

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

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

April 8, 1981

Senate called to order by the President.

Prayer by Pastor Bruce W. Meyer of Prince of Peace Lutheran Church in Augusta

PASTOR MEYER: Our good and gracious God, we thank You for the beauty of this April morning, for the signs of spring in the earth, which also brings renewal in our spirits. As we come together on this day, we remember with particular gratitude those who have come before us, who have served and labored in this State House, and the good pleasures of acknowledging and welcoming them back for this time of reunion.

We continue, O'Lord, to lift up before You the President of our country and his colleagues for strength and health in body and spirit.

As we approach the work and challenges of this day, let it be toward that end, and for that blessing, which brings health, and healing, and life, and hope for all people in our state, in our nation, and in our world.

O, give thanks unto the Lord, for He is good, and His mercy endures forever. Amen.

Reading of the Journal of yesterday.

The PRESIDENT: The Chair is very pleased to welcome this morning many past members of the Maine Senate. We are very pleased to see all of you here, and hope that you will have a pleasant day, renewing old acquaintances here in Augusta.

I would ask you to rise, as I call your names out, and I'm sure I'll miss some, but throughout the forenoon, we will be watching for you. If we miss you the first time, we will acknowledge your presence the next time.

Let's start off asking former President of the Senate, Nat Haskell and President George Varney to rise and accept the greetings of the Senate. We are very pleased to see you both back this morning, gentlemen.

In no particular sequence, I'll ask Senator Albert Elliot who was the Majority Floor Leader in the 91st Legislature to rise and accept the greetings of the Senate, Senator Wilmont Dow from Waldoboro, who was here in the 96th through the 99th, Senator Kitty Carswell, Senator Frank Norris. Is Frank here this morning? Good morning, Frank. Senator Dwight Brown, Senator Cecil McNally, Senator Frank Whitehouse Anderson is in the back of the Chamber, Senator Percy Hanson. I ask the Senate to greet these former members of the Senate. We are very pleased to have you around. (Applause, the Members rising)

We have former Senator John Cox from Bangor, Senator Norman Ferguson, and Senator Margaret Sproul. I'd ask these people to rise and accept the greetings of the Maine Senate this morning. (Applause, the Members rising.)

I see Senator John Chapman over there, who just came in, and Senator George Chick is here. I ask these two gentlemen to rise and accept the greetings of the Senate this morning. (Applause, the Members rising.)

I have a note here that Senator Chick was a page in the Senate 64 years ago, in the year 1917. It seems like only yesterday, probably, George, doesn't it?

I think that's the, I see some Cianchettes moving around out there, former Senator Chuck Cianchette, and I saw Carl Cianchette. I'd ask the Cianchette brothers to arise and accept the greetings of their former colleagues. (Applause, the Members rising.)

We'll proceed with the proceedings for a few minutes, and wait until a few more former Senators join us.

Papers From The House

Non-concurrent Matter

Bill, "An Act Relating to Standards of the Maine Land Use Regulation Commission." (S. P. 264) (L. D. 746)

In the Senate, April 6, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (S-91).

Comes from the House, Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I move the Senate Adhere.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Adhere. Is this the pleasure of the Senate?

The motion prevailed.

Joint Order

An Expression of Legislative Sentiment recognizing:

The Stags of Cheverus High School, State of Maine Boys Class A Basketball Champions for 1981. (H. P. 1326)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

House Papers

Bill, "An Act to Restrict Importation of Hazardous and Radioactive Waste." (H. P. 1315) (L. D. 1519)

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

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

Bill, "An Act to Limit Scallop Dragging." (H. P. 1316) (L. D. 1520)

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.

Senate Paper

Senator Najarian of Cumberland presented, RESOLVE, Appropriating Funds for the Lump Sum Settlement in the Case of the Estate of Edward M. Robinson v. State of Maine. (Emergency) (S. P. 556)

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

Sent down for concurrence.

The PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber former Senator Harley Welch, and Senator Elmer Berry, and Senator Jim Cahill. We'd ask these three gentlemen, if they're in the Chamber, to rise and accept the greetings of the Senate. (Applause, the Members rising.)

Committee Reports

House

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Prohibit Contractual Allowance in Health Insurance." (H. P. 679) (L. D. 793)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Amend the Worker's Compensation Act to Permit Rate Deductibles." (H. P. 569) (L. D. 645)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Agriculture on, Bill, "An Act to Define a Loose Cord of Wood for Fuel Wood Sold on that Basis." (H. P. 1319) (L. D. 1517)

Reported pursuant to Joint Order (H. P. 1044) that the same Ought to Pass.

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

The Committee on Business Legislation on, Bill, "An Act to Allow Savings Banks and Savings Associations to Accept Demand Deposits of Their own Funds." (H. P. 519) (L. D. 585)

Reported that the same Ought to Pass.

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

The Committee on Legal Affairs on, Bill, "An Act to Clarify and Make Corrections in the Liquor Laws." (Emergency) (H. P. 669) (L. D. 773)

Reported that the same Ought to Pass.

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

The Committee on Taxation on, RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory." (H. P. 931) (L. D. 1102)

Reported that the same Ought to Pass.

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

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

The PRESIDENT: The Chair will interrupt the proceedings to welcome former Senator Clair Lewis, and former Attorney General Frank Hancock. We would ask these gentlemen to rise and accept the greetings of the Senate, if they're still in the Chamber. I see Frank over there. (Applause, the Members rising.)

Ought to Pass — As Amended

The Committee on Agriculture on, Bill, "An Act to Control Brucellosis in Cattle." (H. P. 309) (L. D. 341)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-177).

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

Committee on Labor on, Bill, "An Act to Improve the Administration of Workers' Compensation Hearings and Appeals." (H. P. 523) (L. D. 589)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-175).

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

The Committee on Local and County Government on, Bill, "An Act to Authorize County Commissioners to Charge Rent for Space Furnished to Other Governmental Entities in County Court Houses and Other County-owned Facilities." (H. P. 753) (L. D. 890)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-171).

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 Amendments "A" were Read and Adopted, in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

The Committee on Public Utilities on, Bill, "An Act to Increase the Surplus Account of the Kennebec Sanitary Treatment District." (H. P. 385) (L. D. 428)

Reported that the same Ought to Pass as

amended by Committee Amendment "A" (H-167).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-178) Thereto.

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read and Adopted, in concurrence. Committee Amendment "A" as amended by House Amendment "A" Thereto, was Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act to Allow Voter Registration and Party Enrollment on the Same Form." (H. P. 520) (L. D. 586)

Reported that the same Ought to Pass.

Signed:

Sensors:

PRAY of Penobscot
CARPENTER of Aroostook

Representatives:

BENOIT of South Portland
NADEAU of Lewiston
BOISVERT of Lewiston
DIAMOND of Bangor
ROBERTS of Buxton

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

Signed:

Sensor:

PIERCE of Kennebec

Representatives:

BORDEAUX of Mount Desert
WENTWORTH of Wells
CAHILL of Woolwich
HANSON of Kennebunkport
WEYMOUTH of West Gardiner

Comes from the House. Passed to be Engrossed.

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

Senate

Leave to Withdraw

Senator KERRY for the Committee on Judiciary on, Bill, "An Act to Reduce Costs to Counties of Supreme Judicial and Superior Courts." (S. P. 379) (L. D. 1137)

Reported that the same be granted Leave to Withdraw.

Senator EMERSON for the Committee on Transportation on, Bill, "An Act Amending the Protection of Underground Facilities Statute." (S. P. 178) (L. D. 456)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Senator PERKINS for the Committee on Local and County Government on, Bill, "An Act to Authorize a Bond Issue for Somerset County to Renovate the Existing Somerset County Detention Facility." (S. P. 337) (L. D. 965)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-104).

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

The PRESIDENT: The Chair will interrupt the proceedings again to welcome some additional former Senators, notes their presence at the rear of the Chamber. Senator James

Martin, former Senator Neil Bishop, former Senator Severin Beliveau, and last, but not least, former Senator Linny Graffam.

I would ask all these gentlemen to rise and accept the greetings of their former colleagues. We are very pleased to have you. (Applause, the Members rising).

Divided Report

The Majority of the Committee on Health and Institutional Services on,

Bill, "An Act Promoting the Availability of Health Care Services." (S. P. 303) (L. D. 847)

Reported that the same Ought Not to Pass.

Signed:

Sensor:

BUSTIN of Kennebec

Representatives:

PRESCOTT of Hampden
BRODEUR of Auburn
RICHARD of Madison
MANNING of Portland
MCCOLLISTER of Canton
KETOVER of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (S - 105).

Signed:

Sensors:

GILL of Cumberland
HICHENS of York

Representatives:

RANDALL of East Machias
BOYCE of Auburn
HOLLOWAY of Edgecomb
MacBRIDE of Presque Isle

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

The PRESIDENT: The Chair is pleased to recognize some additional former Senators, Senator Emile Jacques, Senator Ray Letourneau, I see these two gentlemen in the rear of the Chamber. I'd ask Bill and Ray to rise and accept the greetings of the Senate. (Applause, the Members rising.)

I am also advised by the Sergeant-at-Arms that Laurence and Ruth Foster are in the Chamber. He was a Clerk here for many years and she was a Page. I'd ask Laurence and Ruth to rise and accept the greetings of their friends in the Maine Senate. We are very pleased to have you back. (Applause, the Members rising.)

Second Readers

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

House — As Amended

Bill, "An Act to Include Energy and Economic Considerations in Assessing Proposals before the Land Use Regulation Commission, the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife and to Provide for Energy and Economic Review of Certain State Standards." (H. P. 596) (L. D. 673)

Bill, "An Act to Implement Certain Cost Savings while the State's Unemployment Compensation Fund Remains in Debt." (H. P. 845) (L. D. 1011)

Bill, "An Act to Amend the Law to Provide a Lien for Sewer Rates for the Houlton Water Company." (H. P. 622) (L. D. 705)

Bill, "An Act to Exempt Guide Dogs from Registration Fee Requirements During the Raising Period in Foster Homes." (H. P. 266) (L. D. 329)

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

Senate — As Amended

Bill, "An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Employees of Local Districts under the

Maine State Retirement System." (S. P. 274) (L. D. 783)

Bill, "An Act to Appropriate Funds for the Expenses of the Capitol Planning Commission." (S. P. 293) (L. D. 819)

Bill, "An Act Relating to the Costs of Transporting Persons to Hospitals for the Mentally Ill." (S. P. 310) (L. D. 866)

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 Relating to the Per Diem and Case Assignments for the State Board of Arbitration and Conciliation. (H. P. 280) (L. D. 310)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

An Act to Revise the Charter of the Richmond Utilities District. (S. P. 254) (L. D. 723)

An Act to Require State Bond Issues to Include all Interest Involved. (H. P. 195) (L. D. 242)

An Act to Provide for a Municipal Hearing on a Speed Limit set by the Department of Transportation. (H. P. 383) (L. D. 426)

An Act to Authorize Joint Custody Orders as Part of Divorce Judgments. (H. P. 844) (L. D. 1010)

An Act Concerning the Posting of Notice of the Regular Meetings of County Commissioners. (H. P. 433) (L. D. 480)

An Act to Authorize in Proceedings before the Public Utilities Commission the Appearance by an Officer or Employee of a Corporation or Partnership. (H. P. 528) (L. D. 594)

An Act Changing the Name of the Department of Manpower Affairs and Clarifying the Term of its Commissioner. (H. P. 291) (L. D. 335)

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

Emergency

An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1982 and June 30, 1983. (H. P. 340) (L. D. 388)

Emergency

An Act to Provide Compensation and Benefits Agreed to by the State and Council #74, American Federation of State, County and Municipal Employees for Employees in the Institutional Services Bargaining Unit. (H. P. 617) (L. D. 700)

Emergency

An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes and to Foster Coordination with State and Federal Regulations Governing Required Social Services in Nursing Homes. (S. P. 235) (L. D. 653)

Emergency

An Act Concerning Foreign Trade Zones. (H. P. 789) (L. D. 943)

These being emergency measures and having received the affirmative votes of 27 members of the Senate, with No Senators having voted in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

The PRESIDENT: The Chair has been informed that the former Senator George Hunt is in the rear of the Chamber. I would ask Mr. Hunt to rise and accept the greetings of the Maine Senate. We're glad to see you, George. (Applause, the Members rising.)

Emergency

An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1982 and June 30, 1983. (H. P. 339) (L. D. 387)

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, I move that the vote on LD 387 be taken separately.

The PRESIDENT: Did the Senator request a Roll Call?

Senator HICHENS: No, just a vote on the emergency measure.

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

Senator HUBER: I request 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 pending question before the Senate is Enactment of LD 387.

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, Bustin, Carpenter, Charette, Clark, Collins, Conley, Dutremble, Huber, Kerry, Minkowsky, Najarian, O'Leary, Pray, Teague, Usher, Violette, Wood.

NAY — Brown, Devoe, Emerson, Gill, Hichens, Perkins, Pierce, Sewall, C.; Shute, Sutton, Trotzky.

ABSENT — McBreaity, Redmond, Trafton. A Roll Call was had.

18 Senators having voted in the affirmative and 11 Senators in the negative, with 3 Senators being absent, and 18 being less than two-thirds of the entire elected membership of the Senate, LD 387 Failed of Enactment.

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

Senator CONLEY: Mr. President, I'd move Reconsideration where this Bill failed to Pass.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate Reconsider its action whereby LD 387 Failed of Enactment.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I move this be Tabled for 1 Legislative Day.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that LD 387 be Tabled for 1 Legislative Day, pending his motion that the Senate Reconsider.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: A Point of Order, Mr. President. In an emergency vote, does the prevailing side have the right to recall the question?

The PRESIDENT: The Chair would answer in the affirmative. The Senator was proper in his motion.

Senator HICHENS: Thank you. I would ask for a Division on the Tabling Motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley that LD 387 be Tabled for 1 Legislative Day, please rise in their places to be counted.

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

21 Senators having voted in the affirmative and 9 Senators in the negative, the motion to Table for 1 Legislative Day, pending the motion by the Senator from Cumberland, Senator Conley does prevail.

The PRESIDENT: The Chair is pleased to recognize another former Senator in the rear of the Chamber, and I would ask former Senator Don Bernard to rise and accept the greetings of his former colleagues. Nice to see you. (Applause, the Members rising.)

The Chair has also been informed that Leland King, Sr. is here. Leland was Sergeant-at-Arms in this Chamber for a good many years, as well as Marjorie Sewall who worked in the Senate office for a great number of years. We are very glad to see both of you people back with us this morning.

(Applause, the Members rising.)

Orders of the Day

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

Bill, "An Act to Amend the Eating, Lodging and Recreational Place Licensing Law." (H. P. 62) (L. D. 74)

Tabled—April 6, 1981 by Senator Collins of Knox.

Pending—Passage to be Engrossed.

On motion by Senator Collins of Knox, Retabled for 1 Legislative Day.

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

Bill, "An Act to Increase the Fees of the Bureau of Insurance." (S. P. 210) (L. D. 575)

Tabled—April 6, 1981 by Senator Collins of Knox.

Pending—Passage to be Engrossed.

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

Senator CLARK: Mr. President, I present Senate Amendment "B" under filing number S-106 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Clark, now offers Senate Amendment "B" under filing number S-106 and moves its adoption.

Senate Amendment "B" (S-106) was Read.

The PRESIDENT: The Senator has the floor.

Senator CLARK: Mr. President, Men and Women of the Senate, Senate Amendment "B" is the sum and substance of a major amendment, the majority of which was inadvertently misplaced or not included in the adoption of the emergency preamble, which was attached to this Bill by the Committee on Business Legislation, that is located in your amendment booklet under filing number S-93.

Senate Amendment "B", also, incorporates a technical change which would have been offered by the good Senator from Kennebec, Senator Pierce, had it not been incorporated in Senate Amendment "B".

Senate Amendment "B" was Adopted. The Bill, as amended, Passed to be Engrossed. Sent down for concurrence.

The PRESIDENT: The Chair is pleased to recognize another former Senator David Graham from Brunswick, and would ask former Senator Graham to rise and accept the greetings of his former colleagues. Very pleased to see you this morning, David. (Applause, the Members rising.)

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

Senate Report — from the Committee on Local and County Government — "Bill, An Act to Permit the City of Bangor to Increase the Number of Members on the Bangor School Committee." (S. P. 366) (L. D. 1085), Ought to Pass as Amended by Committee Amendment "A" (S-101)

Tabled—April 7, 1981 by Senator Conley of Cumberland.

Pending—Acceptance of Report.

Which Report was Accepted. The Bill Read Once. Committee Amendment "A" was Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

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

Bill, "An Act Relating to the Maine Comprehensive Land Use Guidance Plan." (S. P. 262) (L. D. 744)

Tabled—April 7, 1981 by Senator Collins of Knox

Pending—Motion of Senator Trotzky of Penobscot to Indefinitely Postpone Bill and Papers.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, and Members of the Senate, I would like to address this Bill which came out of a Divided Report from the Committee on Energy and Natural Resources. It was also not a party line vote in committee. It is not a party issue.

It addresses the Land Use Regulation Commission, the Bill right now is actually filing number S-92. It says simply that "development of energy resources shall be permitted in all districts subject to review procedures, section 685B, for the purposes of this sub-chapter energy resources include: hydroelectric, wood, solar, solid waste, wind, tidal, bio-mass, peat, and geothermal energy supplies."

Now essentially, the Land Use Regulation Commission, because it is not an organized territory that it operates under it zones the wildlands of the State. The city of Bangor, or the city of Portland, or other communities are able to zone their communities for sound land use planning. The Land Use Regulation Commission goes into the wildlands of the state and zones. It zones fragile areas as protection zones, it zones other areas management zones.

What this amendment does is it states that anytime some one comes in and wants to develop energy resource, all of a sudden zoning no longer applies. Essentially what it does is, it guts the zoning process of the Land Use Regulation Commission.

The Land Use Regulation Commission has been operating for 10 years, it is operating successfully now, there are not that many complaints.

I think that this amendment is irresponsible. The Senate has always been the place, I have always felt, where the buck stops here, the Bill is not just passed to the House to let it be killed. We should take care of it here when it is not a good amendment.

Essentially if we look at why we protect areas. It protects areas along streams, the cutting of wood along streams, so as to protect the temperature of the stream, the amount of water going into the stream. We protect certain areas that are fragile, such as peat bogs, because some of them for example such as Washington County feed salmon streams, where Atlantic Salmon come up.

Essentially when you say energy resources, it is wood, it means that any area of the State where a person wants to develop an energy resource which includes cutting down wood I assume for feeding a boiler or something like that all of a sudden the zoning process does not apply.

If somebody wants to develop an energy resource they can come in to LURC and request that the zone be changed. It goes through an orderly hearing process.

So because energy development is a very broad term, I feel is what this Bill does again is gut the zoning process in LURC.

I will also like to mention another area, turns out hydroelectric power. Now sometimes the State has to make decisions as to whether we should put in a hydroelectric dam or not put in a hydroelectric dam.

Our waterways have competing uses. A per-

fect example which I brought out on another Bill is the Bangor Dam, this is an issue where Bangor is going to have to decide where it places more value, on salmon coming upstream which has opened up a whole area in Veazie and up-river versus hydroelectric power. It is going to have to be decided by an orderly process. The same thing on the West Branch of the Penobscot, where we have Great Northern Paper Company looking at 2 dams on the West Branch.

There are a lot of issues that must be decided, but they should be decided by the orderly process. The zoning process works, people can come in and apply to change these zones. This Bill does away with the zones, or zoning process when some one comes in with an application for energy development. So I would hope that the Senate would vote to Indefinitely Postpone this measure.

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

Senator O'LEARY: Mr. President, would you have the Secretary read the Committee Report, please.

The Committee Reports were Read.

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

Senator O'LEARY: Mr. President and Members of the Senate, this Bill has bi-partisan support as well as bi-partisan opposition.

Not all of the statements made by the good Senator from Penobscot, Senator Trotzky, are exactly in the proper perspective. I would just remind the Senate that all permits are still subject to 685B, it does not scuttle the zoning ordinances or anything else that's in motion by the Department of Land Use Regulation Commission.

This is a good Bill, all it does is say, "it shall be permitted subject to the procedures of Section 685B." This does nothing to scuttle LURC.

I ask for a Division.

The PRESIDENT: The Chair would advise the Senator that a Roll Call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Men and Women of the Senate, I would like to concur with the remarks made by the good Senator from Penobscot, Senator Trotzky.

Speaking in terms of the districting, I would like to tell you what those districts are currently under 685A. There is the Protection District, the Management District, and the Development District.

Currently, as the Senator from Penobscot mentioned, there is a very orderly procedure for making changes in the boundaries of those districts.

Turning to sub-section 8, of 685A there is one procedure to amend the district boundaries and also the standards. This can be done at the petition of the commission itself, or any other agency, or person may initiate a review of those standards. Periodically, every 5 years, these standards and boundaries will be reviewed, even if there is no request for such a review.

In that review new information can be considered such as the development of a new re-found energy resource.

Finally, a special exception can be granted under sub-section 10, of this sub-section in which any person who owns the land can request that the commission review its Land Use Standards or review the boundaries.

I would hope that we would allow this same process to occur for the energy resources that have been found in the unorganized territories. Certainly all of us in here are interested in seeing our state move to renewable energy resources, but I think that it has to be done with due consideration to important natural resources that we have in this State.

Finally, I would just suggest that in as much as we are not removing some of the criteria of approval for the permitting procedure that we

are spending a very mixed signal to industries of businesses interested in developing energy resources. I think it is fair to tell them, in the first instance, that a protection district does exist, or that a management district does exist, and that in fact, those have some very important resources for Maine, and that we will look very favorably upon how those resources are going to be treated.

I think that it is important to follow a regular orderly process in order not to confuse those who would help us develop our natural resources and our energy resources in this State. Thank you.

The PRESIDENT: The Chair will interrupt debate to welcome some additional former members of this Body, particularly pleased to welcome Richard and Sylvia Berry, who are over on the left hand side of the Chamber. Dick was the former Majority Floor Leader not many years ago, we are very pleased to see you both back. Sylvia was, of course, secretary to the President of the Senate for a number of years. We are very pleased to see you both back. (Applause, the members rising.)

We also welcome Roger Dube, Roger informs the Chair that he was elected in 1947 as the youngest State Senator in the nation, and he certainly still looks to be one of the youngest alumnus of this Body. We are very pleased to see you Roger and Mrs. Dube. (Applause, the Members rising.)

We also welcome back Senators Dick Dunn and Phil Jackson, from over in Oxford County, we are very glad to see both of you gentlemen back this morning. (Applause, the Members rising.)

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 by the Senator from Penobscot, Senator Trotzky, that L. D. 744 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Huber, Kerry, Minkowsky, Najarian, Pray, Trafton, Trotzky, Usher, Viollette, Wood.

NAY — Ault, Brown, Collins, Devoe, Emerson, Gill, Hichens, O'Leary, Perkins, Pierce, Sewall, C., Shute, Sutton, Teague.

ABSENT — McBairty, Redmond.

A Roll Call was had.

16 Senators having voted in the affirmative and 14 Senators in the negative, with 2 Senators being absent, the motion to Indefinitely Postpone L. D. 744 does prevail.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I move we now Reconsider our action whereby we Indefinitely Postponed this Bill, and would hope you would all vote against me.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Trafton, that the Senate Reconsider its action whereby L. D. 744 was Indefinitely Postponed.

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.
Sent down for concurrence.

On motion by Senator Pierce of Kennebec,
Adjourned until 10 o'clock tomorrow morning.