

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives

January 3, 1996 to April 3, 1996

Senate

January 3, 1996 to March 13, 1996

Insurance Requirements" (EMERGENCY) Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-453)

(H.P. 244) (L.D. 346) Bill "An Act to Change the Maine Rule of Evidence That Currently Allows the Admission of Subsequent Remedial Measures as Evidence of Negligence" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-754)

(H.P. 546) (L.D. 742) Bill "An Act Regarding Wrongful Death Actions" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-755)

(H.P. 1234) (L.D. 1694) Bill "An Act to Amend the Dispositional Alternatives for Juveniles Adjudicated to Have Committed Gross Sexual Assault upon 2 or More Child Victims" Committee on Criminal Justice reporting "Ought to Pass" as amended by Committee Amendment "A" (H-752)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, March 13, 1996 under the listing of Second Day.

**CONSENT CALENDAR
Second Day**

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

(H.P. 99) (L.D. 134) Bill "An Act to Exempt Certain Small Businesses from Paying the Annual Fee to the Public Drinking Water Fund" (C. "A" H-746)

(H.P. 1292) (L.D. 1774) Bill "An Act to Improve and Expand the Functions of the Department of Audit" (C. "A" H-745)

(H.P. 1299) (L.D. 1782) Bill "An Act to Create the Motor Carrier Training Advisory Board" (C. "A" H-748)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

(H.P. 1050) (L.D. 1469) Bill "An Act to Reinstate the Maine Meat Inspection Act" (C. "A" H-749)

On motion of Representative WATERHOUSE of Bridgton was removed from Second Day Consent Calendar.

The Committee Report was read and accepted. The Bill was read once. Committee Amendment "A" (H-749) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, March 13, 1996.

(H.P. 1181) (L.D. 1620) Bill "An Act to Amend the Charter of the East Boothbay Water District" (EMERGENCY) (C. "A" H-750)

On motion of Representative JACQUES of Waterville was removed from Second Day Consent Calendar.

The Committee Report was read and accepted. The Bill was read once. Committee Amendment "A" (H-750) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, March 13, 1996.

On motion of Representative JACQUES of Waterville, the House reconsidered its action whereby Committee Amendment "A" (H-750) was adopted on Bill "An Act to Amend the Charter of the East Boothbay Water

District" (H.P. 1181) (L.D. 1620) (EMERGENCY) (C. "A" H-750).

On further motion of the same Representative, tabled pending adoption of Committee Amendment "A" (H-750) and later today assigned.

BILLS IN THE SECOND READING

Resolve, for Laying the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1996 (EMERGENCY) (H.P. 1345) (L.D. 1840)

Bill "An Act to Distribute the Assets of the Maine Sardine Council to Council Members upon Dissolution of the Council by the Legislature" (H.P. 1346) (L.D. 1841)

As Amended

Bill "An Act to Amend the Protection from Abuse and Protection from Harassment Statutes" (H.P. 1279) (L.D. 1758) (C. "A" H-751)

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

Bill "An Act to Exempt Working Rural Mail Carriers from the Seat Belt Law" (H.P. 1265) (L.D. 1740) (C. "A" H-747)

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

On motion of Representative KILKELLY of Wiscasset was set aside.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-747) was adopted.

The same Representative presented House Amendment "A" (H-758) to Committee Amendment "A" (H-747) which was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: House Amendment "A" doesn't change the substance of L.D. 1740 in terms of the issue of the rural mail carriers. What it does do is to add a section that reinstates the previous primary infraction of not having a child seat belted in a vehicle that has seat belts.

When the referendum passed last fall and the language that went with that, one of the things that happened is that enforcement of the seat belt law for children, between the ages of 4 and 19, became a secondary offense and not a primary offense. I received a call from a local law enforcement person a couple of weeks ago and his concern was at this point in time if he is driving behind a vehicle and sees two five year old children bouncing around in the back seat of a car, unless there is something else that is being done wrong and he has another reason to stop that vehicle, he can't. Those children are not going to be protected.

I really believe that for the number of people that I talked to, both within the Legislature and outside, I really do believe that this was an oversight. I do not believe that the people that voted on this referendum in the fall intended for the restraint of children in seat belts to be a secondary offense and not a primary offense. Many of us felt that what was being changed was that the law for

adults would become a secondary offense and not a primary offense and that I agree with, absolutely. I would urge your voting in support of this amendment in order to put this very important legislation back in place. Thank you.

On motion of Representative CARLETON of Wells, tabled pending adoption of House Amendment "A" (H-758) to Committee Amendment "A" (H-747) and specially assigned for Wednesday, March 13, 1996.

ENACTOR

An Act to Amend the Law Regarding the Lease of Submerged Lands (H.P. 993) (L.D. 1404) (C. "A" H-728) Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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.

JOINT RESOLUTION MEMORIALIZING THE DEPARTMENT OF THE INTERIOR TO SETTLE AN 11-YEAR DISPUTE BETWEEN THE NATIONAL PARK SERVICE AND THE SKI AREA LOCATED ON SADDLEBACK MOUNTAIN (S.P. 718)

- In Senate, Adopted.

TABLED - March 11, 1996 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Adoption in concurrence.

On motion of Representative JACQUES of Waterville tabled pending adoption in concurrence and specially assigned for Wednesday, March 13, 1996.

JOINT ORDER - Relative to the Revisor of Statutes being directed to prepare, "Joint Resolution Memorializing Congress and the Department of Energy to Make Full Use of the Rate Funds That Have Already Been Collected to Store and Monitor High-level Nuclear Waste" and that the same be delivered to the Clerk of the House for introduction (H.P. 1332)

- In House, Passed on March 6, 1996.

- In Senate, Indefinitely Postponed in non-concurrence.

TABLED - March 11, 1996 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Further Consideration.

Representative KILKELLY of Wiscasset moved that the House Insist.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: This order is an interesting opportunity, I believe, for this Legislature to go on record as saying it is not OK for governments to collect money under the guise of spending it for one purpose and then to hold it for another purpose or to expend it for another purpose. That is exactly what

is going on right now in Washington regarding high-level nuclear waste disposal fees.

In 1982, the Nuclear Waste Act was passed and one-tenth of one cent on each kilowatt hour comes from ratepayers and goes to the federal government for the storage, monitoring and disposal of nuclear waste, high-level waste. The federal government has now collected well over 12 billion dollars. They have spent less than 4 billion dollars and they now say there is not enough money to continue with this project. Nuclear plants need to find other ways to do storage.

For example, at Maine Yankee where reracking is currently underway, ratepayers are not only paying the federal government an amount of money to deal with nuclear storage, but they are also having to support a project at Maine Yankee to also deal with the storage of high-level nuclear waste. They are paying twice. At some plants across the country, they are actually paying three times. They have had to do some short-term above ground storage. There is reracking that gets paid for by ratepayers. There is short-term above ground storage that gets paid for by ratepayers and then there is money that goes to the federal government, which is now set aside in order to offset the budget deficit and make the deficit look smaller.

I am a selectman in Wiscasset, as well as being a member of this body, and have been involved for the last year with a group of municipal officials who are working hard on some legislation pending before Congress to have them use this money for the purpose for which it had been collected and to move on the issue of high-level storage. This is not an issue that is a pronuclear issue or an antinuclear issue. This is an issue about accountability in government. When any government says they are collecting money for a particular purpose, the money ought to be spent for that purpose. It should not be set aside. It shouldn't be used to offset the deficit and then for members of the administration and Congress to come back and say they can't afford to do this.

Last spring, when I was at the NCSL Conference in Milwaukee, a person from the Department of Energy spoke and she was explaining why it was that the 1998 date that had been set in the Nuclear Waste Act at the time in which the federal government would be prepared to take custody of this nuclear waste, why it wouldn't be ready? She said, "We just don't have the money. The money is not available. We have had to deal with budget cuts just like every other department in the federal government." Well, that is all well and good, but when I got up and asked her about the 8 billion dollars you have collected from ratepayers, that shouldn't be sitting there waiting for the use for something else, there was an interesting silence.

I think it is important that this Legislature say to the people, the ratepayers of the State of Maine in particular, that this is not OK. Someone needs to be speaking on their behalf and someone needs to be telling the federal government that this is not an appropriate use of money that is collected for the storage and monitoring of high-level waste. I would urge you to support my motion to insist and send it to the other body and hope that they also care about the consumers of the State of Maine. Mr. Speaker, I request a roll call.

The same Representative requested a roll call on her motion to Insist.