

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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 26, 1981  
Senate called to order by the President.

Prayer by the Reverend Howard O. Washburn, Minister of World Mission Support, American Baptist Churches of Maine.

REVEREND WASHBURN: I want to momentarily thank you for running for public office, and for serving the people of Maine, and for absorbing the kind of criticism that always comes in your direction in one way or another. I do admire your capacity to cope with the tangle of government in this day, and appreciate very much what you do in my behalf and in the behalf of the citizens of Maine. The Scriptures do reveal that government was God's idea, and because of that, we look to Him this morning momentarily.

Shall we pray. Almighty God, every authentic glimpse of You staggers us and humbles us. We would thank You for Your own being, and for life today and all that that means. Please, Father, give these people wisdom, increasing stature in statesmanship. Will You help them to communicate very clearly the core and the central factors of their ideas, bring them to understanding today together and for others. And would You give them spiritual guidance, please, in behalf of justice and that which is good and right for all of us. I pray, Father, that You would enable them to care about each other. And would You be kind toward their families today in their respective spots throughout the State. We would ask that You would advance the work and the causes of the State of Maine. We pray in the Honorable and all powerful name of our Lord. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act Concerning Approval of Graduate Educational Programs by the Board of Registration in Medicine." (S. P. 487) (L. D. 1389)

In the Senate, March 19, 1981, referred to the Committee on Education.

Comes from the House, referred to the Committee on Health and Institutional Services, in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? It is a vote.

**Non-concurrent Matter**

Bill, "An Act to Include Health Education for the General Public as a Medical Education Program Conducted by the Board of Registration in Medicine." (S. P. 484) (L. D. 1386)

In the Senate, March 19, 1981, referred to the Committee on Education.

Comes from the House, referred to the Committee on Health and Institutional Services, in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? It is a vote.

**Non-concurrent Matter**

Bill, "An Act to Assure the Appropriate Development of the Hydropower Potential of Maine Rivers." (S. P. 491) (L. D. 1396)

In the Senate, March 19, 1981, referred to the Committee on Energy and Natural Resources.

Comes from the House, referred to the Committee on Public Utilities, in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? It is a vote.

**Joint Orders**

Expressions of Legislative Sentiment recognizing:

Scott Lauze, Lisa DeRosby, Judith Tarr and the Edward Little High School Latin Club, for sponsoring the 1981 Maine Junior Classical League Convention. (H. P. 1255)

Harriet Ricker Lovejoy of Turner, Maine, who will be celebrating the 100th anniversary of her birth on April 3, 1981. (S. P. 1256)

Michael R. Plaziak, valedictorian of Hodgdon High School, Class of 1981. (H. P. 1257)

Ellsworth High School, winners of the State Class B wrestling championship. (H. P. 1258)

Marion B. Noble, C.M.C., municipal clerk of Wells, who was awarded the coveted "certified municipal clerk" award, of the International Institute of Municipal Clerks. (H. P. 1259)

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

**House Papers**

Bill, "An Act to Require Retention of Prescription Records." (H. P. 1208) (L. D. 1423)

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 Probation for Certain Persons Convicted of Driving while Intoxicated." (H. P. 1184) (L. D. 1408)

Bill, "An Act Amending the Statutes Relating to Restitution." (H. P. 1185) (L. D. 1409)

Come from the House, referred to the Committee on Judiciary and Ordered Printed, in concurrence.

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

Bill, "An Act Regarding Share Fishermen under the Employment Security Law." (H. P. 1186) (L. D. 1410)

Bill, "An Act to Amend the Law Concerning Inherited Liability of Certain Business Firms for Severance Pay." (H. P. 1187) (L. D. 1411)

Bill, "An Act Relating to General Health Insurance Benefits for Injured Maine Workers and their Families." (H. P. 1189) (L. D. 1413)

Bill, "An Act Relating to Seeking Work and Accepting Suitable Work to be Eligible for Extended Unemployment Benefits." (Emergency) (H. P. 1190) (L. D. 1414)

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

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

Bill, "An Act to Reduce the Cost of Workers' Compensation Rates to Maine Employers." (H. P. 1188) (L. D. 1412)

Reference to the Committee on Labor suggested.

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

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

Bill, "An Act to Prevent Gear Conflicts." (H. P. 1191) (L. D. 1415)

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

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

Bill, "An Act Relating to the Maine Sardine Council." (H. P. 1192) (L. D. 1416)

Bill, "An Act to Create a Maine Film Board." (H. P. 1209) (L. D. 1424)

Bill, "An Act Relating to the Management of the Department of the Attorney General." (H. P. 1210) (L. D. 1425)

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 Amend the Tree Growth Tax Law." (H. P. 1193) (L. D. 1417)

Bill, "An Act to Exempt Gasoline and Other Motor Fuels Used for Agricultural or Fishing Purposes." (H. P. 1194) (L. D. 1418)

Bill, "An Act to Provide Deductions under the State Individual Income Tax for Necessities and to Increase the Corporate Income Tax." (H. P. 1195) (L. D. 1419)

Bill, "An Act to Adopt the Multistate Tax Compact." (H. P. 1196) (L. D. 1420)

Bill, "An Act to Index the Maine Individual Income Tax Structure." (H. P. 1197) (L. D. 1421)

Bill, "An Act to Improve Personal Property Tax Collections on Watercraft." (H. P. 1211) (L. D. 1426)

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 Concerning Speed Limit in Urban Compact Areas." (H. P. 1199) (L. D. 1422)

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

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

**Communication**

**Committee on Legal Affairs**

The Honorable Joseph Sewall  
President of the Senate  
State House  
Augusta, Maine 04333  
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on Legal Affairs has had under consideration the nomination of Charles H. Milan, III as a member of the Maine State Liquor Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee clerk called the roll with the following result:

YEAS: Senators 3  
Representatives 8

NAYS: 0

ABSENT: 2 (Rep. Dudley of Enfield, Rep. Swazey of Bucksport)

Eleven members of the Committee having voted in the affirmative and none in the negative it was the vote of the Committee that the nomination of Charles H. Milan, III as a member of the Maine State Liquor Commission be confirmed.

Sincerely,

S/MELVIN H. SHUTE, Senate Chairman

S/HAROLD R. COX, House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Legal Affairs has recommended that the nomination of Charles H. Milan, III be confirmed.

The pending question before the Senate is: Shall the Recommendation of the Committee on Legal Affairs be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

**ROLL CALL**

YEA — Pierce.

NAY — Ault, Brown, Bustin, Carpenter, Charette, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Huber, Kerry, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pray, Sewall, C.; Shute, Sutton, Usher, Violette, Wood, The President J. Sewall.

ABSENT — Clark, Hichens, Redmond, Teague, Trafton, Troitzky.

1 Senator having voted in the affirmative and 26 Senators in the negative, with 6 Senators being absent and 1 being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Charles H. Milan, III is confirmed.

**Senate Paper**

Senator MCBREAIRTY of Aroostook (Cosponsors: Senator CARPENTER of Aroostook, Representative NELSON of New Sweden and Representative PETERSON of Caribou) presented, Bill, "An Act to Reorganize the Government of Aroostook County." (Emergency) (S. P. 533)

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

Sent down for concurrence.

**Orders**

Expressions of Legislative Sentiment recognizing:

David L. Craig of Durham, who has been named a finalist by the National Merit Scholarship Corporation. (S. P. 532)

presented by Senator CLARK of Cumberland (Cosponsor: Representative HAYDEN of Durham).

C. Charles Lumbert of Moose River for his leadership in the advancement of socioeconomic growth in the Jackman-Moose River Community. (S. P. 534)

presented by Senator REDMOND of Somerset.

The Millinocket All-Stars, State Junior Pro Champions. (S. P. 535)

presented by Senator PRAY of Penobscot (Cosponsors: Representative CLARK of Millinocket and Representative MICHAUD of East Millinocket).

George Gagnon of Millinocket, selected to honor Vietnam veterans at the Tomb of the Unknown Soldier and commemorate the 62nd anniversary of the American Legion. (S. P. 536)

presented by Senator PRAY of Penobscot (Cosponsors: Representative CLARK of Millinocket and Representative MICHAUD of East Millinocket).

Which were Read and Passed.

Sent down for concurrence.

**Committee Reports**

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

Bill, "An Act to Establish a 50¢ Bounty on Porcupines." (H. P. 898) (L. D. 1065)

**Ought to Pass — As Amended**

The Committee on Business Legislation on, Bill, "An Act Relating to Credit Disability Insurance Under the Consumer Credit Code." (H. P. 490) (L. D. 542)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-123).

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

The Committee on Labor on, Bill, "An Act Relating to Unemployment Compensation Benefits for Persons Receiving a Pension of Retirement Pay." (Emergency) (H. P. 534) (L. D. 402)

Reported that the same Ought to Pass as

amended by Committee Amendment "A" (H-122).

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

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once. Committee Amendment "A" were Read and Adopted, in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Business Legislation on, Bill, "An Act to Repeal the Termination Date of the Emergency Petroleum Products Supply Act." (Emergency) (H. P. 863) (L. D. 977)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-116)

Signed:

Senator:

CLARK of Cumberland

Representatives:

BRANNIGAN of Portland

RACINE of Biddeford

MARTIN of Van Buren

GWADOSKY of Fairfield

FITZGERALD of Waterville

POULIOT of Lewiston

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

Signed:

Senators:

SUTTON of Oxford

SEWALL of Lincoln

Representatives:

PERKINS of Brooksville

GAVETT of Orono

JACKSON of Yarmouth

TELOW of Lewiston

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

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled until later in Today's Session, pending Acceptance of Either Report.

**Divided Report**

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to the Issuance of Motorboat Racing Permits." (H. P. 396) (L. D. 439)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-121).

Signed:

Senators:

HICHENS of York

USHER of Cumberland

Representatives:

MacEACHERN of Lincoln

PAUL of Sanford

DAMREN of Belgrade

CLARK of Millinocket

SMITH of Island Falls

PETERSON of Caribou

JACQUES of Waterville

GILLIS of Calais

ERWIN of Rumford

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

Signed:

Senator:

REDMOND of Somerset

Representative:

CONNERS of Franklin

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

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled until later in Today's Session, pending Acceptance of Either Report.

**Senate**

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

Bill, "An Act to Require that a School Bus Must Stop and Let Vehicles Pass when 5 or More Vehicles are Behind the Bus." (S. P. 312) (L. D. 868)

**Leave to Withdraw**

Senator BUSTIN for the Committee on Health and Institutional Services on, Bill, "An Act to Require the Inspection of Hospital Pharmacies Prior to Licensure." (S. P. 165) (L. D. 419)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

**Ought to Pass**

Senator EMERSON for the Committee on Transportation on, Bill, "An Act to Exempt Certain Island Motor Vehicles from Inspection Requirements." (S. P. 309) (L. D. 865)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Labor on, Bill, "An Act to Place a Maximum Limit on the Inflation Adjustment under the Workers' Compensation Act." (S. P. 281) (L. D. 789)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-70)

Signed:

Senator:

DUTREMBLE of York

Representatives:

BEAULIEU of Portland

HAYDEN of Durham

LAVERRIERE of Biddeford

McHENRY of Madawaska

MARTIN of Brunswick

BAKER of Portland

TUTTLE of Sanford

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senators:

SEWALL of Lincoln

SUTTON of Oxford

Representatives:

FOSTER of Ellsworth

LEIGHTON of Harrison

LEWIS of Auburn

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled until Later in Today's Session, pending Acceptance of Either Report.

**Second Readers**

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

**House**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1981. (Emergency) (H. P. 1213) (L. D. 1381)

Bill, "An Act to Provide for a Transition before the Attorney General takes Office." (H. P. 607) (L. D. 684)

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

Bill, "An Act to Exempt Deeds of Distribution from the Real Estate Transfer Tax." (H. P. 334) (L. D. 373)

Which was Read a Second Time.

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

Senator PIERCE: Mr. President, I present Senate Amendment "A" to L. D. 373, under

filing number S-72, and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "A" (S-72) to L. D. 373 and moves it Adoption.

Senate Amendment "A" (S-72) was Read.

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

Senator CONLEY: Mr. President, I wonder if the good Senator might explain exactly what the amendment does.

The PRESIDENT: The Senator from Cumberland, Senator Conley has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, and Members of the Senate, as the Chairman of the prestigious Committee on Bills in the Second Reading, I present this amendment to clear up a technicality, changing the word "or" to "of". Senate Amendment "A" (S-72) was Adopted. The Bill, as amended, was Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

#### House — As Amended

Bill, "An Act to Enable Eastern Maine Medical Center to File Articles of Incorporation under the Maine Nonprofit Corporation Act. (Emergency)" (H. P. 650) (L. D. 755)

Bill, "An Act to Require Primary Suppliers to Report Deliveries of Petroleum Products to the Office of Energy Resources." (Emergency) (H. P. 659) (L. D. 762)

Bill, "An Act to Clarify and Make Consistent Appeal Procedures in the Employment Security Law." (H. P. 638) (L. D. 728)

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

Bill, "An Act to Improve Marketing of Maine Agricultural Products." (H. P. 308) (L. D. 380)

Which was Read a Second Time.

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

Senator PIERCE: Mr. President, I present Senate Amendment "A" to L. D. 380, under filing number (S-73), and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now offers Senate Amendment "A" (S-73) to L. D. 380, and moves its Adoption.

Senate Amendment "A" (S-73) was Read and Adopted. The Bill, as amended, was Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act to Provide Collective Bargaining Rights to County Employees." (S. P. 145) (L. D. 316)

Which was Read a Second Time.

On motion by Senator Collins of Knox, Tabled until Later in Today's Session, pending Passage to be Engrossed.

Bill, "An Act to Amend the Manufactured Housing Act." (S. P. 63) (L. D. 90)

Bill, "An Act Relating to Cash Reserve Requirements." (S. P. 197) (L. D. 565)

Bill, "An Act to Revise the Law Concerning Discharges into Certain Lakes." (S. P. 102) (L. D. 215)

Bill, "An Act to Describe, Define and Officially Adopt a System of Coordinates for Designating the Geographic Position of Points on the Surface of the Earth within the State of Maine." (S. P. 346) (L. D. 989)

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

Sent down for concurrence.

#### Enactors

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

AN ACT to Encourage the Establishment of Municipal Energy Commissions. (H. P. 313)

(L. D. 381)

On motion by Senator Collins of Knox, Tabled until Later in Today's Session, pending Enactment.

AN ACT to Provide that Certain Licenses Issued by the Department of Inland Fisheries and Wildlife be Issued on the Basis of Fiscal Year. (H. P. 397) (L. D. 440)

AN ACT Prohibiting Businesses from Raffle or Giving Away Live Animals, Fowl or Reptiles as a Fund-raising Device." (S. P. 171) (L. D. 421)

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

AN ACT to Authorize the Designation of a Municipal Development District. (H. P. 603) (L. D. 680)

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

Senator MINKOWSKY: Mr. President and Members of the Senate: You may recall earlier last week, I raised the question about the municipal development districts of which the City of Lewiston is participating in one. That was primarily because of a Bill I had Enacted in 1977, that created the municipal development districts. For those of you who were here at that particular segment of time, you'll recall that one of the criteria laid down on that particular bill, was that there be local input, that the citizens of a community, under the municipal home rule, that does exist today, would have a right to vote on this issue.

This is, as I mentioned previously a brand new innovative idea that time has come. But of paramount importance, is that the people in a municipality have the right only to the point of defining the boundaries of the tax assessment district.

The other question that was brought up is the people will not understand what the issue is about. Then, allegedly, it would be defeated in the municipality. I can assure you, Ladies and Gentlemen of the Senate, that after all the referendum questions that we have gone through, censored by the State, or what is materialized at the local level, people are very cognizant of which way they want to go.

The simple thing about this, it does not cost the taxpayers of a community any dollars at all. It's an assessment over and above the set mil rate of a community. But, again, leaving this up to the municipal officials, to define what the perimeters of that tax assessment district are, leaves a great deal to be desired, as they can jockey that line around at their will.

Of significant value after the referendum question is passed upon by the people of a community, the municipal officials, in their wisdom, through ordinances, can actually decide what the assessment will be.

My only plea this morning is, do not deny the people of any community in the State of Maine, and this is a state-wide issue, the right to vote and make up its mind, if they are in favor or opposed to a municipal development district.

It is really a local issue. It should be analyzed and evaluated by these people locally. It should not be allowed to be handled by a municipality directly, without the input of its citizens.

I would only simply, in this particular case, Mr. President, ask for a Division when the vote is taken.

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

Senator CHARETTE: Mr. President, Women and Men of the Senate, I certainly don't want to repeat all that I said last week on this issue. My concern, mainly, and for rising perhaps, too, is that Lewiston has a development area and is in that process of renewal. I'm sure that many other cities are affected by this Bill.

However, as the good Senator from Andros-

coggin, Senator Minkowsky, pointed, referendum question is probably a way of getting the entire public involved, however, my feeling on this particular issue is, that where we're talking about a district, a particular district, in this case, which happens to be a business district. I'm sure in most cases, or 100 percent of the time, these are the kind of districts that will be affected. I feel, that through public hearing, as much can be accomplished. For those people who would be opposed to such a district, the public hearing could well take care of that.

I think the mechanism for this particular Bill, the public hearing will serve best that purpose.

I repeat again, that, you know, it will not cost the taxpayer any money. It will provide the potential for tax increment financing for future development projects, now that Federal sources are drying up.

I would urge this Senate to vote on this issue and Enact this Bill.

I ask for a Roll Call.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate, let me make one point clear relevant to this issue. Lewiston was the one that originally brought this issue to light, from an old law that was enacted in 1972. At that particular segment of time, my municipal officials came to Augusta, and they were in full agreement that it should go to the people. I even understand the good organization that I fondly refer to as the Maine Municipal Association, at that particular segment of time, did endorse the concept. It's amazing today, how their strategies have changed around, because the City of Portland, apparently, does not want to take the time to go through the referendum process, which is so important to the people.

Let me stress that particular point. This is not a Lewiston issue at all. This is a state-wide issue. The only thing it amounts to is that we were prepared to go to referendum and let our people know. The reason why my people in the City of Lewiston went along with this is because of the legislation that came in that was put in by a Representative from Portland, as well as a Representative from the area of Owl's Head, and other parts of the State of Maine. Actually, it's something that should be addressed locally.

I'm quite sure, that on the part of any person in the State of Maine, a referendum question is very important, even the liberal element in the State of Maine emphasizes how it's important to get local input. This is one example, where that particular element can now practice what it preaches.

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

Senator NAJARIAN: Mr. President and Members of the Senate: Senator Minkowsky is quite incorrect when he says that this piece of legislation is unique because, in fact, it has existed in about 30 or 40 states, and it's been used very successfully for the last 10 or 15 years.

The problem in Maine is we've had this legislation on our books for many years, and it's never been used until just recently, Lewiston is beginning to try to develop a development district.

The reason that it hasn't been successful, is because the State, in this instance, has imposed upon the municipalities the additional requirement of referendum above and beyond their normal processes, for example, what they go

about when they issue general obligation bonds.

If your town requires a referendum for General Obligation Bonds, repealing this referendum provision in this Bill won't make any difference. You'll still have to have a referendum.

In the case of towns with a charter, it takes public hearings are required before a municipal district can be established. Plus, in our case, 7 of the 9 councilors have to vote to agree to this, which is pretty difficult.

As far as the assessments go, on those businesses within the district, that doesn't go out to referendum anyway. They have their public hearings, and so forth, and have an adequate chance to be heard on the assessments that are established.

This is, I think, a local issue, but by the State imposing the additional requirement of a referendum, we're imposing on the towns a higher standard than they use in the normal operations of their government.

One of the reasons that this hasn't been used is because developers don't want to come in and put together a package, and then have all that delay due to the fact that there has to be a referendum, and then the uncertainty of the outcome of the referendum.

I hope that you will vote to Enact this Bill.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is Passage to be Enacted of L. D. 680.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Dutremble, Gill, Hichens, Huber, Kerry, McBreairey, Najarian, Perkins, Pierce, Pray, Sewall, C.; Sutton, Trotzky, Usher, Violette, Wood.

NAY — Devoe, Emerson, Minkowsky, O'Leary, Shute, Teague, Trafton.

ABSENT — Redmond.

A Roll Call was had.

24 Senators having voted in the affirmative and 7 Senators in the negative, with 1 Senator being absent, L. D. 680 is Passed to be Enacted, and having been signed by the President, was by the Secretary, presented to the Governor for his approval.

Senator Collins of Knox was granted unanimous consent to address the Senate, Off the Record.

Senator Conley of Cumberland was granted unanimous consent to address the Senate, Off the Record.

#### Emergency

AN ACT to Revise the Charter of the South Berwick Water District. (H. P. 148) (L. D. 178)

This being an emergency measure and having received the affirmative votes of 30 members of the Senate, with No Senator having voted in the negative, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Senator Collins of Knox, Recessed until the sound of the Bell.

#### Recess

#### After Recess

The Senate called to order by the President.

#### Orders of the Day

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

Bill, "An Act to Establish a Kennebec River Future Commission. (H. P. 1141) (L. D. 1285) Tabled—March 24, 1981 by Senator COLLINS

of Knox.

Pending—Passage to be Engrossed.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, and Members of the Senate, I move that this Bill and all its accompanying papers be Indefinitely Postponed. I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President. L. D. 1285 is what we're talking about, plus a Senate Amendment that simply adds four towns to the list of those towns that supposedly comprise the Kennebec River corridor.

I think we first ought to look at Section 6 of the Bill, which enumerates the duties of this commission. Sections 1, 2, 3 of the Bill talk about the river, or the flowage of the river, which leaves one reading the Bill with the impression that all you're talking about is the river itself. Then you get into Section 4, or numbered paragraph 4 under Section 6, captioned "Existing Laws and Regulations". Here your horizon starts to get expanded a little bit, because the commission is called upon to review the existing federal, state, and local laws and regulations affecting energy, environmental, industrial, and commercial planning and development within the corridor.

That's a little bit broader than just talking about the river. Then you get to numbered paragraph 5, where the commission is going to make other studies and evaluations necessary to fully assess the best uses of the Kennebec River.

Again, you seem to veer back toward the river itself, but, I guess, when you get to Section 6, you really have your eyes opened about what this Bill is purporting to do. When it gets to the section when they talk about making recommendations to the Legislature, any changes necessary to insure the highest and best use of the land and water resources within the Kennebec River corridor.

If a proponent of this Bill, in this Body, can define what we are talking about when we say corridor, I wish they would do that. Are we talking about a strip of land 250 feet, 500 feet, 1000 feet, a mile on either side of the river? Or does the corridor mean the entire geographical area of every one of the 36 towns and plantations that border the Kennebec River?

Several people have lobbied me on this Bill since we first discussed it Tuesday. One of the lines of reasoning goes, the committee voted it out unanimously, therefore, why would anyone have the temerity to get up and speak against the Bill? Well I think, here in the Senate, especially, we have to have a view of what is good for the State of Maine, in addition to what is good for our own district.

I submit to you that one of the things I could foresee happening, if we pass this Bill, in its present form, is that next year, or in the 111th, somebody will be in with an amendment. One of the things that amendment might propose is, we can't regulate the Kennebec River unless we regulate the tributaries that flow into the Kennebec River.

I've done my darndest to look at a highway map this morning and starting at Moosehead Lake, I come up with at least six tributaries that might well be brought into the ambit of the Kennebec River Commission. They are the Sandy River, the Sebasticook River, Wesserun-sett Stream, Messalonskee Stream, the Dead River, and Austin Stream. If any one else can tell me where I've inadvertently omitted some, I'd be glad to have them put any other tributaries names on the Record.

Now let's say we already had the Kennebec River Future Commission. Let's assume we had it in existence today. Madison Paper wants to expand its operations. Scott Paper in Winslow is going to build another \$23 million addition up there. In addition to the countless state and federal environmental regulations, will a

proponent of the Bill tell me, whether or not any industrial developer also has to present its plans to the Kennebec River Future Commission, and get their imprimatur on the development. If you look down at Section 6, one of the things the Commission can do is recommend any changes necessary to insure the highest and best use of the land and water resources.

I guess my final concern about this Bill is in Section 10, a little three-liner, one sentence. "The Commission may accept funds from any private foundation." Okay? I'm working upstairs the day after we had our first debate on this Bill. The prime sponsor of the Bill came in to talk to me. Among other things that were related to me, in our very pleasant conversation, was that Representative Kany had obtained, from Deputy Attorney General Steve Diamond, a letter, an opinion, not just a letter, it was an opinion. This opinion purported to lay out limitations imposed by present statutes on a legislator who wanted to go out and solicit funds from the private foundations.

So something that, I guess, two days ago, I had thought was a mere possibility, was far more than a mere possibility. It was already something that had been anticipated, and looked into. I don't believe that the notebook of any member of the State Government Committee contained the text of Attorney General Diamond's opinion.

I submit to you, Members of the Senate, that this Bill may look to be an innocuous Bill. Everyone wants it. Yet, if you pass this Bill, one of the next steps will be putting the tributaries in, then you will find that the Ford Foundation, or the Rockefeller Foundation, or the Sierra Club, or the National Audubon Society, or some group, that has money, to fund planning grants, has magnificently bestowed upon the State of Maine \$50,000 or \$100,000. This is a matter that may well happen.

Members of the Senate, these are some of my concerns, and this is what has gotten me concerned about this Bill. I look upon it as an additional layer of regulation. We already have Federal Environmental Statutes. Our own state statutes are replete with environmental laws. We have local zoning boards. Why do we need the Kennebec River Future Commission as an additional layer of regulation, as an additional body that has the power to make recommendations? Thank you very much, Mr. President.

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

Senator AULT: Mr. President, and Members of the Senate, as Chairman of the State Government Committee, from which this Bill came, in a unanimous report, I would like to make a few comments. I have no problems with Senator Devoe taking on a unanimous report, in the 10 years I've been up here, I've seen people take them on, I've seen them turn them around. I don't believe he should turn this one around, though. I hope you will vote against his motion to Indefinitely Postpone.

We on the committee, and I'm sure many of you, are very much aware of the fact that the Kennebec has been cleaned up considerably, ahead of schedule, better than was anticipated. I think it's a unique river in the State of Maine. I think that we should plan for its future. That was the idea with this piece of legislation.

This Commission can not do anything without an act of the Legislature. They're going to recommend to the Legislature, the 111th, anything that they think might be helpful to the future of the river. The Legislature is going to have to act on what they recommend.

I would just urge you to vote against Indefinite Postponement.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Mr. President, and Mem-

bers of the Senate, I just thought I would like to read you, for the Record, an editorial that appeared in the Waterville Morning Sentinel, on Monday, February 16. It's entitled, "Protect our Reborn River". I won't bore you with all of it, but Otis Bacon, as I think most of you people know, really is the controller of the Kennebec River at this particular point in time. He's very expert. I've worked with him in my job as a federal representative. He's a very dependable, very accurate kind of person, and very needed. He has written into the Bill, so that he can help us manage that river. The thing that this editorial says is, "There's a good deal more, however, than opening and closing water gates in response to snow cover, rain storms and drought, in guiding the river's future. The Kennebec River is a model of what can happen when government from Washington, to the town hall, industry from a Philadelphia board room to a local water sampler, and ordinary people who ultimately pay all the bills, get together to achieve a common goal."

Two decades ago, the Kennebec River was an open sewer, laden with the stinking effluent industrial and human processes. Today, it is almost clean again, so clean, in fact that by 1983, the entire river is expected to be swimmable and fishable.

Unless policies are developed for its future, the river could once again be jeopardized, this time, by the very successes of the clean up effort. That's why Representative Kany's proposal is a correct one for the times, despite Mr. Bacon's misgiving. For decades, all of us exploited the river for short range profit, and to avoid the cost of funding a proper system for disposing of our waste, we will exploit it again unless adequate safeguards are established to protect it.

These are times when we are re-examining the myriad of government regulations that burden us as individuals and businesses. We are wary of proposals to add new ones. Agreeing to establish sound policies for the Kennebec River isn't to fall into the trap of over regulation, however. We all contributed one way or another, goodly sums of money to restore the river. The \$15,000 tag on Representative Kany's Bill is a small price to pay for the initiation of steps to create a policy to protect that investment."

I would ask you to not vote for the motion proposed by Senator Devoe, and I would ask for a Division.

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

Senator REDMOND: Mr. President, and Members of the Senate, I can not just sit by and I had made up my mind I wouldn't say anything, but coming from the area that I serve, and in view of Senator Devoe's mentioning of anyone knows any other rivers, I think that I'd like to mention the Dead River corridor is a tributary of the Kennebec River. That goes all the way up through Eustis and the north branch of the Dead River goes up through by a chain of ponds and up to the Canadian border. That also goes through the Indian territory, so I suppose it will be handy to have a Commission to plan so we can be living in harmony with those territories.

I would like to tell you that the people in my area don't think that they need any of those commissions to plan, the future of the Kennebec, and revive it. When the Kennebec was clean, that commission wasn't there. The people of Maine have done a terrific job, but they didn't need these extra commissions over commissions.

I think the problem we're facing today is, people are spending so much time meeting from one commission to another that they don't have time to look after their business. That's the way the people up my way feel.

I'd wish to ask you Republicans and Democrats, actually I say Republicans and Democrats, there are no really Republicans and

Democrats, I think we're all politicians. There are really only three parties in the United States. I think the only three parties are the capitalistic party, the communist party, and the socialist party. Those other parties have pledged to spread their philosophies throughout this country. I think that when Khrushchev came over here, he said that he didn't need a war. He didn't need a fighting war, that he'd win anyway. This is what he, I suspect some times, I'm wondering if that has anything to do with it. They're bringing all these pieces of legislation around here a little at a time, little it'sy-bitsy pieces. It doesn't harm anyone, and it's good, we're going to rejuvenate the Kennebec Valley. We're going to straighten things out, make it pretty. Little it'sy-bitsy pieces by and by, we have a bureaucracy that's piled one on top of the other, and nobody has time to look after their business.

So I hope you will go along with Senator Devoe. I'm going to.

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

Senator GILL: Mr. President, I, too, serve on the State Government Committee and I am in favor of this Bill. It was a unanimous report coming out of the committee. Everyone that came to the committee spoke in favor of the Bill, except for one individual. He has already been mentioned.

I think the fact that the river has been cleaned up, somewhat, leads us to believe that we do need a commission of sorts to keep it in that order. The river is used for varied flowage purposes. I think a commission could determine what was a good use and what was not a good use of that river. I feel very strongly that this Bill should pass.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Devoe that LD 1285 be Indefinitely Postponed, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to Indefinitely Postpone LD 1285 in non-concurrence, does prevail.

Sent down for concurrence.

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

Bill, "An Act Relating to the Licensing of Pin Ball Machines. (H. P. 503) (L. D. 554)

Tabled—March 25, 1981 by Senator Pierce of Kennebec.

Pending—Enactment.

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

The President laid before the Senate the third Tabled and specially assigned matter:

Bill, "An Act to Provide an Open Season on Moose. (S. P. 128) (L. D. 300)

Tabled—March 25, 1981 by Senator Collins of Knox.

Pending—Motion of Senator Conley of Cumberland to Reconsider whereby the bill was Indefinitely Postponed in non-concurrence.

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

Senator PRAY: Mr. President and Members of the Senate, before we vote to Reconsider the action we took yesterday, I would like to point out in your Senate Amendment Booklet that there is a Senate Amendment, under filing number S-71, which would give us an opportunity if a number of motions prevail for us to have a straight vote on whether or not we favor non-residents to hunt in the 1982 season, and those seasons held thereafter.

I am going to go along with the Reconsidera-

tion motion, and after that I would hope that the members of this Body would allow the political courtesy of those of us who have a feeling about non-residents to be able to back the Bill up to at least offer this amendment and let's address this one issue which many of us have feelings about.

I would hope that you would go along with the Reconsideration motion at this time and then allow the opportunity for us to address that amendment and talk about that one issue of non-residents.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I do not want to belabor this whole issue, I think, we have all probably pretty well figured out how we are going to vote this morning. There has been a lot of interest in this Bill since yesterday.

I want to be careful what I say about non-residents, because I do not want my good friend the Senator from Penobscot, Senator Trotzky to be angry with me.

I expressed my feelings on this Bill a month ago, to the Commissioner of the Department of Fish and Game, and some of the Legislators who have been working on this Bill. I talked to them several weeks ago and told them that I had some problems with it. My only problem with the Bill at this point is the fact of the non-residents. I have heard everything from the idea of it being unconstitutional to the fact that we are going to lose all of the Federal dollars. All I can say is that after 8 years down here, I know that if you do not have any other argument that you can waive around, an unconstitutional argument is usually a good one to run out, and if that one will not fly, then you can usually run out that you are going to lose Federal dollars and if that one will not fly, then you are probably licked.

I appreciate and can see the importance of the non-resident hunter in the Maine Fish and Game Program, there is not any argument there whatsoever. But when you look at the one big game animal that is attractive to hunters that we have not hunted for many, many years, in the State of Maine there are many, many hunters, Maine residents, who supported the industry, who have supported the department, who have supported all of us, who will never have a chance with 100 less licenses if you vote for this Bill.

I do not see where in this situation the non-resident is so all powerfully important, I almost am starting to look around to see a non-resident hunters lobbyist wandering the Halls here. I have not found such an animal yet. I do not understand why the non-resident if you will excuse the pun is such a "sacred cow" in this whole debate.

I would hope that you would move to Reconsider, and let the good Senator from Penobscot, Senator Pray, offer his amendment and we will fairly have a chance to decide that one issue, residents versus non-residents. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate. I have listened very attentively to the debate yesterday relevant to this bill, and of course, I guess that you all realize that I have been rather consistent over the many years with Senator Conley, we both feel the same way about this, we both have consistently voted against.

One particular part of the debate that intrigued me a little bit was the trademarks made by the good Senator from Penobscot, Senator Pray, who brought up very clearly in his debate that he is an owner of a small sporting and camping lodge in that particular area of the State. It was never clarified, to me, as to why he is opposed to letting in the non-residents in the State of Maine to partake of this



particular Moose Season, since it would directly benefit his particular business. I wonder if he might care to clarify that particular point somewhat.

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

Senator O'LEARY: I did not intend to speak on the Moose Bill, because I was a permittee, I won my opportunity in the last lottery. I would like to defend the position of the good Senator from Penobscot, Senator Pray, because I was a guest at his camps, and his camps were full for the whole week.

I heard loud and clear from my people at home when I go home on the weekends, that they would much rather not have any Moose Hunting Season at all, than allow the non-residents in, and that is why my voting is being consistent.

Mr. President, when I look at the thousands and thousands of Maine residents who would like to hunt moose and will never have the opportunity, but we are going to guarantee that 100 out-of-stater's each year will have that right then I will oppose the Bill.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator McBreaarty.

Senator MCBREARTY: Mr. President, and Honorable Members of the Senate, I would hope this morning that you would Reconsider this and Pass the Bill in its present form and send it onto the Governor.

I honestly believe that more work and research have gone into the drafting of this L. D. 300 than any other Bill that will come before you this year.

Research that has made it possible to draft a Bill that will continue to protect our Moose herd and at the same time allow us to harvest a renewable natural resource in a way that will be fair to all concerned. If we would all control our emotions for a few minutes, we would realize that it doesn't make any more sense to let a thousand pound moose go to waste, than it would to let beef, deer, chicken, fish or any other food.

I have a few statistics to share with you this morning. Statistics taken from two widely read sports publications. "Seven states presently have moose hunting seasons, Alaska, Idaho, Montana, North Dakota, Utah, Washington, and Wyoming. The moose population in the 7 states range from a high in Alaska of 73,000 moose, to a low in North Dakota of 100. North Dakota with a population of only 100 moose allows a harvest of 15. Four of the 7 states allow non-residents to share in their harvest. Utah with only 800 moose allow non-residents and harvest 120 per year. Wyoming with a moose population of 7 to 8 thousand allows non-residents.

Eleven Canadian Provinces have moose hunting seasons, 9 of the Canadian Provinces allow non-residents.

Moose permit fees in the States and Canada run from a high of \$400 and this includes 2 people, to a low of \$215.

Newfoundland imported moose first at the turn-of-the-century. They now have a moose population of 50,000 and harvest close to 7,000 moose per year. A good part of the economy of Newfoundland is based on moose hunting and fishing. Newfoundland imported 300 partridges from Maine just a few years ago, now they have an annual partridge hunting season of several weeks. It adds to their economy.

Maine doesn't hesitate to fill many of our best paying jobs with non-residents. Why should we hesitate to take advantage of bringing in non-residents, who will spend their money, money that will be used to continue to protect our wildlife.

If we continue to accept non-resident money to fund our Game Biologists they should share at least slightly in the fruit of the biologists' labor. Karen Morris, our Moose Biologist, has been invited to take part in a meeting being held at Thunder Bay, Ontario. This meeting

will be a North American Moose Conference and Workshop. The purpose of this meeting is the exchange of management techniques and problems of moose management.

Francis Dunn, our retired Game Biologist, will also attend and present a paper titled, "Preliminary Results of Maine's Moose Season 1980". This meeting will be attended by game biologists from nearly every Canadian Province, many states and Sweden.

Let's not let our emotions prevent us this morning from taking advantage of our renewable resources that can boost Maine's economy and actually help Maine sportsmen in the protection of all of our game.

I contacted this morning, William Reed of Millinocket, Maine, he is the President of the Fin and Feather Club there. They have 150 members. Bill told me that at a recent meeting of the club with 43 members present, the vote was 42 in favor of the Moose Bill in its present form and 1 opposed.

I have a letter here from Sportsmen Alliance, I won't read it, but they strongly support this Bill, and they have several thousand members. They feel that rather than hurting our Maine sportsmen it will help them to carry the load of protection of our game.

I have a letter here from International Paper, who surely knows what the population is. They say that moose are a renewable resource. Moose are abundant in Northern Maine. The moose herd should be managed on sane yield, with hunting as part of the management scheme.

I have a letter here from Inland Fisheries and Game. It says that 35,000 non-residents come here now to hunt deer and bear. As an offer of evidence of how painless allowing 100 non-residents in the moose hunt would be, I would point out that 39 non-residents did hunt moose last fall as legal permittees, that 11 of them registered moose. To me no one was unduly grieved by this fact, nor would they be by allowing 100 as permittees.

Also I would like to point out that many of our non-resident hunters are in fact native sons and daughters who like to return here to hunt with relatives and friends.

On the other hand a person who never was in the State before 3 months ago, but who lives here now could qualify as a resident for licensing purposes.

I hope that you take these matters into consideration in your deliberation of this Legislation which is of a major importance to the Fish and Wildlife Department and the Sportsmen of the State of Maine. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President, and Men and Women of the Senate, I realize that I was in the Minority Party in this august gathering here, but I also realized in the last few minutes that I am in the minority in not having spoken on the Moose Bill, so I wanted to get in a few words, also, in this.

I hope too, that you will defeat the motion to reconsider this. I would like to state some of the reasons that I am going in this direction. I did not realize last fall that this would become one of the most time consuming issues that we have faced thus far in the session. It is an awesome task that I realize is in front of us here and I want to be sure that I make the right decision.

I am somewhat of a pragmatist when it comes to making decisions like the Moose Hunting Bill. Based upon the fact in terms of Senator Pray's motion this amendment that he was going to make relative to the non-resident. One of the reasons that I was for this piece of Legislation initially, was that it was going to make some money for the State. That is one of the reasons that I think that we have to look at it now. We have to realize, I think, immediately that there is no sport involved in hunting

moose, that has been pretty well demonstrated based on the testimony that I have heard. We could pretty well, it is not a highly skilled sporting event, that we would have to be concerned about.

We have also heard concern about the majestic creatures that roam in the woods and that it is the State animal and that we ought to protect it from that standpoint. I do not want it to become like the "sacred cow of India" where we do not harvest it, if in fact it is a renewable resource, that we need to harvest. I remember growing up on a farm and having calves and pigs and what not follow me around and I always thought that they were fairly majestic sort of creatures, too.

There is another point here that seems like we have brought up and probably need to elaborate a little bit, we have put down the hunter as being less than desirable, having undesirable characteristics. I am not a hunter, and I probably won't become one, I do not enjoy all the blood and gore and so forth that is involved in hunting. So I am a little more sophisticated in the way that I go about that, so I go to the supermarket and I hire a killer to take care of killing my meat and I get these nice little neat packages of meat, no blood eating that. That doesn't mean that there is any less dignity in a man who goes out and kills it himself. I think that we ought to realize that.

You know that it has been mentioned, too, I remember at one point in the debate here about how we were sickened by the kind of thing that I mentioned about the blood gushing out and all that. I remember seeing a thing recently on TV which was talking about the hungry children in the underdeveloped countries of the world and they were being weighed and measured in height to see which ones of them are to be fed, and which ones of them are not to be fed. It is much more of a sickening sight to me to see hungry children with flies swarming over open sores than it is to talk about the blood and so forth involved in this Moose Bill.

There's another thing that I'd like to bring up. It has to do that, over the course of years we develop certain competencies, in whatever area we decide to work at. As an undergraduate, I was a biology major. So I have some concern, some knowledge about life cycles and disease control, overpopulation, and resource management. But, you know, I have been out of that a long time. I don't know much about those things any more. I have to place some reliability and some judgement on those that make those decisions. We have to depend upon the people that we hire that are professionals to make some decisions for us on things that we hire that are professionals to make about. I can't believe that my flying over the area and counting tracks, or that my going out and driving up and down through the back woods, and occasionally seeing a moose, that that's adequate for me to make determination as to whether or not we ought to harvest the moose.

As I mentioned earlier, I'm not a hunter. I don't intend to become one. I won't apply for a moose permit, nor will I go ahead and apply for a license to kill the little Bambi deer that run around or the little rabbits that go hopping through the woods, or whatever. Because, you see, I'm a little more sophisticated. I'm going to hire my killing done. I'll hire my killing done by the butcher down at the shop. He'll go ahead and kill those things, and I love those little pork sausage links, you know, with the steak or whatever comes along. But I don't like going out and killing them myself. It doesn't mean, you see, that there's not dignity involved in the man that does do it. It doesn't mean that he's any less of a person than I am for eating it. So I hope we realize that in terms of when we make the judgment, too, here.

The first time that I voted on this issue, I voted against it. I was against the Moose Bill. I sat back in the back back here and didn't come to my seat, as I recall, until whether or not my



vote was needed. It was 20 to 10 that time, so they didn't need my vote. I voted against the thing. That's the way I kind of felt inside.

However, the last time around, it was 17-15, so I voted for the Moose Hunting Bill. I believe that the people who are in Washington County would want the Moose Hunting Season. I'm convinced of that. I'm convinced that it is renewable resource, that we ought to go ahead and take the advice of those people that deal with that, and harvest these animals, just like we harvest the domestic animals that we use for food, whether it's pigs, or cows, or chickens, or anything else. It's no different than any of that, for us to go ahead and set this one animal aside as "the sacred cow of Maine", that we're not going to harvest, I think is improper.

So I urge you also to defeat Senator Conley's motion and reconsider. Thank you.

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

Senator MCBREAIRTY: Mr. President, Honorable Members of the Senate, I believe I detected an accent in the last speaker that indicates that he might have, at one time, been a non-resident of Maine. Recently, if you remember, he became the sweetheart of the Maine Senate, imagine that. Maybe some of these moose hunters would come in here and might end up the same way. I'm sure we'd be pleased if they did. Thank you.

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

Senator TROTZKY: Mr. President, I am obviously chairman of the Out-of-State Club here, which consists of Senator Sutton, who I believe is from Chicago; Senator Brown from Kentucky; Senator Bustin who was born in Vermont; Senator Najarian who was born in West Virginia; Senator Huber who was born in New York; Senator Hichens, I think, possibly was from Massachusetts; and the Chairman of the Fish and Game, Fisheries and Wildlife Committee wasn't even born in the United States. He was born in Canada.

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

Senator NAJARIAN: Mr. President, Members of the Senate, when the Appropriations Committee held a public hearing on cutting the medical school contracts, we heard over and over that Maine people wanted to be treated by home grown doctors. I'm waiting here today to hear someone say that Maine moose prefer to be killed by Maine natives, rather than an out-of-stater. Personally, I don't think it matters much who shoots the moose. It's just as dead if it's done by a native or someone from out-of-state. I like the posture of the Bill where it is now.

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

Senator PRAY: Mr. President, and Members of the Senate, Senator Brown from Washington, serving his first term, made a comment that he didn't realize that so much debate on such an issue would occur. Just wait until you've been here a few years, Senator Brown. You'll find that these are the types of issues that stir more debate than the real important issues. Seemingly, more emotion is tied in with an issue such as this.

I would just like to respond to a few of the comments that have been made by some of the speeches here this morning. I'm going back again to the subject matter, what my concern is, and that is the non-residents. Each and every one of us was sent down here to represent our constituency, no matter where our place of origin is. The people of that district have chosen us to represent them, and to express their view-points in this Chamber. They've elected us to take the information that's available, on some instances, and make an intelligent decision.

This morning, I had a couple of calls from Millinocket from members of the Millinocket Fin and Feather Club, which the Senator from

Aroostook, Senator McBreairey, mentioned earlier. I started talking to them, and asked them why they were of the opinion they were at. They said, "First of all, we were told that we will lose Federal funds if we don't allow non-residents." Well that's a bunch of bull, excuse the phrase.

Second of all, they were told that it would be a law case if we excluded non-residents, because it was not constitutional. So I took an opportunity this morning to do a little bit further research on those two questions. So I called Washington, D.C., and talked to some individuals down there from the Department of Interior, who then transferred my call to someone else, who answered the question for me.

First of all, we would not lose any Federal funds if we exclude non-residents. Second of all, I then talked to some people in the second floor down here in the A.G.'s office as to whether or not there was a constitutional problem of excluding non-residents from hunting moose. Would we be in any type of legal problems? The unofficial opinion is no, we would not be in any type of legal problem. We have done it before. We have a one day deer season which excludes non-residents at this time.

So those premises, I called back the gentleman from the Millinocket Fin and Feather Club, and I explained to him those situations. Well, he said, if that's the fact, then we don't want non-residents in the Bill, because we were told the only way we could have it, was if we included these 100 people.

Well if I lose in my motion today, or my attempts to amend the Bill to get rid of non-residents, I'm going to support a moose season. I think I made that point rather clear yesterday, and some of the individuals who switched their vote from the 20-10 vote feel the same way, they feel that this is an issue that should be addressed, and due to the previous information that was going around by some of the Members of this Chamber, and members of the Committee, and Members at the other end of the Hall, and the department. There was a lot of misinformation going around.

For that purpose, I would hope that we would Reconsider whereby the Bill was Indefinitely Postponed yesterday upon my motion, and as I had stated earlier, I would hope that this Body would give us the courtesy now that the facts are out from the department, and everybody understands what the issue is, that we'd have an opportunity to vote upon that issue including or excluding Maine non-residents. Thank you very much.

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

Senator REDMOND: I would like to reiterate again the fact that this Bill was given due process. We filled a hall over at the Civic Center with people that came and testified. I can assure you that there wasn't one, not one, nobody brought up this issue of non-residents. No one had spread out any rumors that we couldn't pass it, or we could pass it, or anything. I just want the members of this Body here to know that. Not one. I hope that you will vote in the best interest of the State of Maine and pass this Bill the way it is.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, that the Senate Reconsider its action whereby L. D. 300 was Indefinitely Postponed, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

22 Senators having voted in the affirmative, and 10 Senators in the negative, the Motion to Reconsider does prevail.

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

Senator PRAY: Mr. President, I move Suspension of the Rules for the purpose of Recon-

sideration.

The PRESIDENT: The Senator from Penobscot Senator Pray moves that the Rules be Suspended.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: I request the yeas and nays.

The PRESIDENT: 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 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 to Suspend the Rules.

A Yes vote will be in favor of Suspending the Rules.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Bustin, Carpenter, Charette, Conley, Dutremble, Hichens, Huber, Najarian, O'Leary, Perkins, Pray, Shute, Trafton, Wood.

NAY — Ault, Brown, Clark, Collins, Devoe, Emerson, Gill, Kerry, McBreairey, Minkowsky, Pierce, Redmond, Sewall, C.; Sutton, Teague, Trotzky, Usher, Violette.

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 Suspend the Rules does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be Passed to be Enacted?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, when the vote is taken, I request it be taken by the yeas and nays.

The PRESIDENT: 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 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 Enactment of L. D. 300.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Devoe, Dutremble, Emerson, Gill, Kerry, McBreairey, O'Leary, Pierce, Pray, Redmond, Sewall, C.; Sutton, Teague, Trafton, Usher, Violette, The President J. Sewall.

NAY — Conley, Hichens, Huber, Minkowsky, Najarian, Perkins, Shute, Trotzky, Wood.

ABSENT — None.

A Roll Call was had.

24 Senators having voted in the affirmative and 9 Senators in the negative, L. D. 300 is Passed to be Enacted.

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

Senator PIERCE: Mr. President, I move Reconsideration.

The PRESIDENT: The pending question before the Senate is the motion by the Senator

from Kennebec, Senator Pierce that the Senate Reconsider its action whereby L. D. 300 was Passed to be Enacted.

Will all those Senators in favor of Reconsideration, please say "Yes".

Will all those Senators opposed, please say "No".

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

The Bill, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the fourth Tabled and specially assigned matter:

RESOLVE, Authorizing Jeanette Hodgdon, Administratrix of the Estate of Kenneth R. Hodgdon, to Maintain a Civil Action Against the State of Maine. (S. P. 227) (L. D. 614)

Tabled—March 25, 1981 by Senator COLLINS of Knox.

Pending—Passage to be Engrossed.

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

Senator EMERSON: Mr. President, and Ladies and Gentlemen, before you vote to Engross this Bill, I have a few facts that I'd like to share with you.

I feel that the Engrossment of this could set a precedent that could be potentially expensive for the State. L. D. 614 authorizes an estate to sue the State of Maine for an alleged defect in road design, that allegedly contributed to the death of a motorcyclist on Route 197 in Dresden.

The plaintiff seeks to recover up to \$300,000 from the State on the grounds of a defect in road design at the intersection of a State Highway and a State-aid Road, by means of a Superior Court Jury Trial.

This Resolve is important for several reasons. First, it proposes to establish new grounds for recovery from the State, namely, an alleged defect design.

Second, it seeks to include in the Resolve legislative findings, with respect to many of the facts properly at issue in the trial.

Third, it permits a recovery of up to \$300,000 from a hard-pressed highway fund.

Fourth, it permits the plaintiff to demand a jury trial.

Fifth, it is the first of several very potentially expensive Resolves to be presented to this Legislature.

Sixth, and most importantly, it seeks to modify the general principles of Maine Tort Claims to address the particular concerns of this claim.

All these points are of serious policy concern, and should be addressed before L. D. 614, or other Resolves are Enacted.

As you may know, Maine law long followed the Anglo-American rule that Governments were totally exempt from legal liability under the doctrine of sovereign immunity. From statehood until 1976, the rule applied. Then, in a case entitled "Davis vs. the City of Bath", the Supreme Judicial Court finally called upon the Legislature to permit some legal claims to be brought against the State.

The Legislature responded in 1977 by enacting the Maine Tort Claims Act. This act reaffirmed the principle that the State was generally immune from a sue, but created certain exemptions, so that people who were the victims of accidents could recover from the State, under circumstances where they usually could have recovered, if the State were an ordinary private citizen.

Ordinarily, private parties have some insurance and \$300,000 is not an unusual or unreasonable amount of insurance. Ordinarily, private parties are liable for things like automobile accidents, or inadequate warnings of danger, or negligent acts.

So what the State of Maine and the Legislature sought to do was not treat people differently because they happened to be injured by a

State employee or State vehicle any more than they would be if they happened to be injured by a private party, a fact beyond the control of the victim. The Legislature, in its attempt to be fair, did not want to make people injured by the State better off than those injured by private citizens, did not want to give them any special advantage. That's why the limits on the State's liability were created. These limits were simple and consistent with a private citizen's liability.

First, a liability of \$300,000 on any individual claim was established. This is consistent with the reasonable expectations of the insurance coverage of private parties.

Second, the grounds for a claim were limited to those a private party might expect to have for a suit, and not the special, unique activities of government. For example, in an automobile accident, the private defendant can expect to be liable for negligent operation, but not for highway design. Under our law, the same rules and the same liabilities now apply to the State.

So this Resolve, basically, seeks to amend the Tort Claims Act, to give a special right of action to one particular individual on grounds not ordinarily recognized as given a right to recover, an alleged highway design defect.

We believe that it would be short-sighted public policy to Enact L. D. 614 for the following reasons:

First, highway design should not be grounds for a suit. We have 21,000 miles of State and State-aid Roads, in Maine, which have been constructed and reconstructed over the last two centuries. The present administration is not and can not be fairly held responsible for all design decisions made in Maine's history.

Second, if suits of this nature were allowed, the State would be forced to spend thousands of hours of time of our engineers and other experts going through plaintiffs, discovering and preparing our defense, thousands of unproductive hours.

Third, the road system is so vast and designs risk so infinite, that the potential liability is truly unpredictable and uninsurable. The State just can not reasonably foresee or guard against any complaints of this type, and it is unfair to impose liability under these circumstances.

Fourth, and finally, the potential costs of this Resolve are a serious matter. Not only will there be substantial costs in the time of engineers, experts, and attorneys, but the main problem is, of course, the \$300,000 claimed by the plaintiff. In a time when the Highway Fund is steadily diminishing, and financing our road program is the principle issue before the Legislature, we must be very concerned about not honoring an existing obligation, but actually creating a new one.

I do not believe we can afford to expand our liability at this time. While I believe this issue should be resolved on policy and financial grounds. It also should be noted that there are several drafting problems with the Bill. First, there are two full paragraphs of findings of fact by the Legislature, all favorable to the plaintiff. If we do allow the Resolve, facts should be found by a court, not the Legislature. This is another unfair burden on the State and the taxpayers.

Second, the Bill specifically specified that D.O.T.'s legal staff will defend the case. Ordinarily, under the Tort Claims Act, the Attorney General chooses who will defend the State, and that is appropriate here as well.

Finally, this Bill is clearly deficient in not having a fiscal note. Any Bill which holds a clear expressed potential for costing \$300,000 should be required to bear a fiscal note, and be in consideration in competition with people's other urgent needs.

In conclusion, L. D. 614 makes a major change in Maine Law for the benefit of a single estate. It is contrary to a sound public policy to create a new cause of action for litigants, and it

is potentially a very expensive proposition.

Finally, a warning. This is only the first of several Resolves authorizing suits against the State. This is a precedent either way. There are three other Resolves, L. D. 1344 asks for \$100,000, L. D. 1012 asks for an unspecified amount but could go as high as a million dollars; and L. D. 333 asks for authority to sue the State for 3 million dollars. I think we need to be very careful when we consider Engrossing this Bill.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, first of all, I'm very glad to hear those comments from this Senator Emerson on behalf, basically as to what I feel is the position of the Department of Transportation. I am also delighted to see that the Department of Transportation circumvents the committee by not attending and not making its views known to the committee, either for or against, and by circumventing the committee and thus going to a Senator without making its objections known to the committee and denying the committee all its information.

If the Department of Transportation is so bloody concerned with this Bill, I feel that it should have come to the committee and made its case known. It did not appear before the committee and thus the committee felt that the Department had no objection to the Bill. The committee felt after reviewing this particular case, it reviewed all resolves brought before it on a case by case basis, irrespective of the financial condition of any department. We're not going to decide not to allow a case to come before the Legislature simply because the department is having financial problems.

We reviewed this case. Members of the committee went to the actual site. The committee, after a lengthy review, and after a subcommittee going over the Bill, felt that this was a special case, that the State had been grossly negligent and derelict in its duties, and felt that under that premise, that the person involved ought to have his right to have his day in court.

For that reason, the committee unanimously voted out the Bill Ought to Pass. I think that's what we ought to do here today.

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

Senator SUTTON: Mr. President, I move that this item lay on the Table for 2 Legislative Days.

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

Senator SHUTE: I would ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Sutton, that L. D. 614 be Tabled for 2 Legislative Days, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

18 Senators having voted in the affirmative, and 9 Senators having voted in the negative, the motion to Table L. D. 614 for 2 Legislative Days, does prevail.

The Chair will direct the Senate's attention to:

HOUSE REPORTS—from the Committee on Business Legislature - Bill, "An Act to Repeal the Termination Date of the Emergency Petroleum Products Supply Act." (H. P. 863) (L. D. 977) Majority Ought to Pass as Amended by Committee Amendment "A" (H - 116); Minority Report - Ought Not to Pass.

Tabled—Earlier in the Day by Senator COLLINS of Knox.

Pending—Acceptance of Either Report.

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

Senator CLARK: Mr. President, I move that the Senate Accept the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Clark, moves that the Senate Accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Thank you, Mr. President. Ladies and Gentlemen of the Senate, I would urge you to defeat the Majority Ought to Pass Report, and Accept the Minority Ought Not to Pass Report. We had a hearing on this, as you might say, or our day in court on March 9th, where Gordon Weil, the Commissioner of Office of Energy Resources was the only proponent, and delivered, I might say, very, very effectively the Governor's position.

Representatives of four major oil companies spoke in opposition, Gulf, Exxon, Mobil, and Texaco. Two suppliers, or jobbers, one of the largest in New England and in Maine spoke, and several private citizens and representatives of Maine oil dealers, and also the Economic Resource Council of Maine all spoke in opposition. The oil companies all said, they had no plans to pull out of Maine. The suppliers, jobbers, said they would love to have the majors pull out so they could have more business, and would take all they can get. In 1975 the jobbers, or local suppliers, were supplying about 41 percent of all of the United States of petroleum products. That's gone up in 1980 to about 50 percent. They are taking over the jobs of the majors.

One indicated that he had not seen a salesman in years, and had five call on him since decontrol. One citizen, a member of a local school board, told us that they would be able to send out their oil contract for bid this year for the first time since the embargo.

The Economic Resource Council of Maine said, in part, that with this legislation, it is entirely possible that one or more suppliers would decide to, in effect, give notice now to pull out of Maine at the conclusion of the one year period, rather than continue in a situation where they will be locked into marketing plans which are not economically sound.

Such mandated restrictions on marketing though on the surface attractive, are not in the best interests of proper allocation of capital and materials. Such misallocation, in the long run, is harmful to all of us. The P.M.P.A., or the Petroleum Management Practices Act, an existing Federal Law, requires six months notice of any major company which plans to pull out of gasoline distribution. By the way, gasoline has been decontrolled for over 57 months with no problem. Since our proposed law provides no protection on pricing, any company can depart from Maine's market by only raising its price a bit more than its competitor.

Ours is an excellent market, contrary to what some people say. In fact, 60 percent of all heating oil in the United States is sold in the 9 states making up New England. I firmly believe that we in Maine have nothing to fear, and that the free market system must be given a chance to work.

I agree with the Wall Street Journal article of March 2nd, that addressed our particular emergency legislation, and said in part, we suggest the governor and legislators relax. The gasoline distribution system worked fine before allocation in 1973, and will work just as well now. It went on later to say, "in the long run, lower cost retail operations will edge out the higher cost ones, and the marketing system overall will become more efficient. The ultimate beneficiary of these changes will be the motorist, or our homeowner, who will no longer have to subsidize the inefficient operation of federally regulated network."

What we do here today could send out negative and harmful signals to other states who may be carefully watching what we do. There were enough difficulties when there was a single Federal system at D.O.E. Separate systems, implemented in different states, could

effectively paralyze petroleum distribution in the United States.

With full respect to the Governor and his concerns, I am convinced that this law is not only unnecessary, but could actually be counterproductive to its proposed aims and the ultimate welfare of the people of the State of Maine.

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

Senator PRAY: Mr. President and Members of the Senate: I believe that we debated this issue before, and we understand what's before us. Nowhere else in New England, or in this continental United States is heating oil more important. It's not a luxury, but a necessity. The issue that is before us at this time is an act, in a small way, to provide a certain amount of guarantee for the citizens of this State.

If Maine is such a good market area for the oil industry, I'm a little surprised that they didn't step forward and voluntarily offer to go along with this. It would be perhaps the best PR that they could do to counter the large profits that they've been making in the last few years. Perhaps the public would perceive them a little differently than they do today.

This Bill comes in with bipartisan support, bipartisan sponsorship, to allow the Legislature to address this issue. I think that we, as representatives of the people of this state, must be responsible, more so to the concerns of Maine, than those who set the national policy. The action taken in Washington reflects the entire United States, but here in Maine, the issue is more acute.

I would hope that we would go along with the motion made by the Senator from Cumberland, Senator Clark, and because I believe that is such an important issue to the people of this State, Mr. President, I request the yeas and nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, let me first say that I did support the Governor in January in placing the moratorium to be sure that the people of the State of Maine were adequately and dependably served by the oil companies in so far as home heating oil was concerned.

Second, let me state very clearly, that I don't have any love at all for the major oil companies, or any multinational corporation. Because first and foremost, as a taxpayer and a citizen, and a family man, take care of the additional costs, that have materialized with deregulation.

Thirdly, when I looked over the document under the emergency preamble, there are some points I think should be clarified, because they are very generally stated. One is, whereas a reduction or discontinuance of petroleum products supply to the State threatens the health, safety, and welfare, of the people of Maine, Secondly whereas a reduction or discontinuance of petroleum products supplies may occur after April 1, 1981.

I wish somebody, either on the committee, would give me some specifics as to which crystal ball they gaze through to make these evaluations to imply that we will have a discontinuance of petroleum products after April 1, 1981.

I think it's of significant value, that we just don't be given an overview of what the problem is, but an in-depth evaluation that we can debate this and relate this back to our constituents. It has the emergency preamble on it, may be justifiably so, but I know I'm not satisfied at the present time with the information that has been related to me, to justify the emergency preamble in this particular Bill.

I certainly would appreciate it very much if members of the committee, or sponsors of the Bill, even would care to address those particular two concerns.

The PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, and Members of the Senate, it hasn't been too many years that have gone by that I'm sure each and every one of us in this Chamber can remember the number of filling stations that were open in all the communities around the State, and the hours that they were open. If I remember correctly, and I may not be correct on this, but I believe that one of the major oil companies just a couple of years ago, I think it was Shell, that announced that it was going to pull out of New England. That was back in, I believe, '73 or '74. If you look around, you don't find too many of those stations left. There are a few of them now.

Slowly, and very slowly, smaller oil companies, distributors, and what not are being purchased by larger organizations. Smaller dealers, independent dealers, are being squeezed out. Eventually, somewhere along the line, that free market, free enterprise system that we have, pretty soon we'll have one individual that will control the major flow of some items such as gasoline and heating fuel, which are a basic item of necessity in this part of the country, if not perhaps the entire country.

Senator Minkowsky has raised some concerns as to whether or not the emergency exists. Well, I'd like to reverse that on him, and ask him if he votes today in opposition to this Bill, and an emergency does exist, then what do you do? If this thing basically is something that every oil company's going to come in and they're going to give their notice and the following year, if they decide they're not going to pull out, then they stay, and they put in another notice that perhaps next year they'll pull out, then it's not going to hurt the major oil industries or the suppliers to any great detail.

If they did pull out, some areas of this State, as rural as they are, then those people would definitely be hurt. In my part of the state, we have several distributors. When I can remember, perhaps, as short as three years ago when we had in excess of a dozen. We're probably down to around six or less now.

The smaller the number of individuals that supply, the greater the concern that if one individual pulls out, the greater effect that it will have on the people in that area. I do find some problems with the Bill itself, for example, requiring that an industry, or the supplier, to give the notice, or to find an alternative supplier, which says, the "or" bothered me, because if he gives notice, then he doesn't have to find an alternative supplier. I would rather have that industry working in conjunction with the concerns of its customers and finding one, even if they give a year's notice. I do realize the hardship would be because business always finds that loophole and gets around it somehow.

I would hope that we would take the precautionary action today. Accept the Report. If the Senator from Androscoggin, Senator Minkowsky has problems with the Bill, then I would hope that he'd do some research on it and talk with some of the people in the department instead of always standing up at the last minute asking for an explanation.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending the motion by the Senator from Cumberland, Senator Clark.

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

#### Paper from the House Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill to the House establishing the cost of the Maine Forestry District for fiscal year 1981-82. (H. P. 1284)

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

Senator Conley of Cumberland was granted unanimous consent to address the Senate, Off the Record.

The PRESIDENT: The Chair will appoint on the part of the Senate as conferees on 2 Bills:

An Act to Reduce the Minimum Size for Exempt Lots Subdivided Under the Land Use Regulation Law, L. D. 60;

An Act Concerning the Size of Exempt Lots Under the Subdivision Laws, L. D. 312.

The President appointed the following conferees on the part of the Senate:

Senator McBreairty of Aroostook

Senator Trotzky of Penobscot

Senator O'Leary of Oxford

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