

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**FIRST REGULAR SESSION**

**December 3, 1980 to May 1, 1981**

KJ PRINTING  
AUGUSTA, MAINE

STATE OF MAINE  
One Hundred and Tenth Legislature  
First Regular Session  
JOURNAL OF THE SENATE

March 12, 1981

Senate called to order by the President.

Prayer by the Doctor Peter L. Misner of the Winthrop United Methodist Church and the Wayne Community Church.

DOCTOR MISNER: Let us pray. God of our life, help us to pause in the press of this day's busyness long enough to remember Your presence, in Your people, in our history; Your presence with us in the midst of our personal journeys; Your promise of guidance for what lies ahead. In this place of privilege and responsibility, grant us to remember those who are frightened and bewildered by change, those who are wounded and defeated in struggle, those who are isolated through their despair. Make the work of this Senate today and every day to be enriched by the vision of good government which sees the long view for all people, and is deepened by a sense of human concern for every individual's right.

Grant us now Your blessing of peace in our state and nation. Grant that it may be said of those who walk the aisles of this Chamber, they have been contributors to the building of stability in times of change, and peace in the midst of struggle. These petitions we offer, remembering Your goodness, O'God, Father, Son and Holy Spirit. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

Bill, "An Act Concerning the Size of Exempt Lots under the Subdivision Laws." (S. P. 141) (L. D. 312)

In the Senate, March 5, 1981, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-85), in non-concurrence.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Consideration.

**Non-concurrent Matter**

Bill, "An Act to Reduce the Minimum Size for Exempt Lots Subdivided Under the Land Use Regulation Law." (S. P. 51) (L. D. 60)

In the Senate, March 5, 1981, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-84), in non-concurrence.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Consideration.

**Joint Orders**

WHEREAS, firewood has become a major source of fuel in Maine; and

WHEREAS, because of the need to transport wood and to avoid unnecessary stacking, much firewood is sold and delivered thrown on the ground; and

WHEREAS, a standard unit of measure is needed to define such a cord of wood, to facilitate the selling of it and to assure that all parties are equitably treated; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Agriculture report out a bill to the House defining a "loose" or "thrown" cord of wood.

(H. P. 1044)

Comes from the House, Read and Passed.  
Which was Read and Passed in concurrence.

Expressions of Legislative Sentiment recognizing:

Father Royal J. Parent of Millinocket, Pastor of St. Martin's of Tour, who was ordained on February 2, 1956 and celebrated his

Silver Jubilee on February 2, 1981. (H. P. 1031)  
North Haven High School and its girls' basketball team, winners of the 1981 Western Maine Class D Good Sportsmanship Award. (H. P. 1045)

Greely High School boys' basketball team, 1981 Western Maine Class B Champions. (H. P. 1046)

Central Aroostook High School and its boys' and girls' basketball teams, winners of the 1981 Class C Good Sportsmanship Awards. (H. P. 1047)

Central Aroostook High School girls' basketball team, coached by Dick Barstow, 1981 State Class C champions. (H. P. 1048)

John Field, of Auburn, who celebrated his 102nd birthday on February 28, 1981. (H. P. 1049)

Mount View High School Girls' Basketball Team, 1981 Eastern Maine Class B champions. (H. P. 1050)

Katahdin High School Boys' Basketball Team 1981 Eastern Maine Class C Champions coached by Philip Faulkner. (H. P. 1051)

Winthrop High School Girls' Basketball Team, 1981 Western Maine Class C champions. (H. P. 1052)

Central Aroostook High School Girls' Basketball Team, coached by Dick Barstow, 1981 Eastern Maine Class C champions. (H. P. 1053)

Vinalhaven High School Girls' Basketball Team, 1981 Western Maine Class D champions. (H. P. 1054)

Buckfield High School Boys' Basketball Team, 1981 State Class D champions. (H. P. 1055)

Joseph A. St. Michel, of Durham, Commander of the Amvets for the past year. (H. P. 1057)

Jeff Topliff of Veazie, Most Valuable Player for the Orono Red Riots in the 1981 Class B State championship. (H. P. 1059)

Presque Isle High School Girls' Basketball Team, 1981 Eastern Maine Class A Champions. (H. P. 1060)

Amanda Driscoll, of Bangor, who celebrated her 102nd birthday on February 16, 1981. (H. P. 1061)

that January 15, 1980 was Martin Luther King, Jr. Day, in memory of a great and remarkable man who did enormously important work for the poor and disenfranchised of our country. (H. P. 1062)

Orono High School Boys' Basketball Team, 1981 State Class B Champions. (H. P. 1063)

Come from the House, Read and Passed.  
Which were Read and Passed, in concurrence.

An Expression of Legislative Sentiment recognizing:

John Bapst High School Girls' Basketball Team, winners of the State Class D championship for 1980-81. (H. P. 1058)

Comes from the House, Read and Passed.  
Which was Read.

On Motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Passage.

**Joint Resolution**

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Charles J. Hurley, Esq., of Ellsworth, a former judge and prominent citizen of that community. (H. P. 1056)

Comes from the House, Read and Adopted.  
Which was Read and Adopted, in concurrence.

**House Papers**

Bill, "An Act to Improve the Quality of Packing and Marketing Maine Potatoes." (H. P. 994) (L. D. 1182)

Comes from the House, referred to the Committee on Agriculture and Ordered Printed.

Which was referred to the Committee on Agriculture and Ordered Printed, in concurrence.

Bill, "An Act to Allow the Board of Environ-

mental Protection to Authorize the Pay for Oil Spill Damage Studies." (H. P. 995) (L. D. 1183)

Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed, in concurrence.

Bill, "An Act to Redefine Certain Long-Term Care Facilities." (H. P. 980) (L. D. 1171)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

Which was referred to the Committee on Health and Institutional Services and Ordered Printed, in concurrence.

Bill, "An Act Concerning the Injuries to In-plant Truck Operators under the Workers' Compensation Act." (H. P. 982) (L. D. 1170)

Comes from the House, referred to the Committee on Labor and Ordered Printed.

Which was referred to the Committee on Labor and Ordered Printed, in concurrence.

Bill, "An Act to Assure that Navigation Channels are Kept Free of Fishing Trap Lines." (H. P. 984) (L. D. 1172)

Bill, "An Act to Increase the Department of Marine Resources License Fees." (H. P. 985) (L. D. 1173)

Come from the House, referred to the Committee on Marine Resources and Ordered Printed.

Which were referred to the Committee on Marine Resources and Ordered Printed, in concurrence.

Bill, "An Act to Create the Office of Energy and the Public Advocate." (H. P. 993) (L. D. 1181)

Comes from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which was referred to the Committee on Public Utilities and Ordered Printed, in concurrence.

Bill, "An Act Concerning Energy Conservation in Projects Funded by Housing Authority Loans." (H. P. 986) (L. D. 1174)

RESOLVE, Authorizing and Directing the Bureau of Public Lands to Convey a Perpetual Easement and Right-of-way in a Certain Parcel of Land in Augusta to Mobil Pipe Line Company, Subject to Certain Conditions. (H. P. 987) (L. D. 1175)

Come from the House, referred to the Committee on State Government and Ordered Printed.

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

Bill, "An Act to Exempt Farm Machinery except Tractors from the Personal Property Tax." (H. P. 988) (L. D. 1176)

Bill, "An Act to Allow for the State's Collection of Aircraft Excise Taxes and to Reimburse These Funds." (H. P. 996) (L. D. 1184)

Bill, "An Act to Authorize the Refunding or Crediting of Fuel Taxes Paid on Worthless Accounts." (H. P. 989) (L. D. 1177)

Bill, "An Act Concerning Sales Tax on Vehicles Purchased in Foreign Jurisdictions." (H. P. 990) (L. D. 1178)

Come from the House, referred to the Committee on Taxation and Ordered Printed.

Which were referred to the Committee on Taxation and Ordered Printed, in concurrence.

Bill, "An Act to Provide Reciprocal Fees and Charges for Trucks from Other States." (Emergency) (H. P. 991) (L. D. 1179)

Bill, "An Act to Regulate the Use of Motor Vehicles on Ice-covered Bodies of Water." (H. P. 992) (L. D. 1180)

Come from the House, referred to the Com-

mittee on Transportation and Ordered Printed.  
Which were referred to the Committee on Transportation and Ordered Printed, in concurrence.

#### Communication Administrative Office of the Courts

February 23, 1981

Chief Justice Vincent L. McKusick  
Governor Joseph E. Brennan  
Members of the 110th Legislature

Pursuant to 4 M.R.S.A. § 17, subsection 10, transmitted herewith is the fourth annual report of the Administrative Office of the Courts. This report is for the calendar year 1980.

S. JOHN P. DUFFY  
State Court Administrator  
(H. P. 1064)

Comes from the House, Read and with accompanying Report, Ordered Placed on File.  
Which was Read and with accompanying Report, Ordered Placed on File, in concurrence.

#### Senate Papers

Senator PERKINS of Hancock (Cosponsors: Senator CONLEY of Cumberland, Representative PERKINS of Brooksville and Representative KELLEHER of Bangor) presented, Bill, "An Act Appropriating Funds toward Reconstruction and Renovation of Leavitt Hall at the Maine Maritime Academy." (Emergency) (S. P. 435)

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

Sent down for concurrence.

Senator TEAGUE of Somerset presented, Bill, "An Act to Clarify the Status of Engineers Regarding the Design of Buildings." (S. P. 438)  
Senator CARPENTER of Aroostook presented, Bill, "An Act Relating to Lighted Advertising Signs." (S. P. 441)

Which were referred to the Committee on Business Legislation and Ordered printed.

Sent down for concurrence.

Senator SEWALL of Lincoln (Cosponsors: Senator PIERCE of Kennebec, Representative MITCHELL of Vassalboro and Representative HAYDEN of Durham) presented, Bill, "An Act to Establish and Coordinate Training, Education and Employment Programs for Recipients of Aid to Families with Dependent Children." (S. P. 437)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Senator TRAFTON of Androscoggin (Cosponsors: Representative MICHAEL of Auburn, Representative BOYCE of Auburn and Representative LaPLANTE of Sabattus) presented, Bill, "An Act Pertaining to Witness Fees Paid by the District Courts." (S. P. 440)

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

Sent down for concurrence.

Senator TRAFTON of Androscoggin (Cosponsors: Representative JACQUES of Waterville, Representative McGOWAN of Pittsfield and Representative DIAMOND of Windham) presented, Bill, "An Act to Restructure the Public Utilities Commission." (S. P. 439)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

Senator DEVOE of Penobscot presented, Bill, "An Act to Reduce the Length of the Maine Legislative Session." (S. P. 436)

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

Sent down for concurrence.

#### Orders

Expressions of Legislative Sentiment recognizing:

Rumford High School Wrestling Team, 1981 Kennebec Valley Athletic Conference Champions. (S. P. 430) presented by Senator O'LEARY of Oxford (Cosponsors: Representative ERWIN of Rumford and Representative PERRY of Mexico)

John Bapst High School Girls' Basketball Team, 1981 State Class D Champions. (S. P. 431) presented by Senator TROTZKY of Penobscot. (Cosponsor: Representative KELLEHER of Bangor)

Gorham High School Girls' Basketball Team, 1981 State Class B Champions. (S. P. 432) presented by Senator USHER of Cumberland (Cosponsors: Representative BROWN of Gorham and Representative GOWEN of Standish)

Allagash High School Boys' Basketball Team, 1981 Eastern Maine Class D Champions. (S. P. 433) presented by Senator McBREAIRTY of Aroostook (Cosponsor: Representative MARTIN of Eagle Lake)

Cheverus High School Boys' Basketball Team, Western Maine Class A Champions. (S. P. 434) presented by Senator CONLEY of Cumberland (Cosponsors: Senator KERRY of York, Senator NAJARIAN of Cumberland and Representative JOYCE of Portland)

Read and Passed.

Sent down for concurrence.

#### Committee Reports House

##### Leave to Withdraw

The Committee on State Government on, Bill, "An Act to Discourage State Purchasing from Participants in International Boycotts." (H. P. 435) (L. D. 482)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Limit the State's Investment in CETA Programs." (H. P. 609) (L. D. 686)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Exempt Wood Splitters from Special Equipment Registration Requirements." (H. P. 676) (L. D. 780)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

On motion by Senator Conley of Cumberland, the Reports were Read and Accepted, in concurrence.

#### Divided Report

The Majority of the Committee on Energy and Natural Resources on, Bill, "An Act to Require the Office of Energy Resources to make an Analysis of Sources of Fuel for the Replacement of Maine's Power Entitlement from the Maine Yankee Nuclear Power Plant." (H. P. 425) (L. D. 472)

Reported that the same Ought to Pass.

Signed:

Representatives:

HALL of Sangerville  
DAVIES of Orono  
MITCHELL of Freeport  
MICHAUD of East Millinocket  
HUBER of Falmouth  
MICHAEL of Auburn  
JACQUES of Waterville

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Sensors:

McBREAIRTY of Aroostook  
REDMOND of Somerset  
O'LEARY of Oxford

Representatives:

KIESMAN of Fryeburg  
AUSTIN of Bingham  
DEXTER of Kingfield

Comes from the House, the Bill Passed to be Engrossed.

Which Reports were Read.

On motion by Senator McBreairty of Aroostook, the Minority Ought Not to Pass Report of the Committee Accepted, in non-concurrence.

(See Action Later Today)

#### Senate

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Prevent Part-time Deputy Sheriffs from Serving as Selectmen." (S. P. 85) (L. D. 182)

Bill, "An Act Concerning Meetings of County Commissioners." (S. P. 269) (L. D. 751)

#### Leave to Withdraw

Senator AULT for the Committee on Local and County Government on, Bill, "An Act to Increase the Percentage Retained for the County by the Register of Deeds on Real Estate Transfers." (S. P. 67) (L. D. 94)

Reported that the same be granted Leave to Withdraw.

Senator PERKINS for the Committee on Local and County Government on, Bill, "An Act to Permit More Frequent Accounting and Payment to the County Treasurer of Fees Received by Register of Deeds." (S. P. 122) (L. D. 287)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

(Off Record Remarks)

#### Second Readers

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

#### House

Bill, "An Act to Amend the Law Relating to the Authorization for Degree-granting Authority for Higher Education Institutions." (H. P. 269) (L. D. 328)

Bill, "An Act to Amend the Employment Security Law Relating to Payment of Extended Benefits of Interstate Claimants." (Emergency) (H. P. 355) (L. D. 403)

Bill, "An Act to Make Corrections in the Topsham Sewer District Charter." (H. P. 478) (L. D. 527)

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

#### Senate - As Amended

Bill, "An Act Relating to the Commencement of Terms for Members of School Committees and Boards of School Directors." (S. P. 278) (L. D. 787)

Which was Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

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

Senator TRAFTON: Mr. President, having voted on the prevailing side, I now move Reconsideration on LD 472, whereby the Ought Not to Pass Report was Accepted, and I would speak to my motion.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton, moves that the Senate Reconsider its action, whereby, on Bill, "An Act to Require the Office of Energy Resources to make an Analysis of Sources of Fuel for the Replacement of Maine's Power Entitlement from the Maine Yankee Nuclear Power Plant." (H. P. 425) (L. D. 472) the Senate Approved the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Ken-

nebec, Senator Pierce.

Senator PIERCE: Mr. President, I would ask for a Division.

The PRESIDENT: A Division has been requested.

The Senator has the floor if she desires to debate Reconsideration.

Senator TRAFTON: Ladies and Gentlemen of the Senate, this item went by with a speed unparalleled. I feel it's an issue which deserves at least a word of explanation whether or not we Accept the Minority Ought Not to Pass or the Majority Ought to Pass Report. I would hope that we would allow Reconsideration, at least for a debate of the substance of this Bill, which seems a very important issue for our State. Thank you.

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

Senator McBREAIRTY: Mr. President, Ladies and Gentlemen of the Senate, the reason that some of us signed this Bill out Ought Not to Pass is because we feel it's absolutely unnecessary to put this on the books. I'm going to read a part of a statement made by Gordon Weil yesterday at a hearing. He said: "The Maine Legislature requires the Office of Energy Resources to prepare a comprehensive energy resource plan which should include a descriptive and quantification of the present supply, rates of use, and energy needs of the State, as well as a description and quantification of the availability of various energy resources utilizing the most current available data." That's 5 M.R.S.A. 5005.

So the Director of Energy Resources is also responsible for collecting and analyzing energy data from all available energy sources in the State. He can only request data relating to the activities outside the State, insofar as these activities have a direct impact upon energy costs and availability with the State. The statutes direct him to afford confidential treatment of all data received. This is 5 M.R.S.A. 5005.

So the Office of Energy Resources is collecting all data under a present statute as to what we have available for energy. So I don't see much need of another collection of data. They did come in the office and say that if this Bill passed, there should be a \$20,000 Fiscal Note on it, because if they have to do this, along, or step it up, or whatever this might call for, it could take money. So we didn't feel they needed the Bill. Thank you.

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

Senator CONLEY: Mr. President, and Members of the Senate, about a week and a half ago, I noticed that the commissioner returned from Washington, and the moment he stepped into his office, over there, he told everybody to start looking for a job. It is my understanding that 90 percent of the funds that the department operates under are from Washington. If that be the case, it would seem to me that a great number of dollars are not going to be within the Department of Energy Resources. Therefore, perhaps this is a worthwhile measure that we should Reconsider to put on the books and to put the funding there so we will have the report.

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

Senator TRAFTON: Mr. President, I assume that it's permissible to debate the substance of the Bill at this time?

The PRESIDENT: The Chair would answer in the affirmative.

Senator TRAFTON: After listening to the remarks of the Senator from Aroostook, I have a question for him. If, in fact, the Office of Energy Resources is already doing this, then why would it require \$20,000 to do something that we're already doing?

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

Senator McBREAIRTY: Mr. President, Honored Members of the Senate, all I know is they

gave us a note saying if this Bill passed they'd have to have \$20,000. Now that would give them a little more money, and most departments want more money. Maybe that's the reason, but this is a statement he made yesterday. We received a letter, several days ago stating that they should have \$20,000. Now if they have to do all this now, definitely we don't need it again. Now if they repeal or take away all the Federal funds and this office closes down, we won't have anybody there to do it anyway. So, we, the signers of the Ought Not to Pass Report feel that there's plenty of authorization presently in the statutes to do what's required to collect data on all of our energy resources in the State. Then, it could be used, this energy, to replace any loss of energy that we have regardless of what it is. If we had a dam go in Canada, why, we'd have to look to our own energy. If Maine Yankee goes, we'll have to look to the energy available. We just feel that it's there. Thank you.

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

Senator TRAFTON: Mr. President, Men and Women of the Senate, I would try to answer my own question, and that is, obviously, if they suggest it's going to cost \$20,000 more, we're not doing it right now. So the question becomes one of whether we feel that it's critical for us to know what our future energy sources are. I feel this Bill is very straightforward. We can look back on the past record of shutdowns for Maine Yankee. I think any reasonable person would like to have an answer as to where the energy is going to come from, when Maine Yankee shuts down.

We already know in this State, that our energy mix is much more tenuous than those of other states. Roughly, we're dependent 70 percent on oil, we have a much higher percentage of nuclear power than other states. I think it's incumbent upon us as policy-makers to assure that we have some forecasting ability so we can determine where those energy sources will come from to replace a major portion of our energy mix.

I would ask for a Roll Call on the Reconsideration move.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, and Members of the Senate, I read in the paper the last few days that Maine Yankee Nuclear Power Plant set a new record this past month in the number of kilowatt hours generated.

This Bill is simply a bill, which you'll see many of this Session, to harass the nuclear industry. That's all it is. It singles out one particular type of power and states that the Office of Energy Resources should particularly take a look at nuclear power. Why don't we take a look at coal? When coal comes on the line? Acid rain, we can continue and go over all the energy mixes. Dickey-Lincoln. What happens when a dam collapses? We're singling out nuclear power. I contend that you're going to see one bill after the other, this Session, trying to undermine the confidence of the people in nuclear power. It's just a Bill which has been placed here by the anti-nuclear forces.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, I'd like to suggest to you another issue that this Bill encompasses, that I think is more important than what the Bill endeavors to do and that is, that we are in an instance such as this, putting into statute, something that is so obvious that any department concerned with the energy resources of our State, I would have expected they would have already done.

If we start putting into the statutes Resolves on how each department of the State Legislature should run, and what they should do,

we're going to be a very busy Legislature, and we'll have very little time to look at the real needs of the State of Maine. I would suggest that, no matter how important this particular subject should be, it certainly is not a subject for legislation. Thank you.

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

Senator PRAY: Mr. President, and Members of the Senate, last week, several of us in the Legislature had the opportunity, one evening, to meet with the president of Bangor Hydro. As a matter-of-fact, the Senator from Penobscot, Senator Trotzky, was there. I'd like to remind him, the basic presentation that we had that evening, was that the future of this country, and the future of the State required the utilities, those providing electricity to the people of the State of Maine, that the solution is nuclear power. That on an ever-growing scale, we as a Nation are going to have to depend more and more on nuclear power.

I don't think this Bill is an attempt to harass the nuclear industry. We're going along with those individuals that are charged with the responsibility to its consumers of providing enough electricity to meet their demands. Those individuals who we consider to be the experts in the field, tell us that nuclear power is the only answer at this time. I think for us to say this is a Bill to harass the nuclear industry, when we, as the people of this State and this country, are going to be requested time and time again to depend more upon nuclear power. I think this is a responsible step for us to take, if this is going to be the major source of energy that we have in our future.

There are a lot of questions about the nuclear energy area. I think that every opportunity that we have to address nuclear energy, and confront the possible conflicting viewpoints, then we should do so.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, in response to the good Senator from Androscoggin, Senator Trafton, who shows a great deal of concern for a lack of power, I would like to share with Senator Trafton and Members of the Senate, as a rank and file employee of Central Maine Power Company, and I'm speaking as an individual, as I am not involved in any aspect of management, but do have a working knowledge of the company itself. Long before the State of Maine, or New England, ever got involved in forecasting the needs for power in the United States, or in New England, the utilities had a great deal of foresight, in which to make this planning. They developed a concept, known as NEPEX, New England Power Exchange, of which they addressed the planned, and the emergency shutdown of any facility in New England. So that, no state would go without power. In addition to that, we have the interconnection with Canada that serves the needs of New England.

Another factor which, I think, this particular Bill did not address, even though it's been brought forth, that the anti-nuclear people were in favor of this, and I think the public testimony that I have heard about addressed number one, this bill is not necessary, number two, through the department's own evaluation, the department can handle this particular Bill or situation, as you may want to refer to it as being, directly by themselves. Of greater concern to me, is in the event the problems in the East, and even in America, is it not nice, or great, to have a dependable, reliable source of power, to be sure that our industrial development continues in the State of Maine without throwing more people out of work.

I hope, somewhat, Ladies and Gentlemen of this Senate, that this addresses that the utilities have got long-range planning. Don't underestimate them, they are concerned not only for the people of the State of Maine, but their own

employees. A thing we sometimes forget, that particular company is made up of unionized Democrats and Republicans, and not of just one particular party affiliation. If you're trying to debilitate the company or management, this is the wrong way to approach that subject matter.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I hope that we will, in a few minutes, vote to Reconsider this Bill. I took a look at the Bill just now, and looked at the two sponsors, the sponsor and the cosponsor. I really don't think that either one of them could ever be considered as being pawns of the anti-nuclear forces in the State of Maine. I don't agree with my good seat mate, the Senator from Androscoggin, Senator Minkowsky, that we ought to wait and hope that Central Maine Power Company tells us what they're doing long-range, or what the options are going to be if something happens to that nuclear plant sitting down there at Wiscasset.

I'd like to know, and I'd like to know from some source other than somebody with a vested interest in the whole thing. The good Senator from Penobscot, Senator Trotsky, has told you that this is just an attempt to harass the nuclear industry. Well, I would say, given the events of the last couple of years, that the nuclear industry is doing a pretty good job of harassing itself. I think Bills like this are going to be popping up in Legislatures all over the country, because people are concerned.

A lot of people voted and expressed their concerns, both pro and con, on the whole nuclear issue in the State of Maine last year. And you're going to see it happening again and again and again. I don't think it's fair to characterize any individual, any one piece of legislation as an attempt to harass the nuclear industry. Perhaps I'm just trying to set the stage, because I have a Bill dealing with spent nuclear fuel, which will be coming up here later on in the Session. I just want to give the good Senator from Penobscot, Senator Trotsky, and others warning, that that Bill is coming along, and that's an issue that's going to have to be discussed.

This is an issue that should be discussed. It should be discussed by State Government. It should be looked into, and if it's not being done now, the good Senator from Aroostook said that the possibility exists now. If it's not being done now, and if this Bill will further solidify the Legislature's intent that it be done, then so be it. This would be a good Bill. I would certainly hope that you would vote to Reconsider. Thank you.

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

Senator MCBREAIRTY: Mr. President, Honorable Men and Women of the Senate. I will state again that the signers of the Ought Not to Pass were not looking at any one source of energy, or whether it would be shut down or not.

We were going by the Maine State Energy Resource Act that we have. I would like to just read a few sections of that Act. This will give you our reasons why we signed it Ought Not to Pass. "Powers and duties of the Office of Energy Resources. A description and quantification of the availability of various energy resources for the state. This assessment shall utilize the most current available data and include all resources that potentially help meet Maine's energy needs. This task shall be accomplished on a biennial basis, and public input shall be sought."

Now possibly if this Bill calls for it to be on an annual basis, that may be why they need the extra money.

Here is another section: "prepare a state energy policy to include, but not limited to the following, the direction or directions most feasible for Maine to pursue in the field of

energy resources, use and development, feasible alternatives to implement the state energy plan and long-range, as well as, short-range energy program."

It says, in another section, "The director of Energy Research shall be responsible for collecting and analyzing energy data from all available energy sources in the state. Provide technical assistance to the Governor and the Legislature in identifying the emergency and long-range needs, and resources to meet these needs.

Now I guess, I could go on and on, but that indicates to me that we already have mandated through the Maine State Energy Resource Act that everything that is required in this Bill be done and that is why we signed it Ought Not to Pass. We do not feel you have to have two laws on the books. One to say you do it, and another say do it again. We have got one and we feel that's all we need. Thank you.

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

Senator TROTSKY: Mr. President and Members of the Senate, I would like to let the Senate know about a meeting that took place between the Bangor Hydro-electric Company officials, which Senator Pray referred to, and members of the Legislature who are served by Bangor Hydro.

Bangor Hydro's area right now is dependent 50 percent on oil. Oil prices are escalating, 25 percent on nuclear power. What Bangor Hydro intends to do over the next few years is first of all buy into the Point LaPreau Nuclear Project that is going on in Canada. Then buy into Seabrook I, and then buy into Seabrook II. Eventually replace 25 percent of what is now coming from oil with nuclear power. Eventually to put the people in the Bangor Hydro area 50 percent on nuclear power to try and insulate them, somewhat, from the oil prices which are totally going out of control.

I think it was very obvious to the Senate that there was a referendum which tried to close Maine Yankee. Now there is talk of another referendum coming up to phase out Maine Yankee. So here the people in the power industry are saying that in terms of reliable power, in terms of cheap power, they want to go ahead towards more nuclear power in the northeast. Yet what this Bill is doing essentially is saying right off get the Office of Energy Resources to right away to take a look at replacement resources for nuclear power, essentially if it passed, Office of Energy Resources will go right ahead and find the replacement resources which will then be used by the anti-nuclear forces as a reason to phase out Maine Yankee.

Look at the future with coming from Washington, with President Reagan, there may not be an Office of Energy Resources, in the State of Maine in a few years.

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

Senator CONLEY: Mr. President and Members of the Senate: It is always good to know that the Senate Chairman of the Public Utilities Committee, is made knowledgeable enough by the leaders of the Bangor Hydroelectric, and I would assume also C.M.P. giving them the wisdom to share with us this morning as to what the needs are of the State of Maine dealing with electrical power.

I have a concern and I think that everybody in this State has a concern of what the cost of power is going to be whether it is 1 year down the road or 10 years down the road. This Bill does not have anything to do with Maine Yankee down in Wiscasset. I do not know how anyone in their right mind could get up and say that it is the anti-nukes that are in here with this legislation. If you read the legislation and I have some grave concerns personally about that time bomb ticking away down there in Wiscasset. It seems to me that anytime that it costs as much to tear a plant down as it costs to build, there ought to be some real concern, real

concern by the citizens of this State. I think that they expressed those concerns in the referendum last year.

What happens when Maine Yankee closes down? As was stated in the debate on their nuclear power last year, there was a time when Maine Yankee was down more than it was up. That high cost was coming on to the people of this State who had to pick up that extra cost, for oil.

We all know that nuclear power is the cheapest form of energy. Some people say it is the safest form of energy that not one person has yet died as a result of nuclear power.

The question is though, that these plants are only good for a certain life-time. I believe that it is somewhere around 25 to 30 years, and they have to come down. Up to this date they have not been able to find a way of projecting these things on, and on, and on. They have a life-time like you and I, in this Senate, whether elected or living a normal life. Sooner or later we are going to expire, and so is Maine Yankee in Wiscasset.

So what do we do when that little fixture down there shuts down permanently? What is the costs of the resources to replace Maine Yankee? How much is that going to effect us? I think that we should be aware, the State should be aware, and the people of this State should be aware, as to what the alternatives are and exactly what those costs are going to be.

To me this is a very simple Bill, it keeps the Office of Energy on top of the situation and I see no reason whatsoever why we can't adopt it.

The PRESIDENT: Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative votes of at least one-fifth of those 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 pending question before the Senate is the motion by the Senator from Androscoggin, Senator Trafton, that the Senate Reconsider its action whereby it Accepted the Minority Ought Not to Pass Report of the Committee on L. D. 472.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Najarian, Pray, Trafton, Usher, Violette, Wood.

NAY — Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreaity, Minkowsky, O'Leary, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotsky.

ABSENT — None.

A Roll Call was had.

14 Senators having voted in the affirmative and 18 Senators in the negative, with No Senators being absent, the motion to Reconsider L. D. 472 does not prevail.

Sent down for concurrence.

#### Enactors

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

AN ACT Pertaining to Public Safety on Public Ways. (H. P. 193) (L. D. 233)

AN ACT to Require a Certificate of Salvage for Certain Motor Vehicles. (H. P. 534) (L. D. 600)

AN ACT to Authorize Municipal Agents to Renew Operator Licenses. (H. P. 584) (L. D. 664)

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

(Off Record Remarks)

#### Orders of the Day

The President laid before the Senate, the first Tabled and specially assigned matter: JOINT RESOLUTION—Urging the Commissioner of Conservation and the Director of the Bureau of Public Lands to Forego any Policies and Plans now under Legislative Consideration. (S. P. 416)

Tabled—March 10, 1981 by Senator COLLINS of Knox.

Pending—Adoption.

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

Senator O'LEARY: Mr. President, and Members of the Senate, I have here with me a copy of a Scraggly Lake Management District. This comprises 10,304 acres of state-owned land. I took exception to this policy plan of the Bureau of Public Lands. I have a letter from the director, and shortly I will ask Leave to Withdraw my Order, or Resolution.

I'd like to get it into the Record, Mr. President, that sometimes these people forget that they're public servants, and they're supposed to be working for the public, and the public is out there, it is not here. The planned use of the public lands, as I read the policy, their administrative policies, their resource policies and such, I see no way that these plans will benefit the people of the State of Maine, the recreational opportunities and everything else that should be made available to the citizens of this State.

Everything in here is directed towards forest management. The funds derived by the State from these resources are dedicated funds, not used to make these lands more available, for recreational activities, or any other thing, except to benefit the Bureau of Public Lands.

I have a letter from the director, as I stated. They will set nothing in concrete until after this Session of the Legislature, so therefore, Mr. President, I would ask Leave of the Senate to Withdraw my Resolution.

The PRESIDENT: Senator O'Leary of Oxford, now requests Leave of the Senate to Withdraw SP 416.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The President laid before the Senate, the second Tabled and specially assigned matter: Bill, "An Act to Provide Arthritic Drugs to Low Income Elderly." (S. P. 419)

Tabled—March 11, 1981 by Senator PIERCE of Kennebec.

Pending—Reference.

On motion by Senator Pierce of Kennebec, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

The President laid before the Senate, the third Tabled and specially assigned matter: HOUSE REPORT—from the Committee on State Government—Bill, "An Act to Establish a Maine Set-aside Program under the State Purchasing Law to Expand Work Opportunities for Multiple Handicapped Citizens." (H. P. 224) (L. D. 261) OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75)

Tabled—March 11, 1981 by Senator PIERCE of Kennebec.

Pending—Acceptance of Report.

The Ought to Pass, as amended, Report of the Committee Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" (H-75) was Read. House Amendment "A" (H-77) to Committee Amendment "A" was Read and Adopted, in concurrence. Committee Amendment "A", as amended, by House Amendment "A" was Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate, the fourth Tabled and specially assigned matter: Bill, "An Act to Increase the Amount of Expenses Which May be Reimbursed to Members of the Inland Fisheries and Wildlife Advisory Council." (H. P. 244) (L. D. 278)

Tabled—March 11, 1981 by Senator CONLEY of Cumberland.

Pending—Enactment.

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

Senator CONLEY: Mr. President, once in a while one of these little frivolous bills come through, and no one thinks too much about them. I'm not really that excited about this bill, but if we take a look at the Enactor, it says, "the members of the Advisory Council shall receive \$25 per day for their expenses, and the Council shall be allowed actual expenses incurred." It strikes out not to exceed \$2500 for each fiscal year. It seems to me that what we've done, what this Bill is doing, is leaving it wide-open, and allows expenses to run really without any type of cap on it. It would seem to me, and since tabling this bill yesterday, I've heard from at least two members of the Fisheries and Wildlife Commission, and they said their actual intent was to increase the \$2500 up to \$3500 because the commission had been enlarged by one member, and therefore they needed additional revenue.

It would seem to me, the best thing to do is either to Suspend the Rules and Reconsider where we engrossed this Bill, and amend it and put a cap on it. I, having debated the Bill, Mr. President, am not in a position now to move Suspending the Rules for the purpose of putting an amendment on the Bill.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, distinguished Members of this body of government, I wish to elaborate a little more on this simple little Bill. I just this morning refreshed my memory. What has been happening in the Department of Inland Fisheries and Wildlife is that under Chapter 12 of the statutes, the commissioner was allowed to spend a limit of \$2500 on his council. What happened really was that they changed the system and instead of only 6 members of the council, as allowed in the statutes, now they are required to have 7, because there are 7 game management units in the State. So there's one councilman for each unit. I'd like to mention that this council sets the deer season, the dates, and they meet about 6 times a year. Last year, I believe they spent \$3900.

Now, the only reason that that was amended to remove the limit completely, is not opening it up to spend more money, because even if it was \$3500 last year, that still wouldn't have met the statutes. We have to bear in mind that the Department of Inland Fisheries and Wildlife, as we all know, operates out of dedicated funds, and they have an accountant there and this is always taken care of in the budget. Besides the budget, the Allocation Act would also take care of that. So, I can't see any reason why, there's nothing really wrong with this amendment. I can't see any reason why we wouldn't go along with it, and Enact the Bill.

On motion by Senator Usher of Cumberland, Retabled for 1 Legislative Day.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

#### Papers from the House Joint Order

An Expression of Legislative Sentiment recognizing:

Calais High School, Dirigo High School, Ellsworth Jr./Sr. High School, Fort Fairfield High School, Freeport High School, Gorham High School, Gray-New Gloucester High School, Greenville High School, Hyde School,

Jay High School, Lawrence High School, Mesalonskee High School, Monmouth Academy, Mount View High School, Noble High School, Oxford Hills High School, Pupil Rehabilitative Education Program of Portland, Scarborough High School, Schenck High School, Shead High School, Stearns High School, Van Buren District Secondary School, Windham High School, Winslow High School, Wisdom High School and York High School for their outstanding achievement in the "Vote '80" voter participation campaign; (H. P. 1074)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

On motion by Senator Pierce of Kennebec, Adjourned until 12:30 o'clock tomorrow afternoon.