

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, February 24, 1976

Senate called to order by the President.

Prayer by the Rev. Warner Howard, North Nobleboro Baptist Church:

Our Father and our God, as we come into Thy presence this morning, we are reminded of the hymnist who wrote, "Our help in ages past, our hope for years to come."

Our Father, we lift our hearts in thanksgiving to Thee this morning, grateful to be a part of such a nation as our fathers have founded, and in solemn gratitude, Lord, we humble ourselves before Thee, grateful for the heritage that has come down to us, purchased by other laborers and other sacrifices than our own.

It is our prayer this day, Lord, that Thou wilt guide our vision, and especially, Lord, the vision of these who make up this Senate, that the wisdom which Thou hath imparted to them will be a means of weaving Godly character into the lives of the people of this great State of Maine. Lord, help us to recognize the grave responsibility which is held in trust by these who makeup this body, that as members of this body determine the facts and weigh the end results of their decisions, that it shall not be of benefit to their own selves, but that it might be viewed in the light of what is best for the peoples of this great state.

So, Lord, we ask that you help us to be aware of the great responsibility which has been handed down to us from former members of this judicial body, remembering, Lord, that they have placed in our grasp the torch of righteousness, and that we have an obligation to future generations which will be determined here today.

We confess, O Lord, that we have not handled well our heritage, that there are many avenues of life wherein we have failed, and for our failures we recognize, Lord, that people have suffered. God forbid that we should continue to misuse the powers delegated to us for the prime purpose of personal gain, but that the product of this chamber might be instrumental in bringing peoples of this great state together as never before in peace and harmony through a deep understanding of her needs.

So, O Lord, we ask that you would grant us today and for all of the tomorrows to come Thy guiding hand upon these assembled here in this Senate Chamber. And, Lord, cause them to be reminded of the high position to which they have been elected, that their position here might be that moving force that moves us forward to the task of creating not only an improved State of Maine but an improved nation, where all men shall be able to seek their true identity, through Christ, our Lord and Saviour. We pray with thanksgiving. Amen.

Reading of the Journal of yesterday.

**Papers from the House
Non-concurrent Matter**

Bill, "An Act Concerning Municipal Appropriations to Incorporated Volunteer Fire Departments." (H. P. 1906) (L. D. 2093)

In the Senate February 17, 1976, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-925), in non-concurrence.

On motion by Mr. Conley of Cumberland, the Senate voted to Recede.

The PRESIDENT: The Senator has the floor.

Mr. CONLEY: Mr. President and Members of the Senate: This is not a very important item to come before the Senate this morning, but if you carefully look at the bill, the change in this bill would currently remove the \$1,000 sum as set by law.

Now, I have heard from a few of the small communities with volunteer fire departments who feel, and, from speaking with the chairman, the county delegation also feels that there is really not that great an urgency to this piece of legislation. They feel that the current law is working extremely well, and to remove the total sum may lead to some possible problems. So I therefore move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that L. D. 2093 and all its accompanying papers be indefinitely postponed.

The motion prevailed.
Sent down for concurrence.

Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution Allowing the Governor Ten Day to Act on Legislation. (H. P. 1970) (L. D. (2159)

In the Senate February 19, 1976, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-926), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Joint Order
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-Six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Blue Devils of Lewiston High School Boy's Hockey State Champions for 1976

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2067)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Communications
STATE OF MAINE**

Executive Department
State Planning Office
184 State Street, Augusta, 04333

January 26, 1976

To the Governor, Legislature and People of Maine:

The attached Survey of Municipal Planning and Regulatory Activity contains a summary of the current status (October 1975) of municipal planning and land use controls in Maine, a comparison

of the situations in 1972 through 1975, and a series of charts showing the level of activity in each municipality in Maine, grouped according to the eight Official Planning and Development Districts.

The number of municipalities which have joined Regional Planning Commissions decreased by 11 from 1974 to a total of 345. The number of planning boards reported also decreased slightly. However, zoning ordinances covering all or part of a municipality have been adopted by 138 municipalities, an increase of 5 percent to 34 percent. Municipally adopted shoreland zoning ordinances have increased from 8 percent in January 1974 to 72 percent in October 1975, a total of 319 cities and towns. Subdivision control ordinances have also shown an increase; 48 percent of Maine's municipalities now have them. Municipally appointed conservation commissions now serve 47 percent of Maine's municipalities.

There is a direct correlation between the size of a municipality and the adoption of zoning other than shoreland zoning. Of municipalities over 10,000 population, 94 percent have zoning ordinances but this declines to 12 percent for municipalities with under 500 population. Development pressures have also encouraged adoption of zoning ordinances, with the Southern Maine, Cumberland and Southern Mid Coast Districts having the highest percentages of zoning ordinances.

Despite the increasing pressure on municipal budgets, municipal capital improvement programs have remained at a low level. Mobile home ordinances have also increased as this type of housing has become more prevalent in Maine.

The various maps and charts provide a detailed picture of the status of land use controls in Maine. (H. P. 2065)

Signed:

Sincerely,

ALLEN PEASE
State Planning Director

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File in concurrence.

**Senate Papers
Joint Resolution**

Mr. Berry of Cumberland presented the following Joint Resolution and moved its adoption:

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

IN MEMORIAM

Having Learned of the Death of Honorable Sumner T. Pike of Lubec Distinguished National and State Leader and Devoted Public Servant

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (S. P. 716)

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: The passing of Sumner Pike removes a man from the state and national scene whose career can best be characterized as greatness in our times. Sumner Pike was in the true sense a boy from down east who made good, and I think one of the great features of Sumner Pike was his unobtrusiveness, his dislike for the panoply of success, and his ability, demonstrated on many, many occasions, for cutting through all the folderol that people in public office are subjected to.

Mr. Pike was a distinguished alumnus of Hebron Academy and of Bowdoin College, and was very true and loyal and hardworking in their respective welfares. During the depths of the depression he was called to Washington and served on the SEC at a time when its operations were vital for preserving the financial integrity of our country. And further, he was called to duty for the Atomic Energy Commission in its formative stages and was instrumental in getting what is today a most important industry started off.

Everybody who had touched Sumner, and the state itself, are much the better for him having walked the earth of the State of Maine.

The PRESIDENT: Is it now the pleasure of the Senate that this resolution be adopted?

The motion prevailed.

Sent down for concurrence.

Senate Papers

Study Report — Public Utilities

Mrs. Cummings for the Committee on Public Utilities to which was referred the study relative to Water District Rate Proceedings, pursuant to S. P. 557 of the 107th Legislature, have had the same under consideration, and ask leave to submit its Minority findings and to report that the accompanying Bill, "An Act Relating to Water District Rate Proceedings" (S. P. 715) (L. D. 2245) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Which report was Read and Accepted and the Bill referred to the Committee on Public Utilities.

Sent down for concurrence.

ORDERS

On motion by Mr. Greeley of Waldo, State of Maine

In The Year of Our Lord One Thousand Nine Hundred And Seventy-Six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Diane Elizabeth Edmonds and Sandra Dillon of Belfast Area High School Who have Been Selected to Represent Maine in The National High School Honors Band at Atlantic City

WE the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

ORDER and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 714)

Which was Read and Passed.

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 to Provide Reserve Funds to Increase Employees' Salaries." (H. P. 1801) (L. D. 1960)

Bill, "An Act to Increase Certain Salaries of State Officers, State Officials, Members of the Judiciary and District Attorneys." (H. P. 1820) (L. D. 1981)

Bill, "An Act Making Additional Appropriations from the General Fund for the Expenditures of the Department of Educational and Cultural Services for the Current Year Ending June 30, 1976." (H. P. 1841) (L. D. 2006)

Bill, "An Act to Provide Funds for the Continuation of Children's Services within the State of Maine." (H. P. 1864) (L. D. 2035)

Bill, "An Act Appropriating Funds to the Maine Correctional Advisory Commission." (H. P. 1902) (L. D. 2089)

Bill, "An Act Authorizing Funds for the Purchase of Certain Lands Adjoining the Capitol Complex." (H. P. 1926) (L. D. 2113)

Bill, "An Act Authorizing the Department of Indian Affairs to Purchase Nicatow Island on Behalf of the Penobscot Tribe." (H. P. 1935) (L. D. 2123)

Bill, "An Act to Authorize a Bond Issue in the Amount of \$1,800,000 for the Renovation of Quick and Leavitt Halls at the Maine Maritime Academy." (H. P. 1963) (L. D. 2152)

Mr. Speers of Kennebec was granted unanimous consent to address the Senate.

Mr. SPEERS: Mr. President and Members of the Senate: I think it interesting to point out that with the placing in the legislative files of items 6-1 through 6-8 the Senate has laid to rest a total sum of \$5,401,820, and that is cost avoidance with a vengeance.

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Creating the Maine Commission for Women." (H. P. 2008) (L. D. 2190)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Supplemental Appropriations for the Maine Human Services Council" (H. P. 1815) (L. D. 1973)

Reported that the same be granted Leave to Withdraw.

The Committee on Natural Resources on, Bill, "An Act to Clarify the Provisions of the Water Pollution Statutes." (H. P. 1909) (L. D. 2096)

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 — As Amended

The Committee on Education on, Bill, "An Act Authorizing Educational Associates, Inc., to Confer Associate in Applied Science Degrees." (H. P. 1851) (L. D. 2020)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-919).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Increase the Number of Trustees of Nasson College." (H. P. 1852) (L. D. 2021)

Bill, "An Act to Revise Definition of "Case" Under Sardine Tax Law." (H. P. 1971) (L. D. 2160)

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

Enactors

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

An Act Concerning Allowances Granted to Indian Representatives During Special Session. (H. P. 1921) (L. D. 2109)

An Act Relating to Emergency Lights for Vehicles. (H. P. 1954) (L. D. 2139)

An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation. (H. P. 2042) (L. D. 2216)

(On motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.)

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

Emergencies

An Act Relating to Fiscal Year Transitions for Municipalities. (H. P. 1833) (L. D. 1998)

An Act Converting Wallgrass Plantation into the Town of Wallgrass and Converting New Canada Plantation into the Town of New Canada. (H. P. 1822) (L. D. 1983)

These being emergency measures and having received the affirmative votes of 29 members of the Senate, were Passed to be Enacted and, having been signed by the President, were 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 Allow Certain Mining Operations within the Sandy River and Temple Stream without a Permit from the Commissioner of Inland Fisheries and Wildlife." (H. P. 1885) (L. D. 2063)

Tabled — February 19, 1976 by Senator Speers of Kennebec

Pending — Motion by Senator Thomas of Kennebec to reconsider action whereby the Majority Ought Not to Pass Report was Accepted.

(In the House — Majority Ought Not to Pass Report accepted.)

(In the Senate — Majority Ought Not to Pass Report accepted in Concurrence.)

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

Mr. TROTZKY: Mr. President and Members of the Senate: I hope you will vote not to reconsider this bill which would exempt a stretch of Sandy River in the Town of Farmington from the Stream Alteration Act.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I hate to oppose my good colleague from Penobscot, Senator Trotzky, and also my committee chairman, but I believe this is a good piece of legislation. I would like to remind the members of this body that the legislature mandated to the communities of this state that they adopt shoreland zoning ordinances, and these ordinances had to meet with the approval of the proper state agency, which was the State Planning Agency. There were very few communities which did not submit plans and, therefore, the state established ordinances for them.

I think the towns of this state proved that they could establish responsible planning boards and did submit comprehensive plans that met all the guidelines for such plans, and these plans were accepted by the state.

I would submit to you here today that when the legislature mandated that the towns adopt shoreland zoning ordinances, if the ordinance met with the approval of the state, that they then had the effect of becoming law. I cite this because in the ordinance accepted by the Town of Farmington was a provision which allowed them to issue permits.

In the Town of Mexico we had a rough time. The townspeople initiated a referendum and rejected a comprehensive plan, and later approved ordinances that met only the requirements of shoreland zoning. I had plenty of opportunity in the interim to look at what other towns had done. I can honestly state here today that the shoreland zoning ordinance adopted by the Town of Farmington is by far the most comprehensive plan I have ever looked at. It ranges from water to land to forests. It ranges from uses to non-conforming uses. It ranges from resource protection districts to agricultural districts, to forestry and residential districts. It deals with agriculture, campgrounds, clearing of trees, erosion and sedimentation control, bridges, access roads, construction, sanitary standards of water quality. It even tells you what to do with the slash from timber harvesting or just how much of the forest can be harvested. I would submit to you that there is much more, but this is only to show you that the planning board of the Town of Farmington was composed of competent and dedicated people.

Last week I told you about the water flow in the course of the river and its continued erosion of the banks caused by the build-up of sandbars, and I have here some photographs. I wish that I had had an opportunity to have received these earlier this morning so that I could have shown them to each and every one of you. But as I told you, the river is a meandering river and, as you can see, it makes pretty near a complete turnabout. However, if you will notice on the very edge, there is one of these sandbars that we are talking about. This is a blow-up of that same corner and this will show you the same sandbars that we are talking about in this bill.

This photo here will show you the erosion, as it occurs. However, I think it may be important for you to know that Representative Morton of Farmington, the sponsor of this bill, and Representative Doak of Rangeley, who is also on the Committee for Natural Resources and was one of the signers of Ought to Pass on this, that these two gentlemen's districts represent nine-tenths of the length of this river. And Representative Glenys Berry of

Madison, whose district has the other tenth of the river, spoke in favor of this bill in the other branch. Senator Corson's district and my district take in the ten-tenths of this river.

It may be important to perhaps go into some parts of the ordinances that are pertinent to this bill, and I would like to read to you the purpose and try to establish the responsibility that these people have shown.

"The purposes of this ordinance are to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; control building sites, placement of structures and land uses; and conserve shore cover, visual as well as actual points of access to inland waters and natural beauty."

I would say that was a very good purpose.

Under Resource Protection Districts, it says "Resource protection districts include areas in which development would adversely affect water quality, productive habitat, biotic systems, cause mass soil movement or severe erosion." They were trying to deal with their problems.

Under erosion and sedimentation control, "Filling, grading, Lagooning *** To this end, all such uses shall be accomplished in conformance with the erosion prevention provisions of 'Environmental Quality Handbook Erosion and Sediment Control' published by the Maine Soil and Water Conservation Commission."

Then, under Gravel Mining, "Gravel, sand and loam mining within and of the banks of the Sandy River shall be done in such a manner as to minimize erosion and/or altering the course of the river. The operator, owner of the site or his agent shall submit to the Planning Board an application describing the site area, river bed, proposed bars, banks, channels", and other such things.

Under Water Quality Protection, it says "No activity shall *** contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant or aquatic life."

This bill is here by a vote of the people of Farmington at a special town meeting. A committee chaired by Dr. Tom Eastler, who has a Ph.D. and is a geologist and a pilot, photographed and studied the river, and the problems associated with it for seven months. The result of their study was a fully responsible plan. They had drafted an ordinance, and I have it here. Another thing it does is that permits will be issued locally, and that seems to be what the objection to this is all about, but I will get into that.

And then it has that certain considerations must be met before the permits will be issued. And I would like to read to you from this plan that was adopted. This is Administration & Procedure Sandy River Mining Management. Section 4, I think, is really the important part to this whole bill. "The Committee shall prepare and maintain maps of the Sandy River, and on such maps shall be identified and tracked; gravel and sand build ups, and shall be identified those areas of shoreland threatened by such buildups, and those areas in which ice jams may occur due to rogue bars or clogged channels.

"A. Upon identifying a potential threat, and after determining the proper corrective action, the Committee shall advise the Planning Board that the appropriate land owners be notified and that a Planning Board mining permit be issued to such owners.

"4.2 The Committee shall review all plans and applications for mining permits referred to it by the Planning Board.

"4.3 The operator, owner of the site or his or her agent shall submit to the Planning Board an application describing the site area, river bed, proposed bars, banks, channels or other areas to be mined, and to what extent and in what manner the mining is to be done.

"A. Rough drawings, approximate descriptions and references to current maps shall be submitted as part of the application. In the case of critical areas, the Committee may require on site inspections, accurate surveys, plans and drawings if they are deemed necessary by the Committee to make a proper review.

"4.4 The Committee shall advise the Planning Board that an application for a mining permit be approved if the proposed project or operation described in the work plan shall be conducted in such a manner" — and this is some of the criteria set down:

"A. minimize site connected and erosion or inhibit natural erosion;

B. not contribute to changing the course of the Sandy River; and

C. not adversely effect the Sandy River as a fish and wildlife habitat, or as a recreational area."

This plan provides for a continued surveillance of the river, and I think this is important. It has continued surveillance of the river. It is on the spot, and you have this committee there to do this continuously. And I must say that the plan as prepared was lauded by both our House and Senate Chairmen.

This plan is good because it is a sensible conservation control of gravel bars to preserve valuable interval crop land. It is good because it will reduce erosion. It is good because it demonstrates that the Planning Board of the Town of Farmington has a keen awareness of the environment.

If the Senate will go along with the motion to reconsider, I will then present an amendment that should remove all possible objections to the bill. The amendment is a lot like the provisions under the wetlands bill we passed during the last regular session granting coastal town planning boards the right to issue permits, and my amendment will have the same safeguards. I hope you will go along with this motion to reconsider.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I do not doubt that the Town of Farmington has a good shoreland zoning ordinance. I want to point out here that everything that the good Senator from Oxford was reading was from the Town of Farmington shoreland zoning ordinance plans.

However, one point I want to make here is that shoreland zoning ordinances for the towns in the State of Maine don't include mining of the bottom of lakes, mining of the bottom of rivers, channeling of the bottom of rivers, removing sandbars, and soon.

Secondly, I would like to just say what the bill does here. The bill itself is very short. It just says "This subchapter" —

meaning the Alteration of Rivers, Streams and Brooks Act "shall not apply to gravel, sand and loam mining within and of the banks of the Sandy River and Temple Stream within the limits of the Town of Farmington and for the duration of the town's authority." It simply exempts the Town of Farmington from the Stream Alteration Act.

Now, what does the Stream Alteration Act do? I think it is very important here that everybody understands it. It states, first of all, that no person, firm, corporation, municipality can alter the banks or the bottom of a stream. However, the commissioner can permit the alterations of the banks of a stream, and it sets down guidelines for it. In other words, it doesn't interfere with the existing recreational, navigational uses, nor cause unreasonable soil erosion, nor unreasonably interfere with the natural flow of the waters. In other words, we are considering soil erosion in here also. Permits can be granted by the commissioner of Fish and Game, if there are good reasons for it.

By the way, most of the experts, our biologists, reside in our Fish and Game Department. We have soil conservation experts in departments here within the state.

There is also a procedure here for hearing an appeal. If the town doesn't like what the commissioner does, the town has a right to appeal. They can appeal to the commissioner, and then they have a right to appeal to the courts.

So the Alteration of River and Streams Act here is a good act, and there is no need under this act to exempt one town. If you exempt Farmington, then every town in the state can come in and say that they are unique, and then you will have a whole list of exemptions, one right after the other. So I hope the Senate will not reconsider its action.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would support the good Senator from Penobscot, Senator Trotzky, and would urge that the Senate not vote to reconsider its action in accepting the ought not to pass report on this bill. I take this position not because I feel that the Town of Farmington may not have done a good job in its shoreland zoning and in undertaking its responsibilities that the state has required the towns and cities of this state to undertake. I feel they have done a good job.

But what we are talking about in this regard is really the exemption of one town from the statewide procedures. As the good Senator from Penobscot pointed out, if we exempt one town, why would we not exempt another town and then another, etc.

There are procedures that are established for application to the State Department of Inland Fisheries and Wildlife for exemptions where those are required and necessary or even desirable. And it is my understanding, Mr. President, that the Town of Farmington has not made the application to the Commissioner of Inland Fisheries and Wildlife for this exemption. I will readily be corrected and stand to be corrected if that is not the case, but it is my understanding that the application has not been made through the proper state procedures for an exemption.

Yet, we have a bill that would be written into statutory law which would remove one specific town from the statewide requirements. I certainly hope the Senate will vote against the motion to reconsider.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President and Members of the Senate: I thought that this would be perhaps one of the approaches taken to defeat this measure, and that is why I had this amendment drafted. Under title 12, section 2207, it sets down standards that must be met before permits are issued, and my amendment simply makes sure that the commissioner has rights to intervene and to make sure that under subsection 2207 for permit standards that the Town of Farmington will have to comply.

We talk about responsible government, we talk about responsible people, but we talk about local control. I think here we have an opportunity to give the Town of Farmington the right to prove that they have the ability, the expertise, the knowledge, the awareness of the environment to accomplish these. If they cannot meet these standards as set down in law under my amendment, the commissioner will make sure this law will mean nothing.

I think that this will perhaps make other towns more aware that if they set up the proper agencies in such a way we can give more local control. And you must remember that we granted every town on the coast who has an planning board the right to issue permits in the last regular session of the legislature under the wetlands bill. We gave the Commissioner of the Department of Environmental Protection the right to intervene in that, if these people weren't meeting the requirements. This is no different then the coastal communities, it is the same thing. I believe that the people of the Town of Farmington have the expertise, the knowledge, the capability, and I hope you will vote to reconsider.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I signed the ought to pass report on this. I don't know very much about it, but the people from this area want it. Representative Morton introduced the bill, Representative Doak from Rangeley signed in favor of it, Senator O'Leary is in favor of it, and it just seemed to me that we ought to let these people from this area handle this matter, and not have the great white father in Augusta tell us everything that we are going to do. How much longer are we going to do that? Aren't we going to let the people have something to say for themselves?

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

Mr. BERRY: Mr. President and Members of the Senate: I think that the issue here is perhaps quite properly brought out by Senator Speers of Kennebec, and that was that these people have not followed the recourse of the law or haven't even started on the road of normal procedure. Everybody who wants to do something covered by our environmental laws, if they are to come to the legislature, without even going through the formal application step, well, certainly this isn't the way to go out complying with

statutory requirements, be it environmental, educational or anything else.

Actually the issue is quite delicate and one that should be settled before a board and a hearing. You just don't go dig out the course of a river without expert advice as to how to do it, and this is only available in the state at the state level. We have ice jams in the area of Farmington which were dynamited. We have a very delicate balance there. We have a flood plain which is cultivated, and any attempt to take the loam out, as indicated in 2063, would be catastrophic downriver. I feel that without any question these people haven't even begun to exhaust the avenues open to them. They haven't indicated the good will to make application to the state board charged with it. Certainly that is their first step.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Thomas, that the Senate reconsider its action whereby the majority ought not to pass report was accepted. The Chair will order a division: Will all those Senators in favor of reconsideration please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had, 10 having voted in the affirmative, and 18 having voted in the negative, the motion did not prevail.

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act to Include Grain in Weight Tolerances for Certain Vehicles Operated on State Highways." (H. P. 1887) (L. D. 2065)

Tabled — February 23, 1976 by Senator Speers of Kennebec

Pending — Enactment

(In the House — Passed to be Enacted)

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for February 26, 1976, pending Enactment.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.