

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 26, 1987 to June 30, 1987

Index

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
 FIRST REGULAR SESSION
 89th Legislative Day
 Tuesday, June 16, 1987

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

The Committee on HUMAN RESOURCES on Resolve, to Establish the Commission on Children in Need of Supervision and Treatment (Emergency)

H.P. 598 L.D. 809

Tabled - June 15, 1987, by Senator GAUVREAU of Androscoggin.

Pending - ADOPTION of House Amendment "A" (H-354) to Committee Amendment "A" (H-351)

(In House, June 15, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-351) AS AMENDED BY HOUSE AMENDMENT "A" (H-354), thereto.)

(In Senate, June 15, 1987, the Report READ and ACCEPTED, the Resolve READ ONCE. Committee Amendment "A" (H-351) READ. House Amendment "A" (H-354) to Committee Amendment "A" (H-351) READ.)

On motion by Senator GAUVREAU of Androscoggin, House Amendment "A" (H-354) to Committee Amendment "A" (S-351) ADOPTED, in concurrence.

Committee Amendment "A" (S-351) as Amended by House Amendment "A" (H-354), thereto ADOPTED, in concurrence.

Under suspension of the Rules, the Bill READ TWICE and PASSED TO BE ENGROSSED, as Amended, in concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Amend the State Retirement Laws"

S.P. 617 L.D. 1818

(H "A" H-335 to S "A" S-184)

Tabled - June 15, 1987, by Senator CLARK of Cumberland.

Pending - Motion of same Senator to RECONSIDER RECEDING and CONCURRING

(In Senate, June 15, 1987, RECEDED and CONCURRED.)

(In House, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184) AS AMENDED BY HOUSE AMENDMENT "A" (H-335) thereto in NON-CONCURRENCE.)

(In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184).)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative, pending the motion of the same Senator to RECONSIDER RECEDING and CONCURRING.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Senator DOW of Kennebec was granted unanimous consent to address the Senate off the Record.

On motion by Senator TWITCHELL of Oxford, ADJOURNED until Tuesday, June 16, 1987, at 1:00 in the afternoon.

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

Prayer by Reverend Sarah Foulger, Mid-Coast Presbyterian Church, Topsham.

The Journal of Monday, June 15, 1987, was read and approved.

Quorum call was held.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

Later Today Assigned
COMMUNICATIONS

The following Communication:

STATE OF MAINE
 OFFICE OF THE GOVERNOR
 AUGUSTA, MAINE
 04333

June 15, 1987

To the Honorable Members of the 113th Maine Legislature:

I am returning, without my signature or approval, H.P. 1310, L.D. 1788, "AN ACT to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants." This bill, while addressing some of the concerns enumerated in my objections to its predecessor, L.D. 1400, still is fatally flawed. I remain deeply concerned about the State's strong public policies against drug abuse and work place safety and cannot endorse any legislation which, in my judgment, does not address those issues.

I repeatedly have expressed support for legislation which would require written testing policies, probable cause for the testing of employees who do not hold safety-sensitive positions, reliable testing procedures and the confidential treatment of test results. Legislation being considered for admission by the Legislative Council properly addresses these issues, and has my support.

I also have been firm in my resolve to preserve employers' rights to ensure work place safety. That, indeed, is my primary concern. The safety of fellow workers and fellow citizens is of paramount importance and should, in my opinion, be the State's first priority.

For the foregoing reasons, I respectfully request that you sustain my veto of L.D. 1788.

Sincerely yours,
 S/John R. McKernan, Jr.
 Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants" (H.P. 1310) (L.D. 1788).

Was read.

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

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

SENATE PAPERS

The following Communication:

The Senate of Maine
 Augusta

June 15, 1987

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

Dear Clerk Pert:

Please be advised that the Senate today appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Aggravated Trafficking or Furnishing Scheduled Drugs under the Maine Criminal Code" (H.P. 1332) (L.D. 1822):

Senator Gauvreau of Androscoggin
 Senator Brannigan of Cumberland
 Senator Clark of Cumberland

Sincerely,
 S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Non-Concurrent Matter
Later Today Assigned

An Act to Transfer Administrative Authority over Traffic Infractions to the Secretary of State (H.P. 1343) (L.D. 1835) which was indefinitely postponed in the House on June 15, 1987.

Came from the Senate passed to be enacted in non-concurrence.

On motion of Representative Diamond of Bangor, tabled pending further and later today assigned consideration.

Non-Concurrent Matter
Later Today Assigned

Bill "An Act Relating to Boards and Commissions" (H.P. 959) (L.D. 1288) which was passed to be engrossed as amended by Committee Amendment "A" (H-295) and House Amendment "C" (H-365) in the House on June 15, 1987.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-295), House Amendment "A" (H-336) as amended by Senate Amendment "A" (S-212) thereto, House Amendment "C" (H-365), and Senate Amendment "A" (S-202) in non-concurrence.

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Better Accommodate Over-order Milk Pricing" (H.P. 1274) (L.D. 1741) which was passed to be engrossed as amended by Committee Amendment "A" (H-342) in the House on June 15, 1987.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-342) as amended by Senate Amendment "A" (S-217) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Prevent Criminals from Profiting as an Indirect Result of Their Crime (H.P. 1297) (L.D. 1775) on which the House insisted on its former action whereby the Bill and accompanying papers were indefinitely postponed and asked for a Committee of Conference in the House on June 15, 1987.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be enacted in non-concurrence.

Representative Paradis of Augusta moved that the House recede and concur.

Representative Anthony of South Portland requested a Division on the motion to recede and concur.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Paradis of Augusta that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Anthony of South Portland requested a roll call vote.

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 South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: This is the same bill that would take any proceeds from any publication of anybody accused of a crime or convicted of a crime. I want to emphasize that, accused or convicted of a crime, take those proceeds, hold them in escrow for a long period of time and it would not allow any payment of child support out of that or any collection of interest, would not allow any payment of taxes out of it, there are several problems wrong with this bill.

We have, on two different occasions, voted against this bill and I would ask members of this body to stand by their previous action.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: We have defeated this bill twice in this House. I would urge you to support the motion not to recede and concur and to adhere to our former action.

What this bill does is, as Representative Anthony said, if you are accused, you are considered guilty and we are still innocent in this country until proven guilty.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Paradis of Augusta that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 156

YEA - Armstrong, Bailey, Begley, Bott, Bragg, Callahan, Carter, Cote, Curran, Davis, Dexter, Dutremble, L.; Farren, Foss, Garland, Greenlaw, Hanley, Harper, Hepburn, Higgins, Hillock, Ingraham, Jackson, LaPointe, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, McGowan, McHenry, McSweeney, Murphy, T.; Nicholson, Norton, O'Gara, Paradis, E.; Paradis, P.; Parent, Paul, Perry, Pines, Racine, Reed, Rice, Ridley, Scarpino, Seavey, Sheltra, Small, Soucy, Stanley, Stevens, A.; Stevenson, Strout, B.; Telow, Tupper, Webster, M.; Weymouth, Whitcomb, Zirkilton.

NAY - Aliberti, Allen, Anderson, Anthony, Baker, Bost, Carroll, Chonko, Clark, H.; Clark, M.; Coles, Crowley, Dellert, Diamond, Dore, Erwin, P.; Farnum, Foster, Gould, R. A.; Gwadosky, Hale, Handy, Hightborn, Hickey, Hoglund, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, Lacroix, Macomber, Manning, Martin, H.; Matthews, K.; Mayo, McPherson, Melendy, Mitchell, Moholland, Murphy, E.; Nadeau, G.

R.; Paradis, J.; Pouliot, Priest, Rand, Reeves, Richard, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Sherburne, Simpson, Smith, Stevens, P.; Strout, D.; Swazey, Tamaro, Thistle, Tracy, Walker, Wentworth, Willey.

ABSENT - Bickford, Boutilier, Brown, Cashman, Conley, Duffy, Gurney, Holloway, Jalbert, Kimball, Lisnik, Mahany, Michaud, Mills, Nadeau, G. G.; Nutting, Tardy, Taylor, Vose, Warren, The Speaker.

Yes, 62; No, 66; Absent, 21; Vacant, 2; Paired, 0; Excused, 0.

62 having voted in the affirmative and 66 in the negative with 21 being absent and 2 vacant, the motion to recede and concur did not prevail.

Subsequently, the House voted to adhere.

Representative Vose of Eastport was granted unanimous consent to address the House:

Representative VOSE: Mr. Speaker, I would like to be recorded as voting yes on the last roll call vote.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative HIGGINS from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,000,000 for the Restoration and Cleanup of Oil Contaminated Ground Water and Well Water and to Assist Low-income Homeowners in Defraying the Costs Associated with the Removal of Old Underground Oil Storage Tanks" (H.P. 212) (L.D. 264) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative FOSS from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for Sewerage Treatment Plant Construction" (H.P. 1049) (L.D. 1412) reporting "Leave to Withdraw"

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. 764) (L.D. 1027) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Finance the Acquisition of Land for Conservation, Outdoor Recreation and Wildlife" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-366)

(H.P. 738) (L.D. 1001) Bill "An Act to Increase the Appropriation to Municipal School Districts for the Purchase of School Buses" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-367)

(H.P. 1009) (L.D. 1356) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$40,000,000 to Protect Ground Water Quality and Public Health Through the Cleanup and Closure of Municipal and Abandoned Solid Waste Landfills"

Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-368)

(H.P. 397) (L.D. 531) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$13,750,000 for Sewage Treatment and Water Quality Improvement Facilities" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-369)

(H.P. 1036) (L.D. 1394) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$2,300,000 for Pier Reconstruction at the Maine Maritime Academy" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-370)

Under suspension of the rules, Second Day Consent Calendar Notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence.

(H.P. 1048) (L.D. 1411) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,000,000 for Removal of Oil Storage Tanks and Related Ground Water Restoration" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-371)

On motion of Representative Gwadosky of Fairfield, was removed from Consent Calendar, First Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-371) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

(H.P. 1041) (L.D. 1403) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for Detection and Removal of Asbestos Hazards in State Facilities and Public Schools" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-372)

(H.P. 1037) (L.D. 1395) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 for Capital Repairs and Improvements to State Facilities" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-373)

Under suspension of the rules, Second Day Consent Calendar Notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence.

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent"

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish a State Nuclear Safety Inspection and Monitoring Program for Commercial Nuclear Power Facilities in the State (H.P. 1053) (L.D. 1416) (H. "A" H-343 to C. "A" H-338)

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 none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Address Productivity and Wage Adjustments for Hospitals, to Sunset the Maine Health Care Finance Commission and to Establish a Blue Ribbon Commission to Study the Regulation of Health Care Expenditures (H.P. 222) (L.D. 290) (S. "A" S-203 to C. "A" H-324)

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Before this bill goes through, I think I should get on my feet and explain what the committee did because I know it is a very controversial bill that dealt with abolishing the Health Care Finance Commission. The committee decided to do two statutory changes. One of them deals with wages, the other one will deal with productivity. We also asked the commission to look at, under rules and regulations, two other things, one is bad debts and the other is revenue corridors.

The other thing that the commission will do is set up a study that will report back to the 114th Legislature on what the health care environment of this state looks like right now and how they should be dealing with rate setting.

It was an unanimous agreement with both the hospital officials and the proponents of the Health Care Finance Commission. I will say though, ladies and gentlemen, I haven't said anything publicly on the Record but some of the things the Hospital Association have said about the commission the last two years are completely and entirely misinforming the public of the State of Maine. I would hope that, within the next two years, they would get their act together, sit down, and be able to talk with both sides and be able to come back with a commission that they can live with.

Quite frankly, I said in committee that night that I didn't think they could live with anything. But I would hope that some of these hospitals who are claiming that it is killing them can come back and realize that it is going to help them. You people didn't hear what I heard -- like hospitals in Aroostook County -- the only reason they are staying alive is because of the commission. Hospitals in the western part of Maine, the only reason they are staying alive is because of the commission. I think you only heard one part of the story if you heard that the commission was killing hospitals.

So, I would hope that when you go back that you would inform these boards of trustees that are coming down here or writing me letters saying that they were getting killed by the commission. A hospital, just up the road about 20 miles, indicated they were getting killed by the commission and made \$3 million the first year, I would like to see associations in this state get \$3 million and think they are doing bad. I would hope that, within the next two years, that the hospital association, the payers, the Maine Health Care Finance Commission, the labor, the business people in this state, can get together and come up with a commission, rate setting structure, so that everybody will be happy. Then my committee, believe it or not, who have worked long and hard the last two years on this, can get back to issues that I think are much more important than an industry that is making \$670 million in the course of one year.

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 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to Tax Exemptions (H.P. 1362) (L.D. 1864)

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

PASSED TO BE ENACTED

Emergency Measure

An Act Making Allocations for the Expenditure of Funds Received by the State as a Result of a Federal Court Order in the Stripper Well Overcharge Case (S.P. 537) (L.D. 1623) (C. "A" S-213)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Repeal the Mandatory Brucellosis Vaccination for Cattle (H.P. 775) (L.D. 1047) (C. "A" H-341)

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. 111 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Charter of the Lincoln Water District (H.P. 1216) (L.D. 1659) (C. "A" H-339)

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. 103 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Ensure Safe Abatement of Asbestos Hazards (H.P. 1286) (L.D. 1762) (H. "A" H-278; H. "C" H-344; S. "A" S-150)

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. 102 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1987-88 (H.P. 1328) (L.D. 1812) (H. "A" H-331)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Uniform Commercial Code Regarding Tribal Government (H.P. 1358) (L.D. 1860)

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

FINALLY PASSED

Emergency Measure

RESOLVE, to Establish the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute (S.P. 588) (L.D. 1742) (H. "A" H-348 to H. "B" H-302)

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. 102 voted in favor of the same and 20 against and accordingly the Resolve was finally passed, signed by the Speaker pro tem and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, to Reconstitute the 9-1-1 Study Commission (H.P. 1359) (L.D. 1861)

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. 108 voted in favor of the same and 13 against and accordingly the Resolve was finally passed, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

An Act to Make Adjustments in the School Finance Act (S.P. 405) (L.D. 1256) (S. "A" S-211 to C. "A" S-172)

An Act Creating the Maine Transportation Capital Improvement Planning Commission (S.P. 598) (L.D. 1758) (S. "A" S-187)

An Act to Allow Increased Participation of State Employees in the Electoral Process (S.P. 606) (L.D. 1796) (H. "A" H-323)

An Act to Facilitate Access to In-home Services (H.P. 1062) (L.D. 1445) (H. "A" H-347 to C. "A" H-308)

An Act to Amend the Title Laws of Maine (H.P. 1356) (L.D. 1857)

An Act to License Acupuncturists (S.P. 365) (L.D. 1100) (C. "A" S-214)

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

ENACTOR

Later Today Assigned

An Act to Provide State Reimbursement to Municipalities for Property Tax Losses Due to State-owned Property (H.P. 485) (L.D. 652) (C. "A" H-358)

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

Representative Zirkilton of Mt. Desert requested a roll call vote.

The SPEAKER PRO TEM: 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 Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that we debated yesterday and whose future cost we have no idea of. I think it is bad tax policy, it benefits only four particular towns. I think what it really is, however, is a disguise whose future goal would mandate that the State of Maine pay property tax or service fees on all government owned tax-exempt property. We defeated a similar bill earlier this year and I say, let's do it again. I hope you vote no on the pending motion.

On motion of Representative Mayo of Thomaston, tabled pending passage to be enacted and later today assigned. (Roll Call Ordered)

PASSED TO BE ENACTED

An Act to Clarify the Organizational Status of the Bureau of Lottery within the Department of Finance (H.P. 1256) (L.D. 1714) (H. "A" H-356 to C. "A" H-312)

An Act to Establish a Compliance Schedule for Owners and Operators of Salt Storage Areas (H.P. 1278) (L.D. 1749) (H. "A" H-357)

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

PASSED TO BE ENACTED

An Act to Make Changes in the Laws Governing Public Utilities (H.P. 1361) (L.D. 1863)

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

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I intend to make no motion on this particular bill, simply to read something into the Record if I may. This legislative document is a companion to a bill which recodified Title 35 of

the Public Utility Laws. L.D. 1458 was a draft of L.D. 350 and on enactment became Public Law of 1987, Chapter 141. This bill is to make changes in that recodification, changes which came about as part of the recodification effort, but not necessarily as new and major bills.

One of the provisions in this bill removes a sentence from Section 3331 of Title 35. This sentence has to do with where the firm evidence exists that radioactive emissions from a nuclear power plant do or do not present a generic or long-term health risk. It was not the intent of the committee to reach a conclusion that the sentence was or was not necessarily in the law. However, the committee felt that the sentence was meaningless and within the purpose of recodification was not necessary to continue in the new code. Therefore, it is removed by the bill.

Subsequently, the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

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

(At Ease)

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

The Chair laid before the House the following matter: "An Act to Transfer Administrative Authority over Traffic Infractions to the Secretary of State" (H.P. 1343) (L.D. 1835) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Paradis of Augusta, the House voted to adhere.

The Chair laid before the House the following matter: Bill "An Act Relating to Boards and Commissions" (H.P. 959) (L.D. 1288) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Carroll of Gray, the House voted to adhere.

(At Ease to Gong)

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

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

REPORTS OF COMMITTEES

Ought to Pass in New Draft/New Title
Later Today Assigned

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988 and June 30, 1989" (Emergency) (H.P. 404) (L.D. 538) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Make Supplemental Appropriations and Allocations for

the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1987, June 30, 1988, and June 30, 1989" (Emergency) (H.P. 1364) (L.D. 1867)

Report was read and accepted, the New Draft read once.

Under suspension of the rules, the New Draft read a second time.

On motion of Representative Diamond of Bangor, tabled pending passage to be engrossed and later today assigned.

ORDERS OF THE DAY
UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

Bill "An Act to Promote Equity in Determining Medicaid Eligibility for Institutionalized Care (H.P. 313) (L.D. 412) (C. "A" H-307)

TABLED - June 15, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Manning of Portland under suspension of the rules, the House reconsidered its action whereby L.D. 412 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-307) was adopted.

The same Representative offered House Amendment "A" (H-374) to Committee Amendment "A" (H-307) and moved its adoption.

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

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

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill "An Act to Create the Department of Economic and Community Development, to Establish Consistency among Economic Development Laws and to Establish a Capital Budgeting and Planning Process" (H.P. 1324) (L.D. 1808)

- In House, Passed to be Engrossed on June 11, 1987.

- In Senate, Passed to be Engrossed as amended by Senate Amendment "B" (S-201) in non-concurrence.

TABLED - June 15, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Further Consideration.

On motion of Representative Diamond of Bangor, retabled pending further consideration and later today assigned.

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

Bill "An Act to Change the Basis of Telecommunication Taxation" (H.P. 1352) (L.D. 1846)

TABLED - June 15, 1987 (Till Later Today) by Representative MAYO of Thomaston.
 PENDING - Passage to be Enacted.

On motion of Representative Mayo of Thomaston, under suspension of the rules, the House reconsidered its action whereby L.D. 1846 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-364) and moved its adoption.

House Amendment "A" (H-364) was read by the Clerk.
 The SPEAKER PRO TEM: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is a technical amendment to the very important telecommunications bill dealing with non-telecommunications property and the way it will be assessed. It was the recommendation of the State Tax Assessor and it was unanimously approved by the Taxation Committee members present in a meeting last night.

Subsequently, House Amendment "A" (H-364) was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first Tabled and Today assigned matter:

RESOLVE, to Establish the Weatherization Services Study Committee (Emergency) (S.P. 640) (L.D. 1866) - In Senate, Passed to be Engrossed under suspension of the rules and without reference to a committee. (Committee on Appropriations and Financial Affairs suggested)

TABLED - June 15, 1987 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Some of the issues that were raised in this Resolve have been resolved. There is another Resolve coming through the pipeline and I would hope that someone could table this until later in today's session.

On motion of Representative Diamond of Bangor, retabled pending reference and later today assigned.

(At Ease)

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

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Change the Operating Cost Millage and Provide Additional Funds for Public Schools in Fiscal Year 1987-88" (Emergency) (S.P. 556) (L.D. 1664)

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

Non-Concurrent Matter

Bill "An Act to Amend the State Retirement Laws" (S.P. 617) (L.D. 1818) which was passed to be engrossed as amended by Senate Amendment "A" (S-184) as amended by House Amendment "A" (H-335) thereto in the House on June 12, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-184) as amended by Senate Amendment "A" (S-220) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

Bill "An Act to Temporarily Allow the Sale of Liquor on Sunday in Restaurants in Certain Municipalities" (Emergency) (H.P. 1365) (L.D. 1869) (Presented by Representative VOSE of Eastport) (Cosponsor: Senator RANDALL of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Committee on Legal Affairs had been suggested.)

Under suspension of the rules, without reference to any committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

SECOND READER

As Amended

Later Today Assigned

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,000,000 for Removal of Oil Storage Tanks and Related Ground Water Restoration" (H.P. 1048) (L.D. 1411) (C. "A" H-371)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and later today assigned.

(At Ease)

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

ORDERS OF THE DAY

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" in New Draft under New Title Bill "An Act to Delineate Areas of Economic Distress and to Create Job Opportunity Zones to Alleviate Distress" (H.P. 1312) (L.D. 1790) - Minority (5) "Ought to Pass" in New Draft (H.P. 1313) (L.D. 1791) - Committee on Economic Development on Bill "An Act to Create Job Opportunity Zones" (H.P. 1116) (L.D. 1512) - In House, Minority "Ought to Pass" in New Draft (H.P. 1313) (L.D. 1791) Report of the Committee on Economic Development read and accepted and the New Draft (H.P. 1313) (L.D. 1791) passed to be engrossed on June 9, 1987.

- In Senate, Majority "Ought to Pass" in New Draft under New Title Bill "An Act to Delineate Areas of Economic Distress and to Create Job Opportunity Zones to Alleviate Distress" (H.P. 1312) (L.D. 1790) Report of the Committee on Economic Development read and

accepted and the New Draft (H.P. 1312) (L.D. 1790) passed to be engrossed in non-concurrence.

TABLED - June 12, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Motion of Representative CROWLEY of Stockton Springs to recede and concur.

On motion of Representative Diamond of Bangor, retabled pending the motion of Representative Crowley of Stockton Springs that the House recede and concur.

The Chair laid before the House the following matter: RESOLVE, to Establish the Weatherization Services Study Committee (Emergency) (S.P. 640) (L.D. 1866) which was tabled earlier in the day and later today assigned pending reference.

Under suspension of the rules, without reference to any committee, the bill was read once and assigned for second reading later in today's session.

The Chair laid before the House the following matter: Bill "An Act to Provide State Reimbursement to Municipalities for Property Tax Losses Due to State-owned Property (H.P. 485) (L.D. 652) (C. "A" H-358) which was tabled earlier in the day and later today pending passage to be enacted.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This is the same bill that we debated yesterday and I don't want to replot ground that has already been furrowed, but this bill is not a good mechanism to accomplish what the good Representative from Thomaston wants to attempt to do. It seems to me in the debate yesterday that it would only be fair and equitable that all state-properties throughout the state be the beneficiaries of any program that attempts to relieve the burden of property taxes when those properties are removed for state purposes.

I would hope today that the members of this body would not vote to enact this measure and give us appropriate time and give the state appropriate time to address this, possibly in the next session of the legislature.

As I said yesterday, it is not consistent, it is inconsistent tax policy. It is directed at one area and that one area is the prisons. Our concerns with Warren are real and I understand they are real for the gentleman from Rockland. It is a concern when you do have those additional responsibilities placed upon those communities, but it is also just as much a burden to have properties removed in other areas of the state that do create additional burdens such as state parks, things of that nature. It was debated yesterday that we did have additional proposals that were introduced that would have relieved the burden throughout the entire state but the cost was just too high to do that. This bill has a future cost to it. We don't know how much that future cost will be. I would hope that we would defer this until we have had an opportunity to take a good hard look at it and come back with a recommendation.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I would urge this House to adopt the pending motion which I believe is enactment.

The gentleman from Harrison, Representative Jackson, says that this legislation is inconsistent. I don't see it that way, I see it as entirely consistent for this legislature to set up standards

by which it assists municipalities that have undue burdens placed upon them by state government.

The good gentleman from Harrison suggests that we wait on this legislation. I cannot quite understand that having worked on this issue since I arrived here more than four years ago and have been trying and trying and trying to get this issue brought to the legislature and each time I have been rebuffed, no matter which way I bring it in. I don't believe we need to study it anymore. I think the Corrections Committee spoke quite clearly with one dissenting voice, however, that this legislation ought to pass in this form.

Again, I remind this House of the burden you are placing upon municipalities throughout this state when you put correctional facilities there, it is a tremendous burden. The property taxpayers of those areas should not be expected to bear the burden of a state responsibility and that is what the corrections system is, a state responsibility.

I urge this House to stick to what it did yesterday by defeating the motion to kill the bill, but actually pass the bill and let's pass this bill to be enacted and send this bill along its way.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Representative Seavey, earlier in our debate before the item was tabled, made reference to the fact that we had debated a bill earlier in this session which had dealt with a similar matter and that was the service charge for tax-exempt property. I think we quite effectively debated the situation during that issue.

This, on the other hand, attempts to do something just for the correctional facilities which I think, if you will think about it for a moment, is the first step in the door, if you will, toward eventual payment of property taxes or fees of some kind on the part of state government to municipalities for that. We can argue the correctional systems today, tomorrow, or next year, it will be state office buildings or whatever government may own that happen to be in a municipality and, for that reason, I would urge this body to be consistent with its policy as it was with the service fees for tax-exempt property and reject this measure.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I have been wondering for the past few minutes whether or not those gentlemen that have stood up recently and mentioned that this is a so-called pork barrel type bill, it is not fair and equitable to all the cities and towns in the State of Maine. My hypothetical question would be -- are those people willing to stand up right here in this body and tell us that they would support any type of bill which would cost additional monies?

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: In my debate, I don't think that I called this pork barrel politics but, if somebody associates that with it, then that must be what he believes. On the other hand, encompassing the whole problem with state-owned properties in municipalities and the fee for services type operation from state government to those local governments, if the money were available, yes, I would support it.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is

passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 157

YEA - Aliberti, Allen, Anthony, Baker, Bost, Boutilier, Brown, Carroll, Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Duffy, Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Rand, Reeves, Richard, Rolde, Rotondi, Ruhlin, Rydell, Simpson, Smith, Soucy, Stevens, P.; Strout, B.; Strout, D.; Swazey, Tammaro, Taylor, Tracy, Vose, Walker, Warren.

NAY - Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Callahan, Carter, Clark, H.; Curran, Davis, Dellert, Dexter, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hale, Hanley, Harper, Hepburn, Higgins, Hillock, Holloway, Ingraham, Jackson, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; McPherson, Moholland, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Racine, Reed, Rice, Ridley, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Tardy, Telow, Thistle, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirnkilton.

ABSENT - Cashman, Chonko, Hichborn, Kimball, Nutting, The Speaker.

Yes, 74; No, 69; Absent, 6; Vacant, 2; Paired, 0; Excused, 0.

74 having voted in the affirmative and 69 in the negative with 6 being absent and 2 vacant, the bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

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

The Chair laid before the House the following matter: Bill "An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants" (H.P. 1310) (L.D. 1788) which was tabled earlier in the day and later today assigned pending further consideration.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we can override the Governor's veto. I don't have very much faith that we will, but I am hopeful.

I would like to address the Governor's veto. The Governor says that the bill is "still fatally flawed and he remains deeply concerned about the state's strong public policy against drug abuse and work place safety and cannot endorse any legislation" that, in his opinion, "does not address these issues." I truly believe that we did address these issues. But what he does not say here is that we did not give him the right to go out and randomly test each and every employer, not only randomly, but arbitrarily, and that is what he is not saying. But that is the real reason, I believe, he did veto the bill because, in the next paragraph, he says that he

"repeatedly has expressed support for legislation which would require written policies" which we did have in our bill. "Probable cause for testing employees who do not hold safety-sensitive positions," we did address that in our bill, "reliable testing procedures," we did address that in our bill, "confidential treatment of test results," we did address that in our bill. So it is hard for me to understand and I wish he would tell us exactly what it is that he wants and not run around in circles. I believe that is what he wants -- randomly testing each and every person.

The committee had moved for randomly testing back in February when we first started but we ran into problems when you start defining what is safety-sensitive. There were so many ways that we could define it that we ended up saying it is just impossible, we cannot do it. We do not want to set up a new bureaucracy.

The next thing that I read here -- he says, "I have been firm in my resolve to preserve employers' rights to work place safety. That, indeed, is my prime concern." His prime concern -- work place safety. "The safety of fellow workers and citizens is of paramount importance and should, in my opinion, be the state's first priority." Well ladies and gentlemen, if that is true, why is it that I have not seen one piece of legislation from the Governor's Office concerning work place safety? Why is it that when we were drafting a second bill, we had suggested that maybe before we allow employers to have drug testing, maybe we should say that they have an OSHA inspection, and therefore, assure a safe work place for our employees in this state, and they rejected that. Are we being honest with our people? Are we saying exactly what we mean? What is the game?

If he is sincere in what he is saying here, then he should have legislation before us assuring a safe work place for our employees in the State of Maine. When we try to do something to address that, he said, well it has nothing to do with drug testing. I must say that if the prime concern is for the safety of our workers, it sure does have something to do with this bill, because the prime concern of the Governor supposedly is safety in the work place.

We have had a report here on our desks and I haven't seen any bills coming out of the Governor's Office. We had a Commission on Safety in the Maine work place as required by 1975 Public Law 375, Part A, Section 51, -- June 1987, of course it is late but it is a prime concern of the Governor to provide a safe work place. I should think he would have had a bill to implement some of these things, but I have seen nothing, not a thing.

I can tell you the bottom line, in my opinion, I may be wrong, I can stand to be corrected but today you have small employers and large employers -- most of your large employers have organized labor, they have unions, your small employers do not have unions.

The bottom line is, I believe, we are trying to protect the people who are union because this would be one way of circumventing due process for these people because they do have a process, grievance procedure and all this. This would circumvent it because those that are not union today, employers can say tomorrow, you are fired. They don't have to give them any reason, they can fire them right off whether they use drugs or not. I believe that is the bottom line and the Governor knows it and I know it and I think that is the bottom line and he is just not being above board with us, I believe. If his prime concern is a safe work place, he should have legislation before us to provide such.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mt. Desert, Representative Zirnkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: The Representative from Madawaska, Representative McHenry, has said to you today that, if Governor McKernan were so concerned, why did he not put legislation before us? In effect, the Governor did put legislation before us and he did so in the form of a Minority Report on L.D. 1400 which you may recall us debating just a few weeks ago, which was returned with his veto. In that Minority Report, the Governor made very clear that he would support it. The point of the matter is that this legislature would not support that Minority Report and for that reason, with the Governor knowing full well that what he would put before this body in the form of a bill from his office, wouldn't have the majority support of the legislature. With that in mind, why would he submit that legislation?

The Governor is dealing with the realities of the numbers as are all of us here today. After he vetoed L.D. 1400, we went back to the Labor Committee and tried to piece by piece address the Governor's concerns and we were doing pretty well. Then as we got toward the end, the majority of the members of the committee decided that they simply couldn't support the one issue that the Governor was absolutely adamant about and that was the issue of testing in the safety-sensitive positions. So, what happened was that we have a bill before us, put forth by the majority of the members who knew full well that it would probably be passed by this legislature, go down to the Governor's desk and meet the very same fate that L.D. 1400 met with.

I think that is a problem. I will tell you why I think that is a problem. This legislature had an opportunity this session to pass something that would have been in the best interest of the people of the State of Maine, it would have put in protections for the overwhelming majority of the workers of this state, protections that would have prevented them from being subject to any form of employer testing. They are now subject to that because we don't have any laws or regulations that govern how testing procedures are operated in this state.

So, we had a chance to pass a bill that would have banned random testing for all nonsafety-sensitive positions. We had a chance to put our foot in the door and to enact protection for the overwhelming majority of the working people of this state. But no, we are not going to do that. The reason we are not going to do that is because the majority of the members of the committee could not in any way allow any form of random testing to be enacted.

I appreciate their convictions and for that, all of Maine workers will suffer. They will suffer because we won't have any laws protecting their right not to be subject to random testing if their position or job does not in any way pose a threat to their fellow coworkers or the general public, the people of the State of Maine.

What we are doing here is going through the motions, the motions of forcing another veto, the motions of, once again, trying to pin our Governor as being anti-labor. I think the Governor has very carefully pointed out in his veto message here and in his last veto message and in every opportunity that he has been given to talk to the press and to the people that his first and foremost concern is also our first and foremost concern. That is, what can we do that strikes a careful balance? The balance between the individual rights of Maine people not to

be subject to unnecessary testing and the right of Maine people to make sure that, when they work for someone, that that person isn't going to be under the influence of drugs and the right of Maine people to know that when they are doing something that places their life or their well being in the hands of another, that that person is operating at their best and not under the influence of drugs. It is not an easy issue. I think we all know what is going to happen to this bill. I think it is also very unfortunate that we didn't put our foot in the door, that we didn't enact what we knew we could enact and what we knew the Governor would support, that we didn't grasp the opportunity to act in the best interest of the people.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I read the Governor's veto message and I had a little trouble understanding it. At one point he is saying that he wanted the very things that were in the very bill that he vetoed. So, being involved in the issue, I tried to see through, if you will, this message. I came to one clear conclusion that the Governor is not ready to sign any bill that does not allow for the arbitrary invasion of the privacy rights of the workers of the State of Maine.

We have given probable cause which he wanted, we have given the other items that he wanted, we have given rehabilitation to the workers, all these items that he wanted. We share his concerns for safety in the work place but I feel the vast majority of the people of this state agree with us, we are not going to go along with the arbitrary invasion of the privacy rights of the workers. When you say random testing, that is exactly what you are saying. I think it is time that we call a spade a spade. When you say random testing, you are saying the arbitrary invasion of their privacy rights.

We discussed safety-sensitive with the Governor's representatives, we were willing to try to come up with a definition of safety-sensitive that would not include 80 percent of all the workers in the State of Maine. We were unsuccessful in that.

I think it is unfortunate to say safety-sensitive and then, in your definition of safety-sensitive, make it so broad that you are talking about the vast majority of the workers of Maine. I don't think that is what the people of the state want when we define safety sensitive.

Now, to the good gentleman from Mt. Desert, I would let him know that the door is not closed yet, we are not done yet. Hopefully, we may be in our last day but we are not done yet. I hope we will start today by voting to override the Governor's veto. If not, we are still not out of here.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: If you recall, on a past instance regarding drug testing, I did sign on the Majority Report. I thought it was the best report there was available at the time and I signed on it and I stayed on it. The Governor vetoed it.

Shortly after that veto message, when he realized that there was some interest in the drug testing line, he wrote the Labor Committee and enumerated the things that he would like to see in the bill. He enumerated them very well, very concisely, and very clearly. We took that bill in the Labor Committee one Friday morning and worked on it for about an hour and a half. There was consensus for a lot of small items that he said he wanted. The major item that he

wanted, of course, was some form of random testing. The meeting completely unraveled when we came to that subject. As a matter of fact, people took off in all directions, they wouldn't go along with it.

Some of the things in the bill that they did come out with were perhaps an improvement over the original Majority Report, others definitely were not, which is why I signed against the bill that you have before you today or rather the reason for the veto that is here today.

We started this drug testing issue back in January or February and we started with good heart and good intent, did a lot of work on it and, once we got down to the point of coming out with a report, it has been downhill ever since. As a matter of fact, I understand that tabled in the council now are a couple of more titles for a couple of more whacks at the drug testing affair.

I have no idea where this will end but I do have a feeling that, unless there is some sort of random testing involved in this, that probably the Governor is going to veto it.

I would urge that you sustain the veto today, support the veto and, somewhere along the line, perhaps we can work out something, some sort of a consensus, some sort of a drug testing plan and I am sure we will whether it will be in this session or the next session, I don't know. Certainly this deserves his veto and your support.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, urge you today to override the Governor's veto for many of the reasons that have already been stated to you. It is a fact, if you read the last bill the Labor Committee came out with 1788, that we did address almost all of the concerns that the Governor listed in the letter to us, the Labor Committee, "written test policies."

If you'll look, it is on page 6 of the bill. "Probable Cause" is addressed on page 4 in paragraph 6 of the bill. "Safety-Sensitive Positions," -- we are not in a position to define. I believe it would be against the law for us to define a safety-sensitive position. But I am sure that an employer who has employees knows which positions are safety-sensitive and these positions are not limited and should not be included in anything as far as production control. They know the people that work for them. We have addressed every single solitary concern except random drug testing.

Under definitions, you find many things. As far as protecting the rights of the citizens of the State of Maine, that is addressed immediately on page 2. There is nothing else that we can come up with that the Governor of the State of Maine will sign unless we approve random drug testing. Random drug testing must not be approved.

When we talk about drug abuse, drug testing in the work place, everyone thinks marijuana, heroin, cocaine but they fail to remember that this is legal and illegal drugs. One of the most widely abused drugs in the United States that is also addressed is alcohol. It has always been there, it always will be there. This does not mean that they are impaired when they go to work, they may have a problem. There is no measure for impairment for anyone.

Members of the Labor Committee have said over and over that have worked on this diligently, long and sometimes arbitrarily -- if you take an advil and you go to work and they drug test you, you test out as a codeine user. If you take an antihistamine and you go to work and you have an EMIT test, you are a user of cocaine. How many people in this House right now

have allergies that they must take an antihistamine for? Does that impair you to do your duties? Are we to say to the people out there, yes, they can test you any time they want with no rules and regulations? We have worked, we have done our jobs, all we ask is for the Governor of the State of Maine to do his job, to allow this bill to pass, to allow this to go into effect. He would not do that only because of random drug testing. Everything else is addressed.

I urge you to override his veto, not for me, not for the Labor Committee, not for the Governor of the State of Maine but the people you represent, to protect their rights.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: Again I rise to ask you for your vote to override the veto of the Chief Executive of the State of Maine, Governor John R. McKernan. You are probably tired of the scenario, I know I am. You are probably feeling frustrated by hearing one speaker after another get up and ask you to override a veto. I know I am. You probably all feel like bonafied members of the Labor Committee because I believe that you have had more than enough information about this very sensitive issue.

What kind of a signal does this veto of Governor McKernan send to the 550,000 working people in the State of Maine? What kind of a signal does it send when 1,500 or 2,000 persons from the building and trade unions, from the paper workers and others who show up today in Augusta when they should be working, not because of a strike in Jay, Maine of International Paper but for the same frustration, anger, bitterness that you and (I know I am feeling) -- they are concerned because it seems that the Chief Executive of the State of Maine is not listening to the voice of the people. He does not respect their needs and he certainly hasn't listened to the issues that are very important to them.

Because of this frustration, I am asking you today, would you as Representatives of a House of Representatives of the State of Maine, duly elected by some of these people, listen to their voice? Would Governor McKernan listen to their voice? I don't have a great deal of hope that we will override this veto and I would say the vote will be something in the vicinity of 86 to 61 or thereabouts.

I would ask that you would consider another measure -- what would you say if we took L.D. 1788 that we are talking about today and added a provision to send it to referendum of the people, the people that the Labor Committee and the 86 people that generally are voting to override the Governor's veto, those same people that we are trying to protect from intimidation, harassment, privacy violations? Or another proposal, we are not without proposals folks, there are all kinds of proposals, perhaps we should address the Constitution of the State of Maine and the privacy section of that Constitution or the one that seems to be lacking so that, if you are a working person, whether you are a supervisor, a manager, or a line working person, that your privacy can't be guarded specifically by the Constitution of the State of Maine. It seems to me what the Governor is asking is that we develop two classes of people in the State of Maine, those who work and those who don't.

I have an empty feeling that we are not working together. I have an empty feeling that maybe we are living in some kind of a monarchy. I don't know how to express it but I am simply asking you, if you can't vote to override the Governor's veto, please

consider sending this bill, L.D. 1788, out to the people of the State of Maine for them to vote in a referendum.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Milo, Representative Hussey.

Representative HUSSEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say a few words on this particular piece because I have been setting here being very quiet the whole session.

I am glad that the Governor would not put a bill up here that he could not get the support from the majority of the people. It makes my job a lot easier.

To support random drug testing, I can't see what that would accomplish. I work at the Great Northern Paper Company and we are working on the paper machines that are traveling in excess of 60 miles an hour. I have seen people killed, loss of arms, eyes, none of these people were on drugs. What is random drug testing going to do for these people? Probable cause would help these people. You would have a reason for testing. Where is that careful balance in the best interest of the people? Who is the public out there? It is the working man and women of this state, the people that are on these jobs making paper and running the trains and doing the construction work. Those are the people that don't want random drug testing.

I would suggest to the people on the second floor and to some of these people in the House to get a real job, to work a few midnights and 4 to 12's and to work on some machines and then come back here in a year or two and tell me how you feel about random drug testing.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is, shall this Bill "An Act to Ensure Confidential and Reliable Substance Abuse of Employees and Applicants" (H.P. 1310)(L.D. 1788) become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 158V

YEA - Aliberti, Allen, Anthony, Baker, Bickford, Bost, Boutilier, Brown, Carroll, Carter, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Rand, Reeves, Richard, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Sheltra, Simpson, Smith, Stevens, P.; Swazey, Tamaro, Tardy, Thistle, Tracy, Vose, Warren.

NAY - Anderson, Armstrong, Bailey, Begley, Bott, Bragg, Callahan, Curran, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hepburn, Hichborn, Higgins, Hillock, Holloway, Ingraham, Jackson, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Racine, Reed, Rice, Ridley, Salsbury, Seavey, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Taylor, Telow, Tupper, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirnkilton.

ABSENT - Cashman, Chonko, Kimball, Nutting, The Speaker.

Yes, 79; No, 65; Absent, 5; Vacant, 2; Paired, 0; Excused, 0.

79 having voted in the affirmative and 65 in the negative with 5 being absent and 2 vacant, the veto was sustained.

(At Ease)

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

The following item appearing on Supplement No. 7 was taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Amend the Laws Administered by the Department of Environmental Protection" (S.P. 641) (L.D. 1868)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Energy and Natural Resources.)

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

Representative JACQUES: I move indefinite postponement of L.D. 1868 and all its accompanying papers.

Mr. Speaker, Men and Women of the House: What this bill does is an attempt by the other body to contradict a unanimous committee report on overboard discharges which would have effectively not allowed state and federal government preemption of the overboard discharge law on new discharges.

The committee went over this bill long and hard. At this time, we do not want the state or the federal government to be exempted. We firmly believe if private citizens have to live with the law so shouldn't the state and the federal government. They should be setting the example, not being the exception to the case.

I hope you will support the motion to indefinitely postpone this bill.

Subsequently, the House voted to indefinitely postpone L.D. 1868 in non-concurrence and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

The Chair laid before the House the following item: Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,000,000 for Removal of Oil Storage Tanks and Related Ground Water Restoration" (H.P. 1048) (L.D. 1411) (C. "A" H-371) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Carter of Winslow offered House Amendment "A" (H-377) and moved its adoption.

House Amendment "A" (H-377) was read by the Clerk and adopted.

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

By unanimous consent, was ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent:

SENATE PAPERS
Non-Concurrent Matter

An Act to Require Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded to Include Provisions for Covering Increases in Insurance Premiums (S.P. 532) (L.D. 1603) which was passed to be enacted in the House on May 21, 1987.

Came from the Senate with the bill and accompanying papers recommitted to the Committee on Human Resources in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Enhance Public Access and Outdoor Recreation Opportunities" (S.P. 427) (L.D. 1307) (C. "A" S-186) which was passed to be enacted in the House on June 15, 1987.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-186) as amended by Senate Amendment "B" (S-222) thereto in non-concurrence.

The House voted to recede and concur.

(Off Record Remarks)

The SPEAKER PRO TEM: By unanimous consent, unless previous notice is given to the Clerk of the House or the Speaker of the House by some member of his or her intention, the Clerk is authorized today to send to the Senate, 30 minutes after the House recesses, all matters passed to be engrossed in concurrence and all matters that require Senate concurrence. After such matters have been sent to the Senate by the Clerk, no motion to reconsider will be allowed.

On motion of Representative Michaud of East Millinocket,
Recessed until 6:15 p.m.

(After Recess)

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

The following items appearing on Supplement No. 10 were taken up out of order by unanimous consent:

ENACTOR

Emergency Measure

Later Today Assigned

RESOLVE, to Establish the Commission on Children in Need of Supervision and Treatment (H.P. 598) (L.D. 809) (H. "A" H-354 to C. "A" H-351)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Provide Comprehensive Protection for Ground Water (H.P. 618) (L.D. 836) (H. "A" H-359 to C. "A" H-350)

An Act to Regulate the Profession of Accounting (H.P. 644) (L.D. 867) (C. "A" H-353)

An Act to Establish the Land for Maine's Future Fund (H.P. 995) (L.D. 1341) (C. "A" H-362)

An Act to Amend Maine's Radiation Protection Law (H.P. 1081) (L.D. 1472) (C. "A" H-352)

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.

ENACTOR

Later Today Assigned

An Act to Amend the Maine Turnpike Authority Act (H.P. 1323) (L.D. 1806)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

The following item appearing on Supplement No. 7 was taken up out of order by unanimous consent:

SECOND READER

Tabled and Assigned

RESOLVE, to Establish the Weatherization Services Study Committee (Emergency) (S.P. 640) (L.D. 1866)

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

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: Permission to pose a question? We have been waiting for an amendment to come to clarify — is that amendment before the body?

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde, who may respond to the question.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I do have the amendment but I have been asked to hold off presenting it because they are waiting for an answer from the Department of Energy in Washington as to whether they can use certain funds for this. I would appreciate it if this would be tabled one day.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to engrossed and specially assigned for Wednesday, June 17, 1987.

The Chair laid before the House the following item: Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988 and June 30, 1989" (Emergency) (H.P. 404) (L.D. 538) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1987, June 30, 1988, and June 30, 1989" (Emergency) (H.P. 1364) (L.D. 1867) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

The Chair laid before the House the following matter: An Act to Amend the Maine Turnpike Authority Act (H.P. 1323) (L.D. 1806) which was tabled earlier

in the day and later today assigned pending passage to be enacted.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: This L.D., 1806, has been going through this body under the hammer, a unanimous committee report from Transportation. I would like to request someone from Transportation to explain this bill to the body at this time if that is possible.

The SPEAKER: Representative Paradis of Augusta has posed a question through the Chair to any member of the Transportation Committee who may respond if they so desire.

The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if I can give you a complete history of this bill. I guess if there were more specific questions, I might be able to respond a little better.

I guess I can only tell you the basic purpose is to widen to three lanes from mile 6 to exit 6A in South Portland. We have had the bill the whole session. Perhaps I could give you a list of some of the people who testified in favor of the bill and some of the people who have had input into the bill. The people who testified for it were Commissioner Connors, Commissioner Robert Pachios from Lewiston, Phil Merrill from the Maine State Employees Association, Edward Johnson from the Forest Products, Clark Neily from Portland PAC, Milt Hunnington from Maine Oil Dealers, Greg DeSota from the Toll Collectors, Ike Johnson from Hannaford Brothers, Dick Jones from Maine Motor Transport Association, John Melrose from Maine Better Transport, Jim Kyle from the Jetport, Tom Howard from the Associated Contractors. These people all testified in favor of the bill at the hearing and they have had quite a good amount of input since then.

At the hearing, we had five people who testified in opposition. They all came from the Lewiston-Auburn area and they had some very valid concerns about how the turnpike would affect their particular area. We met with the Mayor of Lewiston, the Mayor of Auburn and all the people who were involved in that particular area of economic development. We were able to work out an amendment with Representative Mills and Representative Pouliot from the committee who represented that area, and the amendment is now part of the bill. That particular section of the bill requires a study to be done. I think the reporting date is January of 1988. The results of that study will then be discussed with DOT, with the committee, and if the study shows that they are very valid and good concerns, they will be implemented into the DOT program.

I am not sure I can give you all the exact figures. If I recall, the original bond was a \$76 million dollar bond issue to be issued by the turnpike. That was later amended, I believe, to a \$66 million bond with a \$20 million cap. I am not quite sure what else I can tell you about the bill but I would be glad to answer any questions on it.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I appreciate the explanation that was given to us by the Representative from South Portland. The reason I have held this item up and asked to speak on it tonight is that I, like you, have been listening to the stories and reading articles in the paper regarding the expansion of the

Maine Turnpike. I happen to live right at the end of the Maine Turnpike in Augusta, so if I want to go south, I have a choice of taking the Maine Turnpike or Interstate 95 from Gardiner to Portland or, if I want to go north like I did this morning to the funeral of the father of Representative Cashman, I can go toll free up to Old Town.

I did a little bit of research of the Legislative Record in different debates on this matter. The turnpike was first created at the end of World War II, there was no such thing as an interstate system. The turnpike was created in order to remove the congestion off Route 1 in the York County area. I believe it went all the way up to Portland eventually. It has a self-liquidating bond like we used to put on some of our bridges.

In 1955, after the Interstate Highway Act, the Turnpike was again renewed, the toll was hiked, and it was expanded all the way up to Augusta. Then the Interstate Highway System took over and Augusta to Houltton was created, there are no tolls for that. Also in 1967, those tolls were supposed to expire a third time but they didn't, they were renewed.

In 1981, I was a member of this body and we got locked into a big political debate on the gasoline tax increase. Some of you who were present then will remember that very well. We all knew that the gasoline consumption was going down, the Highway Trust Fund was going down, our roads and our bridges were in bad shape. We were told, over and over again by the administration, if you pass the extension of the turnpike and you take \$4.7 million, we will give from turnpike to the Highway Trust Fund in order to sustain it, raise the tolls a little bit, redo some of the bridges, keep the upkeep, so on and so forth you won't need a gasoline tax increase.

In 1983, we passed a five cent a gallon gasoline increase, not quite two years after we increased by 30 percent the tolls on the Maine Turnpike.

I went down in York County from the very beginning of the Maine Turnpike and I looked at the access roads over the long Memorial Day weekend. They were absolutely and incredibly crowded. These roads are roads that are state funded, state supported and now we are being asked to, without any debate -- this bill was just flying through this body and the other body without a word of explanation or debate. I would like to know from the Committee on Transportation how much is it going to cost us five, six or seven years down the road for us to build up our access roads in the York and Cumberland County areas when we add two additional lanes to the Maine Turnpike?

We are going to have to pay for that out of the Highway Trust Fund and nobody has a higher respect, after what happened in the last 24 hours, for the Transportation Committee and how they guard the Highway Trust Fund.

What I would like to know is, how are we going to pay to upgrade the roads because they aren't sufficient now with only four lanes? How are we going to build that up to six lanes and then up to eight lanes, that is what they are eventually preparing for? You are not going to be able to say we are going to put an additional toll on the Maine Turnpike in order to fix those roads like Route 9, Route 26 and some of those other routes in Cumberland County. That is not going to happen.

We are locking in for 25 years with this bill, the tolls on the Maine Turnpike, 25 years. You and I may not even be members of this body 25 years from now but some other legislators will be sitting here and they will be saying, how did they ever, in the 113th Legislature, in the final hours of that

session, lock themselves into a 25 year plan, \$40 million.

Every time we are going to say we need to expand these access roads because the people of Lewiston and Auburn have had growth -- this bill makes absolutely no case for growth in Oxford, Androscoggin or Sagadahoc County, none whatsoever.

Can we presume here tonight, on June 16th, at 7:25 p.m. that there is not going to be any growth in those three counties in the next 25 years? You don't have to be a member of the Transportation Committee or a member of the Appropriations Committee or a member of leadership to know there is going to be a great deal of growth.

The State Planning Office tells us that Androscoggin County and Oxford County are two of the fastest growing counties in our state right now and yet the turnpike is going to stop the expansion in South Portland. There is not going to be any more expansion for 25 years.

If you want some, you are going to have to raise the tolls again. How much more are we going to raise the tolls? They are already the most expensive in the country, practically.

The State of New Hampshire finances all of its interstate highway system with just a toll on the 18 miles on the turnpike going between New Hampshire and Massachusetts. They finance the entire other interstate system that they have that the state runs just with the tolls on that.

I am not so naive to think that we are not going to be asked to pass another gasoline tax increase somewhere down the road. The East-West Highway is being talked about, probably one of the greatest economic development tools that this body and that this legislator will probably vote on in the next couple of years. It will bring from Calais, Bethel and beyond, cheap, affordable, and efficient transportation. Where are we going to get the money for that? Are we going to look to the Maine Turnpike? No, we locked ourselves in for 25 years when we raised the tolls in increments. It will cost you about \$5 to go from here down to Kittery.

The people that I have talked to from the Maine Turnpike Authority, the people in the know, have asked me -- is there is any difference in the quality of a highway between Augusta and Houlton and Augusta and Kittery? I can't give them anything but yes, there is no quality difference, it is still the same good highway. The Maine Department of Transportation and the Federal Department of Transportation maintain the same quality of highway, Augusta north (and they charge no toll) we pay for it out of the gasoline tax and the excise tax -- we pay tolls from Augusta south. Yet, that is where all the growth is happening.

To lock ourselves in for 25 years tonight is probably one of the most shortsighted things that we can do. If we pass this bill, next spring or in the 114th Legislature, if I am privileged to serve here with you people, we are going to need a three cent a gallon increase to pay the \$150 or \$200 million that it is going to cost to fund the East-West Highway that ought to be built, that hasn't been built, but ought to be built. Where are you going to get the money? If you didn't pass this bill and we put it aside and studied the impact -- we haven't been told anything about the impact that this bill is going to have on the Maine Turnpike. If you give me a million dollars, I can tell you what I can do with it. I am not going to tell you the impact it is going to have on the people. I could spend it on some very good choices and it would be well spent. They are going to do a great job of expanding the turnpike, no doubt

about it, it will be one of the best turnpike's in the country if that is what we want. Do we want an East-West Highway? Think about that. You may not get it, you may have to raise the gasoline tax.

We have debated on two or three million dollar bond issues, we will debate it for hours and hours. This is over a \$40 million bond issue for 25 years, the interest is unbelievable and we didn't even have a word of debate on it until now. I think that is a shame.

Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

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

Representative LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: As I look at this bill, it really scares me. We have mortgaged our children and our grandchildren and we really don't know what the impact is going to be on our area. I think Lewiston and Auburn has sold itself very, very short for very, very cheap.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you this evening, not as a member of the Transportation Committee, but as a member that has been sitting here and listening and seeing no one jump up and defend the widening of the turnpike. I happen to have had the pleasure of being invited to eat a dinner at the Holiday Inn with members of the Maine Turnpike Authority. As far as nothing being done for the Auburn-Lewiston area, that is not true. They are going to have what I call a turnaround. It is going to help Ogunquit to relieve their congestion. I call it a connector road, they call it something else. I am not well versed on this.

If this does not go through, this is going to set back all the projects of these turnaround connectors in the southern part of the state, way beyond the year 2000. I mean way beyond. This amount of money, the way it was explained to me, (I asked questions) if you think that this is going to benefit me, forget it. I have no access roads. My town and my people have no access road. When you talk about York County, you forget about the western part of York County -- I drive 22 miles to get the Bideford exit so I can get onto the Maine Turnpike. This is not going to benefit me. I go from exit 4 to 6A so I could care less, personally, whether this is widened or not. The purpose of this is to move the traffic, not just for York County, but to get it in the northern part of the state for the tourists, for the skiers. We don't have skiers in the southern part of the state -- all we hear is tourism -- what do they mention -- the coast in the south, well, the coast runs all the way up the coast of Maine, it doesn't stop in York County. When the skiing industry starts, it doesn't start in York County, it starts right outside of Auburn and it goes right up through to somewhere and don't ask me where somewhere is, but I know where Squaw Mountain is. But I tell you ladies and gentlemen of the House, your support is needed for this if you want to open up this state for economic development as well as the East-West Highway.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Before I begin, I would ask for a roll call on the motion to indefinitely postpone.

Second of all, I would like to make some comments if I might to the gentleman from Augusta and others

who have some concerns about this bill. I know the gentleman referred to the fact that this is perhaps shortsighted for the legislature to take such action, but I think I would counter that with, it would be shortsighted if the legislature didn't take this action, because if we don't, traffic and safety on that part of the Maine Turnpike is going to be phenomenal. We are not going to be able to stop it. For those of you who live in the northern, western, and eastern part of the state, those people who come through the southern part of the state are not going to be able to get there quicker. This is an economic development issue, pure and simple. The Maine Turnpike Authority is the gateway to the State of Maine to its transportation system. The Turnpike Authority does a fine job of maintaining that road as we all know. If anyone has an opportunity to drive on sections of the Interstate or on the turnpike, most people go on the turnpike because they have additional personnel that they utilize to maintain that portion of the road. But there is no way that people are going to get from Portsmouth to Calais by driving Route 1. They have to take the turnpike. If the state isn't farsighted enough to widen that turnpike so the people can get through the bottleneck and get to other areas of the state, it really is going to be a detriment to every one concerned.

There have been a lot of figures thrown around here tonight and I will try to set the Record straight as far as dollars and cents goes. The total project for the widening of the thirty mile stretch at the end of the existing six lane highway to Exit 6A is over \$100 million. There is no question about it, it is costly. The Turnpike Authority will bond no more than \$86 million of that amount. They will pay for the rest of it out of revenues and they will pay for the balance of it over the period of 20 years or 25 years or whatever it is through the tolls. It is not an obligation of the State of Maine. The users pay and that is one of the real assets of having the turnpike, it is not an obligation of the State of Maine.

I think that we need to get on with the business at hand and stop looking at ways of discouraging economic development. As far as other counties go, the Turnpike Authority has voted, as I understand it, to do a real study and look at the option of proposing a barrier system or some other alternative system for access to the turnpike north of Portland. That was a major concession on their part and I think that anybody that has been involved with the Turnpike Authority for any amount of time realizes that. I think they have tried to do the best they can to accommodate all people concerned.

But to say that this is shortsighted, I think is foolhardy. I think to look at it and study it is a waste of time. There are going to be plenty of studies done, there will be plenty of environmental impact studies done, there will be cost analysis and how do we pay for it and all that sort of issue resolved at some point in time.

As far as the issue about, if we get all these people to Maine and then there is no road system there and we are going to have to raise the gas tax to pay for it, I think that is a fallacy too. The people are going to come to the State of Maine, whether they come on the turnpike or whether they come on Route 1, and it is just a simple matter of -- do you want to expedite it, do you want them to get to the far reaches of the State of Maine, or do you want them parked somewhere in Ogunquit or Kennebunk or Scarborough on the Maine Turnpike, so that they cannot get to other areas of the State of Maine, and discourage them from that? I think it is crazy.

There was a lot of concern about the raising of tolls from the Lewiston area and other areas, there is no question about that. Yes, the tolls are going to have to be raised 20 percent this year, another 20 percent in a couple of years, and finally, 25 percent I believe in 1992 (and I am not sure on that) so the total amount is going to be a considerable amount of increase in the tolls, but it is necessary to pay for it. The only other way out is to take it out of the gas tax revenue or out of the General Fund and I don't think anybody here wants to do that. I think people would generally be willing to pay more in tolls to drive over a safe highway and one that gets them there sooner than to be backed up in traffic for an hour.

I know some of the truckers who were concerned said, we pay \$10,000 a year in tolls and we don't want to have to pay another 65 percent. I can appreciate that but anybody that has a tractor trailer truck that sits in traffic for an hour or a half an hour at \$50 an hour realizes it is pretty cheap if they have to pay an extra dollar or two to travel the turnpike.

So I would hope that you would vote against the motion to indefinitely postpone so that we might get to enact this bill tonight.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to share with this House tonight what happened when I came up on Monday, Memorial Day weekend. I have been along the coast in York for 17 years now every summer running a guest house there, so I have seen some of the tourists coming into Maine and some of the congestion down there on Route 1. But that night, I left York at nine o'clock and it was late when I hit the York toll booth and they have either 12 or 13 (and I am not positive which one) toll booths there. There were two open, headed north, and all of the rest of them were open, headed south, and cars were backed up. They were literally stopped getting through that toll booth in order to leave Maine. They had come into Maine for the weekend. The first thing that entered my mind was, this is great. I hope they all emptied their pockets while they were here. But in coming up from York to Portland, it was just two lanes of traffic all the way and it was slowed right down in some places where they were probably going 35 or 40 miles an hour. That is how congested that toll road is on a weekend such as that and Memorial Weekend is nothing compared to Fourth of July week or any other weekend in the summer.

I think that the widening of that road is very important to economic development of this state. We love the tourists down there, but we also don't mind sharing some with some of you people up north. We would like to be able to get them up there so that they can also enjoy the rest of this great state besides staying right there in York County, because we just do not have the accommodations for them. They are not going to come into this state and spend their money, pay their sales tax, if they cannot get out of it within a reasonable length of time.

I think it is a very important part of this state's economy to widen that toll road. As one of the Representative's told you, it isn't going to cost the state anything, the tolls will pay for this. I hope that you would vote against indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I agree with everything

Representative Murphy just said. I would like to pose a question through the Chair, please?

Does the state have a right to initiate tolls on the highways and I am thinking in terms of perhaps the East-West Highway?

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

The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I don't know.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: To try to answer the question, we have heard a lot of talk about the East-West Highway tonight and the Maine Turnpike and I am not quite sure how they go together. The Maine Turnpike issue is a bonded issue which has no cost to the State of Maine itself. It will be paid by tolls that are raised from the bonds. The East-West Highway -- the money for the East-West Highway comes from the Highway Fund -- the same place that all of your projects that you have in your red book come from.

But as far as the question raised by the gentleman from Biddeford -- could you charge tolls on the East-West Highway legally -- yes, you could.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: If I may continue, my understanding is, and I am not that well informed on this and I have to agree with Representative Paradis, I don't think we are as informed as we could be. My understanding, as I have it presently, is that the state could acquire ownership of the Maine Turnpike within a two year period and that is when the bonds expire. You might cite \$4.7 million that they are handing over to us, but you cannot tell me that the Maine Turnpike Authority isn't making a very lucrative profit on this pike. As a matter of fact, you can even surmise this by trying to find out how much the toll booth collector is getting for a salary, which is about \$7 to \$8 an hour.

We are getting locked in here for 25 years and that concerns me very much. If this Maine Turnpike Authority, by ownership, the way they have it presently, if it is that lucrative to them, why couldn't we hold off a couple of years and take possession of this pike and put tolls on it all of the way on the pike, all the way to Aroostook and let's share the responsibility. By state ownership we would have an income that would be distributed fairly across the state, plus you would have a fund that maybe instead of \$4.7 million, you probably could realize \$15 million to \$20 million a year in annual income. This is where I am coming from.

It concerns me very much that, in order to have possession of the pike now, the way we are going now by just succumbing to this situation, we won't even be able to talk about this for another 25 years and that concerns me very much.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative McPherson.

Representative MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out that, if this bill passes, there are nine interchanges that will be completed by 1995. It involves Lewiston-Auburn, Biddeford, Scarborough, and Ogunquit. If this bill does not pass, there is no saying when those interchanges will be done. They

will have to be done out of funds as it becomes available. I think it is very important to pass this bill in order to complete this interchange program.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Soucy.

Representative SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: Just a point to give information to the Representative from Biddeford. I don't believe it is possible to levy a toll on the Interstate Highway System. I think that is illegal according to federal law.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: Just to clarify the point I made when I said you could charge tolls on the East-West Highway, you could if it is state money, if federal money is involved, no you cannot.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: I rise today to explain my position of having a New Draft made on the bill. I guess as a lot of you know ever since this bill came in, I was never very hot on the subject. Basically, I guess, their point is that to most people there are some disagreements as to whether we should have a third lane on the highway. Some people disagree but I think the vast majority of people would probably say that it would be good to have a third lane on the highway. Personally, I don't have too much of a problem with that. The problem that I have is how we go about getting that third lane and who is responsible for it.

When the bill originally came to committee, right now as the current law is, the Maine Turnpike Authority has a \$20 million bond limit. They cannot go over that limit at any one time. When this bill was originally introduced, it called for raising that bond limit to \$76 million. Later on, there was amendment brought in to raise it up to \$86 million and that was at the point we were at when we came to work session.

I was interested in coming up with some different ideas as far as the tolls. I thought it might be nice if, for instance, we charged at peak hours, had a different toll on the weekend or something of that sort. In testimony that came before our committee it was shown that, in the summer, up to 70 percent of the traffic that is on the turnpike on the weekends is people from out of state. I thought it might be better if we had peak hours such as on the weekends and charge them. I thought it would be better. You could do it constitutionally as long as it was peak hours and didn't just try to nail the tourists, so I thought that would be a good idea. There wasn't any support for it.

Right now, the Maine Turnpike Authority gives \$4.7 million out of the money that they collect to our other highways in the state. I wanted to raise that amount. I thought that since we were going to have more traffic in the state, it would be better to raise that amount and I tried to raise it to \$7 million. There was no support for that.

So, I ended up looking at the bill as it was, it was going to raise the bond limit to \$86 million. The thing that bothered me about that was, once this widening project was done, the Turnpike Authority would have an \$86 million limit and they would not have to come to the legislature probably again for anything, ever, because we would have raised that limit so high that they would not need our support any more. So I drew up a New Draft and that is what

we have currently before us. That said, the Maine Turnpike Authority has a \$20 million cap, just as they currently have, and then they have a \$66 million cap to do the widening project and, once the widening project is over, they go back down to the \$20 million cap. The idea behind that was, that later on in the future if they want to have another project, they want to widen the lane or something of that sort, they would have to come back to us to get the permission to get the money for the bonding. That is why I made that motion and the bill was accepted in New Draft. So, after about seven or eight motions, I finally made the motion that flew and passed and it was unanimous. That is the position that we are in.

I would like to mention also a few points about the toll system as the bill reads. It is true that, over the next few years, the toll system would have a 65 percent increase. You have 20 now, another 20 in approximately three years, which means an approximate 40 percent increase in the next four to five years, and then a 25 percent increase as was mentioned later on in the 1990's. The point is, it is not just a 65 percent increase. That is more than a 65 percent increase because, as you increase the first time, then you add the interest on to that when you increase the next time, and you add the interest on to that when you increase the next time. So it is a little misleading to think that it is going to be (although that is a big amount) a 65 percent increase, it is going to be more than that. So I think that is important to understand.

My biggest problem with this whole bill is the Maine Turnpike Authority and I have said that from the very beginning. I don't really have a problem with the third lane, it is the Maine Turnpike Authority that I have a problem with. Who are these people? How often do we have contact with them? How often do you see your local Maine Turnpike Authority person?

I think the biggest point that was made on this floor is the biggest point that has bothered me on this whole thing. When Representative Higgins said that the Maine Turnpike Authority was willing to have this study and was willing to make this concession to us and that is exactly their attitude about this whole process, they are willing to make a concession to us. I don't think that is the position they should be in. That is the way they are and the way they treat us. I don't think that is right. That is why I had so many problems with this bill. I don't care for an Authority that treats us that way and I think that is basically the way we have been treated about this whole bill.

So I guess that, although it is a unanimous report, I don't want people to think that I am really in love with this bill because I haven't been, but I supported it because that was the best bill I could get out of the committee.

We have had some people mention study, yes, there are some studies that are going to be done on the turnpike. I originally wanted to hold the bill up until after the studies because it seemed as though if we were going to be studying whether or not we were going to have a barrier system, or whether or not we were going to change the tolls on the highway, or even if someday we were going to eliminate them, it seems to me that we ought to be doing that before we lock ourselves into a 25 year program. I thought that was important.

I even had the mayor of Lewiston, I believe it was, say that I was trying to hold the bill hostage if I was to hold this bill up. I didn't feel as though I was because I felt that those studies were important and we should know what they said first.

But that was the feeling at the time and I can understand that. The studies that are being talked about is a study funded by the Maine Turnpike Authority. It is not in the bill, it is nowhere in the bill. It is something that they have agreed to do and I would like to read it into the Record because I think it is important what they did agree to do. Basically they said, "They will be looking into the proposal made by Representative Mills for the Transportation Committee on May 21, 1987 that would raise the \$4.7 million set aside by DOT to MDOT to \$7 million for the purpose of improving highways, accessing the turnpike." It also goes on to mention that they will look into the Exit 10 on the turnpike, north of Exit 10, and will be looking into studying that as to whether or not they will be changing the system such as barriers or whatever else. So those studies are there, there will be studies going on. I just felt that it was the cart before the horse, but that was the best bill I could get out of committee and that is why I supported it and support it today.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I think you heard a very, very direct evaluation of this whole problem as it was initiated through the Transportation Committee and some of the invited meetings we had that involved the city of Lewiston. Representative Mills did a magnificent job in addressing some of the major concerns.

I believe Representative Higgins hit an important cord also when he said the users will pay and pay and pay. Since 1950, when it was first initiated, the first 48 miles stopped just before Portland, I happen to know that exactly because I helped in the construction of that, it continued on and here it is 1987, just filled with broken promises. That was supposed to have been (and I think the legislature is responsible for extending that) terminated after 20 years. That would have been 1970.

Broken promises -- sure we are going to get a study out of it. If I passed out a sheet of paper to everyone in this House right now, I am sure that you would have the conclusion that is going to come out of this study. Economic development, of course. It is hitting Androscoggin County the same way that the flash flood hit Portland. We know what the economic impact is going to be. We also know that nothing is going to be addressed to that area for at least five more years.

My concern is -- why do we have just one entrance and exit to that turnpike? I said this in testimony. I brought up the same questions Representative Paradis brought up about the 25 year future indebtedness.

I just loved the dialogue of Representative Mills when he alluded to the Turnpike Authority. He addressed it magnificently, that is just what they are, an Authority that is unquestioned and insensitive. That was brought out in testimony by some of the people from the city of Lewiston when they asked them -- have you ever asked us for any input? The answer was, no.

In all good conscience, I cannot vote against the indefinite postponement of this bill because I favor the widening of the turnpike in a very critical area. It is hindsight not to be able to see what is happening in that area. That has to be addressed, but in the meantime, what about some of the other areas that have been neglected all of these years?

Representative McPherson mentioned, you are going to cut off these new planned exits or entrances while

there is one in operation now and they keep hitting that -- you are going to get that. Where does it go? To an industrial park. What about the area of Sabattus that hasn't had an exit and I cannot get them to address it. You know why? Because it doesn't fit their category as far as a classification of a certain type road.

I have to travel five miles right in the city if I want to hit a turnpike exit. That is the second largest city in the state. There are a minimum of four and five exits in every one of the cities that are addressed by the turnpike areas.

Like I say, in good conscience, I cannot vote against this bill because I support the widening, but for the Record, shame on the Turnpike Authority.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with Representative Mills and Representative Aliberti regarding the attitude of the Maine Turnpike Authority. I have great concern with locking us in for 25 years and for the more than 65 percent in tolls. I will be supporting Representative Paradis' motion to indefinitely postpone.

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

Representative THISTLE: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question through the Chair?

To anyone on the Transportation Committee who may be able to respond -- my question is, is the Maine Turnpike Authority or the Department of Transportation subject to the site location development law?

The SPEAKER: The Representative from Dover-Foxcroft, Representative Thistle, has posed a question through the Chair to any member of the Transportation Committee who may respond if so desire.

The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I believe the answer is yes.

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

Representative THISTLE: Mr. Speaker, Ladies and Gentlemen of the House: Part of the answer is yes and part of the answer is no, I believe. That in itself causes me some concern. Let me explain.

I originally intended to place two amendments on this bill and I did some investigation in the process of doing so. I got some help from Commissioner Connors of the Department of Transportation and I posed that question to him. He, in turn, turned part of that over to the Maine Turnpike Authority and brought to me two letters. The first one was from the Maine Turnpike Authority addressed to Senator Dow but a copy was placed in my hands. The fact is the Maine Turnpike Authority is subject to the Site Location Development Act which means that they are subject to environmental review through the Department of Environmental Protection. That means the widening of the highway will be subject to that review.

However, with respect to the Department of Transportation whose function it will be to be responsible for the interchanges along this road and whatever future interchanges may be constructed in the Lewiston-Auburn area, the Department of Transportation is not subject to this review by the Department of Environmental Protection. They are, in fairness, subject to a good many other federal

regulations of environmental quality with respect to waterways, if they do anything over or near waterways.

Nevertheless, I believe it is a significant area of consideration as to whether or not we feel secure that the Maine Turnpike Authority or the Department of Environmental Protection is concerned enough with environmental quality as it now stands. I have some questions about that but I withdrew that amendment because the subject is far greater than an amendment would deal with. I believe you will see that introduced next session so that we may have a complete public hearing on the issue.

Another point I would like to make though is that, when Representative McPherson spoke, he implied I believe, and correct me please sir if I am mistaken, that the barrier system and the new interchanges for the Lewiston-Auburn area along the turnpike were a "fait accompli," were already in the works. It is my understanding that that is not the case and that, at the very best, the best hope of the people of Lewiston and Auburn is that a study will be done to determine the feasibility of that system. That is not to say that they will get it, it is merely to say that the subject will be under consideration.

I believe we ought to make both of those organizations subject to the site location law. In addition to that, I have grave reservations about a super governmental agency, which some of us have spoken to, the Maine Turnpike Authority. But I believe in addition to that, that when we consider widening of Maine highways, when we consider additional interchanges, that we not only should review environmental quality and its impact on that, but we should also review subjects such as existing businesses, the impact on those businesses, growth and development patterns with respect to new interchanges or widening, and we should even look at the questions of community identity and what is the impact on community identity if we place interchanges in the midst of neighborhoods or if we take land for widening.

I agree with Representative Paradis of Augusta that this bill is far too expensive for us to give a cursory look at and pass in the waning hours of this session. I support his indefinite postponement.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I must admit that when I first heard that this bill would be coming before the legislature at a future date, I was very skeptical in terms of one who pays those tolls, in terms of coming to work here and the work that I do away from here and in terms of shopping and just the mobility that is in our lives.

I agree with the gentleman from Lewiston in terms of the Turnpike Authority, those people who run the Turnpike Authority. I probably have the worst relationship with those people who run the Authority or at least tied for the worst relationship with those people. But despite that skepticism and despite what I think of certain individuals connected with that Authority, the more I thought about it, the more I weighed it, and the more I got out onto that turnpike, I realized that if we really are concerned about the future of this state, every region of this state, that we have to act.

I guess the best analogy that I can think is that that Maine Turnpike is like a tree trunk. Some of us who live near it are the direct beneficiaries of it, but it becomes the base from which branches grow. In terms of transportation, the goods that we need, the means of getting to work, that if that tree trunk

does not grow like a good living tree, those branches will no longer see growth and they will begin to wilt. It is not just holiday weekends, morning a.m. traffic, evening time to go home traffic, we have reached the point where the Maine Turnpike has reached its physical limits. It is not tourists, they add to that, moving toward what is called gridlock, but go on that turnpike any morning and you will see people from Lewiston-Auburn on their way to work to Portland, Portland people on the turnpike going elsewhere, people from Kennebec being able to earn say a higher living there in the Portland market. Maine people are using that turnpike, we need that turnpike.

Now if we defeat this and we allow that gridlock to develop on the southern reaches, it is really not going to impact the citizens of my town because the tourists will still get there. They will just go onto Route 1 and they will suffer through 8 to 10 miles of Route 1. We will take the back roads and we will get to work, those of us who live in Kennebec and have to go to work elsewhere, but if you are from Washington County or if you are from Aroostook or if you are from western Maine, or Penobscot, the trucks, and we have to admit it ladies and gentlemen of this House, we are becoming more dependent upon trucks as the railroads begin to leave this state, they need that turnpike. Our goods are going to be more expensive, our ski slopes, our hunting camps, our tourism industry, which is dependent upon these people moving quickly through our transportation system and that, once those people from away, sit in gridlock, and if you have ever been in New York City when gridlock hits, that means you can't back up, you can't go forward, you can't go sideways, and gridlock at certain times of the day and the weekend, exists right now on the Maine Turnpike. If we are looking not only to the economic well being right now of the State of Maine, we have got to be looking ahead to the future for our children. It might be easy here this evening to turn around and maybe beat up on the Turnpike Authority, and if there was ever the opportunity to do it, I would love to join with you, but what we really would be doing is beating up on ourselves and beating up on our children. For once, there is a proposal before us dealing with the future. If we do not act in the late 1980's or early 1990's, people will be asking, why, who, why did they not plan? And you have a very responsible proposal before you. I would hope that you would reject the motion to indefinitely postpone this bill, that we can enact it this evening, and begin planning for the transportation future of the entire State of Maine.

At this point Representative Michaud of East Millirocket was appointed to act as Speaker pro tem.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Pouliot.

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I really don't know how to begin this because I never thought I was really going to be getting up in these later hours and speak on this subject. But I would like to have you know something, if there was ever a bill that I had any concern for, this is the bill. When I came here in December, I made up my mind that I was not going to put myself on many bills because if there was ever an

issue that I wanted to pay attention to, this would be the issue. I must say that I worked with an awful lot of people on this issue. At times, I felt that I was very much alone, seeking help here, seeking help there, nothing would happen. Made contacts with the Turnpike Authority like everyone else is saying, very difficult to make an agreement with. So I went home and spoke with many of the people back home and made up my mind that, if there was one thing that I wanted to do, it was either hold the bill over or get an impact study.

So, having worked with some of the Turnpike Authority people, I knew that the concerns I had were not being heard by them. I went home and spoke with the mayor and a few other people and some of the engineers back home and we put a proposal together. It would take too much time to really go through this whole proposal right now and give you the complete details. We had a meeting with the commissioner and members of the Maine Turnpike Authority. They saw our proposal. I think it really awakened them and they were hearing our concerns. After we heard the bill, the people from my community came to testify, the mayor of Lewiston, the mayor of Auburn, other concerned citizens and they all came from that one area. They wanted an economic impact study because we wanted access to the turnpike. Those were our true concerns. But all through the months of December, January, February -- yes, I was the obstructionist, that is what I was being told. Lewiston is the obstructionist again. Let me tell you ladies and gentlemen, there was no other way I knew how to fight because I knew I was up against a giant but I did the best I could.

After we had the hearing, the Maine Turnpike Authority did agree to an impact study. I have the letter here in my possession given to me by the Department of Transportation signed by Dana Connors, whom I have great respect for and trust. This is not a deal that was cut ladies and gentlemen, it is not a deal. We need access to that turnpike. The town of Sabattus may need access to that pike. The whole corridor in our area, 56 miles, we have three interchanges in 56 miles of road. In the Portland area, you have roughly 15 with the new ones going up. On the I-95 from 6A going up to Gardiner, there are 24. We have three.

All we wanted and all we asked for is, give us the study, let us have access to that pike. The Maine Turnpike Authority has put in \$50,000 for an impact study. The people that will be serving on this study will be people from Sabattus, Lewiston-Auburn, some of the outlying towns, there probably will be 17 people serving on this committee, this task force. They will report back in the month of January. I feel that, in all good faith, and I have trust in my committee and I have dealt with them in all honesty and fairness and I will be fair with them tonight and I am going to stay with them. I would expect when I come back in January and we do the study that, whatever comes out of the study, be it up or down, if it is good for our area, I would hope that they would implement it. If it is not, then I will live by the rules.

I would hope tonight that you kill the motion to indefinitely postpone.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: You will recall here a week ago, we had trouble with the railroads. We voted 140 to 0 to help the people in the railroad bill. They did the same thing down in the other

body. Tonight we are trying to kill a bill that helps the whole industry in the State of Maine, the trucking industry. The railroads are going out of business, nobody to haul the freight out of Maine, they are cutting them all up into little pieces. I live in the most eastern part of the state. Our tolls are going to be tremendous on this turnpike, but still in all, we must have that turnpike to get our stuff to market. I hope tonight that you will vote as it was unanimous on this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Basically, I have to agree with what has been said by previous speakers. I do not intend to repeat what was previously said. The Maine Turnpike is definitely the gateway to Maine, just like St. Louis, Missouri was the gateway to the west. I agree that the turnpike should be extended to three lanes rather than staying the way it is.

The concern that I have is the fact that the Maine Turnpike Authority is a quasi-governmental agency which means that it has complete autonomy. It does exactly as it pleases. As an example, when we in this body increased the speed limit from 55 to 65 miles an hour, the Maine Turnpike Authority could have, if they so desired, turned down our request. They had a meeting, they voted on it, and I see somebody shaking their head, and I got that directly from a member of the Maine Turnpike Authority and they could have turned down the legislative intent. Now what I am trying to convey to you, the concern that I have is the fact that there is no fiscal responsibility to this legislative body.

Approximately a month and a half ago, I looked into the possibility of placing legislative oversight over the Maine Turnpike Authority. I was in the process of preparing an amendment that would have put the Maine Turnpike Authority under the legislative oversight of the Transportation Committee. This cannot be done, not the way it has been set up. There is nothing that we can do about it.

The only thing that I was able to come up with was to require them to submit a semi-annual report of all their income and expenditures, a copy of which will be going to the Turnpike Authority, the Maine Department of Transportation, and one copy to the Legislative Program Fiscal Review, whatever it is. However, there is nothing that we can do on the expenditures that they make. They could buy 300 widgets as compared to something else and there is nothing we can do. That really concerns me because I feel that their wages have escalated to a point where their employees are getting paid higher than state employees. Of course the answer to that is that they have better union representation. I don't know if that is the case or not. But as an example, some of the salaries that I have been able to compare based on reports that I have received is that a highway maintenance foreman for the Maine Turnpike Authority gets \$501 a week compared to \$394 at the same step for someone that works in DOT. That is quite a bit of difference in salary. You take a highway maintenance truck driver at the highest step level, the DOT employee gets paid \$6.78 an hour compared to \$9.16, that is quite a bit of difference.

Now what I had proposed to do and I realize that it is impossible for me to do this, and it is difficult for me to understand or comprehend why we can't change this, was to ensure that their expenditures were in consonance with other state directives that we may have in order to be able to reduce the amount of funds that are being spent from the Maine Turnpike Authority. This could have an

effect on the amount of rate increase that has been scheduled. You have heard that there is a proposal to increase the fees 65 percent over the next seven or eight years. Now if they were better controlled, had more fiscal responsibility, instead of increasing to 65 percent, possibly the rate could be increased let's say 40 percent and they could still live within their budget. That really bothers me, the salary and there is nothing that we as legislators can do. I certainly hate to see this thing extended for another 25 years and, by approving this, we are extending their authority. Like previous speakers have said, we are sort of locked into this. I am locked in, I wish I could support Representative Paradis' motion but I can't because I feel that we have got to extend the Maine Turnpike by another lane.

Possibly back in 1983, if we had not extended the Maine Turnpike Authority, that possibly today we could be looking at federal funds to increase the width of the Maine Turnpike, now we can't. So we are sort of locked into this and I hope that with 151 of us here maybe someone can come with some ideas as to how we can establish legislative oversight over their expenditures.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: My heart goes out to the people in southern Maine and I will tell you why. They ask for little. Their tax dollars on sales tax and gas tax make life for the rest of Maine more pleasant. You think about it, you think about the dollars, the tax dollars, that come out of those southern counties, the gas tax money that comes out of those southern counties and they make our life more pleasant. The people of southern Maine have said it is inconvenient, there is a safety factor involved. They are not asking us to pay anything, they are going to pay themselves. I think its time that we thank them. I think that we should look at ourselves and say, what do they ask for? They ask for little and that is why I think it is important for someone like me, who comes from a part of the state that benefits from their tax dollars, to listen to the Representatives from southern Maine, to listen to their cries of -- we want to push these people up into your part of the state, we are reaping the benefits of tourism -- and these people mean it. They want to share. Ladies and gentlemen of the House, let's think about it and let's be thankful that they are that prosperous and, in their prosperity, they make our lives much better.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: My good colleague from Kennebunk said that the health of the tree trunk affects the entire tree and that is true but I would like to point out that that tree has been split by lightning in Portland, and that the part of that tree that runs up along coastal Maine, the free part, grows green and fertile and has many branches. And the part of that tree that runs from Gray to Augusta and costs money to ride on and is not free, languishes with only four branches. Having said that, I would also like to say that I certainly wouldn't sell a \$66 million vote for a study, I would get a little more for it.

I don't like bringing home to the people of Auburn tripling of their tolls, I am not comfortable with it, but I also travel to Massachusetts a lot on many occasions -- we have family there or can I say the family there is prolific -- and that southern portion of the state is dangerous when it is

crowded. When we come up to Augusta, we have to represent the interests of the entire State of Maine and, although many of my people do not travel to southern Maine often, it is not fair to the people who do travel through the southern part of the state to put them at risk. So I am going to vote for this. I am not happy with what Lewiston-Auburn has now for access or actually any of the smaller communities from Gray to Augusta but I think it is a statewide safety issue.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I hate to oppose my good friend, Representative Paradis, in regard to the value of the Maine Turnpike. When we think of our state before the turnpike, it took six hours to drive to Boston through each town and city on less than adequate roads. Certainly without the turnpike today, we would have few visitors coming into our state. Today our state enjoys a lucrative tourist business, providing many jobs and helping our economy. If we review the past twenty years, Maine's greatest accomplishments have been the construction of the turnpike. It has opened our state to the rest of the world and also has given us a chance to drive on good highways.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mechanic Falls, Representative Callahan.

Representative CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I would like to say that we are very fortunate to have the tool, the Maine Turnpike Authority. Why do I say this? Because there is no way we could raise the gas tax and do such a major project and because Maine is second in the nation on what they have to spend on highways on a per capita basis. The State of Wyoming is number one, Maine is number two. It is because in this state we have about 14,000 miles of road and just a little over a million population. So I would hope you people would realize this and realize what the turnpike has already done in this respect. I would certainly hope you would defeat the motion.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative McSweeney.

Representative MCSWEENEY: Mr. Speaker, Members of the House: The Maine Turnpike is the most important industry -- one of the most important industries in the whole state, if you can call it an industry, by bringing in the people, the tourists, for southern, central and northern Maine. This is why it is important to widen it because it brings nothing but tax dollars into this state and it is one of the most important industries in the whole state.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Conley.

Representative CONLEY: Mr. Speaker, Ladies and Gentlemen of the House: Well, we have debated this bill about an hour and a half, about an hour and a half more than we debated the budget, I would point out. We have had a nice time playing kick the can with the Turnpike Authority. I don't mind kicking it one more time -- let's get rid of the Turnpike Authority and put Dana Connors in charge of the turnpike. I don't have any problem with that, but let's not let the Turnpike Authority stand in the way of passing this bill which has been worked on very hard by the members of this committee, all of whom have explained to us is a very delicate decision making process which they went through, the concessions which they got for their constituents, to make this bill possible. You have been through the

eleventh hour attack on this bill, let's put it to rest and pass it.

The SPEAKER PRO TEM: 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 pending question before the House is the motion of the Representative from Augusta, Representative Paradis, that L.D. 1806 be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 159

YEA - Clark, M.; Coles, Erwin, P.; Gould, R. A.; LaPointe, Martin, H.; Mayo, Mitchell, Paradis, P.; Priest, Thistle, Tracy.

NAY - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Baker, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Brown, Callahan, Carroll, Carter, Chonko, Clark, H.; Conley, Cote, Crowley, Curran, Davis, Dellert, Dexter, Diamond, Dore, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Harper, Hepburn, Hichborn, Higgins, Hillock, Hoglund, Holloway, Holt, Hussey, Ingraham, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Manning, Marsano, Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Parent, Paul, Perry, Pines, Pouliot, Racine, Rand, Reed, Rice, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Cashman, Duffy, Hickey, Kimball, Mahany, Reeves, Scarpino, The Speaker.

Yes, 12; No, 129; Absent, 8; Vacant, 2; Paired, 0; Excused, 0.

12 having voted in the affirmative and 129 in the negative with 8 being absent and 2 vacant, the motion to indefinitely postpone did not prevail.

Subsequently, the bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

The following items appearing on Supplement No. 9 were taken up out of order by unanimous consent:

SENATE PAPERS

Ought to Pass in New Draft

Report of the Committee on Energy and Natural Resources on Bill "An Act Creating the Maine Low-level Radioactive Waste Authority" (Emergency) (S.P. 205) (L.D. 561) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 639) (L.D. 1865)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendments "A" (S-218) and "B" (S-221).

Report was read and accepted, the New Draft read once.

Senate Amendment "A" (S-218) was read by the Clerk and adopted.

Senate Amendment "B" (S-221) was read by the Clerk and adopted.

Under suspension of the rules, the New Draft was read a second time.

Representative Nutting of Leeds offered House Amendment "A" (H-379) and moved its adoption.

House Amendment "A" (H-379) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 1865 "An Act Creating the Maine Low-level Radioactive Waste Authority" is a fine bill but I feel that as amended with my amendment would even be a better bill. Safe management and disposal of low-level radioactive waste is an issue of vital concern to every Maine citizen. L.D. 1865 provides a framework for the siting, development, and eventual operation of a low-level nuclear waste disposal facility in Maine in the event that the state does not join a regional disposal compact with other states.

I believe it is the intention of the state's Radioactive Waste Advisory Commission to continue to pursue such a regional solution to provide for disposal outside of Maine. I would urge the commission to continue to actively pursue such an agreement. However, in the meantime, federal law requires us to meet several milestones toward achieving a disposal solution and that is the purpose of L.D. 1865. As currently drafted however, the bill does not provide for public participation in the siting process, although such participation is essential, I believe, that the state is going to develop a disposal plan acceptable to Maine people. We have already seen the level of concern raised by our citizens when they felt that they were not a part of the Department of Energy process.

For this reason, I would like to offer an amendment to L.D. 1865 which would provide an opportunity for the people of any municipality under consideration for a low-level waste facility to vote on whether such a facility is acceptable in their community.

Specifically, this amendment requires local officials or, in the case of an unorganized township, the Secretary of State, to hold an election within 60 days if the authority decides to site a facility within that municipality's borders. This amendment also provides that, unless 60 percent of those voting, approve the authority's decision, then the authority cannot site a facility in their community. Local participation is absolutely essential if the state hopes to implement a workable disposal plan.

Even the federal Nuclear Waste Policy Act, as flawed as it might be, provides for local approval in the form of a state veto. I believe that similar local review and approval process is such an important state issue that it is only fair that the local municipalities have this right also.

Therefore, I strongly urge you to support this amendment, H-379.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak in support of this amendment providing for local participation of siting of a low-level waste disposal facility.

Many of the people in my district have expressed concerns that their community may be arbitrarily chosen as a site as part of the state's search for a permanent location for a low-level waste disposal facility. They believe and I agree that the state should not impose any waste handling facility on any community which does not wish to have such facilities. Certainly it is not in the best interest

of the State of Maine to force a facility on a community where it is not wanted. The hostility generated would make the siting and permitting process extremely difficult and prolonged as well as make the operation of such a facility a constant source of controversy. Even the Department of Energy has provided an opportunity for local participation in its study of a national high-level waste repository.

The citizens of our state deserve no less. Maine people have a right to a say in such an important matter and it is our responsibility as their elected Representatives to assure an opportunity for Maine people to vote on any waste facility which will become a permanent part of their community.

I urge you to support Representative Nutting's amendment to assure local participation in any siting of a low-level waste facility in any Maine community.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a very good amendment but does it go far enough? If they have an unorganized township adjoining your town that has no population whatsoever that is chosen for this site, then who makes that determination? The State? I think the town should also be concerned in the township that adjoins that has no population.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: As I read this amendment, what it does is essentially give a local veto to a low-level radioactive waste authority. The Bill before you, I am not particularly excited about, but I am going to go along with it and I am going to vote against the amendment.

The bill is in response to the federal Low-Level Radio Active Siting Law of 1981. It is the responsible action that a state like Maine should take. That law was amended a few years ago by Congress and the amendment sets up some milestones in the law and each state is required to meet those milestones. This is the second milestone, the enactment of a plan to take care of the problem of low-level radioactive waste.

The federal law says that if the state doesn't meet the milestones, then the access for Maine businesses that have produced low-level radioactive waste that have access to the three national repositories that exist now, will be cut off. If that is cut off, some of the hospitals in Maine will be at a disadvantage but primarily the nuclear power plant at Wiscasset will also be at a disadvantage. They will lose the opportunity to dispose of their radioactive waste and if that happens they can, under federal law, store waste there for five years and, at the end of that five years, they have to shut down because they cannot dispose of their waste. So, the plant will effectively close after five years.

There is a referendum in the fall this year to shut down Maine Yankee. I, personally, would leave this issue to the voters of Maine in the fall and let them decide whether the plant is to operate or not.

As I said before, I am not particularly keen on this bill, I don't like supporting it, but I do think it is the responsible thing for the State of Maine to do. A local veto provision in the bill won't help it at all.

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

Representative COLES: Mr. Speaker, Men and Women of the House: Like my friend from Freeport, I am a

member of the Advisory Commission on Radioactive Waste and I find myself in an odd position. As you all know, I support shutting down Maine Yankee and I believe this amendment would do that without fail. In fact, as Representative Mitchell said, after January 1, 1989, if we have not met all the milestones by that date, the current states that have dumps can deny us access to those dumps. The judgment as to whether we have met those milestones is in the hands of those current states. It is not the federal government who makes that judgment. Those states will look at this amendment and they will say that our essential progress toward establishing a dump is a sham because no town in this state in their right mind is going to vote to have a dump in their town.

As an individual and as a person against Maine Yankee, I would just as soon see this amendment pass because that means the plant would shut down within five years after 1989. As a member of the advisory commission and as a responsible citizen of the State of Maine, at times at least, I would have to say that this amendment is an irresponsible amendment. It would mean that Maine, in effect, would be shutting down the plant whether people in the fall vote to do it or not.

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

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I may have been asleep at the switch but I didn't hear the answer to the question posed by Mr. Smith. What happens in the case where a selection is made in a township where there is no one to vote? I come from an area where we have many townships where no one resides, there are no voters, and if a site is selected there adjoining a town that does have a population, what protection do they have? I would like to have an answer from somebody who might have the answer.

The SPEAKER PRO TEM: Representative Hichborn of LaGrange has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I am sorry I didn't hear all the question -- if he could repeat it, perhaps I could help him out.

The SPEAKER PRO TEM: The Chair recognizes the Representative from LaGrange, Representative Hichborn, who may restate his question.

Representative HICHBORN: Mr. Speaker, Men and Women of the House: Town A may have 500 people and an adjoining township that is an unorganized territory has no people in it, a decision might be made to locate this dump or repository in the unorganized territory where there are no people to vote, what happens in that case?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Mitchell, who may respond to the question.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: As I read the amendment, it addresses voting in unorganized territories and it says the Secretary of State shall hold an election in that case, but if no one lived in the unorganized territory, there would be no one to vote, so I assume there would be no election in that case.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: There are quite a few of my communities that could be affected by being

selected as a low-level waste site. I feel that they have a right to vote on whether to allow the place to be that site. I hope you will support the proposed amendment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question as to who might have the decision over the townships, I think it would be well to check this out with the Attorney General's Office but there is the possibility that that decision might lie in the Board of County Commissioners.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Men and Women of the House: I have just one important thing to say about this amendment and that is, that the word disposal is incorrect. There is not now nor ever will be a way to dispose of low-level or high-level radioactive waste, only long term storage.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is adoption of House Amendment "A." Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 67 having voted in the affirmative and 33 in the negative, House Amendment "A" was adopted.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "A" (H-379), Senate Amendment "A" (S-218) and Senate Amendment "B" (S-221) 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.

Non-Concurrent Matter
Later Today Assigned

Bill "An Act to Amend the Maine Vocational-Technical Institute System Laws" (Emergency) (H.P. 1185) (L.D. 1615) which was passed to be engrossed as amended by Committee Amendment "A" (H-361) in the House on June 15, 1987.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-361) as amended by Senate Amendment "A" (S-223) thereto in non-concurrence.

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned

On motion of Representative Michaud of East Millinocket,
Recessed until the sound of the gong.

(After Recess)

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

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

REPORTS OF COMMITTEES
Divided Report
Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-346) on Bill "An Act to Provide Relief from Property Taxes through a Low-income Credit Circuit Breaker" (H.P. 537) (L.D. 721)

Signed:

Senators: TWITCHELL of Oxford
DOW of Kennebec

Representatives: NADEAU of Saco
DUFFY of Bangor
DORE of Auburn
SWAZEY of Bucksport
CASHMAN of Old Town
MAYO of Thomaston

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

Signed:

Senator: SEWALL of Lincoln

Representatives: SEAVEY of Kennebunkport
INGRAHAM of Houlton
JACKSON of Harrison
ZIRNKILTON of Mount Desert

Reports were read.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought to Pass" as amended Report.

I do apologize for the hour but I will try to keep my remarks brief. We have before us tonight the circuit breaker bill. Let me briefly describe what this bill will do. First of all, let me tell you the origin of the legislation. This is recommendation number six of the Speaker's Select Committee on Property Tax Reform which received a unanimous recommendation from that committee of distinguished Maine individuals, legislators, school administrators, business leaders, who recommended this type of legislation.

This legislation provides for \$1.3 million to be folded into the present Elderly and Rent Property Tax Refund Program that is already in existence. Presently, the program that is already on the books does not phase out, so when an elderly person goes over the income guidelines by only one dollar, they can, in certain instances, lose a \$400 benefit. We have beefed up the program, extended the income guidelines and phased out the program so you do not have the problem of people making just a few dollars over the income guidelines and losing the entire benefit.

The Bill also provides for \$2.7 million for property tax relief to low and moderate income individuals. This property tax relief is delineated through schedules that are found in Committee Amendment "A" to the Bill. The property tax relief mechanism is similar to the one that is already on the books for the elderly people so it will be very easy for the Bureau of Taxation to administer this legislation.

The legislation carries an appropriation for the appropriate staff to be hired to oversee and administer this program.

The program is phased in over a six year period. However, there are sunsets in the Majority Report, a sunset on the phase-in portion which will take effect in 1989 and a review of the initial portion which, of course, will take effect in the same year.

This bill came from the Taxation Committee with a Majority Report, the committee dealt with this issue, I thought, in a very appropriate manner and has brought this report to you for your consideration. As one member of the Taxation Committee, I can tell you that I wish there were more funds available to do

more for property tax relief but this is what I feel to be the best legislation possible with income and budget constraints that we have before us. It is allocating the \$4 million that has been set aside in the Part II budget for property tax relief in what I feel is the best method.

I would urge this House to adopt the Majority Report.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I hate to rise at this late hour this evening but I just would like to explain my position and the Minority position on this report.

The good Representative from Thomaston, Representative Mayo, has done an excellent job of explaining the bill to you.

The concerns we had were not with the elderly program. Myself being the prime sponsor of a bill which would have expanded the income eligibility levels to provide for more elderly people to be able to receive assistance from this program is still in that committee held over until the next session. I know there are several other members of this legislature who also sponsored legislation which also attempted to increase the eligibility levels under the Elderly Rent and Refund Program.

The Elderly Rent and Refund Program is probably one of the most effective programs that exist in the state because it is directed to those people who are hit most hardest by the property tax, living on fixed incomes in most situations and they are limited to resources available to pay property taxes and they just plain don't have resources. It was the attempt, and I want to commend the Taxation Committee for its indulgence in its work and coming up with a formula, which will allow an additional 8500 elderly people to participate in this program.

The only problem that we had in the committee was the second part of the bill which created the low income circuit breaker, the non-elderly portion of the bill. It was my thought at the time and is still my thought -- is this the best available use of state dollars, particularly when we are sitting with a deficit to funding education, not addressing our local municipal officials through revenue sharing? I didn't think it was appropriate to start up a new program with these additional dollars at this time without addressing the previous commitments that we have made.

I am going to ask the members of my party today to accept the Majority Report and hope that in second reading we will be able to amend that portion out and direct those dollars back to education or revenue sharing.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I am speaking on this issue because I want to make sure the people who need property tax relief most receive it directly. Low income elderly are not the only ones in this state who need property tax relief.

The circuit breaker proposal will provide relief to low income families in our communities, the elderly and families struggling to maintain their homes. We all receive calls from constituents around tax time asking whether there is help from some place to relieve their rising property taxes.

In Augusta, the tax rate has risen substantially in the last three years and many people are badly in need of help. The basic question before us, do we want to provide tax relief to residents directly or do we want to give money to towns to do what they

want? Both are needed but, given the tough choice, my vote is to give it to the people.

Already there has been over \$8 million allocated to the towns this session to help municipalities to stem the tide of rising taxes. The circuit breaker proposal will provide only one-fourth of that amount given to towns to people in our communities who need it. Do you think the people in this state need some assistance too? I urge you to vote for the circuit breaker proposal before you.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of Representative Mayo of Thomaston that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

115 having voted in the affirmative and 2 in the negative, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-346) was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fairfield, Representative Gwadnosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: There is an amendment to be offered to this Committee Amendment to clarify some of the language which members of both parties have been concerned with. I would appreciate it if someone would table this bill for one day so that we would be in a position to offer the amendment tomorrow morning.

On motion of Representative Diamond of Bangor, tabled pending adoption of Committee Amendment "A" and specially assigned for Wednesday, June 17, 1987.

The following items appearing on Supplement No. 11 were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Prohibit Random or Arbitrary Substance Abuse Testing of Employees" (S.P. 643) (L.D. 1871)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Labor.)

On motion of Representative Diamond of Bangor, tabled pending reference and specially assigned for Wednesday, June 17, 1987.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Create an Additional Section to the Maine Code of Military Justice Penalizing False Official Statements" (H.P. 1329) (L.D. 1813) reporting "Leave to Withdraw"

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

(At Ease)

(Off Record Remarks)

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Amend the Maine Vocational-Technical Institute System Laws" (Emergency) (H.P. 1185) (L.D. 1615) which was passed to be engrossed as amended by Committee Amendment "A" (H-361) in the House on June 15, 1987 (came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-361) as amended by Senate Amendment "A" (S-223) in non-concurrence) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Lacroix of Oakland, the House voted to recede.

The same Representative offered House Amendment "A" (H-384) to Committee Amendment "A" (H-361) and moved its adoption.

House Amendment "A" (H-384) to Committee Amendment "A" (H-361) was read by the Clerk and adopted.

Senate Amendment "A" (S-223) to Committee Amendment "A" (H-361) was read by the Clerk and adopted.

Committee Amendment "A" (H-361) as amended by House Amendment "A" (H-384) and Senate Amendment "A" (S-233) thereto was adopted.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" and Senate Amendment "A" thereto in non-concurrence and sent up for concurrence.

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent:

SENATE PAPERS
Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-227) on Bill "An Act to Authorize Kennebec County to Raise up to \$9,500,000 for Construction and Improvement of Jail Facilities for Kennebec County" (S.P. 614) (L.D. 1809)

Signed:

- Senators: TUTTLE of York
BALDACCIO of Penobscot
GOULD of Waldo
Representatives: ROTONDI of Athens
BICKFORD of Jay
LACROIX of Oakland
ANTHONY of South Portland
BOUTILIER of Lewiston
STROUT of Windham
CARROLL of Gray

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

Signed:

- Representatives: WENTWORTH of Wells
LOOK of Jonesboro

Representative HUSSEY of Milo - of the House - abstained.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-227)

Reports were read.

On motion of Representative Carroll of Gray, the House accepted the Majority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (S-227) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time and passed to be engrossed as amended in concurrence.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Amend the Laws Administered by the Department of Environmental Protection" (S.P. 641) (L.D. 1868) which was indefinitely postponed in the House on June 16, 1987.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed under suspension of the rules and without reference to a committee and asked for a committee of conference in non-concurrence.

On motion of Representative Jacques of Waterville, the House voted to recede from indefinite postponement, the Bill read once.

The same Representative offered House Amendment "B" (H-383) and moved its adoption.

House Amendment "B" (H-383) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "B" in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Create the Department of Economic and Community Development, to Establish Consistency among Economic Development Laws and to Establish a Capital Budgeting and Planning Process" (H.P. 1324) (L.D. 1808) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative McGowan of Canaan, the House voted to recede.

Senate Amendment "B" (S-201) was read by the Clerk and adopted.

Representative McGowan of Canaan offered House Amendment "A" (H-386) and moved its adoption.

House Amendment "A" (H-386) was read by the Clerk.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I would pose a question. Could we have an explanation of the amendment please?

The SPEAKER: Representative Murphy of Kennebunk has posed a question through the Chair to the Representative from Canaan, Representative McGowan, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question from the good Representative from Kennebunk, this amendment is an amendment to the bill dealing with the film commission money set aside in the Part II budget. This language gives some direction providing for promotional and development materials and expenses of the Maine State Film Commission. These funds will be limited to the budget of the Department of Tourism within the State Development Office.

Basically, what this amendment does is give direction to the State Development Office as to what the monies will be used for.

Subsequently, House Amendment "A" was adopted.

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

The following item appearing on Supplement No. 14 was taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Alter the Fee on the Registration of Underground Tanks" (H.P. 1306) (L.D. 1785) which was passed to be engrossed in the House on June 9, 1987.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

On motion of Representative Michaud of East Millinocket, the House voted to recede and concur.

On motion of Representative Michaud of East Millinocket, the House reconsidered its action whereby it voted to recede and concur on Bill "An Act to Alter the Fee on the Registration of Underground Tanks" (H.P. 1306) (L.D. 1785).

The same Representative moved that the House adhere.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, I have been working on it all winter and I have to talk on it. I know it is late and everybody wants to go home but I have got to talk on it.

This is a bill in regard to the fees on underground tanks. We all know what an underground tank is but I think I should explain to you who has underground tanks. Landowners have underground tanks, homeowners, farmers have a few underground tanks, there are a lot of industries that have underground tanks and, of course, gas stations have underground tanks. In all of this classification, only one is paying this fee and that is the service station and the tank owners. Now, they wanted this money to help clean up any spillage from underground tanks. Well, those other three categories can have a spillage just as well as the service stations.

When we passed this bill last year, it was the understanding of a lot of service stations that this was supposed to be a registration fee so they would know where the tanks were but it isn't, it is a yearly fee. Not only that, it was agreed that DEP would take some of this money and hire an Assistant Attorney General to recoup the monies that have been paid out on spillages. This has not been done. The current Assistant Attorney General has divided the workload amongst many of them so you are not getting any experienced men who are knowledgeable about the underground tank laws and have not spent the monies -- so they haven't done this.

On top of this, they have a total of (on the crude oil) what they call the underground protection fee of \$639,690. That is for one fund. Under the ground water protection fund, they get \$1,066,455 or they are getting \$1,766,155 from the oil industry. On top of this, over the last at least seven years that I know of, there is \$1,746,945.43 that they have pulled out and cleaned up pollution. How much have they been collecting all this time? It has been \$77,438.70. Now, they tell you, "Oh, we have got to have this money."

Well I say if they did their job, they would have \$1,700,000 more to do business with. You or I as industry or farmers couldn't do this business and stay alive, we would be out of business. I say, by golly, it is time that we lowered these tank prices by half. That is all I am asking for so the service stations can go down half of what they are doing. When you start a new service station up, you pay the

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full price, when you are in business, you pay half price. Not only that, but according to the agreement, the service stations are metering their tanks ever day and they have to send this off to Massachusetts to have them calibrate it and tell them how much they are, either plus or minus. I say that it is time that they got on the ball and the only way that we are going to shake them up a little bit is to reduce these fees. I ask you if you would vote with me on this.

I think it is only fair folks. It isn't right that one segment of the underground tank industry should be paying for this. We know there is spillage, we know there is work to be done. I hope that you will vote with me.

Subsequently, the House voted to adhere.

(Off Record Remarks)

On motion of Representative Ruhlin of Brewer,
Adjourned until Wednesday, June 17, 1987, at ten o'clock in the morning.

Senate called to Order by the President.

Prayer by the Honorable Ronald E. Usher of Cumberland.
SENATOR USHER: Oh Lord, give us guidance today, as we near the final days of this Legislature. Give us the strength to be responsible Senators. We thank you, Lord. God bless the strikers. Amen.

Reading of the Journal of Yesterday.

COMMITTEE REPORTS
House

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Provide Funds to Local School Administrative Units and to the Department of Educational and Cultural Services to Implement and Meet the Requirements of the Teacher and Administrator Certification Laws" (Emergency)
H.P. 1193 L.D. 1625

Senate
Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Change the Operating Cost Millage and Provide Additional Funds for Public Schools in Fiscal Year 1987-88" (Emergency)
S.P. 556 L.D. 1664

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Providing for Administrative Changes in Maine Tax Laws

S.P. 512 L.D. 1536
(C "A" S-193)

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act Creating the Maine Low-level Radioactive Waste Authority" (Emergency)
S.P. 639 L.D. 1865

Tabled - June 15, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED
(In Senate, June 15, 1987, READ A SECOND TIME.)

On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-218) READ and ADOPTED.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED.