

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

May 13, 1982

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SECOND CONFIRMATION SESSION

July 16, 1982

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public service; (S. P. 1012)

Rev. Antonio Gosselin, Pastor of St. Hyacinth's Church, of Westbrook, upon serving 40 years in priesthood; (S. P. 1014)

Warren Davenport, of Wayne, recipient of the Kennebec County "Dairyman of the Year;" (S. P. 1011)

Dennis J. Patterson, of Eliot Troop 340 and son of Mrs. Melody Patterson, who has attained the high rank and distinction of Eagle Scout; (S. P. 1015)

Michael Thibeau, Jr., of Eliot Troop 340 and son of Mr. and Mrs. Michael Thibeau, who has attained the high rank and distinction of Eagle Scout; (S. P. 1016)

William Spinney, of Eliot Troop 340 and son of Mr. and Mrs. Tyler Spinney, who has attained the high rank and distinction of Eagle Scout; (S. P. 1017)

Chris Millar, of Eliot Troop 340 and son of Lt. Colonel and Mrs. J. D. Millar, who has attained the high rank and distinction of Eagle Scout; (S. P. 1018)

Carl and Marie Bridges, of Penobscot, who are celebrating the 50th anniversary of their wedding; (S. P. 1019)

George MacLeod, the father of career education in Maine, who is retiring after 26 years in the South Portland schools, including work with computer programming, CETA and work as teacher, guidance counselor, assistant to the superintendent and assistant superintendent; (S. P. 1020)

David N. Sherburne, Troop 158 in Lewiston, upon achieving the high rank and distinction of Eagle Scout; (S. P. 1022)

Normand Marquis, of Boy Scout Troop 158 in Lewiston, who has received the Pope Pius XII Religious Award, the highest religious award in scouting, and who has attained the high rank and distinction of Eagle Scout; (S. P. 1023)

Alfred and Leona Harris, of Bailey Island in Harpswell, who celebrated their 50th wedding anniversary on May 3, 1982; (S. P. 1024)

Winifred W. Curtis, M.D., of Harpswell, who was named Harpswell's 1982 Citizen of the Year by the Merriconeag Grange of North Harpswell; (S. P. 1025)

Gilbert Palmer, of Freeport, North Yarmouth Academy senior class president and Valedictorian, who has been named a National Merit Scholarship Finalist for 1982; (S. P. 1026)

Lisa Hodsdon, of Pownal, senior at North Yarmouth, academy, who has been named a National Merit Scholarship Finalist for 1982; (S. P. 1027)

Donald J. McKissock, of Topsham, who received the Joshua Chamberlain Award for promoting understanding between the military and civilian communities by the Military-Community Council; (S. P. 1028)

In Memory of:

Catherine A. Conley of Portland, mother of State Senator Gerald P. Conley; (S. P. 1021)

The Honorable Odilon J. Bernier, a distinguished member of the 104th and 105th Maine Legislatures; (S. P. 1013)

There being no objections, the above items were considered passed or adopted in concurrence.

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

Special Sentiment Calendar

The following items:

Recognizing:

Mr. and Mrs. Dewey Winchenbach, of Waldoboro, who recently celebrated their 65th wedding anniversary; (H. P. 2433) by Representative Curtis of Waldoboro.

Nettie Winchenbach, of Waldoboro, who will celebrate the 90th anniversary of her birth on June 13, 1982; (H. P. 2432) by Representative Curtis of Waldoboro.

Lynn Wunderlich, daughter of Mr. and Mrs. Robert Wunderlich of Limestone, who has been chosen Salutatorian of the 1982 graduating

class of Limestone High School; (H. P. 2431) by Representative Pines of Limestone.

Michael Levasseur, valedictorian, and Michelle Bouchard, salutatorian, of the 1982 graduating class of Van Buren District High School, S.A.D. #24; (H. P. 2434) by Representative Martin of Van Buren. (Cosponsor: Senator Violette of Aroostook)

Ginger Lord, of Winslow, who won the 97-pound title at the Women's World Powerlifting Championships in Birmingham, England; (H. P. 2436) by Representative Carter of Winslow.

Sherry DeRosby, of Mechanic Falls, for heroism in saving a child from drowning; (H. P. 2438) by Representative Boyce of Auburn.

William Howes, who has been named to the Class C Basketball All-Maine Third Team; (H. P. 2439) by Representative Michaud of East Millinocket. (Cosponsors: Senator Pray of Penobscot and Representative Smith of Island Falls)

Michele Nelson, who has been named Miss Greater Lincoln for 1982; (H. P. 2440) by Representative Michaud of East Millinocket. (Cosponsors: Senator Pray of Penobscot and Representative MacEachern of Lincoln)

Betty Ordway, of East Millinocket, who is retiring after 19 years as secretary to the selectmen; (H. P. 2441) by Representative Michaud of East Millinocket. (Cosponsor: Senator Pray of Penobscot)

There being no objections, the above items were considered passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Passed to be Enacted

An Act to Authorize the State Director of Public Improvements to Lease a Certain Parcel of Land to the Augusta Sanitary District" (S. P. 1010) (L. D. 2150) (S. "A" S-479)

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

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

Finally Passed

Emergency Measure

RESOLVE, Adjusting the Authorized Expenditures of Cumberland County for the Year 1982 (H. P. 2422) (L. D. 2154)

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

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

Passed to Be Enacted

Emergency Measure

An Act to Amend the Banking Code to Correct an Omission Regarding the Deposit Authority of Thrift Institutions (H. P. 2430) (L. D. 2156)

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

The following paper appearing on Supplement No. 16 was taken up out of order by unanimous consent:

Consent Calendar

First Day

(H. P. 2420) (L. D. 2152) Bill "An Act to Designate the Director of the Bureau of Medical Services as a Major Policy-influencing Position Within the Department of Human Services" (Emergency)—Committee on State Government reporting "Ought to Pass"

There being no objections, under suspension of the rules the above item was given Consent Calendar Second Day notification, passed to be engrossed and sent up for concurrence.

By unanimous consent, all matters acted upon were ordered sent forthwith.

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

Passed to Be Enacted

An Act to Create an Excise Tax on Mining Companies and Regulate Mining Activities (H. P. 2428) (L. D. 2155)

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

The SPEAKER: The Chair would ask the gentleman from Windham, Mr. Diamond, to approach the rostrum for the purpose of acting as Speaker Pro Tem.

Thereupon, Representative Diamond assumed the Chair as Speaker Pro Tem and Speaker Martin occupied his seat on the floor.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wish to take this opportunity, and hope to be brief, to spend a few moments with you as members of the House to speak about a piece of legislation which has become rather close to my heart because it happens to deal with an issue which is in my legislative district. I speak as the Representative from Eagle Lake and in part Representative of those areas, in particular Portage and Ashland, which will have the greatest impact as a result of the location of this particular mine, that being Bald Mountain.

As some of you may know, two years ago there was the discovery which led to the major ore find and at that point there was tremendous involvement in attempting to determine what ought to be the mining policy for the State of Maine. There was a great deal of pressure from all sides as to what this state ought to do and when we ought to do it. We went through some tremendous operations in the legislature attempting to find the best policy and perhaps a quick fix for the problem. At the end of last session, the issue was sent out to study to the Taxation Committee, at which point we really did not do very much with it.

Earlier this year, a new bill was submitted by the Governor's Office, the Executive Department, to the Taxation Committee, and at that point we started anew.

Sometime in February, I started working on what became called by some people, heaven forbid, the Martin-Post bill, and that is one of the reasons I do want to discuss the issue briefly with you.

There were some people who attempted to assume that I was opposed to mining in Maine, and that has never been my position, it never was from the beginning and it is not now, but it was then and is now my position that if we were to have mining legislation in Maine, it ought to be not only to satisfy one company, it ought to be to satisfy the entire State of Maine and whatever other industries related to it that we might have.

At the end of the Second Regular Session, at that point there arose some new drafts, two other drafts, as I remember, started pouring in at that point and the committee decided that what they would do is put it out to study.

I want to congratulate at this time the Taxation Committee for the tremendous hours that

they spent on this piece of legislation and for allowing the gentlewoman from Owl's Head, Mrs. Post, and in particular the members of the committee who the gentlewoman from Owl's Head, Mrs. Post, kept until two and three o'clock in the morning working on this legislation at various places in the City of Augusta, including the State Planning Office. In addition, I think we ought to take this opportunity to thank the staff of the State Planning Office and also, I suppose, the lobbyists who were involved who had to take the pains of the Taxation Committee from time to time, and I suppose even my own.

There were five issues that were rather important to me and I think to the people that I represent, some more important than others. They were, of course, the issue of the method of taxation; secondly, the question as to when the tax would occur and the reimbursement problem to municipalities, the question of tree growth penalty and the question called CWIP. All of those issues were addressed by the committee. I would like to deal with two of them because they are obviously more important to me as a member of that legislative district and in particular to Aroostook County, one being the reimbursement formula.

The formula that you find in this redraft is the result of the work that was done by an individual who did tremendous work for the committee, in particular for myself, that being John Hull. The municipal component in this particular document, in my opinion, helps tremendously the problem that municipalities will have in adjusting to the mine being located in their backyards or, for that matter, to the mine being located in your backyard if one of those should develop.

The other issue is one that became important to me because of what I consider to be the high price of electricity in northern Maine. As some of you may know, we happen to be served by a rather small utility, the smallest in Maine, Maine Public Service, which serves most of Aroostook County. It happens to have purchased at one point 4 percent of Seabrook. As a result of that, there is going to be a tremendous add-on cost, if it is allowed by PUC, because of construction work in progress, and we don't know the final result at this time but we know that it is going to be high and it could have a tremendous impact, as much as five to twenty dollars a month, depending on who you talk to, on one's electrical bill in Aroostook County if you use 500 kilowatts. That became an important issue to me and I indicated at that time that the issue would not be resolved in reference to mining until that issue was resolved.

Peter Bradford did a great deal of work on the issue and finally, on Tuesday, it was documented beyond a shadow of a doubt that Maine Public Service made the decision to buy into Seabrook prior to Superior ever locating or deciding that there was even ore at Bald Mountain. I think that that realization, in my mind, brought me to the final realization that I could not impose upon an industry, in this particular case mining, a CWIP charge which would be placed on them as an industry over which they had absolutely no control when the utility decided to make that decision to buy into Seabrook. Unfortunately, I had hoped that perhaps we might be able to work out something where the mining company might pick up some of the cost of CWIP, but in my final realization it simply would not be fair to them.

As a result of that, I can simply say to those who continue and must continue to be interested in the high rates in Aroostook County, in particular those legislators who represent that area, that we will have to deal with the issue before the Public Utilities Commission and in particular deal with Maine Public Service, because if we don't we will drive out industry in Aroostook County.

Finally, I would like to read into the record something which I thought was important

enough, and I told the company early on that it seemed to me that the State of Maine as a legislature could not deal with this mining bill until such time as they guaranteed us that they would not be coming to this legislature or the legislature which will be coming in January, actually in December, with a piece of legislation now that they had a mining bill in place, that they would not come forth with a piece of legislation to change the water classification.

Environmental concerns happen to be one of those which I have had some interest in over the years. I am the only remaining member of the delegation from Aroostook who was here when declassification of the Prestile Stream occurred. I am one of four legislators left in this body who was here when that vote was taken—the gentleman from Winslow, Mr. Carter, the gentleman from Lewiston, Mr. Jalbert, and the gentleman from Enfield, Mr. Dudley. I can assure you that I did not want to bring this legislature or myself or the people of Aroostook through another one of those operations which took place at the time, so I asked for assurances from the company and I will read it to you because I think it is important enough to the people of Aroostook that it ought to be made part of the record. It is addressed to me, the Speaker's Office.

"Dear Representative Martin: In answer to your recent inquiry as to whether Superior has any further plans to seek legislative permission to discharge into Class A waters, or otherwise seek changes in the water pollution statutes of the State of Maine, I can state that we have virtually no plans to seek any such changes.

"As you know, we have recently decided that if there is to be a discharge, we will spend extra money to pipe that discharge to the closest Class B river, that being the Aroostook River, nearly 20 miles away. This decision was made because of the small size of the Class A water bodies in the vicinity of the mine.

"I can appreciate your concern for the environment of the area and want to assure you again that we will do whatever is necessary to comply with present laws and to preserve the environmental values which we know are important to you and to others in the State of Maine. Very truly yours, Jackson M. Linton, President of the Superior Mining Company and General Manager of Minerals Division."

I put this letter into the record because some of us and some of you may not be back in the next legislature. We don't know what is going to happen in the future, but it is important that the record be clear that it is not the intent of this legislature, those of us who are here, to change the water classification. I did that in part because when the initial plans were presented, the first desire of the company was to present a water discharge into the Fish River. I reminded them at that time, when I found out that was the case, that that happened to be the area where the Town of Eagle Lake got its drinking water.

The next time I saw the plan, I found that they had diverted it to the other side of the mountain and the water was going to be going into the Machias, which happens to be the source of water for the Town of Ashland. At that time, I reminded them that that was the water source for the Town of Ashland and that would be unacceptable to me and to the people of that town, and as a result of that, the change was made to the Aroostook River. I can assure the gentleman from Caribou, Mr. Peterson, and the gentleman from Caribou, Mr. Matthews, that we will all have to be ready to make sure that the law is not changed, in particular since it is the drinking water for the community of Caribou.

In my opinion, I think the Taxation Committee has done a tremendous job in attempting to put mining legislation together. I think it is of interest to all of us to have a piece of legislation on the books which will allow mining in the state, because without it, in effect, we

would have none. So I certainly hope that the members of this legislature will adopt this piece of legislation today, even though the hour is late.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I was waiting for a question that I thought was coming so I might only have to get up once, but I will try it this time anyway.

For the record, Mr. Speaker, I would like to clarify two statements that have been made previously on this legislation as it has gone through the process. One has to do with Section 2864, having to do with just value in the L. D. What this provision does is provide the State Tax Assessor with a method to determine just value. This is an accepted method which, if used properly, gives constitutional just value. As in any other calculation, the underlying figures must be reasonable if the result is to be reasonable.

The State Tax Assessor is not mandated to use company information, but this section simply provides a method through which he determines just value using reasonable figures not limited to those provided by the company for the required computations.

For the second clarification, the Speaker discussed a bill in which our names, either fortunately or unfortunately, were linked together, and for the record, as I remember it in the draft, it was the Post-Martin Bill.

Also, there were several people who worked very hard, and I have to say this because everybody involved has worked very hard and put a lot into it, he, inadvertently, I am sure, didn't mention Julie Jones, our staff person from Legislative Assistants, she really put in some long hours with us and did an excellent job, and as anyone probably knows who has seen her recently, she is expecting a child in a couple of weeks, so those long hours were probably particularly long for her. I think after doing all that work, that child, and we talked about it a number of times and the committee members have all said that we know the child is going to be 'Superior' and we expect it is going to be 'Bald' but we really do hope that she doesn't name it 'CWIP'.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, I would like to pose a question to the gentleman from Eagle Lake, Representative Martin. I am just wondering, he said the utilities had asked to buy 1.4 of Seabrook and you stated that it was asked prior to Baldwin Mountain? If so, was it approved by the Utilities Commission before Baldwin or is it now in the process of being approved?

The SPEAKER Pro-Tem: The gentleman from Madawaska, Mr. McHenry, has posed a question through the Chair to the gentleman from Eagle Lake, Mr. Martin, who may respond if he so desires, and the Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker and Members of the House: I would like to respond by saying that at the time the request was made, or that the purchase was made by Maine Public Service, there was no requirement and no state law which required that any purchase made by a utility outside the state have the approval of the Public Utilities Commission. We have since, I believe last year, changed the law which now requires that any purchase from outside the state be with the approval of the Public Utilities Commission.

I would also point out that in light of that, Superior was not involved in that decision at all, it was made prior to that. At the present time there is a request by Maine Public Service to fund 35 percent of the CWIP charges in the electrical bills of the people of Aroostook. Again, it has nothing to do with Superior.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the Taxation Committee and we have worked very, very hard. I would like to make it perfectly clear that although we have referred to the County, Aroostook, several times, this bill is not tailor-made for Superior Mining, it is made for the State of Maine where there is a potential of many minerals and many explorations are now going on. We just hope that we have come up with the best possible bill for the good of the State of Maine, its people and the potential industry that may come in involved in minerals.

I would also like to say that several people have mentioned that this bill has been dropped on us suddenly. There is nothing sudden about this bill, particularly if you were on the Taxation Committee. A mining bill was presented last year, another one was presented early on this year and then five different versions were presented toward the end of this session, and since then we have worked intensely on the bill. As I refer to it, it is not a new bill, it is a refined bill.

I hope you will support the measure.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to any member of the Taxation Committee or Representative Martin concerning a couple of items within the bill.

On Page 3, commencing with line 6, it says: "The Board shall consult with the Commissioner of Conservation, the Commissioner of Environmental Protection, the Commissioner of Inland Fisheries and Wildlife and the Director of the State Planning Office and such other state agencies as may be necessary in making decisions on the expenditure of funds or transfer of responsibilities."

Then over in the Statement of Fact on Page 25, commencing with line 36, it says: "The funds may be used to purchase and develop parks and recreational facilities, wildlife habitats, marine habitats in natural areas and to restore the quality of marine waters, lakes, rivers and streams."

My question is this, do you feel that the language in this bill reads so that these duties would be delegated to the bureaus that are already set up to do these things? In other words, we'll say they find something that would be desirable, some piece of land that would be desirable for one of these activities. Do you think the bill reads such that this Board would merely turn the money over, for instance, to the Bureau of Parks and Recreation and they would pursue the development, and evaluation first, as to whether or not the area was suitable for a park?

I know in the past the State Parks Commissioners had difficulties in that they had been offered many, many different parcels of land and really they haven't been suitable to us for parks, and somebody has got to make a decision who has the expertise as to whether or not it is good for the State of Maine. I just wonder, because it says that they can purchase and develop. It would look to me as if they were going to get into the development business rather than turning it over to a bureau that we already have in place.

The SPEAKER Pro-Tem: The gentleman from Monmouth, Mr. Davies, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: As you look at that section as far as purchasing real estate, and also in terms of transferring responsibilities and other areas

where the board is able to expend funds, they are all controlled by the general plan and that plan has to be approved by the legislature.

The committee felt that while we wanted to establish a fund and a board, that we wanted to continue on with legislative oversight. A plan of past activities has to be submitted biennially to the legislature and the Governor, and an annual general plan of expenditures and activities for the coming year has to be submitted to the legislature for approval.

I think we have left that so that the legislature, as this trust fund is established, has the capability of exercising the kind of legislative oversight that it wants, and if that plan is not as specific as what they would like, they can make it more so. If in that plan they want to write that park land, for instance, may only be purchased under certain circumstances or after approval of certain agencies, that also could be part of the plan.

We have not tried to tie the hands of how the legislature and the board work out their relationship in the future but have made it very clear that it will be this legislature and future legislatures which will have the ultimate authority.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, I would like to pose a question through the Chair. Does this bill in any way commit future legislatures to the tax rates as they are written in the bill.

The SPEAKER Pro-Tem: The gentleman from Auburn, Mr. Brodeur, has posed a question through the Chair to anyone who may wish to answer.

The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: As we are aware, I think, we cannot bind future legislatures to any action. What the State of Maine is saying now is that this is our tax policy. I think that those of us who have been involved in the issue hope that it is a sound enough tax policy that it can last, that it is helpful to the state, certainly, and it is helpful to mining companies as they make decisions about exploration and mining. There is no legal reason why any legislature in the future would not be able to change the tax rates in this bill if they wish. In fact, if they wish, I suppose they could do away with the whole thing. Again, I would hope that they wouldn't do that.

It is going to be an issue that we put on the books, and I think that everyone who is here will be looking out to see how it works.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, I would like to direct a question through the Chair to any member of the Taxation Committee or to Representative Martin. It refers to Section 17 of the bill, on Page 24 under "Study" and I seem to get the impression from Section 17 that there may be some constitutional problems with this bill that are going to be corrected later. If that is the case, that bothers me a little bit, and I am just wondering if somebody on the committee could perhaps clear that up for me.

The SPEAKER Pro-Tem: The gentleman from Livermore Falls, Mr. Brown, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: It is not that there are constitutional problems with the bill that have to be cleared up later. What is actually the situation is, as we looked at the issue of mining, we recognized that there were problems in development, some problems such as what happens when land is withdrawn from tree growth and what type of penalty is applied. We have attempted to clarify or take care of it by statute.

In the process of looking at the tree growth statute and looking at the municipal reimbursement statute, it became clear to us that those two issues, those two constitutional provisions, not necessarily in relation to this bill, but that those two constitutional provisions needed further study. For instance, under the municipal reimbursement section, along with later opinions from the Attorney General's Office, the finding has been that the legislature cannot reimbursement for more than 50 percent, even if it wishes. We wish to reimburse more than 50 percent in this instance, and we sort of went around it by saying the other 50 percent would be grants out of the municipal impact fund.

We want to further look at the issue of penalty to make sure we have in fact done all we can do to solve that issue by statute, because I think we all know that when we deal with anything in the Constitution, that takes a great deal of thought and changing the Constitution is only an avenue of last resort. So it is not that we think there is anything unconstitutional in the bill, but we want to see if there are other problems or impediments to mining that could only be solved through constitutional amendment and if there are appropriate ways to do it.

Furthermore, we want to look at those two areas in particular, tree growth and municipal reimbursement, to see if there are any actions that can be taken by this legislature to clarify some situations which may not have anything to do specifically with mining.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: As we all know, the copper mine belongs to everybody in the state. Any minerals under the earth belong to the state, and I think it is a very, very, very cheap sell when we sell it for .9 percent to 3.5 percent of the total net assets of what it is worth to anybody. I wish I could go out and buy anything in this state that belongs to everybody for .9 percent, or up to 3.5 percent of its value. If I were to go out and cut trees on land which belongs to the state and pay them .9 to 3.5 percent of what I would get in profit, I would like to be able to do that but I doubt if I could.

These minerals belong to each and every one of us, and I think that this company, as any other copper company, will pollute the streams of the state and we will have to hire more people to police them. I just can't buy it. I think it is going too far.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: For the record, I think it should be clear that the state owns the minerals under land that happens to be owned by the people of Maine, and secondly, happens to own the land that happens to be located under great ponds, not under your house lot that you happen to own, that is owned by the individual or the corporation that owns that land.

I would also indicate to you for the record that before someone labels this as a tax increase, in effect, under present law, it is a tax decrease.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Bethel, Miss. Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been developed through many long hours on the Taxation Committee and a lot of work and study has gone into it. It does set up a unique method of taxation for mining.

We found that through our deliberations and discussions with people from all over the country, that you should deal with minerals from the ground in mining activities on the basis designed particularly for that industry. For that reason, you should not look to this tax for set-

ting any precedent for any other industry in this state or indicating any desire on the part of the Taxation Committee to alter any method of taxation for other industries.

There was no discussion in the committee and no feeling that the concept of this bill might be useful in changing our present method of taxation, whether it is income, property or sales tax, for any exemption to those taxes.

This bill stands on its own, it is a highly important piece of legislation, and I am supporting it because I feel it sends a positive signal to those who are willing to invest millions of dollars in this state that we want them to continue to come here and do their research and look for their minerals and hopefully develop the mining industry in this state.

At this point, Speaker Martin Returned to the rostrum and Representative Diamond returned to his seat on the floor.

The SPEAKER: Pursuant to Article V, Part First, Section 8, this requires a two-thirds vote of all those present and voting. All those in favor of this Bill being passed to be enacted, you will vote yes; those opposed will vote no.

117 having voted in the affirmative and 9 having voted in the negative, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate. By unanimous consent, ordered sent forthwith.

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

**Passed to be Enacted
Emergency Measure**

An Act to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Other State and Judicial Employees (H. P. 2421) (L. D. 2153) (C. "A" H-783)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

(Off Record Remarks)

Thereupon, the House recessed until the sound of the gong.

**After Recess
7:05 p.m.**

The House was called to order by the Speaker.

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

An Act to Designate the Director of the Bureau of Medical Services as a Major Policy-influencing Position Within the Department of Human Services (H. P. 2420) (L. D. 2152)

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

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supplement A-3 was taken up out of order by unanimous consent:

Special Sentiment Calendar

The following item:

Recognizing:

Gerald C. Tipper, of Waterville, winner of the Boys' Clubs of America Bronze Keystone

Award for exceptional service; (S. P. 1029)

There being no objections, the above item was considered passed in concurrence.

(Off Record Remarks)

At this point, a message came from the Senate, borne by Senator Collins of Knox, informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

(Off Record Remarks)

The following paper appearing on Supplement A-4 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Joint Resolution Memorializing the President and Congress of the United States to Refrain from Reductions in Social Security Budget (H. P. 2437)

Came from the Senate with the rules not having been suspended.

In the House: The House voted to adhere.

The Chair appointed the following members on the part of the House to wait upon His Excellency, Governor Joseph E. Brennan, and inform him that the House had transacted all business before it and was ready to adjourn without day:

Representatives:

POST of Owl's Head
TWITCHELL of Norway
KANE of South Portland
KILCOYNE of Gardiner
HAYDEN of Durham
HIGGINS of Portland
BROWN of Bethel
MASTERMAN of Milo
DAY of Westbrook
INGRAHAM of Houlton

Subsequently, the Committee reported that they had delivered the message with which they were charged, and the Governor was pleased to say that he would forthwith address the House.

Whereupon, Governor Brennan entered the hall and addressed the members as follows:

Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank you for the prompt disposition of the matters before you. I know that the pay raise will mean a great deal to the morale of State workers, and I would truly like to thank all of you for what I consider to have been an excellent session overall. I believe there have been a lot of achievements in housing, public safety, human services, economic development, energy and in many, many other areas. I think that you can leave here with a great deal of pride in the achievements.

I would like to wish you all well. I know the next time we may meet, some of us may not be so well, some of us may be lame ducks or dead ducks, whatever have you. I have to say, though, it has been truly a delight to work with you over the last year and a half, and I hope to see a lot of you back here again and we will see what happens to ourselves.

Thereupon, the Governor withdrew amid applause of the House, the members rising.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Members of the House: I move the House stand adjourned without day.

The SPEAKER: The gentleman from Easton, Mr. Mahany, moves that the House adjourn sine die. Is this the pleasure of the House?

The motion prevailed and at 8:05 P.M. Eastern Daylight Saving Time, Thursday, May 13, 1982, the Speaker declared the House adjourned without day.