

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

An Act to Increase the Fees for Examination and Licensure for Chiropractors (S.P. 96) (L.D. 243) (H. "A" H-55)

Were 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.

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" - Committee on Energy and Natural Resources on Bill "An Act Regarding the Generation of Electric Power and High-level Radioactive Waste" (I.B. 1) (L.D. 20)

TABLED - April 10, 1987 by Representative MICHAUD of East Millinocket.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I have always been opposed to nuclear power for basically two reasons, one is that it doesn't make sense to me to generate power by a method under which we receive 30 years of power and then spend 500 years and state taxpayer dollars guarding the "harmless waste" and, in 10,000 years, guarding the harmful waste. That just doesn't make sense.

The second reason has to do with human beings and human nature. We are all fallible. We can't avoid making mistakes. We should, therefore, be very careful to avoid getting into types of technologies and operations in which, if a mistake is made, they could have such disastrous consequences as a nuclear power plant accident.

The Chernobyl accident was a very interesting accident for several reasons. One is that it was the type of accident which no one, either in the Soviet Union or the United States, foresaw for that type of reactor. It established very clearly that we are going to have accidents that have not been foreseen and thus have not been provided for.

Second, the fact that Chernobyl occurred changed the debate about major accidents in nuclear power plants, disastrous accidents, from whether they will occur to when they will occur. Despite the differences in design between U.S. plants and the Soviets' plants, we also have not foreseen every type of accident that could happen in our plants.

The chances of an accident are estimated, I believe, by the NRC to be one per thousand operating years. There are approximately a hundred plants in this country - that means that there is a one in ten chance in any given year that there will be a major accident. Through the laws of statistics, which are beyond me to explain, there will be a 50-50 chance that, in the next ten years, there will be a major accident at a nuclear power plant in the United States, regardless of our planning and regardless of how well run they are, regardless of how careful we are.

How many Challengers must explode on the way to space before we remember that human beings make mistakes? We make mistakes in design, in construction, in operating, and in public policy. Such a mistake at Maine Yankee could make uninhabitable a substantial portion of Maine. How much longer should we take the chance of this happening? Do we even have a right to require the residents of those areas that are at risk to be

subjected to such a risk? I believe the answer is no and I believe it is essential that we pass this bill to make that clear to everybody in the world.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: It was just one year ago that we had to go back to our districts and explain the Department of Energy's thinking in selecting two sites in Maine and one site in New Hampshire for a possible high-level nuclear waste dump site. That was very difficult, indeed, to represent their thinking because, in all reality, there was no thinking.

When the hearing for this bill was held before the Energy and Natural Resources Committee, President Rowe from Central Maine Power Company addressed the issues of safety and economics at Maine Yankee. As I listened to him, he presented some very good arguments about the safety and economic benefits of Maine Yankee. But, as I listened to him, what appalled me and shocked me was, that he completely failed to discuss the issue of nuclear waste. When a Representative from the Energy and Natural Resources Committee asked him about that problem, his basic answer was very simple: "That with all things, there was a certain amount of risk involved that is either acceptable or unacceptable." In the case of high-level waste, his attitude was, "This is a problem that we can legitimately leave to the next generation." I disagree with that one hundred percent.

As we listened to the Department of Energy tell us what the problems were with siting a nuclear high-level waste facility, it came down to one of basically political problems in the country. There is a way to neutralize the high-level waste, the problem is that it costs more than it does to produce the waste. Their solution is to bury the waste in what they call their deep geological burial program. The sites in the west and the sites in the east have been well publicized and I think most people understand today that those were chosen largely for political reasons and very little for scientific or geological reasons.

To illustrate that, I don't think there is any better way to explain that than the recent announcement by Senators Johnson and McClure of the Senate Energy Committee in Washington of their offer for any state to accept \$100 million annually to take the nations high-level nuclear waste and \$50 million if they would be the site for the monitored retrievable storage center. They have no solutions but yet we keep generating the waste.

Now to go back to the arguments of security - what more timely subject could we be discussing than the recent events of our embassy in the Soviet Union? I am not an expert and I wouldn't begin to try and understand how espionage in our system works. Whether you believe the reports that we have read, you have to question the credibility of our intelligence system when they are telling us that our nuclear secrets, our nuclear technology, is safe from any type of sabotage.

One event, which occurred in the same week and which I hope most of you saw but I will remind you if you didn't, was an AP news report announcing that there had been over 45 serious violations of safety and security policies at several nuclear plants in our country, one of which was the still unidentified person (they won't release that information) was caught trying to sell enriched plutonium to a Palestinian organization. That was just last week while the same news was being announced about our

breach of security in our U.S. Embassy in the Soviet Union.

One of the arguments we hear on the licensing of the Seabrook Nuclear Power Plant is the evacuation plans -- what about the evacuation plans at Maine Yankee? We saw just how devastating an accident, either a natural or a technological problem, could be two weeks ago during the flooding. For those of us who were inconvenienced, at the very least trying to get out of the Capitol during the flooding problem, imagine the problem in trying to evacuate the area around Maine Yankee. There is no way. I think that is quite simple to understand after what we just went through.

Representative Coles mentioned the accident in Chernobyl -- the basic point about Chernobyl is that it is permanent. The Challenger situation -- we can rebuild our space shuttle program, we can learn from our mistakes, but how can we ever learn from a Chernobyl if it should happen in this country?

As far as the arguments about economical benefits of Maine Yankee -- the argument that is used quite often -- that it is power too cheap to meter -- how can we accept that any longer? We know that the entire nuclear industry is subsidized from every aspect of it -- from research to the development of the raw materials. There is no insurance liability, no requirements for the waste disposal, which we have talked about, and yet we still listen to the argument that it is an economic benefit to Maine. While Maine is still faced with the threat of being a host site for high-level waste, we will have to build a low-level waste site -- what will that cost?

Can we ignore any longer looking at the very facts that the nuclear industry is heavily subsidized by the federal government? What about the effect on the Maine business and the Maine economy? We know now that slogan "there is no free lunch" -- if anyone can dispute the fact that we should get something for nothing in this situation, it is going to be a very hard argument to convince the people. To ignore the high-level waste argument is irresponsible and Maine people are not irresponsible.

My conclusions are what Mr. Rouse wrote to my good friend, Representative Vose, last year -- that is just the opposite. To close Maine Yankee would be good business, it would be good science and it would be good government. As more disasters occur and more scandals occur, and we become more sensitive to those very real things happening in the world, people around the country and around the world will look at our act to close this power plant before such a disaster should ever occur on Maine or on the United States soil.

I urge you all to join with me today to defeat this motion and to enact this bill before it goes out to referendum. I talked last year about sending it out to a referendum in November and that the importance in that was the educational value that it would have. Now I have changed my thinking and I don't see the demand or the value of education as being more important than the urgency that is involved in closing the plant so I thank you very much and I hope you will join with us and defeat this motion.

Representative Baker of Portland requested a roll call vote.

The SPEAKER: A roll call has been requested.

The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to oppose the motion that is before us. I would hope that you would defeat that motion and we would go on

to pass L.D. 20, as suggested by the gentleman from Casco, Representative Simpson.

I would like to give you two reasons why. The first reason was the process that occurred last year -- the federal governments inability to assure me and the citizens of the State of Maine that they could safely and adequately store this waste on a long term basis.

Another reason that I support L.D. 20 is, this will give the owners of Maine Yankee and the power generators of this state an additional seven months to seek alternative sources of energy and meet the needs and demands of this state. If we continue to operate for the next seven months, not knowing exactly what is going to happen, and I believe the citizens of this state are not going to sacrifice their health and safety for what few perceive to be inexpensive energy. I believe the vote will be to close Maine Yankee. If it is to close Maine Yankee on July 4, 1988, that gives Maine Yankee and the citizens of the state seven months to seek an alternative source of energy, which I don't believe is in a time frame that can be adequately handled. So, I believe a vote today against the pending motion and a vote to pass L.D. 20 would be in the best interests of the citizens of this state.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Initially when we have had a Maine Yankee referendum, I have supported Maine Yankee. Like a former member of this body, the Honorable Robert Dillenback, there was a time in my life when I worked in the nuclear industry. Actually I never worked in it, I trained in it -- and in sitting and listening to the federal government last year when they were up here talking about the high-level waste, the one thing that become blatantly obvious to me was that the government was not paying very much attention to the very information that the government had as to the longevity and the problems and the health hazards involved with high-level waste.

I think the government itself, while they denied it very vehemently a year ago, confirmed it a couple of weeks ago. We all know that the only plant that we have in the United States that is similar to the Chernobyl plant is the one that is in Hanford, Washington. That was also one of the potential sites for high-level storage. Well, they had a little problem in Washington. Somebody discovered some radionuclides in a river. They tried to figure out where it came from. What they found was that that nuclear reactor plant had permission to spread its contaminated primary cooling water system on the ground in the compound around the plant. The NRC had estimated that it would take 1,000 years for that water to get into the water table and reach the river. After the radionuclides were discovered, the NRC modified the term of time that it would take the water to reach the river. They changed it from 1,000 years to a year. That, ladies and gentlemen, is a fairly high tolerance. If that is the degree of knowledge that we are dealing with on the long term effects and the technology involving the storage, I think it behooves us to immediately stop producing any more of these wastes because, very obviously, neither the federal government, the nuclear industry or the engineers have any real idea of either the consequences or the technology necessary to protect both the environment and the public-at-large from the effects of these wastes.

I would urge you to vote against the pending motion so that we may pass this bill for the general

welfare and good of the people of this state as fast as possible.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Ladies and Gentlemen of the House: I came armed today with some evidence — it is a handout that was given to me and to other people before Maine Yankee went on-line, it is called "Maine Yankee Facts." It is for anyone to see for themselves that the fact of nuclear waste was never mentioned.

First of all, we have more electrical capacity than we need even without Maine Yankee. Certainly we can all save a quarter of the electricity we use just by not being as wasteful as we are.

I really came here to say this today, we can make history here. We can turn the growing tide of hazardous, high-level radioactive waste into a receding threat to life everywhere. We can send a strong message to the Department of Energy — we will not host a high-level radioactive waste dump and we will refuse to make any more high-level radioactive waste. We can say in this springtime of 1987, as we approach the celebration of Patriots Day, as Independence Day of 1988, we will free our beautiful state from high-level nuclear waste production.

Nearly a half a century ago, when I was a very young woman, the first Atomic Energy Commission Chairman, David Lilienthal, warned us not to go forward with nuclear technology until we knew what to do with the waste. Like Scarlett O'Hara, we said, "We will think about that tomorrow." Tomorrow is long past and we still do not know what to do with this high-level nuclear waste. Its poison must be kept from all life for a minimum of ten thousand years. Think of it. Jesus Christ was born only two thousand years ago. Think of the terrible cost, billions of dollars now and probably trillions for the future, if our descendants survive. We know we must stop polluting with acid rain and toxins — do we dare to ignore the pile-up of unnatural radioactive elements that threaten the very genetics of life? Let Maine lead the way, the long march away from this peril.

In closing, this plea to you, I want to give you a message fit for the Easter tide, from a defender of our children's rights to life, my good friend Raymond Shadis, "Our civilization has shown little respect for the visible world. We have barely begun to explore the microscopic world. We have only a dark hint of what lies in the sub-atomic world, or the reaches of space. Yet it has been our way that we rush to bend mysteries to our will before we comprehend them. I believe this life a gift, a place of respectful learning, not reflexive hopping from one bright object to the next. This reverent learning is the humility prerequisite to survival.

Yours is a special responsibility. You who have sensed danger to cry "alarm!" — to give to those who believe they are powerless to direct their own future — hope — to give to those uncertain about the authority of their own truest instincts — faith — to give to those whose courage has been diverted, the gift of supernatural strength that is, love.

We need only to look carefully and clearly at what we have become to know just when and where it is that humankind will make a stand against the forces that make us alien to creation.

Let us start here and now where we live."

Let us pass this bill.

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: My area is almost 300 miles away from Maine Yankee and nonetheless we have been identified as having ideal soil for a low-level nuclear waste dump. Well, I don't want a nuclear waste dump in my back yard, and I don't want it in your back yard. We, the taxpayers, as has been well said, have ultimately taken possession of this waste and we don't need that.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Michaud of East Millinocket that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 22

YEA - Aliberti, Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Callahan, Carter, Cote, Crowley, Curran, Davis, Dellert, Dexter, Diamond, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Garland, Greenlaw, Gurney, Gwadosky, Hanley, Harper, Hepburn, Hickey, Higgins, Hoglund, Ingraham, Jacques, Jalbert, Kilkelly, Kimball, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Marsano, Martin, H.; Matthews, K.; McPherson, McSweeney, Michaud, Moholland, Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, P.; Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reed, Richard, Ridley, Rolde, Rotondi, Salsbury, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Sproul, Stanley, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tamaro, Tardy, Taylor, Telow, Vose, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAY - Allen, Anthony, Baker, Bost, Brown, Carroll, Chonko, Clark, H.; Clark, M.; Coles, Conley, Connolly, Dore, Foster, Gould, R. A.; Hale, Handy, Holloway, Holt, Hussey, Jackson, Ketover, Lacroix, LaPointe, McGowan, McHenry, Mitchell, Murphy, E.; Paradis, J.; Rydell, Scarpino, Simpson, Swazey, Thistle, Tracy, Tupper, Warren.

ABSENT - Boutilier, Cashman, Duffy, Hichborn, Hillock, Joseph, Look, Mahany, Mayo, Melendy, Mills, Parent, Reeves, Rice, Ruhlin, Stevens, P.; The Speaker.

Yes, 97; No, 37; Absent, 17; Paired, 0; Excused, 0.

97 having voted in the affirmative and 37 in the negative with 17 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The Chair laid before the House the second tabled and today assigned matter:

An Act Relating to Immunization of Post-secondary Students" (H.P. 182) (L.D. 226) (C. "A" H-50)
TABLED - April 10, 1987 by Representative MANNING of Portland.

PENDING - Passage to be Enacted.

Subsequently, was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the third tabled and today assigned matter: