

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

**VOLUME III**

**FIRST REGULAR SESSION**

**Senate**

December 7, 1994 to April 27, 1995

I have learned a lot since that point, and before we vote on this I would just like to point out a couple of things before everybody votes for this repeal. I do support the repeal because I think, as everyone now agrees, including in testimony in the last couple of weeks, the EPA and the DEP, that the problem that we are looking at solving in southern Maine, according to the monitors in southern Maine, we were in non-attainment of our ozone restrictions for a total of two hours in one day in all of 1994. I think it is agreed by all parties that between 60% and 90% of this problem is transported across our state lines from other states to the south and west of us. Because the industry in this State has been so efficient and willing to help this problem, and the investment that they have made, two-thirds of our 15% reduction has already been achieved. According to EPA studies we have learned that the ozone that is generated in this State, 92% of it is caused by our trees, which we value so dearly. So, that is the problem that we are trying to solve, two hours in one day of one year.

It should be noted, before we do vote on this repeal, that we do have two requirements, according to the Clean Air Act. One is that we have to have a 15% reduction plan in place by July of this year. The other is, according to the Clean Air Act, that the greater Portland area in Cumberland County must also, by law, have some form of automobile emissions testing. I want everybody to be aware that after this emissions testing bill is repealed, we still face sanctions in April of next year from the EPA for not having an emissions testing program in place. So, while we will repeal the test, we do not rid ourselves of the EPA sanctions. According to the EPA, the sanctions that they will probably place on us would be implementing the program that we are now getting ready to repeal. So, I just want everyone to be aware of the sanctions that we do face. Of course, if we were not to institute the other 15% reduction plan, we would also face other sanctions, separate from the emissions testing sanctions. That issue, of course, we will be debating in the next few weeks. I want to point out, also, that in November of 1994, a trial was set for a lawsuit from the State of Missouri, suing the EPA over the threat of sanctions. I agree with their charge, that these threats of sanctions by the EPA violates the tenth amendment and the spending clause of the Constitution of the United States. In the next few weeks, I will be urging this body to have our State join that lawsuit, because as I said, the problem is two hours of one day in one year, and I don't think that we should burden the people of this State with the terrific financial burden that the new plan is going to place on them, nor do I think we should burden them with the health hazards that potentially could harm our children without further study. Those discussions will be, I hope, brought forth to the public and to this Chamber in the next few weeks, so that we can eventually release ourselves from being hostages of the EPA. Thank you Madam President.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from York, Senator Lord.

Senator **LORD:** Madam President, my Learned Colleagues. The bill that we are actually working on is L.D. 48, which is a bill that was introduced by

Representative Luther, from Oxford County. We really have two bills here, this one here that we are working on now, is an emergency bill and the reason we are having both bills is because of the fact that if we don't pass this emergency bill today, next Tuesday we will go back to testing cars. So, that is the reason why we are working on L.D. 48. The bill pertaining to the emissions is the next supplement that we will be taking up. I agree with the good Senator from York, Senator Hathaway, that there is a lot of problems that I would like to state once more to all you people, to make sure you realize it. The fact is, the law says, right in writing, that the states, the twelve northeast states, must reduce their pollution generated within the state. We cannot take any credit for any pollution generated out of the state. This 15% must come from pollution generated within the state. That is what has been the problem, that is what has been hard to come by, and that is what we have been working on. I hope that we would pass this unanimously. Thank you.

Which was **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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Out of order and under suspension of the Rules, the Senate considered the following:

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **NATURAL RESOURCES** on Bill "An Act to Repeal the Motor Vehicle Emission Inspection Program"

I.B. 2 L.D. 716

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-144)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill, under suspension of the Rules, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144)**.

Which Report was **READ**.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Thank you Madam President, Honorable Senators of Maine. What we are doing, so there won't be any confusion, the previous action of this body was a response to an emergency legislation to prevent the reinstatement of car testing come May

first. This particular piece of legislation is the important one that deals with the successful petition drive of 70,000 Maine citizens who said that they wanted to have some citizen input on the emissions testing program, as it had been instituted in the State of Maine. That is what this does. This is in response to that petition drive, and it does, in fact, repeal the law that that petition drive was initiated to bring about on a vote. It makes the referendum not necessary now in November. It clears the table for the State to proceed, and I hope proceed with a sense of good feeling on all parts that everybody is doing their best to accomplish an end result. This does not mean that Maine is retreating from a goal to clean up its own, and I repeat, its own air emissions generated through the use of automobiles. It says that we can proceed, and this time, hopefully, proceed with more caution, having learned a lesson from, I think number one, a very incautiously following last time, on blind faith and some very poor administrative procedures in private industry. I think this allows us to recognize and learn a lesson from those, to proceed with more caution, and to also take advantage of increased technological updates that have been forthcoming in the last year, and hopefully will continue to be forthcoming. We still have problems, we still have a long way to go, but I think now we can proceed with the passage of this, to repeal the existing law in response to that petition drive. I think we can now proceed in good faith on behalf of all people. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Madam President, Members of the Senate. Initiated petitions are, by the Constitution, unchangeable. If we change anything they have to go out to the public. There is an amendment, that the Committee put on this, which does not affect the body of the initiated bill, all it does is put on a fiscal note, and I think that the Legislative Record should so show that this does not touch the body that was presented to that Committee.

Which Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-144) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, As Amended, in concurrence.

Under further suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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On motion by Senator **CAREY** of Kennebec, **RECESSED** until 5 o'clock in the afternoon.

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After Recess

Senate called to order by the President Pro Tem.

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Out of order and under suspension of the Rules, the Senate considered the following:

**COMMITTEE REPORTS**

House

**Ought to Pass**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Allow the Maine Technical College System to Grant Utility Easements"

H.P. 574 L.D. 779

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Establishing Education as a Priority for the State by Expediting Consideration of the Education Budget"

H.P. 707 L.D. 964

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

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**Ought to Pass As Amended**