

# 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

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any of the agriculture or anything else, because of State law, it had to be removed because it had been abandoned. I thought that was very unfair because he probably is not going to fall into those guide lines that are established. As well we know, it usually is those people that never fall within those guide lines, but they're just above it. Nine out of ten times the guide lines haven't caught up with the people who really need the attention. It is a concern that I have because I had a gentleman from the Department of Environmental Protection sitting there telling me that this under ground tank wasn't going to hurt anybody's ground water, it wasn't near ground water and it really didn't have to be removed. It could be emptied out and filled with sand, but because the State law didn't provide for it, it had to be removed.

It was a tremendous hardship to this elderly couple. I think if the State is going to require them to take those tanks out, that the State ought to be prepared to compensate them. That is equity. That is all that is being asked for. The issue really could be fought on whether the tank should be taken out at all anyway. I think there is a tendency sometimes, to go over board in a particular area. I'm not speaking about any other issues here other than the under ground tanks. I think it is an important issue that we should deal with realistically. That is all that people are looking for. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President. It is the intention of the EPA to enlist the cooperation of the Maine National Guard to remove all under ground tanks in the Bangor Gardens at no cost.

On motion by Senator WEBSTER of Franklin, supported by a Division of at least one-fifth of the Members present and voting, a Roll call was ordered.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENACTED.

A vote of Yes will be in favor of ENACTMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEAS: Senators ANDREWS, BERUBE, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCI, BLACK, MAYBURY, WEBSTER

ABSENT: Senators SEWALL

30 having voted in the affirmative and 4 Senators having voted in the negative, with 1 Senator being absent, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

#### ENACTORS

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

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

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator ERWIN: Thank you, Mr. President. This legislation is one of the most important, if not the most important major pieces of legislation we will have to deal with this year. What will this Bill do that an emergency Bill in January won't do? In discussing this with some key people, with expertise in the area, the answer is, very little. Before we increase the tolls by 65% and increase the cost of doing business in the great State of Maine, we need some answers we do not have now. We are told that the Turnpike Authority will have a study completed in December that may provide some of the answers to the many questions surrounding this proposal.

I would like to discuss some of the questions related to this issue. The increase of the speed limit from 55 to 65 miles per hour will mean a 19% increase in the flow of traffic. This increase in the speed of the flow of traffic this summer and fall may be watched closely and we will know in January of 1988 how much this has helped the traffic problem. It doesn't take a 65% increase in tolls to get the answer. Those who travel the turnpike often and have observed where the bottlenecks are, have suggested that a third land in those areas would smooth the flow of traffic, have a major effect on the problem and would help to eliminate the need for a third land from Kittery to Portland. This does not require a 65% increase in tolls.

I have been told that this expansion is just the beginning. The Turnpike Authority eventually plans an additional eight lanes. This will be the foundation for later expansions. Will our southern counties eventually look the same as southern Connecticut, central New Jersey, and other congested freeway states? Cumberland County really thought through what a major increase in the flow of traffic is going to do to them. You already have problems with congested traffic on your roads. What will a third more traffic do to the already almost bumper to bumper present conditions? Where there are a lot of people and cars, you also usually have a change of scenery. We probably will be blessed with more fast food restaurants, gas stations, outlet stores and motels. When the people in your area realize you share in the responsibility for this, perhaps you may want an unlisted phone number.

How about the people on our lovely coast above Portland and beyond? You now have a four land road as good as any in New England to handle what you probably expected to be a small flow of traffic. From Exit Number 9 on the Turnpike over Route 95 to Gardiner, there is a very good four land highway that is not only shorter from Exit 9 to Gardiner than the turnpike, but is also toll free. There are people who are trying to convince us that the truckers are not going to use this shorter, just as good if not better, highway that is toll free. Despite the 65% increase in tolls, we are asked to believe that people will continue to use the toll roads. Do you believe this fairy tale? I have heard truckers say that they have to try to save every dollar that they can. They use, and will continue to use the toll free road.

What are your people going to say when they wake up at some point in the future to find an almost convoy of trucks and many, many more cars using what now is a very nice way to travel. What are they going to think when they find you not only voted to help create this problem, but were one of the leaders of the pack? Because of the geographical location of the State of Maine, most of the markets for our manufactured goods and farm products are south and west of us. Our business, particularly the smaller ones, face extremely fierce competition and they must

make every saving they possibly can. This proposed 65% increase in tolls may just be the straw that puts them out of business.

It will be of interest to see if those great defenders from Franklin County, defenders of the poor and the small business person, see if their actions match their words. The people from Aroostook don't need to be reminded that a large percentage of the markets for your farmer's potatoes and broccoli like to our south and west. My good friend, Senator Jim McBreairey has often told me that some times the price of potatoes doesn't cover the cost of raising them. But, then your truckers can always join that convoy of trucks on that toll free route from Gardiner to Exit 9 and perhaps enjoy our beautiful scenic coast.

I have been told that if the turnpike is left to operate as is, they can continue to work on the

additional exits and give the Department of Transportation 15 million dollars a year to use on other state roads. To those people who say this is not possible, how is New Hampshire using a fifty cent toll to maintain their beautiful toll road and also fund the cost of a large percentage of the highways? Perhaps our Governor may order our State Auditor to conduct a thorough audit of the Turnpike Authority in the fall. Ladies and gentlemen, what I have tried to point out to you is that there are many questions that need answers, answers we should have next January, answers we should have had before we place this added cost on our people.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Whitmore.

Senator WHITMORE: Thank you, Mr. President. I guess I am kind of groping for the starting point. My remarks to the good Senator from Oxford, Senator Erwin. When we talk about studying things, it seems that if you don't know how to make a decision and you don't want to make a decision, you put it into a tail spin and throw a study at it, or throw it into a study. The Maine Turnpike, if you look at the design of it, in its initiation back in 1964 and you look at a map of the State of Maine the Maine Turnpike is the aorta of the State of Maine. There are no two ways about it. That is where the blood flows from out of state as it comes north through the aorta into the heart of Maine. We all know what happens in today's miracle of wizardry when the arteries get plugged. Occasionally, they do get plugged due to bad usage, or over usage or just not being properly cared for. There is a constriction or a restriction and those arteries need to be opened up so the blood flows freely again.

So the economy of the State of Maine continues to grow. It is no different. We're talking about a restricted artery at the end of the State of Maine. The Maine Turnpike Authority has done its study prior to recommending that it be increased to three lanes. Now they are into phase two. Phase two is to get the authorization through the legislature to move forward with the study. There is no question about the problem. The problem is evident. The surveys, any one of you that travel on a regular basis, those of you that sit in this Senate that go to the very tip of the State of Maine, probably every weekend, can appreciate just how the traffic restrictions take place on the Maine Turnpike below the South Portland Exit. It is not uncommon today, to be traveling along the Maine Turnpike, even in the days of 55 miles per hour and be forced to slow down to 45 miles per hour because the traffic is so constricted.

The projected traffic demands by 1994, unless something is done, could be reduced to stop and go

traffic. In the last five years, the traffic alone has increased in that section 50%. In just five years. It is a serious problem and one that has to be addressed and not studied. I think even the casual user of the turnpike would agree and I think it is fairly obvious that as you head south on the turnpike when you reach the area, traveling along in two lanes southbound, then you reach the area where three lanes have already been constructed, traffic opens up again and it moves along freely. Isn't that a much safer and efficient way? In this piece of legislation we have just talked about earlier in the Session, there was some concern to people within the Androscoggin area, the Lewiston-Auburn area, and not once as I went around in my travels and when we had the delegation meeting, not once did any one say the southern part of the turnpike did not need to be expanded to six lanes. Not once.

There were questions about the tolls. Nobody likes to get hit in the pocketbook, but after all if you're going to have something, you're going to have to pay for it. Tolls are the method of payment. We went to the businesses in the Lewiston-Auburn area who are heavy users of the turnpike. Their market is all out of state, or a good part of it. All their products have to be shipped, about 98% by truck to the southern markets.

Yes, they are concerned about the high tolls. It is going to cost them some more. They are also looking at a safe road and the condition that the Maine Turnpike is maintained in and it is a real plus to their trucks and their products. They can release a truck from their dock, send it south and they don't have to worry about some one running out or a car running out in front of their truck, unable to stop because it is a restricted highway.

It allows the free movement of traffic. The thing that caused the most concern within our area is again, if you look back and harken to the map, is that section from South Portland and north has to compete with a free road, the free road of Route 295. If you really look at them, they run parallel to the same points and that is of great concern. The delegation was able to set aside and having discussed these things fully, discussed with the Maine Turnpike Authority.

The Maine Turnpike Authority did agree to do an economic impact study of any changes in that section of the road. There is already being a study done in the southern part of Cumberland County, the York County area, it is already completed. So, what do we want to study? Do you want to study the study? That doesn't make much sense to me.

I think that there has been a lot of effort to throw a chink in the gears, as I say, and see if we can grind this thing to a halt. Well, I suggest to you that it would not be good planning on your behalf, to draw this thing to a halt. The studies have been done, everything is there, everything is in place. Let's get on with the show. We spend millions of dollars in economic development and I think that I heard the good Senator from Oxford, Senator Erwin say something about the amount of traffic and all you people in the southern part of the State were going to get hit with this traffic. I thought we were trying to increase the amount of traffic into the State, to bring tourists in, to funnel tourists up to the interior part of the State, not to the coast. I think I'm getting lost in the shuffle of where we're spending the money and what we're trying to accomplish.

Now they're saying, "O.K. gang, now we don't want you here because you bring cars and traffic and you're cluttering up our highway." Well, I suggest

to you that there is a element of confusion going on here that if I'm not able to understand it, I'd hate to think what the people who are coming in here as tourists feel. I would suggest to you that we vote for passage of this L.D. and let's get on with the program.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Dow.

Senator DOW: Mr. President and members of the Senate. First, I move passage to be enacted and I ask for a Roll Call. Then I will answer a couple of questions that Senator Erwin from Oxford asked. One of them was why do we need have the Bill now. The answer to that is in order to go out with a bond issue, we have to have the Bill as soon as possible so that we can start constructing in 1988.

The other is, of course, is for the DEP permits. Also to bring up a couple other things. Everyone that was at the public hearing had some concerns, but everybody spoke in favor of widening the turnpike. There wasn't a soul in the public hearing that spoke against it. In the Committee, there was some concern about the Bill, so we tightened up the Bill about getting some information back to the Transportation Committee from the Turnpike Authority. As far as I'm concerned, the Bill needs passing and I would ask for your vote.

On motion by Senator DOW of Kennebec, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCII: Mr. President and members of the Senate. One of the things that disturbs me the most in driving and using the tolls from northern and eastern Maine, and realizing there is going to be a 65% increase in order to cross the border to get into other states, is that why is there a toll? We had a toll in our area on the Bangor-Brewer bridge that lasted for an amount of time until it was paid for. I understand that they have bridges in Kittery and they also have bridges in Augusta that were tolled until they were paid for. Well, why is it that we still have tolls and will for the next twenty five years, until the bonds are paid off, in a portion of southern Maine? Why do we have tolls would be my first question? The second question is, where is God's name are these people going to go? If you widen the road, they're still going to end up in a very over-used area of Route 1, which seems like the good Senator from Cumberland, Senator Usher's quote was "Rushing to go no where." The third concern is that the study that was done was done by the turnpike about the turnpike's livelihood for the next twenty five years, in like a make-work project. Why is it not a good idea for the Legislature to review something that is going to be costing the people of the northern and eastern Maine and the rest of Maine 65% in order to cross the border? Why is it not just a good idea to look at it?

Is that such a bad idea? For the next twenty five years of tolls?

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Mr. President and members of the Senate. I would just like to briefly respond to the good Senator from Penobscot, Senator Baldacci. First of all about having a study and why isn't is a good idea, and why is it a bad idea, it really is a lousy idea. Second, I think it is important to note that the tolls, unfortunately, many of us in southern Maine have paid tolls for some time, those who travel through southern Maine to other parts of New England. The key reason being is the fact that the

Maine Turnpike is one of the finest maintained highways in the northeastern corner in terms of maintenance and I think many of us have been very pleased with the way the turnpike has been kept over the years.

I think many of us may seem to be somewhat onerous to pay a toll, to pay as you go. Those who use the turnpike have to maintain and pay for it rather than having it come from the general revenues of the State. Third, I would have to say, as I drove up this morning around 6 A.M. and I saw all these cars whizzing by me, not at 55, not at 65, but 70, 75 and over. We have to have a wider turnpike in the southern part of the State to keep the people from flying up to the northern part of the State, because they are just passing right through now. I think it is important to note that people believe that this is a fine economic boon for not only the southern part of the State, but for the central part. I would fully endorse that we pass this legislation.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCII: Mr. President and members of the Senate. I appreciate the answer from the good Senator from York, Senator Kerry. In regards to a 65% increase in the tolls, I find it kind of hard to believe that because there is a slow down on the turnpike that we need to widen it and we need to keep the tolls going for another twenty five years, based upon the response that has been given in this Chamber. One hundred and five miles of turnpike cost an executive director and an assistant executive director to run, in their own little private sand box, contracting out most of the work, for one hundred and five miles, which seems that most of the people go around at the beginning and get back on at the end. It just seems like, and I think it was understood it is six miles shorter to go around it then it is to use it. It seems like that we ought to look over the situation a little bit more than just saying that it makes sense to do it because the Turnpike Authority studied it. I think that this body ought to look into this a little bit more instead of just enacting it. Maybe it is not a majority, maybe we're going to pay for what we use. The fact of the matter is, there are a lot of highway projects with what the Federal Government has been cutting back in Washington. When I sat in the Joint Session of the Legislature and saw the cuts from Washington at 10%, that we could be using that money in northern and eastern Maine for a East-West Highway, or for other programs that are being discussed. I think there is a tremendous concern that the money is not being well spent, that is being collected. All I'm saying here that there would be an ability for people to review the situation and see whether in fact, there are a better use for the tolls that are being collected on the turnpike. I will not accept the fact that the turnpike has studied and that's the way it is. I will not accept that and I think the Legislature has an obligation to the people in this State to explain to them why that for the next twenty five years, there is going to be a toll, as they go through the State of Maine. I'm not going to vote for that.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Mr. President and members of the Senate. I just would like to address some of the good Senator from Penobscot, Senator Baldacci's concerns. I was concerned about the increase of tolls as well. The Turnpike Authority has agreed that the commuter passes for those men and women that travel back and forth on a regular basis, will remain

constant. It will not be an increase in tolls for men and women traveling back and forth to work.

Senator BALDACCI of Penobscot moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

On motion by Senator DUTREMBLE of York, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator ERWIN: Mr. President, ladies and gentlemen of the Senate. I don't really understand why the good Senator from Androscoggin, Senator Whitmore is confused about some of the points I made. Having listened to many members of the two southern counties of the State, the one thing that has been a drum beat is that they wish they could close off the area of the bridges down in Kittery. That they are getting to be overflowed with people. They have almost said that they do not want these people there. So, what about my remarks as confusing, they are going to get more of them faster. What many people probably haven't realized, the effective date of this proposed piece of legislation, is September 15th. Your basic field work season is almost gone. By the time they get organized and out there, how much good weather do you have left? Sometimes in October, we're beginning to get snow fall. Maybe we'll be lucky and it will be longer, but the effective date of this legislation is September 15. The point that I have tried to make is what will this Bill do that an emergency Bill in January will not do? We will have the benefit of what the 19% increase because of the speed limit raise, flow of traffic is going to do to help these congested areas, that we know we have. We all know that we have them. Then we can take a close look with that 19% increase in the flow of traffic. Where are the bottle necks? Then we can put the third lane where those bottle necks exist and increase the flow of traffic there. It is not going to take 65% increase in the tolls to do it.

Do you people realize what you are doing to our small business people? Also to the large businesses. Do you realize what you're doing with a 65% increase in the tolls? They are fighting for their existence. As I have pointed out, the farmers in Aroostook, where do they market. Sure, some in Maine but most of them ship out to the south and west of us. When there's many, many years, when they work and labor all year long for an existence grubbing out a living out of the dirt, we're going to add another 65% to that toll? Do you think your farmers are going to happy to find out that you did that to them?

I'm not one for studying something to death. I'm told there is a fifty thousand dollar Maine Turnpike Authority study that will be, I think Senator Dow from Kennebec, said there would be two studies, but I have heard that there is one, definitely, that is to report in December. There again, the members of Legislature would have the benefit of that to see if we want to saddle our people with a 65% increase in tolls. I don't understand why anybody wants to rush into this. What are we going to gain by rushing into this? We can have an emergency Bill in January, with more information to base our decision on. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Whitmore.

Senator WHITMORE: Thank you, Mr. President. I just felt a compulsion to respond to a couple of points that the good Senator from Oxford, Senator Erwin made. First, the study that he has heard about, the fifty thousand dollar study, that is the one that the Androscoggin County delegation

negotiated. It is to study that section of the turnpike from the South Portland Exit to the the end of the turnpike in Augusta. That would, in no way, reveal anything about the southern end of the turnpike. We can discount that one that we're going to wait for until December. The second thing, he made reference to a third lane where ever the congestion was. I guess that I would suggest that the congestion probably doesn't take place in the same place every day. On top of that, if any of you, and I'm sure you're all are familiar with an hour glass, I would suggest that is what the turnpike would look like with every place that there had been congestion, they would put a third lane in, and then flow back into two lanes. To me, that surely creates a very dangerous system. That is just like strangling one of those arteries that I talked about earlier.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BALDACCI of Penobscot to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

A vote of Yes will be in favor of INDEFINITE POSTPONEMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, ERWIN, ESTES, KANY, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators ANDREWS, BERUBE, BLACK, BRANNIGAN, BROWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, GAUVREAU, GILL, GOULD, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE

ABSENT: Senators None

Senator DILLENBACK of Cumberland requested and received Leave of the Senate to change his vote from YEA to NAY.

Senator MATTHEWS of Kennebec requested and received Leave of the Senate to change his vote from YEA to NAY.

Senator PEARSON of Penobscot requested and received Leave of the Senate to change his vote from YEA to NAY.

5 Senators having voted in the affirmative and 30 Senators having voted in the negative, with No Senators being absent, the motion of Senator BALDACCI of Penobscot, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILED.

Senator DOW of Kennebec requested and received Leave of the Senate to withdraw his motion for a Roll Call on Enactment.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Estes.

Senator ESTES: Mr. President and members of the Senate. I would like to speak just for a moment about my reservations in regards to this Bill being enacted tonight. First of all, I think that the Maine Turnpike Authority has been a controversial issue for many, many years. In part, I think it is because of the size that it has grown. I think there are a number of questions that still remain unanswered. They have been partly answered in my mind but I do not feel completely satisfied. I know that when the original expansion of the turnpike took place in the early 1970's, there was a lot of concern and in particularly about whether they were subject to the site selection law or not. That was challenged. Even though it was a position of the

Attorney General's office that they were subject to the site selection laws, to my knowledge, that has never been determined by any court. Nor, has that been adopted as the official position of the BEP. Furthermore, I am of the understanding that if any of the interchanges should be given to the DOT and called a State road, they would then be specifically exempted from the review of the BEP.

I guess another reservation that I have is when in-house studies are conducted to determine what should be done, and to my knowledge, there has not been a consulting firm separate from the Turnpike Authority that has reviewed this issue, and I don't know that there has been adequate consultation with the regional planning agencies in York and Cumberland counties. I think that one of the other concerns that I have is about not just about the environmental impact or expanding the turnpike and making changes in the interchanges, my other question is what is the cumulative impact going to be? What is the effect going to be on community businesses or is the effect going to be on land values. How is it going to effect growth and development patterns which have been a very hot issue in southern York County, in my district, now for five years. Then, I guess my concern is what is going to happen to the community identity of those towns that are going to be directly impacted? I have some real fears having seen the State of Connecticut and what has happened to that highway system there.

I'm afraid that we may be moving a little bit too fast. I do concur with the good Senator from Oxford, Senator Erwin that a little bit more time and a little bit more careful thought may be a good dose of medicine, so that we can make sure that we can have the adequate plans to deal with what our future needs are. I would request a Division.

Senator ESTES of York requested a Division.

THE PRESIDENT: The pending question before the Senate is ENACTMENT.

A Division has been requested.

Will all those Senators in favor of ENACTMENT, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

27 Senators having voted in the affirmative and 5 Senators having voted in the negative, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Creating the Maine Low-level Radioactive Waste Authority" (Emergency)

S.P. 639 L.D. 1865

(S "A" S-218; S "B"

S-221)

In Senate, June 16, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-218) AND "B" (S-221).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-218) AND "B" (S-221) AND HOUSE AMENDMENT "A" (H-382) in NON-CONCURRENCE.

Senator KANY of Kennebec moved that the Senate ADHERE.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator KANY: Thank you, Mr. President. There is an amendment attached from the other Body, although I can't talk about that, which if we choose to Recede and Concur instead of to Adhere, would allow individual communities to decide if they would have a low level waste facility.

Sixty percent of their citizens would have to approve it. It sounds like a very appealing amendment. If I were not aware of the process that already is required under law, I am sure that it would appeal to me, as it may to many of you when you first hear of it. I would like you to know, first of all, that before any low level radio active waste disposal facility is sited in the State of Maine, that first the Board of Environmental Protection would have to approve of it and while voting for local people would also have a vote with that BEP, then after that, after the technical approval is made, then the Maine Legislature, both houses, have to approve of any facility. Then, the citizens of the State by a majority vote have to approve of that facility. That is an awful lot of steps in law today. In the mean time, we have other things occurring. For instance, as you are well aware, there is a vote coming up in November. If the people choose to keep Maine Yankee operating, that means more low level radio active waste, will be generated and when the de-commissioning finally occurs, there will be about five hundred thousand cubic feet of low level waste which would really come from the contaminated nuclear portion of the power plant. If the voters in November choose to shut down Maine Yankee, you immediately would be faced with five hundred thousand cubic feet of low level waste. Either way, under Federal law, the State of Maine has a responsibility to find disposal capacity for that waste.

I think we have to keep that in mind. The Authority Bill is a good faith effort to try and determine and to meet the next mile stone required under Federal law. What the implementing authority would be, it would allow the authority to develop a plan which would allow us to continue shipping some of our low level waste to the existing disposal facilities in South Carolina and Washington. Under the Federal law, we have to meet a series of several mile stones in order to continue the shipping of our low level waste out of state, for an interim period, until we have made this arrangement for a final disposal.

The states now could decide if we are not moving forward in a reasonable manner and making a good faith effort to do that. Supposedly, they could reject our waste even now. In my opinion, that House amendment would kind of put our entire process and make it look as if it were a sham that we are not making a good faith effort to move toward developing that capacity. I urge you to go along with this motion to Adhere and I really wouldn't have had to explain it, perhaps, but the reason why I wanted you to know what the process is. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Thank you, Mr. President. I was unaware of the existence of this amendment before coming into the Chamber. I am certainly grateful to the Senator from Kennebec, Senator Kany for explaining her position on this matter. I understand what the Senator is saying and certainly there are several steps that one would have to go through before a site is decided upon for this waste.

I differ from the Senator from Kennebec, Senator Kany in her conclusion, in that my experience of localities who are faced with radio active waste