

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, February 5, 1971

Senate called to order by the President.

Prayer by the Rev. Elmer N. Bentley of Augusta.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox,

ORDERED, the House Concurring that when the House and Senate adjourn, they adjourn to Tuesday, February 9 at 10 o'clock in the morning.

(S. P. 185)

Which was Read and Passed.

Sent down forthwith for concurrence.

House Papers

Bills, Resolves, and Resolutions today received from the House requiring Reference to Committees were acted upon in concurrence, except for the following:

Bill, "An Act Appropriating Funds for the Completion of Renovating Kupelian Hall, Pineland Hospital and Training Center." (H. P. 409) (L. D. 536)

Comes from the House referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

On motion by Mr. Minkowsky of Androscoggin, tabled and tomorrow assigned, pending Reference to Committee.

Communications

STATE OF MAINE

House of Representatives

Office of the Clerk

Augusta, Maine

February 4, 1971

Hon. Harry N. Starbranch

Secretary of the Senate

105th Legislature

Sir:

The Speaker today appointed the newly-elected Representative from Scarborough, Mr. Gagnon, to serve on the Joint Standing Committee on Liquor Control.

Respectfully,

(Signed) BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered Placed on File.

STATE OF MAINE

House of Representatives

Office of the Clerk

Augusta, Maine

February 4, 1971

Hon. Harry N. Starbranch

Secretary of the Senate

105th Legislature

Sir:

I am transmitting herewith the names of members of the House appointed on the following Joint Select Committees, in order that they may be entered upon the Journal of the Senate.

On the Joint Select Committee on Returns of Votes for the Governor. (S. P. 35):

Mr. COLLINS of Caribou

Mrs. PAYSON of Falmouth

Messrs. LEE of Albion

MADDIX of Vinalhaven

DAM of Skowhegan

MLLS of Eastport

SHELTRA of Biddeford

On the Joint Select Committee to Consider the Governor's Message (S. P. 59):

Messrs. KELLEY of Southport

KELLEY of Machias

HAYES of Windsor

MILLETT of Dixmont

FAUCHER of Solon

GAUTHIER of Sanford

EMERY of Auburn

Respectfully,

(Signed)

BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered Placed on File.

Senate Papers

Appropriations and Financial Affairs

Mr. Wyman of Washington presented, Resolve, Appropriating Moneys for the Acquisition of Property at Meddybemps by the Atlantic Sea Run Salmon Commission. (S. P. 198) (L. D. 583)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Conley of Cumberland presented, Bill, "An Act Relating

to Public Intoxication." (S. P. 199) (L. D. 584)

Mr. Anderson of Hancock presented, Bill, "An Act Relating to Penalty for Littering." (S. P. 200) (L. D. 585)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Legal Affairs

Mr. Anderson of Hancock presented Bill, "An Act Relating to the Collection of the Real Estate Transfer Tax." (S. P. 201) (L. D. 586)

Mr. Chick of Kennebec presented, Bill, "An Act Creating the Cobbossee Watershed District." (S. P. 202) (L. D. 587)

Which were referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Levine of Kennebec presented,

RESOLUTION, Proposing an Amendment to the Constitution to Provide for the Selection and Duties of a Lieutenant Governor. (S. P. 203) (L. D. 588)

Mr. Anderson of Hancock presented, Resolve Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory in Hancock County. (S. P. 204) (L. D. 589)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Joint Resolution

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, does the Senate have in its possession Senate Paper 195, Joint Resolution to Cease State Encouragement or Development of Oil Related Industries Along the Maine Coast Until Pending Litigation is Resolved?

The PRESIDENT: The Chair would answer in the affirmative, the paper having been held at the request of the Senator.

Mr. MINKOWSKY: Mr. President, I now move that the Senate reconsider its action whereby this resolution was passed, and I would be grateful if I were allowed a moment to speak to this reconsideration motion.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that the Senate reconsider its action whereby Senate Paper 195, Joint Resolution to Cease State Encouragement or Development of Oil Related Industries Along the Maine Coast Until Pending Litigation is Resolved was adopted. Is the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I should like to speak to the motion.

The PRESIDENT: The Senator from Androscoggin has the floor and desires to continue.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Thank you very much, Mr. President. Mr. President and Members of the Senate: There are those of sufficient ability, financially speaking, who can clamor about our State's aesthetic beauty and how we should preserve our natural resources, which is commendable. And I am sure that every legislator and citizen of this State feels very strongly about this particular matter to safeguard our environment for our children and the future generations of Maine people. If this was the only intent in this resolution, totally unselfish, it would deserve praise.

Maine wants and needs corrective economic development programs, which are presently being developed, to curtail our constant shrinking tax base, to correct our constantly rising demand for services, and to further correct our accelerated brain drain of your youth who are leaving due to a complete lack of opportunity in the State of Maine. Don't forget, our sacrifices and tax dollars help educate this element of our society.

Either we wake up and create new job opportunities or face inevitable financial disaster.

It is well known by our Maine citizens that they are receiving lower wages, limited job opportunities, and that there is not a sufficient flow of new or expanded business formations at the present time.

To those few who are financially secure, naturally they don't want change, even if the potential industry was stringently controlled, simply because they don't really have to rely on a limited salary each and every week to feed, clothe and house their families.

Let me remind the drafters of this resolution that, as much as we love the State of Maine and want to protect it, the people of Maine can't nourish themselves or their families on Maine's aesthetic characteristics, or that tourists spend in excess of \$400 million or that the fishing industry has a product value of \$140 million per year. They want and are entitled to a better way of life, with good pay and job security from potential diversified industry, provided that these industries meet the requisites and standards enforced by the Environmental Improvement Commission.

The major department that this resolution is attempting to cripple, the Department of Economic Development, is the only state agency directly engaged in creating and expanding economic activities which produces the basic source of all state revenue. All other state departments are service or regulatory agencies. These are the state agencies that collect and disburse taxes or federal grants and subsidies, yet do not create the revenue sources. They merely churn the funds in the economic machinery, without creating the economic sources from which we derive our basic wealth. If it was not for the Department of Economic Development's programming to develop our basic economic sources of wealth Maine State Government as presently structured would collapse.

If we could presently raise Maine's per capita income by some \$590 per year, state revenues would automatically increase by \$50 million annually.

Finally, our annual job deficit is the root cause of the out-migration from Maine of some of the state's best talent. A policy of repressing economic growth, which this Resolution advocates, will certainly keep Maine on a present collision course with fiscal disaster.

I would like to point out just a few other items to the Senate concerning oil facts in the State of Maine. Over 200 million barrels of crude oil enter the State of Maine waters each year. Portland Harbor receives about 172 million barrels; Portsmouth, New Hampshire, 11 million barrels; the Penobscot mouth, 10.4 million barrels; and Searsport, 7 million barrels. Of this total of more than 200 million barrels of oil, the entire State of Maine utilizes only about 18 per cent of this amount. In 1969 the State consumed only 36 million barrels of oil. The pipeline to Montreal carries approximately 142 million barrels directly to Montreal.

Concerning oil refineries which border the State of Maine, one of the three refinery proposals made for Machiasport is one with a crude oil capacity of about 300,000 barrels per day. Less than 55 miles up the coast from Eastport there is already a refinery at St. John, New Brunswick, with a daily capacity of 47,500 barrels a day, which is now being expanded to 120,000 barrels a day. There are, in addition, four more oil refineries in Nova Scotia and Newfoundland and one ready for construction in Nova Scotia. The combined annual capacity of all these refineries outside of Maine's control will be over 66.4 million barrels when the planned new refinery in Nova Scotia is completed.

Insofar as off-shore drilling is concerned, Maine has issued one permit for oil and gas exploration to the King Resources Company for 3.3 million acres off the Maine coast. Canada, as you are well aware, has issued permits to various oil companies for oil

exploration in areas encompassing 375 million acres and eight test or wildcat wells have already been drilled.

Based on the present permits issued by the Canadian government, off-shore oil development could be undertaken within nine miles of Cutler, Maine, fourteen miles of Machiasport, Maine, and forty-two miles of Bar Harbor, Maine, without the State of Maine, the Environmental Improvement Commission or anybody else, having control or jurisdiction over environmental pollution problems.

I bring these facts to the attention of the Senate simply because I don't feel that this matter was thoroughly researched, and I think it was drafted haphazardly and quickly.

Mr. President, I now move the indefinite postponement of this Joint Resolution.

The PRESIDENT: The Chair would inform the Senator that the motion is out of order. The pending motion before the Senate is the motion of the Senator from Androscoggin that the Senate reconsider its action whereby this resolution was adopted.

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin Mr. President and Members of the Senate: The mere fact that a resolution of this nature, with its well defined intentions, has been offered to this body for possible consideration and, hopefully, eventually enactment, is indeed most interesting.

It clearly reflects that some members of this Legislature are acutely aware of the tone of undercurrents prevailing across this great state.

Recently, all of us here were a part of that great drama that unfolded before the citizens of this state. Our part, well, we were elected to public office. Two very fine gentlemen, however, found themselves in the center ring of a recount. Every drama attempts to re-enact a true-to-life situation. The message was very clear, gentlemen: the citizens of this

state are fed up with taxes. If there is one lesson I have learned in the past few months, I sure got it clear: no more taxes.

I arrived on the Augusta scene in the 103rd Legislature, and I would bring to your attention that we have clearly demonstrated by our actions our desire to protect and continue to enjoy our state's environment.

I would ask any member present in this chamber now to enlighten us on any law sent out to the state's voters which, gentlemen, failed of enactment. Every document concerning the enhancement or protection of Maine's environment, every pollution abatement bond issue, including that 50 million dollar gem and believe me, that was some pill for some of us to swallow — anything reflecting oceanography has repeatedly been overwhelmingly accepted by the voters.

Ladies and Gentlemen, I ask you, isn't there a message in that accomplishment? Well I say there is — and I for one sure got it loud and clear — no more pollution.

The enactment of the site selection bill and coastal conveyance bill were indeed a milestone in the history of this state and country. I am proud I was a small part of its total creation. The remarkable thing surrounding environmental legislation is the people who become openly involved with their sincere and dedicated efforts, the time, hundreds of man hours, the sentiments pro or con and the many, many letters that we legislators all received. All these people — don't you see the message? They have got something beautiful out there — and, brother, they want to preserve it.

Now what has happened? The big oil men have gone to court over the validity of our past efforts. Where is their public relations department? What about the credibility of the future and past promises they have made? Hey, anyone here beginning to get that message? Well, let me explain something: I'm a professional deep sea diver who spends an average of fifty days a year down under

water. My equipment runs about \$1200 in value and probably weighs in at near 100 pounds fully dressed. It is no wonder that my wife often times helps me on with the gauges and things, and at the water's edge gives me a little loving kiss that only understanding wives know how to give in such circumstances. Well, can't you just hear her now, "Darling, be careful when you walk the 25 yards to the water not to slip on any of that oil that is laying around on the rocks."

Would you imagine for a moment a trip my family and I take many weekends. We leave Auburn at 5:30 a.m. to catch the ferry at Lincolnville so that we can be on Long Island in Penobscot Bay by 9:30 a.m. After paying our way aboard the ferry, close to \$5, and our lunches, gas and so on, well, we arrive near Seal Cove, the site of the shipwreck SS Pendleton. After dropping down 65 feet to the stern end of this fair old lady, and I consume my air supply, I head for shore using my compass. The only thing is, what if this is 1973 and I have to crawl up out of bunker type C oil. I suppose I would resemble some ghoulish monster. And there on the beach is one of those oil tycoons from New York, and he says, "Son, don't be bitter, for that oil is God-sent and you must bear with it. This oil is a necessary part of life. Just think, son, this oil will help lubricate the air compressor that is so vital to pumping and purifying the air you need to fill your tanks so you can sustain your breathing while you dive in these beautiful Maine waters and enjoy all the wonderful things God has provided for you to enjoy."

Let there be no doubt in anyone's mind whereas I stand. I support my dear friend, Senator Sewall, in his efforts on presenting this resolution.

Whether or not there is a private "thing" between Senator Sewall and the head of DED is of no concern of mine. As I see it, the people of this state are fed up with oil taking up part of the state generated headlines. When in hell are the oil people going to get

Maine's message? "We don't want you here," is the message I get.

I have been diving over eighteen years and have been half way around the world. There is only one place I have been sea sick while diving submerged and that is near Isleboro in Penobscot Bay, because the surge and force of the ocean was tossing me around at a depth of sixty feet like a yo-yo on a long string. I was down there because of greed looking for a wreck. Oh, it was a physical challenge, all right. Can you imagine a super-tanker making its way up that bay to Sears Island? It doesn't take courage to stand here. But look at the record — how can you believe statements made by the oil interest? I can't. You put out to statewide referendum this intent and I swear the voters will enact it. I say that is our job here today. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I support the resolution of the good Senator from Penobscot, Senator Sewall.

First, I think economically the state will suffer by bringing a refinery into the State of Maine. There has been a lot of talk that oil and fuel will be a lot cheaper. I studied the figures and I don't think that the people of Maine will save any money. Oil is charged different prices throughout the state now. Myself, I am paying for oil delivered to my house at fifteen cents a gallon. I heard some other figures from other parts of the state as high as twenty-two and twenty-three cents. The difference comes in the distributors; some distributors can do business cheaper, and some can't do it so cheap. So, by having a refinery I don't think oil will cost us any less.

The second thing is that we have in the state here two good industries; one is the tourist and one is the fishing. They employ a lot of people, quite a few thousand. A refinery will only employ about fifty people. So you

are going to gain fifty jobs but you are going to lose five thousand jobs. So, I don't think that comes out very good; you lose more than you gain.

Oil refineries are coming now to the State of Maine because no one else wants them, that is why they are coming to the State of Maine. I think the Department of Economic Development should try to look for non-polluting industries. Anybody can go get a refinery now, anybody who is a head of a department, but it takes a good man, a good smart man, to go and get an industry that is non-polluting. We want something that is good, we want something that is sweet. I am proposing now, for instance, an amendment to our Constitution to have a Lieutenant Governor. Myself, I thought the Lieutenant Governor should be as the head of Economic Development and the head of the Environmental Commission. If you had a man as Lieutenant Governor that could bring you jobs that wouldn't destroy the state, I think you would have something good.

I feel very strongly about the resolution, not for any sentimental reasons, but mostly economical reasons. We will lose more than we gain. There is no need to gain ten cents and lose five hundred dollars. I think it isn't very wise. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I believe that this Senate should move slowly in adopting such a sweeping resolution against the industry that supplies an estimated eighty per cent of the energy sources in the State of Maine. I should ascertain first how many state agencies are involved in promoting and assisting the oil industry before we exempt the Environmental Improvement Commission, which conceivably may be of great assistance to the oil industry. For instance, do we know now whether such agencies as the Attorney General's office, the Public Utilities Commission, the Maine Port Authority, the Insurance Department, the Sea and

Shore Fisheries, Highways, or many others, are working with the oil industry? The original resolution was amended to exempt the Environmental Improvement Commission. I ask why? They are engaged in assisting the oil industry to prevent spills and accidents in transporting and storing oil. Are other state agencies to be denied giving such assistance?

Another amendment added the clause: "Not destined for consumption in Maine." Does this not put a stopper on the Portland-Montreal pipeline, which I spoke of earlier, which receives one very large tanker load every day or a total of 142 million barrels of oil a year, "not destined for consumption in Maine."

This resolution undoubtedly was drawn up in haste, but I believe it should be given much expert legal study and should be greatly more refined.

Otherwise, it is possible that it could be very dangerous to the economy in the State of Maine, of which eighty per cent runs on oil and oil products — such as homes, hospitals, schools, as well as other industrial concerns.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I just want to make one very, very brief remark. When the first resolution was introduced I was quite concerned about it and discussed it with the sponsor. As a result it was tabled, and another resolution was introduced which we adopted yesterday.

I was very, very disturbed, first of all, about the first resolution, its implications and the broad sweep of it. I think the sponsor recognized that. I did ask the gentleman what round it was between him and the Commissioner of DED, but he disclaimed that there was anything going on; he was going solely on the subject itself, which I accepted.

In between the first and second resolution, I was asked yesterday by several people how come it went through and I didn't say anything. I guess I said I just didn't think

it was that significant. First of all, because I think, having been the sponsor and the author of the Allagash Wilderness Waterway Act, to this point I will put my record on the line with anyone else with regards to the preservation and conservation of our natural resources. I did tell the sponsor, and I feel so today, that I didn't think it was the best way of legislating, and that is why I didn't get excited about it.

We hear today tremendous debate on oil. Well, no oil refinery is going to come to Maine until the EIC grants it a license to come to Maine. I can't see the EIC today allowing any refinery to locate in Maine. If I were on the Commission today I would vote against a refinery locating today in Maine because we have so many problems that we have not solved with regard to the handling of oil and so forth. And they are of major concern to myself, as I am sure they are to Senator Sewall, who originated this order.

The point of it is that we can't legislate by resolution. We have a department which is authorized by law to do certain things, part of which is to assist any industry or to take an interest in any industry, in either promoting it or giving them assistance if they come to Maine and say they would like to locate here. No legislative order can withdraw that authority from any state agency. The Attorney General has so ruled in past years, and we checked with them and they told us it would still be the law today. So, I think you aren't going to accomplish it by this order, and that is why I can't get that excited about it one way or another. You can't pass by joint resolution on anything which has been placed into the statutes of the State of Maine giving any of our state agencies statutory authority to do anything.

So, I have mixed feelings about it. I share some of the concerns of Senator Minkowsky, and I share the tremendous concern for our seashore, but I just don't think the resolution is going to accomplish what maybe some people think it will, and I think that this ought

to be clearly understood. By Joint Resolution we cannot order any state department from doing this or not doing that. If we are going to do it, it has to be done by a bill introduced, heard and passed by the Legislature and then signed by the Governor. So all the emotions that are heard here today are not going to be resolved by this resolution, because I don't think it has any legal binding force on any state department to do anything at all.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE: Mr. President and Members of the Senate: I don't agree with my good friend, the Minority Floor Leader. I think that this resolution will have an effect. What it will do is tell the department to look for industries in a different direction.

There is only so much energy in a person. They can only do so much. If they are not looking for oil, then they will be looking for non-polluting industries, and that is what we need.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: Let's reflect for a moment. Oil came to Maine back during the years surrounding World War II. It came to Portland Harbor. And in the past several years the people of this State have suddenly become very knowledgeable. They have been educated in the dangers to our environment from oil pollution.

Now, oil went to Machiasport. The citizens in Trenton decided they didn't want it. Oil tried to go to Portland, and the citizens in Portland opposed the idea. Now oil suddenly wants to end up in Penobscot Bay at Sears Island. The citizens up around Searsport in a recent town meeting strongly opposed it.

I think the gut issue here before us is: do we, as Legislators, interpret the desires of our voters? I, for one, in my area, we are some thirty miles from the coast, and the people in my little town of Auburn opposed the idea several

years ago of an aluminum smelter moving into Auburn because of air pollution. Now, I have had many of my constituents come up to me to stop looking for oil in Maine and let us promote our tourist industry?" I get the message. They want industry but they want clean industry.

The skindivers in this state are going to visit this little place in a few weeks because there is a bill here coming up to allow us divers to take lobsters. I think most of you from past years remember the controversy that surrounds that hearing. Now, they feel the same way about oil coming up into Penobscot Bay. In my opinion, it is the most illconceived, illogical place to continue the build-up of the oil industry of any place on the coast of Maine. Most of the divers refer to Penobscot Bay as "Shipwreck Alley", and that dates back to 1776. There are hundreds of wrecks laying in Penobscot Bay. Most of them have never even been discovered as of this date. They didn't get down there on the bottom on clear days. They got down there when it was foggy out. And if you will look at the map that appeared recently in the Bangor paper you will see just where Sears Island is located.

Now, I for one am representing some of the people, and I feel that their views are well known from where I stand. I am opposed to further oil development in this state. I will accept the fact that it is in Portland Harbor and over at Searsport and a few other major ports, but why do we have to accelerate its growth.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I wasn't aware when I worked on this resolution that it would generate the debate and emotion that it apparently has. My prime reason in placing it on the calendar was to allow the Maine Legislature to voice its concern for one of our most beautiful natural resources here in the state.

I felt that it was highly unbecoming for a state department,

one of our agencies, one of our own creations, to be out actively working for what in my opinion was a very questionable type of operation for this place at this time, particularly while legislation which was passed only about twelve months ago by many of the same people who are here today is tied up in the courts. In other words, our defenses are down because of legal procedures. I think the previous legislature made its feelings very strongly known when it passed the coastal conveyance legislation. It was hailed throughout the country as being "landmark" and far-seeing. So it just didn't seem to me right that one of our own agencies should be out working for the type of operation which this legislation precluded or would attempt to control while the courts were in the process of passing on the constitutionality of this legislation. This was my primary reason for writing up this resolution.

I can't buy the argument that because Canada is embarking on major oil development that this is a good reason for us to take the tremendous gamble here. I don't think this argument is germane. I can't really believe that an operation that was overwhelmingly turned away from Riverhead, Long Island, defeated in South Portland, South Portland, of course, has had a long and brilliant record actually of industrial expansion here in the state - and yet down there they didn't feel that this was the type of industry that would benefit the area, and yet here all of a sudden it bobs up again at the head of Penobscot Bay. And the most active promoter of this industry in this region appears to be one of our own departments.

So these are the reasons I submitted this resolution, and I hope that this Legislature would go on record like the preceding one, as being very concerned about the effects upon our environment of some of these highly polluting and basically dangerous industries to this particular region.

I realize, I agree with Senator Violette, the good Senator from Aroostook, that this resolution

would not have the impact of a law, that the statutes govern, but I did feel it was a good thing to do and, therefore, Mr. President, when the vote is taken I move it be taken by the "Yeas" and "Nays", and I hope that the motion to reconsider will not prevail.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I feel that it is high time that we reorder our priorities. I feel that we should spend more time and money on research and aquaculture if we are going to have the best of both worlds.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I think that everybody here this morning feels very much in line with what the good Senator from Penobscot, Senator Sewall, is trying to express. I think, more so than anything else, his expression is one to send a message across the state that he certainly has strong objections to any type of oil development within the Penobscot Bay area. And he may very well be right in doing this.

As a Senator from Portland and southern Maine, I suppose we could get involved and discuss the oil situation in the state throughout the history of oil being in the state. I remember as a boy that the City of Portland, to my knowledge, has no possession of any oil terminal or oil facility, other than the one on Long Island that we have heard so much discussion about in the last two years, and that was put there primarily by the Navy during World War II. But South Portland, as the good Senator from Penobscot has explained, has been dealing in oil for many, many years and has a very high record in the handling of oil. In fact, it is amazing to me over the last several years that I have noticed, in commuting back and forth between Portland and South Portland where

I am employed, it appeared to me that almost every month for a while another tank was being placed somewhere over there in the oil yard where the ships come in and they store all the fuel.

But the amazing thing to me is that over the years, with the amount of oil that has been taken into Portland, only recently have we really heard the outcry of this great oil problem that exists throughout the country. I don't remember of anyone doing any hollering about any spills, and I don't recall of any spills ever being brought to the attention of the public in the greater Portland area until the last few years. It seems to me that, until we started talking about oil refineries or we started talking about off-shore drilling, that is when all of a sudden the people of Maine particularly the legislature, became quite aware of the fact of how hazardous it was and what the dangers could be to our natural environment, and I, as one Senator, certainly share these concerns.

I think, on the other hand, we must honestly look at what we are talking about today. I think primarily we are discussing what the chore will be of the Department of Economic Development. I think the legislature in past years has given a charge to that department, and that charge is to aid and assist any industry coming into the state, to help and assist them in any way that they can to at least provide enough information for them on their questions and solutions to some of their problems to aid them in locating here.

I think the good Senator from Aroostook, Senator Violette, has certainly hit the nail on the head when he said that the order in many ways is superfluous, that really holds no meaning whatsoever, or is certainly of no legality whatsoever. Senator Levine, the good Senator from Kennebec, apparently feels that the message will be interpreted by department heads throughout the state. But I think if we are going to have the DED do a job, then we either have faith in that department to do the job which we have charged them

with or that we should put legislation forward to abolish the DED and perhaps try to find some other means of trying to develop industry within our state.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would fail to fault DED because they are doing one thing that we may not agree with. I think DED has certainly areas of its concern where it has done a good job and will continue in the future, and I think legislation aimed at them because of their position in the petroleum field alone perhaps is not in order.

Senator Conley has expanded on the position of Senator Violette, with which I am completely in agreement. Senator Violette said that the resolution has no legal effect. He did not say it would have no effect. I would hope that a message would go to the departments heads. It isn't just DED and it is not specifically aimed at DED. DED is not mentioned in the order. There are other state departments that are vitally concerned with industrial expansion in the state, and the message to these departments is that the people of the state, and the legislature itself, do not want money and effort tied up in furthering the coming to Maine of polluting industries.

Now, it just happens that the morning paper carried some interesting remarks from Senator Muskie, for which I think he should be strongly commended. Senator Muskie has been in the forefront of the clean - up effort nationwide. This morning, without reading it verbatim, he says that industry must not use threats of economic reprisal and lay - offs in order to further their own polluting ends. I echo this sentiment. It is a courageous thing for him to say and it has needed to be said for a long time. What applies on the national level applies on the state level.

I think to say that because we need money we have got to go

begging for polluting dollars is wrong. I would hope that we would pass this Joint Resolution and that a message would go out to our state departments and to our people, backing up what the people are saying, and telling the state departments to take it easy on polluting industries.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY OF Waldo: Mr. President and Members of the Senate: This being in my district, I probably should say something. Sears Island is fairly close to my family; my wife's father was born on Sears Island.

The comment that I have listened to down in Waldo County, including the local paper, has been mostly and practically all against an oil refinery. There is one person who has come out in favor of the oil refinery, and he is in the real estate business.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that on Senate Paper 195, Joint Resolution to Cease State Encouragement or Development of Oil Related Industries Along the Maine Coast Until Pending Litigation is Resolved, the Senate reconsider its action whereby this resolution was adopted.

A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one - fifth of the Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted. Obviously more than one - fifth having arisen, a roll call is ordered.

The Chair will state the question once more. The pending question before the Senate is whether the Senate should reconsider its action whereby it adopted Joint Resolution to Cease State Encouragement or Development of Oil Related Industries Along the Maine Coast Until Pending Litigation is Resolved. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senator Minkowsky.

NAYS: Senators Anderson, Bernard, Berry, Carswell, Chick, Conley, Danton, Dunn, Fortier, Graham, Greeley, Hichens, Hoffses, Johnson, Katz, Kellam, Levine, Marcotte, Martin, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Violette, Wyman and President MacLeod.

ABSENT: Senators Clifford, Harding, and Tanous.

A roll call was had. One Senator having voted in the affirmative and twenty - eight Senators having voted in the negative, with three Senators absent, the motion to reconsider did not prevail.

Thereupon, the Joint Resolution, having been Adopted, was sent down for concurrence.

Committee Reports

House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to the Time of Primary Elections." (H. P. 10) (L. D. 10)

Bill, "An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax." (H. P. 124) (L. D. 168)

Leave to Withdraw

The Committee on Election Laws on, Bill, "An Act to Change the Primary Election Date to the First Tuesday After Labor Day." (H. P. 30) (L. D. 54)

Reported that the same be granted Leave to Withdraw.

The Committee on Health and Institutional Services on, Bill, "An Act Regulating the Use of Electrololysis for the Removal of Hair." (H. P. 66) (L. D. 107)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Veterans and Retirement on, Bill, "An Act to

Clarify and Revise the Maine State Retirement Law." (H. P. 88) (L. D. 128)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

The Committee on State Government on,

RESOLUTION, Proposing a n Amendment to the Constitution to Reduce the Voting Age to Eighteen Years. (H. P. 35) (L. D. 67)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Resolution Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Resolution Read Once and Tomorrow Assigned for Second Reading.

Senate

Ought to Pass

Mr. Johnson for the Committee on State Government on, Resolve Proposing an Amendment to the Constitution Providing that the Term of Office of Governor Continues Until His Successor has Qualified. (S. P. 12) (L. D. 40)

Reported that the same Ought to Pass.

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Jurisdiction of the District Court in Civil Actions." (S. P. 52) (L. D. 90)

Reported that the same Ought to Pass.

Mr. Wyman for the Committee on State Government on, Bill, "An Act Relating to Registration Fee for Legislative Counsel or Agent." (S. P. 76) (L. D. 171)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills and Resolve Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass - As Amended

Mr. Quinn for the Committee on Judiciary on, Bill, "An Act Relat-

ing to Penalty for Larceny." (S. P. 40) (L. D. 89)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-4)

Mr. Clifford for the Committee on State Government on, Resolve Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory. (S. P. 89) (L. D. 218)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-5).

Which reports were Read and Accepted and the Bill and Resolve Read Once. Committee Amendments "A" were Read and Adopted and the Bill and Resolve, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Mr. Katz for the Committee on Education on, Bill, "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 75." (S. P. 34) (L. D. 82)

Reported that the same Ought to Pass in New Draft. Under Same Title. (S. P. 197) (L. D. 548)

Which report was Read and Accepted and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House - As Amended

Bill, "An Act Designating November 11th as Armistice Day." (H. P. 32) (L. D. 56)

Bill, "An Act Authorizing the City of Augusta to Lease Area Within Proposed Civic Center." (H. P. 135) (L. D. 190)

Which were Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Bill, "An Act Relating to Boards of Registration for Certain Municipalities Under Election Laws." (H. P. 61) (L. D. 102)

Which was Read a Second Time and Passed to be Engrossed, as Amended, in non - concurrence.

Sent down for concurrence.

Senate

Bill, "An Act Relating to the Number of Signatures Required on Nomination Papers." (S. P. 32) (L. D. 65)

Bill, "An Act Relating to Preservation and Destruction of Campaign Reports." (S. P. 81) (L. D. 175)

Bill, "An Act Increasing Number of Official Court Reporters." (S. P. 84) (L. D. 178)

Bill, "An Act Increasing the Number of Superior Court Justices." (S. P. 83) (L. D. 177)

Bill, "An Act Relating to Gasoline Road Tax Credits." (S. P. 90) (L. D. 219)

Bill, "An Act Relating to Filing of Annual Reports by Public Utilities." (S. P. 77) (L. D. 172)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Enactors

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

An Act Relating to Use of Money Received by the Penobscot Bay and River Pilotage Commission. (S. P. 10) (L. D. 38)

An Act Relating to Political Advertisements on State Property. (H. P. 18) (L. D. 27)

An Act to Protect Endangered Species of Fish and Wildlife. (H. P. 45) (L. D. 77)

An Act Relating to Judges' Instructions in Comparative Negligence Actions. (H. P. 69) (L. D. 110)

An Act Changing Name of Pine Tree Chapter of the Construction Specifications Institute, Inc. (H. P. 74) (L. D. 115)

An Act Relating to the Content of Motor Vehicle Operators' Licenses. (H. P. 4) (L. D. 4)

Which were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

Resolve, Providing Funds for Conservation Education. (S. P. 64) (L. D. 129)

This being an emergency measure and having received the affirmative votes of 26 members of the Senate was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act to Authorize Bond Issue in the Amount of \$19,145,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine." (S. P. 129) (L. D. 376)

Tabled — February 4, 1971 by Senator Berry of Cumberland.

Pending — Consideration.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for February 10, 1971, pending Consideration.

The President laid before the Senate the second tabled and specially assigned matter:

Bill, "An Act to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central

Maine Vocational Technical Institute, Eastern Maine Vocational Technical Institute, Northern Maine Vocational Technical Institute, and the Maine Maritime Academy, Site Improvements at Washington County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Technical Institute, Completion of School Building at Peter Dana Point Reservation and Tribal Halls for Penobscot and Passamaquoddy Reservations." (H. P. 175) (L. D. 233)

Tabled — February 4, 1971, by Senator Berry of Cumberland.

Pending — Consideration.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for February 10, 1971, pending Consideration.

(Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox,

Adjourned until Tuesday, February 9, 1971, at 10 o'clock in the morning.