highly toxic waste with a toxicity that is the highest known to man. We have got a problem folks. We have got a problem and we don't know how to store it or where to store it. It seems to me, if we are part of this problem, which we are in this state, that we had ought to accept some

responsibility.

There is a bill before us today that allows the voters of Maine to make that decision. If they want to continue contributing to a problem that exists, they will vote to close Maine Yankee. If they don't, they will vote to continue this operation and the debate will have been stated. It has become apparent to me in the last few months that there has got to be a forum and that forum has got to discuss, not only this state's energy problems, but the country's energy problems and the country's future energy needs. That debate will include, whether we continue with nuclear power or we go back to more smoke stacks and coal, generating facilities or we go with tidal or water power. That forum has got to take place and I don't object if it takes place in this state. If it has to start here, has to roll through the rest of the nation, so be it.

I think it is important that the residents of this state, in view of the data that has been collected in the last two and a half or three months, that they have a chance or opportunity to review that and again make that decision. The decision that was made previously to maintain the operation of Maine Yankee is two years old. A lot has happened in the last two years. A lot has happened in the last three months.

This afternoon, folks, I urge you to vote against the pending motion and vote for the Minority Report.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I would urge you to vote for the Majority "Ought Not to Pass" Report. It has been stated earlier -- let the people decide. As Representative Vose has said, the people have decided a couple of times since 1980. Sure, things have changed since then with Maine having two sites but that would have no effect, one way or the other, if Maine Yankee was closed and whether Maine would still be considered. It has been made very clear that Maine still will be considered regardless of whether Maine Yankee is shut down or not.

Lin Palmer, who testified at the public hearing, said he met with DOE and with the Vice President, George Bush, and they stressed to him that a premature shut down of Maine Yankee will not affect the siting process. That has been made very clear.

The 1983 Supreme Court ruling would, even if it does go out to the voters and they voted to shut Maine Yankee down, preempt the state from closing it.

Representative Jackson said that we are part of the problem, we ought to take care of it. If he recalls a couple of years ago, the legislature passed a law on the books which makes it illegal to store spent fuel by Maine Yankee after July 1, 1992. So, after that date, they can no longer store it there.

The Representative from Casco, Representative Simpson, mentioned the fact that employees from CMP and Maine Yankee were at the public hearing. He brought that to my attention and it was a public hearing where anyone could testify one way or the other and there is nothing we can do about it. I did talk to some people from the company and I asked them if they were paying them to be there and they said, yes they sent a memo to the employees which made them aware of the hearing. They also stressed that they were not going to try to apply any pressure to them, they just thought since it pertained to their job that they should be made aware of it. That cost was

not passed on to the ratepayers.

Someone else mentioned, since you are from northern Maine, why should you care? It doesn't affect you if the plant were to shut down -- it does affect Northern Maine, it affects the state as a whole. I talked to Mel Hovey, President of the Maine Public Service Company and he said, if it were to shut down, the effect could be from \$100 million to \$200 million, which I would say does affect northern Maine.

I have no problem if the people of the State of Maine want to vote on this issue. There is a process to get the signatures and this issue will go out to them. They have spoken on two separate occasions and I am sure that they probably will be able to get enough signatures to bring it to a referendum.

There are several questions that have to be answered and I don't think that we, as a legislature, should pass this out. If the public wants to vote on it, they will get the signatures.

I asked one of the sponsors at the public hearing, if some attorneys are correct in their assumption, and if the state decides to close down Maine Yankee, whether or not that would be considered it taking. If it was a taking, that means the State of Maine will have to pay compensation. That could run into a large sum of money and where is the State of Maine going to get that money to pay for that? He could not answer that question. Basically he said, we'll send it out to referendum and worry about it later. That is nice but I think we have to worry about it now.

I hope that you would go along with the majority of the committee and support the "Ought Not to Pass" Report.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: This Committee Report is a glowing report, there is no doubt about that. I said at the public hearing, as a co-sponsor, and I will say it again here tonight, that this is probably the largest contingent of Yankee fans we will ever see in the State of Maine during any baseball season. I think that is very true.

I think what we are debating here tonight is whether we want to have the people decide to open or close Maine Yankee, to keep it open or to shut it down. We have debated this twice. As the good Representative from Eastport has said, the people said twice, let's keep it open. I think we have to submit that, somewhere along the line, the game has changed, we have a new deck of cards and we have to play the game again and hear the debate again with this new deck of cards that has been dealt to us here in the State of Maine.

My good friend and colleague from Medway, Representative Michaud, mentioned costs. I can counter, as everybody else can, point by point, issue by issue, that in 1982, Energy Systems Research Group projected that the cost of closing Maine Yankee would cost only an 80 cents per month increase on residential electric bills of \$40.

If we are worried about debates, let's go out and have that debate openly and let's see who has the facts and who has the fiction. As the Representative from Lagrange said, he is having trouble keeping them straight, what are facts and what are utter variances from the truth.

In this state, the people have frequently dealt

with issues of toxins and hazardous waste, the people of Saco, the people of Winthrop, the people of Augusta, the people of Baileyville and the people of my hometown in Gray. It was the people of the state who moved the federal government to clean up some hazardous waste and to take care of that hazardous waste in a sane and reasonable manner. I think we should hear the debate and let the people debate how they would like to see hazardous waste, now nuclear waste, taken care of in this state. We should hear the debate, we have got nothing to lose, we are not debating whether we should shut it down here tonight or not. I don't think we should reject off-hand the will of the people and the wishes of the people and I would urge you to reject the Majority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Livermore Falls, Representative Brown.

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would agree with my good friend, Representative Mitchell of Freeport, that this is not an issue that looks at alternatives necessarily and I guess so long as that issue doesn't come up, I will stay away from that because I think he is right. This is purely an issue of whether or not this should be sent to the voters by referendum.

I would like to express to you why I voted the way that I did on the bill. I would like to express to you why I think that the pending motion should pass. In doing so, I guess I would like to comment on some of the other comments that have been mentioned prior to my rising.

In terms of the committee process, I would like to defend that process because it was brought out that there were numbers of employees of Maine Yankee at that hearing and one of the previous speakers felt that that was kind of an unfair kind of situation. I suspect that it seemed unfair to that individual because he expected to see the room full of one-sided folks and it didn't turn out that way.

I would also hasten to point out that equal testimony time was given to both sides. While I may be wrong, my recollection tells me that only a single person from Yankee Atomic spoke that day, and that was the president, Mr. Rowe. I may be wrong, there may have been one or two more but the vast number of people speaking in opposition to the bill were business people from around the state, a minister, and just plain citizens. There was good treatment given to both sides and I commend both the Chairman of my committee for running a very orderly hearing in a sometimes disorderly surrounding.

Representative Simpson doesn't see anything wrong with this turning into a highly charged, emotional kind of situation. I guess that I would tend to disagree with that. Since the DOE selected Maine as one of the six finalists, if that is how we are labeling ourselves, emotions have run high and for very good reason, I suppose, that it has been unfortunate, I think, that the issue before us has been linked to the decision of DOE to consider Maine as one of the finalists and Representative Vose and others have told you and I won't repeat what they have said only to say that the two have really no bearing upon one another.

The emotional issue does bother me a lot. I heard at the public hearing comparisons made between Maine Yankee and what happened at Hiroshima and Nagasaki. That bothers me.

I was lobbied by one of the proponents of the bill yesterday in the corridor and the tone of that lobbying effort became so emotional and so bizarre that I won't even repeat it to you folks. If that is the kind of debate that Representative Simpson calls an educational process, then we had better consider very, very carefully what we want to call education. For that matter, if this bill is defeated, there is still no reason why the educational process cannot continue. I think that the reaction to the DOE's efforts in Maine have gone the route from the highly charged bizarre emotional to the more technical, more reasoned, more rational approach as to why they ought not to be searching these two sites for a radioactive dump location for a repository. I tend to favor the more rational, more scientific, more technical approach and response to that issue.

Finally, you will note that the number of this bill is L.D. 2249. That is 2249 bills, at least, that we have considered this session. To those who say let the people decide, I guess my only response to that is, somewhere we must draw the line. They have decided twice. If we send all of the tough issues back to the people, we are not really doing our job. I am not going to vote to send this one back to them. I won't have any problem defending why I am not sending this back to them. That is why they sent me down here, I believe.

I would urge you to vote for the pending motion, "Ought Not to Pass."

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

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the Houses: Just a couple of comments. It seems that both sides, when they are talking, doesn't want the other side to talk about anything except the issue of whether it should go to the people or not, but tonight some of the people that support this bill have talked about nuclear arms control and several other of the issues that have nothing to do with what we should be debating here tonight.

We should just be debating whether we should send this out to the people. I, for one, am going to take the fact that we have sent it out twice, people have voted it down twice, and it will be a disservice to those that do not want it, to send it out. There is a legal and legislative process by which they can gather the 40,000 votes, 48,000 I guess it is now, and bring it back to referendum by a voter initiative and if they want to put it out to the vote, that is the way they should do it. I believe this House should vote not to put it out.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House: When the nuclear power plants were first built, basically what happened as far as the waste issue was concerned, was that the federal government said that they would take care of both low-level waste and high-level waste. As time went on, eventually the federal government changed their minds and they said that the states would be in charge of low-level waste and the federal government would be in charge of high-level waste. Eventually, what happened with a lot of people is they thought that the waste issue was going to be safely taken care of by the federal government. Since the last

vote on this issue by the people, I think most people have become aware of what the federal government's answer is to the waste and how they intend to get rid of it and that is to bury it in the ground. I think a lot of people did not realize that, did not know that was going to be what the federal government was going to give for a safe way to dispose of the waste.

I challenge anybody here today who will say, after the meetings that we have had in this state, that the federal government's plan for burial of the waste in the ground, is safe. The point is, there is no safe way to get rid of the waste and that is the point that we should be talking about. There is no safe way of disposing of it. The federal government has come up with their answer of how to dispose of it and know what it is, the people know now, they should have a chance to vote on whether or not they think we should keep producing waste that we know there is no safe way of disposing of it. That is why we should send this out to referendum.

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 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 PRO TEM: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I just want to make one final comment. Representative Vose, whom I respect very much for his very practical common sense point of view, it kind of strikes me a bit funny he would write to Mr. Rusche, who is the ultimate person who is in charge of this program, if the two issues are related, when that has been discussed at many public hearings that I have attended. People have compared that to the proverbial fox guarding the chicken coop.

I know that Representative Vose was quite sincere in writing that letter and I believe Mr. Rusche's answer was quite sincere but I just want to raise, once again, the question of doubt in the accuracy of the decision of this and the correctness of the decisions that are being made in the Department of Energy and whether Maine will continue to be an independent and free state.

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

Representative DEXTER: Mr. Speaker, Men and Women of the House: Reference was made to a new deck of cards but, after ten years of listening to this on the committee, longer than anyone else here, all I see is the same old faces and numbers. This is no time for a divisive state referendum, we should be closing ranks and proving to the DOE why we do not have a favorable site.

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

Representative HOLLOWAY: Mr. Speaker and Members of the House: Something was just said about the relationship between a storage repository here and producing the energy and the waste at Maine Yankee -- I might remind the House that in the State of Nevada, they have 11 high-level nuclear waste rods stored in the floor at the building in Mercury, Nevada. Nevada does not have a radioactive reactor there. Nevada has been the area for United States nuclear tests for

over 40 years and yet Nevada does not have an atomic reactor.

Nevada has one of the three commercial low-level waste sites in the United States and it does not have a nuclear reactor.

Nevada has one of the commercial hazardous waste dumps and it does not have a reactor.

Nevada is one of the three western states slated as a possible permanent storage of high-level waste in the Yucca Mountains where they are presently drilling in the volcanic tuff and yet Nevada does not have an atomic reactor.

Nevada is the only state of all the finalists in this country that does not host an atomic energy plant. So, you see there is no relationship between our producing nuclear waste and having a reactor.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak briefly on this for a moment and raise a couple of points which perhaps have not been raised yet. First of all, I would like to respond to the previous speaker saying that I understand that Nevada does not have any producing sites but they do have a long history of status quo of being in relationship with nuclear production, explosion and research so the status quo of Nevada is one in which you would expect to put the dump out there. In fact, that might be a good place for it.

Some people said that there have been two referendums in Maine already and therefore we don't need another one. There is a status quo in Maine which has changed in the last two years. It is quite obvious we are all engaged in this and that is that the federal government wants to shove down our throats a big pile of nuclear junk. That is not acceptable to me. People in this room say that it is not acceptable to them. I offer to you one possibility of demonstrating that that is not acceptable to you. You see, talk is cheap up here, we learn that very quickly in Augusta, talk is cheap. As someone said on the House floor today, action counts for something.

If we send this out to referendum, it will do two things. First of all, should the referendum pass, we will be taking a stand saying that we mean business, the State of Maine means business, that we will not accept a nuclear junk site in the State of Maine.

The second thing is, if we just put that on the ballot, I guess this will be in 1987, we can hold that over their head. I will tell you something, there is a lot at stake here, there is a lot going on behind the scenes and the nuclear industry is threatened by the notion of having a nuclear plant closed in the State of Maine. If we close the Maine Yankee plant, then all the other plants around the country will be threatened. Other states would say, that is a good idea, look what they did in Maine, we can close the rest of these plants. Then they won't be producing any more junk.

I think we should have that clout, put that on the ballot, hold it over their head, reverse the game a little bit and tell them to take the site somewhere else, that we will not accept the site here. More importantly, it is the idea of taking that stand. I have mentioned this a few times to people -- like JFK used to do and I don't think there has been a Republican or a Democrat since that knows how to take those kinds of stands, who would say for instance, we

will put a man on the moon, we don't know how, but we are going to do that. Well, I recommend we take the stand, there is going to be no site here and we will do whatever we need to do to keep that dump out of Maine. One step to demonstrate that we mean business is we will put this on the ballot and we will pass it if necessary and we will turn that plant off because we don't need it and this is a classy state and we are going to keep it this way.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: The pending question before the House is the motion of Representative Michaud of Medway that the House accept the Majority "Ought Not to Pass" Report.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, I wish permission to pair my vote with Representative Richard of Madison. If he were here and voting, he would be voting yea and I would be voting nay.

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

Representative BAKER: Mr. Speaker, I ask leave of the House to pair my vote with the Representative from Waterville, Representative Jacques. If he were present and voting, he would be voting yea and I would be voting nay.

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

109 having voted in the affirmative and 28 in the negative with 10 being absent and 4 paired, the motion did prevail.

(See Roll Call No. 280)

The Chair laid before the House the following matter: Bill "An Act to Improve Compliance with Maine Tax Laws" (H.P. 1511) (L.D. 2131) which was tabled earlier in the day and later today assigned pending acceptance of the Majority "Ought to Pass" Report.

On motion of Representative Cashman of Old Town, retabled pending acceptance of the Majority "Ought to Pass" Report and tomorrow assigned.

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

An Act Relating to Boards and Commissions (H.P. 1614) (L.D. 2269) (S. "A" S-446; S. "B" S-448)

TABLED - April 4, 1986 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, under suspension of the rules, the House reconsidered its action whereby L.D. 2269 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-657) and moved its adoption.

House Amendment "A" (H-657) was read by the Clerk and adopted.

Subsequently, the bill was passed to be engrossed as amended by Senate Amendment "A" (S-446); Senate Amendment "B" (S-448) and House Amendment "A" (H-657) in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Murray of Bangor,
Adjourned until Wednesday, April 9, 1986, at
eight-thirty in the morning.
