

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

INDEX

First Confirmation Session

August 3, 1979

INDEX

First Special Session

October 4-5, 1979

INDEX

Second Special Session

October 10-11, 1979

INDEX

Second Confirmation Session

December 7, 1979

INDEX

for the future of mankind; and be it further
RESOLVED: That suitable copies of this
Resolution be prepared and be transmitted by
the Secretary of State to Mrs. Harry S. Truman
and Mrs. Margaret Truman Daniels.
The Resolution was read and adopted and
sent up for concurrence.

On motion of Mr. Cox of Brewer, it was
ORDERED, that Representative Emile Jac-
ques of Lewiston be excused May 7 to May 11,
1979 for personal reasons;

AND BE IT FURTHER ORDERED, that
Representative Hugh Bowden of Brooklin be
excused May 7 and May 8, 1979 for personal
reasons;

House Reports of Committees Leave to Withdraw

Mr. Stover from the Committee on Local and
County Government on Bill "An Act to Em-
power Municipal Boards of Zoning Appeals to
Grant Moderate Variances" (H. P. 320) (L. D.
418) reporting "Leave to Withdraw"

Mr. Kane from the Committee on Taxation
on Bill "An Act to Provide for a Local Excise
Tax on Watercraft" (H. P. 133) (L. D. 144) re-
porting "Leave to Withdraw"

Mr. Davis from the Committee on Education
on Bill "An Act Giving Local School Commit-
tees more Control with Respect to the Setting
of School Calendars" (H. P. 640) (L. D. 794) re-
porting "Leave to Withdraw"

Mr. Connolly from the Committee on Educa-
tion on Bill "An Act to Provide for Using an Av-
erage of Recent State Valuations for Purposes
of Computing State Subsidies Under the School
Finance Report" (Emergency) (H. P. 1157)
(L. D. 1324) reporting "Leave to Withdraw"

Mrs. Kany from the Committee on State
Government on Bill "An Act to Permit the At-
torney General to Retain Amounts Recovered
for Costs of Investigation and Suit" (H. P.
1075) (L. D. 1339) reporting "Leave to With-
draw"

Mrs. Nelson from the Committee on Aging,
Retirement and Veterans on Bill "An Act Re-
lating to Retirement Benefits of Superior Court
Employees" (H. P. 1093) (L. D. 1332) reporting
"Leave to Withdraw"

Mr. Birt from the Committee on Education
on Bill "An Act to Better Reflect True Educa-
tion Costs by Reducing Transportation Re-
imbursement to School Units for
Noninstructional Purposes" (H. P. 1080) (L. D.
1341) reporting "Leave to Withdraw"

Mr. Brenerman from the Committee on
Health and Institutional Services on Bill "An
Act Relating to the Costs of Transporting Per-
sons to Hospitals for the Mentally Ill" (H. P.
878) (L. D. 1066) reporting "Leave to With-
draw"

Reports were read and accepted and sent up
for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor
reporting "Ought to Pass" as amended by
Committee Amendment "A" (H-344) on Bill
"An Act to Define Suitable Work After the
First Twelve Consecutive Weeks of Unemploy-
ment" (H. P. 823) (L. D. 1023)

Report was signed by the following mem-
bers:

Messrs. PRAY of Penobscot
LOVELL of York
SUTTON of Oxford — of the Senate.

Messrs. TUTTLE of Sanford
CUNNINGHAM of New Gloucester

Mrs. LEWIS of Auburn
Messrs. FILLMORE of Freeport
DEXTER of Kingfield
WYMAN of Pittsfield — of the House.

Minority Report of the same Committee re-
porting "Ought Not to Pass" on same Bill.

Report was signed by the following mem-
bers:

Mr. BAKER of Portland
Mrs. MARTIN of Brunswick
Mr. McHENRY of Madawaska
Mrs. BEAULIEU of Portland — of the House.

Reports were read.

Mr. Wyman of Pittsfield moved that the Ma-
jority "Ought to Pass" Report be accepted.

On motion of the same gentleman, tabled
pending his motion to accept the Majority
Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on State
Government reporting "Ought Not to Pass" on
RESOLUTION, Proposing an Amendment to
the Constitution of Maine Changing the Legis-
lature to a Single Chamber, Unicameral
System (H. P. 1033) (L. D. 1347)

Report was signed by the following mem-
bers:

Messrs. MARTIN of Aroostook
AULT of Kennebec
SUTTON of Oxford — of the Senate.

Mrs. KANY of Waterville
BACHRACH of Brunswick
DAMREN of Belgrade

Ms. LUND of Augusta
Mrs. MASTERTON of Cape Elizabeth
Messrs. LANCASTER of Kittery
CONARY of Oakland
BARRY of Fort Kent — of the House.

Minority Report of the same Committee re-
porting "Ought to Pass" in New Draft (H. P.
1366) (L. D. 1599) on same Resolution.

Report was signed by the following mem-
bers:

Mr. PARADIS of Augusta
Mrs. REEVES of Pittsston — of the House.

Reports were read.

The SPEAKER: The Chair recognizes the
gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I move that the
Majority "Ought Not to Pass" Report be ac-
cepted.

The SPEAKER: The Chair recognizes the
gentleman from Augusta, Mr. Paradis.

Mr. PARADIS: Mr. Speaker and Members of
the House: I shall be very brief. I want to urge
all of you to vote against the motion of the gen-
tlelady from Waterville, Mrs. Kany, because I
strongly believe that this is a very important
issue and we ought to consider letting the
people of Maine vote on it.

First of all, I think at the outset that this Con-
stitutional Amendment provides that if this
change comes about, it will not come about
until the election of 1984 and the legislative ses-
sion of 1985.

Secondly, it will not come about until the
people have had the opportunity to vote upon it.
It seems to me that we are asking, really, for
this legislature to send this very important
issue to the people for their vote.

I think, Mr. Speaker and Members of the
House, if we keep in perspective the history of
bicameral and unicameral legislatures, I think
if you keep the historical perspective in mind,
you will find that the historical reason for bicam-
eralism really no longer exists.

The history of bicameralism in the Anglo-
saxon tradition arose because the second or
upper House was really representative of a dif-
ferent constituency, and it originally arose in
England where the aristocracy was rep-
resented in the House of Lords and the common
people were represented in the House of Com-
mons.

In the United States, the Senate, the upper
House, represents a different constituency.
That is, it represents the states, and the lower
House, or the House of Representatives, rep-
resents the people. And in state governments,

which were modeled after the United States
government, the lower House represented the
people and the upper House, or the Senate,
could be apportioned on a different basis. They
could represent a different constituency and,
traditionally, until recent history, they did, in
fact, represent geographic and economic inter-
ests. And throughout most of Maine's bicamer-
al history, the State Senate represented the
geographic and economic areas on a county-
wide basis.

But in 1964, Mr. Speaker and Members of the
House, the United States Supreme Court said,
in the case of Reynolds vs. Sims, that you can
no longer do this in state Senates; that the only
basis of a representation in state Senates, as
well as in the state Houses of Representatives,
was a one-man one-vote factor, so that in the
bicameral system you no longer, in your state
Senates, can have a different basis of represen-
tation than you can in the House of Representa-
tives. So, most of the historical reasons for the
second House, the upper Chamber, or the
Senate, no longer exists, and the only reason
which still exists, Mr. Speaker and Member of
the House, the only argument made for the ex-
istence of the second House, or the bicameral
two houses, is that it allows one body to take a
second look, it allows a delay in the passage of
bills, and it prevents bad bills from being
passed.

Well, I submit that this is a procedural
matter which can well be taken care of within a
unicameral, one-body system, in their own pro-
cedure, such as delays in the readings of bills,
etc., limits on the number of bills to be intro-
duced.

Unicameral, one-chamber system of govern-
ment exists in Nebraska which, by the way, has
a 50-member—it is called a State Senate—and
Nebraska, interestingly enough, has approxi-
mately the same geographic size as Maine and
approximately the same population as Maine.
This bill calls for a 101 member single-district
Senate. So that Nebraska does have a unica-
meral legislature, it works well, and there is no
pressure from any circles in Nebraska to bring
back bicameralism.

The Virgin Islands and Guam both have uni-
cameral legislatures. All of our major cities
have gone from bicameral legislatures to uni-
cameral legislatures and, of course, many of
them represent a much larger constituency
than the State of Maine. All the Canadian prov-
inces have unicameral legislatures. England
now has a de facto unicameral legislature as
the House of Lords has become, in fact, power-
less and ceremonial only.

The advantages of a unicameral legislature,
it seems to me, first of all, there is economics.
We presently have 184 members in this legis-
lature, and in order to provide them with ade-
quate staff, in order to pay them, it costs a
tremendous amount of money. I think it costs
approximately \$20,000 per day to keep this leg-
islature going. In order to adequately staff a
legislature, we certainly need more staff than
we presently have, and a 101 member unica-
meral legislature could be very well staffed at
less money.

I think that a unicameral legislature would
be more efficient, more understanding of the
issues, and there wouldn't be the committees
of conference and "the other House killed it"
kind of thing.

I think the third reason, Mr. Speaker and
Members of the House, and probably the most
important reason, although the economic
reason, I feel is important—I think the most
important reason would be that there would be
accountability of the individual legislators to
the people who elect them. I think there is too
much in the bicameral system of "the other
House killed it," "let's let the other House kill
it," "let's send it to a committee of confer-
ence." If you had one House and single-
member districts, those people would be ac-
countable, those representatives, and only

those representatives, would be accountable to the people in their districts for the way they voted and the way the issues came out. The voters in the district could look to that one person for his or her vote as to a vote on a particular issue.

In view of the fact, Mr. Speaker and Members of the House, that this would not be effective until the election of 1984 and the legislative session of 1985, and in further view of the fact that the only thing we could do is send it to the people and let them decide, it seems to me that the least we could do is to do that.

Therefore, Mr. Speaker and Members of the House, I would urge all of you to vote against the motion of the gentlelady from Waterville.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I, for one, appreciate the attempt of Representative Paradis to try and improve our government. But, of course one person's better government is another person's worse government. Also, it is kind of tempting, isn't it, to perhaps get rid of the other house? But this legislature just recently turned down an attempt to lower the size of the House, and I think we decided at that point in time that we do have a pretty good setup here, that maybe we wouldn't want to have just 101 members in our legislature.

One thing I know, I learn a few things from all of you as time goes on; I have learned that all of us can make mistakes, even me and even the Speaker and even Representative Garsoe, so it is nice sometimes to have a second body to perhaps prolong the deliberations.

I urge you to go along with the motion before you, and that is to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the House accept the Majority "Ought Not to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Austin, Bachrach, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Boudreau, Brennerman, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Carroll, Carter, F.; Chonko, Conary, Cunningham, Damren, Deltert, Doukas, Drinkwater, Dutremble, D.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hanson, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jacques, P.; Jalbert, Joyce, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, MacEachern, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nelson, A.; Nelson, M.; Paul, Payne, Peltier, Peterson, Post, Reeves, J.; Rolde, Roope, Sewall, Sherburne, Silsby, Simon, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Torrey, Twitchell, Vincent, Violette, Wentworth, Whittemore, Wood, Wyman

NAY — Baker, Brannigan, Brodeur, Brown, K.C.; Carrier, Connolly, Cox, Curtis, Davies, Dexter, Diamond, Dow, Dudley, Hall, Hobbins, Kane, Laffin, McHenry, Michael, Nadeau, Norris, Paradis, Reeves, P.; Rollins, Tierney, Tozier, Tuttle, Vose

ABSENT — Barry, Berry, Bowden, Carter, D.; Churchill, Cloutier, Davis, Dutremble, L.; Howe, Hughes, Jackson, Jacques, E.; Lizotte,

Locke, Nelson, N.; Pearson, Prescott, Small Yes, 103; No, 28, Absent, 19.

The SPEAKER: One hundred and three having voted in the affirmative and twenty-eight in the negative, with nineteen being absent, the motion does prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-346) on Bill "An Act to Require the Public Utilities Commission to Study the Safe and Proper Decommissioning of Nuclear Generating Facilities in Maine" (H. P. 632) (L. D. 783)

Report was signed by the following members:

Mrs. TRAFTON of Androscoggin
— of the Senate.

Messrs. DAVIES of Orono
McKEAN of Limestone
LOWE of Winterport
BROWN of Livermore Falls

Mrs. NELSON of Portland
Messrs. BERRY of Buxton
VOSE of Eastport
— of the House.

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

Report was signed by the following members:

Messrs. COLLINS of Knox
DEVOE of Penobscot
— of the Senate.

Mr. REEVES of Newport
Miss GAVETT of Orono
Mr. CUNNINGHAM of New Gloucester
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" and I would ask for a roll call when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker and Members of the House: I would pose a question through the Chair to Mr. Davies of Orono.

First, I would like to know if we need this bill now? Secondly, does the PUC have enough money, enough time and enough staff to do this?

The SPEAKER: The gentleman from Waterville, Mr. Boudreau has posed a question through the Chair to the gentleman from Orono, Mr. Davies, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. DAVIES: Mr. Speaker and Members of the House: The answer to the first question is, yes, we do need it now. The subject of decommissioning nuclear power plants should not be confused with the difficulties that we have had with nuclear power in the last month or two. This matter has been a serious concern for a number of years. It is not a matter of safety concerns, it is simply a matter of economics.

As probably all of you know, a nuclear power plant has a life span just like a human being does. Fortunately, we have some ability to extend our life span by good medical care and eating properly and things of that sort, but a nuclear power plant is destined from the day that it is completed to have a definite point in time when it is going to have to be decommissioned.

Now, that process of decommissioning is extremely expensive. If a nuclear power plant costs \$600 million to construct today, when it is decommissioned 35 years from now, it could very easily cost over \$1 billion to decommission. This should be a matter that we begin looking at well in advance, because if we wait until just prior to the decommissioning of the power plant, the price that will be added onto the utility ratepayers' electric bills each month

will be extremely high. For instance, if you had to come up with the \$1 billion to cover the cost of decommissioning Maine Yankee in about 20 or 25 years, it could very easily raise the electric bill of each ratepayer in the State of Maine by somewhere in the vicinity of \$100 a month. Now, that is a price that I certainly don't want to see ratepayers have to pay. I don't think any one of us wants to see our electric bill jump by that amount.

The only way that we can do anything about that is to begin setting aside some of electric bills right now into a fund to begin for paying for this cost of shutdown so that the impact is not felt in the last few years before the decommissioning.

Now, there are a variety of ways we can approach this problem. We have a number of alternatives, but those alternatives begin disappearing as we go further down the road. So, if we don't begin considering the various alternatives that we have for eventual decommissioning of our nuclear power plants, we are going to be left with fewer and fewer decisions and a higher and higher price tag that we have to pass on to our ratepayers.

The bill that we have before us provides a mechanism where the Public Utilities Committee, a representative from the Public Utilities Commission, a representative of a nuclear power generating facility and two members of the general public will have an opportunity to come together to begin studying the alternatives that we have available to us and make recommendations to the Public Utilities Commission and to this legislature on which approach seems to provide us the most viable method for keeping the cost down for our ratepayers and doing an adequate job in assuring that when we do have to close down Maine Yankee because its lifetime has expired, that we will do so in a safe manner, with the least amount of economic impact on our rate payers.

I think it is a very important bill. It has bipartisan support from the committee, it had strong support at the hearing. I think that it is time that we take some action on it now, because the alternative is higher electric bills, more confusion and a greater amount of risk when we do finally shut down our nuclear power plants. So, I do urge you to support the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank Mr. Davies for that explanation. However, if we are going to be decommissioning this nuclear power plant in 35 years, I don't think in 1979 that we have to pass a bill to start studying how to do it.

When the PUC came to the Appropriations Committee for money, they were crying that they didn't have enough money, didn't have enough staff, didn't have enough time to do all the things they had to do dealing with CMP, etc.

Now we are going to pass a bill that says they are going to study how to decommission our nuclear power plant that is going to happen in 35 years. If you want to vote for this bill, fine. I am not going to move indefinite postponement, but I will be voting against it in a roll call.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make one amendment to the remarks of my good friend from Orono, Mr. Davies, on what I feel is an excellent bill. He says they are going to be decommissioning our nuclear power plant in 35 years if everything goes right. I would like to remind the good gentleman that we may have to decommission that plant earlier because we don't know what is going to happen. I would suggest that to vote against a good bill like this to study decommissioning at this time would be irresponsible. I am glad the good gentleman