

# 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 16, 1981

Senate called to order by the President.

Prayer by Pastor Algirdas Jurenas of the Baptist Church in Port Clyde.

Pastor JURENAS: Lord God, You have not called us into a finished world, but into an earth unfinished, that we might bear a hand with You in shaping it. Therefore, we seek in You vision, and power, and hope. Burdened with the problems and needs of our State as we are, may we also appreciate the opportunities that face us in this troubled time. May we be challenged and not defeated by our troubles, knowing that with You, we can not fail.

Forgive us, Lord, that so often we ask for comfort and ease. Deliver us from the delusion that nothing of value can be accomplished right where we are. Lift us to Yourself, until we stop lamenting our own condition, and seek to change what can be changed.

Show us the way, we pray, in which fair laws can be enacted, laws that are just and equitable, serving the good of us all. Help us to toughen them where toughening is needed, and soften them when they are excessively harsh, unjust, or burdensome. Deliver us from the pitfall of weak resignation to evil, when we could do something to remedy it. Grant that in this place, decisions may be made, that enhance the quality of life, and strengthen the moral fiber of our citizens.

May we all know just enough of the sunshine of Your love, and the rain of Your anger, to seek true integrity and honest endeavor always. Make us joyous servants, who know no greater honor than to do what is right, and just, and good in Your sight and in the sight of all men. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Senator PIERCE of Kennebec, ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 21, 1981, at five o'clock in the afternoon. (S. P. 571)

Which was Read and Passed.

Sent down forthwith for concurrence.

(Off Record Remarks)

The PRESIDENT: Last, but certainly not least, the Chair is very pleased to recognize and welcome in the rear of the Chamber the Congressman from the 1st District of Maine, Congressman Dave Emery. I would ask David to accompany the Sergeant-at-Arms to the front of the Chamber where he may address the Senate, if he so desires. We are very pleased to see you this morning, David.

The Sergeant-at-Arms escorted Congressman Emery to the rostrum amid the applause of the Senate, the members rising.

Congressman EMERY: Thank you very much, Mr. President, distinguished Majority Leader, Mr. Collins, and the distinguished Minority Leader, Mr. Conley. I appreciate once again the courtesy to appear briefly before the Senate of the State of Maine.

This, of course, is a very important time in both Maine and in Washington, because we are all going through the many machinations necessary to arrive at the budget for the next fiscal year. I wanted to share some thoughts with you, as well as with the other Body, this morning about the budget procedure in Washington. What it will mean to the State of Maine, and what it will mean to the other 49 states.

Although the 1981 budget process continues to challenge members of Congress, the intent on devising the best division between the public

and private sectors is very much at hand. These are difficult decisions that need to be made. The policy alternatives, which will have to be addressed by the 50 state legislatures, is charged with actually allocating the funds are complicated indeed.

By the same token, the budget process this year will mark the beginning of a significant departure from business as usual. In lieu of centralized, heavily regulated, and strictly monitored Federal disbursement of social services, housing, community development, and education funds, the so-called "block grant approach" proposed by the Reagan Administration will turn authority over to state governments for the administration of over 100 narrowly defined categorical grants and income transfer programs.

For too many years, state governments have had little or no role in monitoring the flow of Federal dollars from Washington, D. C. to the various provider agencies. Although the combined total of Federal and state transfers to local governments has increased over 97 percent since 1972, a far more dramatic increase has occurred in direct transfers from the Federal and local level.

Even though the relative increase in Federal aid has allowed many local entities to provide services far in excess of those which could be provided from own source funds, in many cases, direct federal local assistance corridors have totally bypassed the State Legislatures' review. For example, the Community Services Administration in Washington, D. C. is in effect dictating policy for Maine residents. In order to receive needed funds for, for example, energy assistance, local community action agencies must comply with regulations which often bear little relationship to the actual conditions in the State of Maine.

State and local officials, not Washington bureaucrats, are clearly in the best position to develop methods of service delivery contoured to the unique needs of people to be served. Cumbersome Federal regulations are inefficient, ineffective, and often exceptionally expensive in terms of strings tied to funds which would be better used to meet human needs, rather than administrative mandates in the states, and programs being served.

In Washington, we are neither disputing the superior fiscal position of the Federal government, nor the need to provide services to the less fortunate. President Reagan's program for economic recovery does, however, place some overdue restrictions on the size and scope of the Federal government as a benevolent provider.

Although popular support is running high for the proposed cuts in the federal budget, understandable concern has been voiced relative to the immediate impacts of many funding reductions on various programs in Maine. I've received the reports from Governor Brennan and the Legislature, and I'm well aware of potential shortfalls in certain programs.

However, I still believe that many of the local budget projections overlook one important fact. That fact is that a decentralized "block grant approach" to fund distribution will substantially reduce the administrative costs currently associated with many federal programs. Formulas for distributing the funds to the 50 states will be developed on a national level. General guidelines will be provided for the utilization of the funds. The ultimate decisions for allocating the funds among competing interests will be the prerogative of the governor and the state legislature, and the state government, in general.

As I stated, the administration has recommended reducing overall funding levels for categorical grants by some 20 percent. However, the portion of funds currently going to meet administrative requirements will be reduced through the elimination of programs associated with administering specifically targeted

programs of different matching rates, procurement requirements, architectural design mandates, reporting standards, accounting practices, and so forth.

In short, the state and local provider won't have to use 30 percent of the Federal funds simply to comply with federal regulations. A greater percentage of the money may actually go directly to the people and programs being served.

Citizens will be provided with a greater ability to direct the expenditure of Federal dollars, which have all too often been blunted in their effectiveness due to countless layers of bureaucracy and red tape.

Your role, as State Legislators, is about to become even more challenging as you assume new responsibilities for the optimal utilization of federal funds through the "block grant approach." In the past, the cut and dried nature of many federal regulations and mandates has all but isolated many programs from the influence of local preferences. Given the reality of this situation, I know that the State Legislature recently made a decision to provide the executive with the authority for dispersal of federal funds coming into the State. I understand that Maine and many other states are reconsidering that action with an eye to legislative action in distributing block grant money in the future. Of course, this is the matter that the Governor, and the Legislature will have to decide for itself.

You're all familiar with the basic parameters of the President's block grant program. Social Service and Health Programs will be consolidated into four general block grant programs. Education Funds will come in the form of two grants, one for state, and one for local education. The Community Development Block Grant Program will be combined with the Urban Development Action Grant, UDAG Programs, to force a community support grant system instead. Revenue sharing will continue at the local level and there's a distinct possibility that state funds will be restored as well, a move that I support.

Although I fully endorse the President's program, and am prepared to do all that I can to see that the comprehensive blueprint for the future, as he has presented it, remains essentially intact, there are certainly reservations that each of us have about individual elements, as they may affect our particular states. It's a matter of considerable concern to all of us, who have witnessed the successful development of several projects in Maine, including the Bangor International Airport, the Augusta Civic Center, Presque Isle Industrial Park, and so forth, that the E. D. A. program is to be terminated as it stands.

In fact, since 1966, Maine has received over \$131 million, which have helped with industrial development and expansion in many areas. I'm concerned, and I intend to express my concern at the E. D. A. subcommittee hearings which will begin in a week or two.

Nationwide, E. D. A. may not be the most effective instrument created to encourage necessary economic development and create new jobs. In Maine, where our economy has particular difficulties, and where projects such as the Fish Pier Program in Portland and elsewhere, the Cargo Port Development in Searsport, are very important to the economic future of areas especially hard hit, where we see a continuing need for at least the ability to distribute funds to these projects. Although there is no doubt that much money can be saved by improving administration and being more careful in screening projects to be funded.

I'm also very much concerned about the formulas that will ultimately be used for allocating funds in the block grant. For example, unless we take into consideration the yearly temperature fluctuations, housing conditions, fuel costs, local tax effort, we might find that

the distribution of funds for fuel aid assistance and installation may be inadequate for our needs in the future. Naturally, it's a responsibility not only of the Maine delegation, but of other northern delegations to see to it that formulas of that sort reflect our particular needs and difficulties in terms of energy assistance, weatherization, and other projects which relate to our ability to obtain sufficient amount of heating oil, and guarantee that people will not be severely economically hurt by policies about to go into effect.

Conclusion of the weatherization program in the HUD Community Support System also want further review and possible amendment. Although fuel aid funds are important in the short run, weatherization is actually a preventative answer and one that will allow us to save considerable amounts of fuel in the future, if it's included.

With respect to the ultimate form to be taken by the block grant program at this time, information is admittedly limited. The President's budget recommendations are based on the block grant concept and funds have been earmarked accordingly. However, the actual formula for distributing block grants to the State will be devised by the various House and Senate Committees with amendments and procedures in the authorizing process now under way. With the assistance of support groups such as the Northeast Midwest Congressional Coalition, and the New England Congressional Caucus, plus feedback from the six New England state legislatures and governors, you may be assured that we will be able to monitor the programs and the concerns that are developing in order to respond more adequately to the needs of our region.

Pragmatically speaking, although the ultimate funding distribution decisions will be made by 50 state legislatures, the diverse interests of the 535 of us in the United States Congress and Senate will ultimately be combined to provide the states with a responsible level of funding.

I expect that there will be as many opinions on the President's budget as there are legislators in Augusta or elsewhere. This is not a President who shrinks from a challenge. Part of the mandate he received in November included reordering of Federal priorities, reduction in the role of the federal government in state affairs, and increasing the legislative prerogatives of the states to set their own priorities.

The shifts and focus contained in the President's package embodied these concepts and provide you, as legislators, with an unprecedented opportunity to maximize the benefits of Federal programs, while minimizing the suffocating effects of Washington control, red tape, and bureaucracy.

As members of Congress, I feel that the President has moved essentially in the right direction. As a former member of this State Legislature, I feel that he's giving you the authority and the tools necessary to exercise more control over the impact the federal government has in Maine. I wish I had been presented with the same opportunity when I served here, and hope that you will consider the benefits of the President's approach, in whatever reservations you may have about the individual elements.

In summary, many decisions are left to be made in Washington. Budget levels will be debated. Programs will be discussed. The ultimate thrust of the Reagan Administration's budget proposal is not only to reduce the level of federal spending, but to restore more authority to members of the state legislature, to listen to governors and state legislators and to try to reorder priorities in a way that will give you a maximum opportunity to react to problems in your constituencies with the help of the federal government without undue bureaucratic red tape and hindrance from Washington.

In conclusion, I want to thank all of you very much for the courtesy of allowing me to make this presentation this morning. I promise that I will be very anxious, as the other members of the delegation will, to keep in touch with you in such responsible positions when budget discussions are occurring in Washington, so that we may minimize any adverse impact of the federal budget decisions and maximize your opportunity to represent your constituents for the good of the State of Maine.

I think, on balance, the budget priorities are going to be helpful to us, although it's our responsibility to see to it that programs that we are very much dependent upon will not be unduly denied us. That, of course, is going to be a major problem and a major challenge for 1981 and 1982.

I thank you very much for your courtesy. I wish you all the success in your deliberations during the remainder of this Legislative Session. I know that you have many budget concerns and other legislative concerns that are extremely important and taxing. I hope that I'll have a chance to talk to you about them as I may be of help. Thank you very much.

The Sergeant-at-Arms escorted Congressman Emery to the rear of the Senate Chamber, amid the applause of the Senate, the members rising.

#### Papers From the House Joint Resolutions

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Patrolman Rodney C. Bonney of the Auburn Police Department, who gave his life attempting to save a drowning youth from the Androscoggin River on April 6, 1981. (H. P. 1348)

Comes from the House, Read and Adopted.

Which was Read.

On motion by Senator Conley of Cumberland, Tabled until Later in Today's Session, pending Adoption.

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable Carroll W. Keene of Clinton, outstanding citizen and former member of the Maine House of Representatives. (H. P. 1349)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

#### House Papers

Bill, "An Act to Reduce the Time Required to Process Routine Environmental Application by Allowing the Board of Environmental Protection to Delegate to the Staff Approval of Additional Routine Applications." (H. P. 1345) (L. D. 1535)

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 the State's Retail Liquor Operations." (H. P. 1346) (L. D. 1536)

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

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

#### Orders

Expressions of Legislative Sentiment recognizing:

Peter Douglas, an 8th grader at Brunswick Junior High School and the 1981 Cumberland County spelling champion. (S. P. 569)

presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of

Brunswick).

Ben Boyington, age 12, 7th grader at Freeport Middle School, who placed 3rd in the Cumberland County spelling championship on April 11, 1981. (S. P. 570)

presented by Senator CLARK of Cumberland (Cosponsor: Representative MITCHELL of Freeport).

Which were Read and Passed.

Sent down for concurrence.

On motion by Senator MINKOWSKY of Androscoggin,

ORDERED, the House concurring, that Bill, "AN ACT to Limit the Sunday Closing Law" Senate Paper 519, Legislative Document 1449, be recalled from the legislative files to the Senate. (S. P. 572)

Which was Read.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, this Bill was reported out of the Business Legislation Committee, unanimous Ought Not to Pass. At the time, there were several concerns raised by the larger stores in the mall complexes in the State of Maine. We had seven proponents at that time speaking in favor of it.

The Bill I introduced originally would just make opening on Sunday of any store 5,000 feet, or more allowable in the State of Maine.

What we propose to do today, if we can have this Bill reintroduced, is to amend it. That is to take into consideration the malls in the State of Maine. When the law was enacted back in 1963, we never had malls. Since 1963, malls have become a very, very integral part of the Maine economy. What has happened in some areas is the fact that some of the individual stores, in the malls, are owned by one single corporation, but they run under three different titles, which means they can exceed the 5,000 square foot limitation.

When you look at the mall itself, which may be anywhere from 150,000 to 200,000 square feet, if not larger, we're talking of many large businesses under one operation. An article came out in the Maine Sunday Telegram, which I had distributed on your desks this morning for the purpose of this order to outline the problems that these large stores had.

One of the managers of the Maine Mall in Portland, who is a manager of Sears Roebuck, I believe it was at the time, who testified, specified very clearly that he was the President of the Mall Association. The Mall Association did open on Sundays during certain times of the year. He says: "under one roof, the undue hardship was one simple factor. It was this after advertising for Sunday sales, that yard could have been filled up to an 80 percent capacity, yet the anchor stores in that mall were not allowed to be open".

This is most unfortunate, since our mall complexes in the State of Maine rely upon the anchor stores. If I, and hopefully, am successful in reactivating this Bill this morning, what I'd like to do is amend it in the Second Reading, just to encompass the aspect of the four weeks during the Thanksgiving and Christmas season to allow these people to operate and not have it as a blanket operation during the course of the year.

An interesting fact came out when the committee questioned this gentleman. That was, his evaluation was, we are not necessarily interested in opening on Sunday, but if we can turn a profit, we'd like to have that flexibility.

Hopefully, what we hope to do this morning, Mr. President and Members of the Senate, is to reactivate this particular Bill and amend it subsequently. I move for its Passage.

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

Senator COLLINS: I request a Division.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, Men and Women of the Senate, I would hope this morning that you would vote against the pending motion, which is an attempt, to quote the good Senator from Androscoggin Senator Minkowsky, "an attempt to turn a profit on Sunday." The very gentle suggestion, yes, even allegation, that the Committee on Business Legislation erred in its unanimous Ought Not to Pass Report on the Sunday Sales Bill, is represented in the introduction of this Order this morning.

Let me suggest to you that the Committee on Business Legislation did indeed deliberate seriously on the proposal that was presented before us. We listened keenly and intently. It was the unanimous position of our Committee that we do not wish to change the current law, to jeopardize the constitutionality of that law, which was upheld in the Maine Supreme Court. Yes, we do not wish to turn a profit on Sunday, particularly at the expense of our smaller Maine merchants.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, I'm very, very grateful to the good Senator from Cumberland for her articulation on the points that were raised by the Business Legislation Committee. We are now in the year 1981. Things have drastically changed throughout the nation. We are allowing Sunday sales all around the nation, even including the State of New York recently.

More concerning to me is what is happening in the State of New Hampshire. Even the woman's role in life, as an integral part of the family, has changed radically in the past 10 years. It now takes two people, to live, to support a family. This was brought out very clearly to me when I went to the Newington Mall, and found 12 cars from the State of Maine. I made it a point to ask these individual people why they shopped on Sunday. The answer came back very clearly. Number one, the gentleman from Rockland whom I spoke to at the time, who works in the, I think, the Thomaston factory for making cement, and his wife works in a nursing home. During the six days of the week they could never get together. He was down to the Newington Mall to purchase a major big ticket item, a refrigerator. "Why," he says, "I can not make this decision by myself. The only day we have together is Sunday."

The second reason, "I'm saving 5 percent on the sales tax." Thirdly, what about energy conservation. He says: "That's the chance I have to take. I have to do it on Sunday. It's going to cost me a little more. But, I make up for it a little bit by purchasing my booze in the State of New Hampshire on Sunday."

When we are in the integral bind in the State of Maine of loss of revenues, is it not interesting that regardless of it being the Lord's day, regardless of all the stores who have 5,000 square feet or less, and 5 or less employees. Look at all the exemptions under the existing law, that we can actually say that it's wrong to turn a profit. All these people are turning a profit on Sunday, no matter how you try to break it down, or evaluate, or analyze it. I think it's just equity and fair play, that if we are looking for business expansions in the State of Maine, we must be conducive to that. If we are looking for revenues in the State of Maine, to me, part of the deficit we are now facing, we must look to our summer tourists, who like to participate in the malls.

All I'm saying on this particular Order is reactivate the Bill. We'll amend it down to serve the purpose during the Thanksgiving and the Christmas season.

Mr. President, a Division was requested? I will accept a Division.

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

Senator GILL: Mr. President, Members of the Senate, I live in a community where we have probably the first largest mall, and probably the biggest mall in the State. During the Christmas holidays the Maine Mall in South Portland is open till 11:30 in the evening, every evening during the Christmas holidays. If that doesn't give families an opportunity to shop together during the evening hours, I don't know what would. I would prefer, and I know many of the employees that work at the Mall, are scheduled to work those late evening hours, too. I know that they would like to have a day with their families on Sunday, when most of the family is together.

I would ask that this Bill not be allowed to come back into this Body.

The PRESIDENT: Is the Senate ready for the question?

The Chair would advise the Senate that in order to recall this legislation, a two-thirds vote is required.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request when the vote be taken, 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 Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, just to encompass one more particular point, which I felt was relevant and it is more or less in relationship to the good Senator from Cumberland, Senator Gill's remarks, who has the largest mall in her Senatorial District. It boils down to the fact that these people in the Maine Mall, as well as the other malls in the State of Maine, what they really are saying is, yes, we are one organized body. This particular man was President of the Mall Association. Yes, I do all the advertising for them. Yes, we create the traffic, yet we are denied the opportunity of opening our doors. Yet there are literally thousands of people going through the malls.

He brought this up primarily not so much during the summer season, as much as during the fall and the winter season when we have bad weather.

I really thought they really presented a very, very commendable case, before the Business Legislation Committee, to justify that they be given the opportunity to have the Sunday openings. Whether or not they will accept it is entirely up to them. We should not discriminate, in the State of Maine, against one particular, or against large business firms, over the small firms.

Now we are saying specifically, under one roof in the mall complex, are the only ones we will address, and not open it as it was originally under the particular Bill I sponsored.

The PRESIDENT: The pending question before the Senate is Passage of S. P. 572.

A Yes vote will be in favor of Passage of S. P. 572.

A No vote will be opposed.

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

#### ROLL CALL

YEA—None.

NAY—Ault, Brown, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Kerry, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood.

ABSENT—Bustin, Huber.

A Roll Call was had.

No Senator having voted in the affirmative and 30 Senators in the negative, with 2 Senators being absent, S. P. 572 Failed of Passage.

On motion by Senator Conley of Cumberland, the Senate voted to take from the Table, a Joint Resolution in Memoriam: Whereas, the Legislature has learned with deep regret of the death of Patrolman Rodney C. Bonney (H. P. 1348), Tabled earlier in today's session, by Senator Conley of Cumberland, pending adoption.

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

Senator TRAFTON: Thank you, Mr. President. Men and Women of the Senate, before us today is a rather extraordinary memorial to a rather extraordinary individual, who on April 6, gave his life in the line of his duty when he tried to save the life of a 14 year old boy, who was drowned in the Androscoggin River. In tribute to his memory, I would ask if we could rise for a moment to honor his memory.

The PRESIDENT: The Chair would ask the Senate to rise for a moment of silence.

(A moment of silence)

Which was Adopted, in concurrence.

#### Committee Reports House

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 Concerning the Use of Blue Lights by Police Officers." (H. P. 957) (L. D. 1133)

#### Leave to Withdraw

The Committee on Transportation on Bill, "An Act Concerning School Bus Inspections." (H. P. 1026) (L. D. 1236)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on Bill, "An Act to Provide Increased Visibility of Emergency Vehicles." (H. P. 760) (L. D. 896)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on Bill, "An Act to Extend Emergency Equipment to Ambulance Service Chiefs." (H. P. 614) (L. D. 691)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on Bill, "An Act to Extend the Use of Red Lights to all Ambulance Service Personnel." (H. P. 613) (L. D. 690)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Business Legislation on Bill, "An Act Concerning Certain Practices of Oil and Solid Fuel Burner Technicians." (H. P. 450) (L. D. 497)

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.

#### Divided Report

The Majority of the Committee on Energy and Natural Resources on Bill, "An Act to Amend the Site Location Law." (H. P. 935) (L. D. 1105)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 195).

Signed:

## Senators:

McBREAIRTY of Aroostook  
REDMOND of Somerset

## Representatives:

KIESMAN of Fryeburg  
HUBER of Falmouth  
AUSTIN of Bingham  
DEXTER of Kingfield  
MICHAUD of East Millinocket

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

Signed:

## Senator:

O'LEARY of Oxford

## Representatives:

HALL of Sangerville  
JACQUES of Waterville  
DAVIES of Orono  
MITCHELL of Freeport  
MICHAEL of Auburn

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

Which Reports were Read.

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

Senator O'LEARY: Mr. President, my name appears on the Minority Ought Not to Pass Report. I was in error on that. I wish, at this time, to move that the Senate Accept the Majority Ought to Pass Report of the Committee.

On motion by Senator O'Leary of Oxford, the Majority Ought to Pass Report of the Committee was Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" was Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Energy and Natural Resources on Bill, "An Act to Limit the Storage of Spent Fuel at Nuclear Reactors." (H. P. 1007) (L. D. 1203)

Reported that the same Ought Not to Pass.

Signed:

## Senators:

McBREAIRTY of Aroostook  
REDMOND of Somerset  
O'LEARY of Oxford

## Representatives:

KIESMAN of Fryeburg  
HUBER of Falmouth  
DEXTER of Kingfield  
AUSTIN of Bingham

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

Signed:

## Representatives:

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

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

Which Reports were Read.

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

Senator McBREAIRTY: Mr. President, I move the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Aroostook, Senator McBreairty, moves the Senate Accept the Majority Ought Not to Pass Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I would request a Division on the motion.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, Members of

the Senate, this is a particular issue which I've read with some great interest recently in the media, in the newspapers over the last few days in reference to the storage of nuclear fuel.

It's my understanding, and I may be incorrect and I wish someone from the Committee would correct me if I am incorrect, that presently of all the nuclear reactors in the country, that Maine is the only existing facility, or Maine Yankee is the only existing facility, at this time, which has a, I believe, a permit from the National Regulatory Commission to expand its storage space.

There's been a great deal of debate and concern over the referendum that we had last year in reference to the potential possibility that Maine may become a storage facility for more than just Maine Yankee. If someone from the Committee could share a little bit of the testimony at the hearing with us, I would appreciate it.

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

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, the original concept of the operation of Maine Yankee Atomic Power Plant was that spent fuel would only be stored on site for a period of several months after refueling. But, failure of the Federal government to provide for disposition of spent fuel has resulted in the storage on site of all spent fuel generated by Maine Yankee.

The full core contains 217 assemblies, of which 72 or 73 are replaced per year. Maine Yankee originally had Nuclear Regulatory Commission approval to store 318 spent fuel assemblies. The N.R.C. later granted approval for 953. Presently, they do have a request in to increase this to 2551, which they feel they have room for there.

If this Bill should pass, and limit the storage of spent fuel at Maine Yankee to 953 assemblies, and the Federal government does not provide storage for spent fuel, Maine Yankee will be forced to shut down by 1987.

There is a chance that the Federal government will not act, if they do not, the people who signed this Majority Report felt that they should continue to store and continue keep going. If they do act before 1987, definitely the fuel rods will be moved and there will be no problem. Thank you.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate, I had a little bit of reservations about the optimism which the Senator from Aroostook, Senator McBreairty, expressed. It's on seldom, few occasions, that we have an opportunity to attempt in some small measure to have the Federal government react to something that it's already reneged upon. It would be my understanding that Passage of this Bill would put a little bit more pressure on the National Regulatory Commission to do what it had said it was going to do several years ago.

I believe that once we allow, or if we do not Pass this Bill, and Maine Yankee was allowed to build a storage area, that somewhere down the road, that a site would not be developed by the Federal government, saying this is where the spent fuel will go, but they'll say that Maine Yankee already has a facility to store waste. As a matter of fact, not only could it store its own waste, but it could take some of the waste from Seabrook, some of the waste from other nuclear reactors around this area of the country, in the northeast. Before you know it, Maine's going to be a dumping ground, based upon the regulations and the enforcements of the National Regulatory Commission, which already in several states, I believe Oklahoma had several court cases in which the final decision was that the National Regulatory Commission had powers over the state legislature in those states.

I would hope that if we ever came along to

that position, that our attorney general would fight it. In the interim, I'm not going to stand in this Chamber and do anything that will promote the State of Maine becoming a storage space for spent nuclear fuel.

Mr. President, I'd request a Roll Call on this.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, if you take a look at L. D. 1203, as it came to us from the other body, you'll see that it is exactly what the good Senator from Penobscot, Senator Pray, just described to you. It's an attempt by the State to say to the Federal government, and to Maine Yankee, Central Maine Power Company, that we don't want you to become a storage site for any more waste past your own needs up to the year, approximately 1987, 1988.

I think if we say no to this Bill, if we reject this Bill, we are giving tacit approval. We're sending a message to the nuclear industry, and to the Federal government, that we really don't want to get involved in this at the legislative level.

I just heard Congressman Emery deliver a 15 minute address in this Chamber talking about how the attempt was being made from the new administration in Washington to give more power to the state legislatures, to cut down on the bureaucracy. I don't know of one of our constituents that voted for one of the commissioners on the Nuclear Regulatory Commission. I've heard many, many complaints in this Chamber over the years that I've been here about the mindless, faceless, nameless bureaucrats in Washington who are making these sorts of decisions for us.

That's exactly what you're going to be telling them is okay, if you vote to kill this Bill. You're going to be saying that we don't want to make even a weak attempt like this Bill to determine our own future.

We all had opinions on the referendum that took place last fall. The people of the State of Maine spoke. But the people of the State of Maine spoke only as to whether or not they wanted Maine Yankee closed immediately. Even, I believe, the representatives from Central Maine Power Company admitted that if there had been a phase-out, or a more drawn out closure that they might have been in big trouble.

What this Bill does, what this Bill attempts to do, does not in any way fly in the face of the decision of the people of the State of Maine for next fall.

I would defy, I would dare, Central Maine Power Company, or the people that would like to kill this Bill to do a scientific polling of the people of the State of Maine to see whether or not they would approve this Bill. I would guess, in my area—talked to some people about this Bill—talked to some people who are very strong, very pro-nuclear, who were very much against the referendum last fall and the people who I've talked to don't want this Bill killed. It scares them, what we might be doing.

We have seen the State of Maine mentioned in numerous reports from Washington, numerous headlines. What an ideal site some parts of the State of Maine would be as a nuclear waste storage facility.

If we kill this Bill this morning, that's exactly what we're saying to Washington. That's exactly what we're saying to the N.R.C., and to the nuclear industry, is it's okay to go ahead, even though the State's going to intervene in the case before the N.R.C., it's okay. We don't want to get our hands dirty at the legislative level.

It seems to me to be a bit inconsistent with the people who agree with what Congressman Emery said just a very few minutes ago in this Chamber about the legislatures of the country, the state legislatures, taking more control,



taking more power back from the Federal government. Here's an attempt to put our money where our mouth is. Let's see whether or not we believe in the rhetoric that we hear from Washington these days, or whether we believe in allowing these faceless bureaucrats to continue to make these decisions for us.

Believe me, my friends, these decisions that are contained in this particular piece of legislation are the biggest decisions you will ever make, no matter how long you serve in this Legislature. Make no doubt about it. I would certainly hope that you would not Accept the Ought Not to Pass Report this morning. Thank you.

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

Senator KERRY: Yes, Mr. President, I would like to address this issue on one basic premise. The premise is that since 1954, since we have been encouraging the development of nuclear power in this country, that we have not adequately addressed the issue of the waste problem. I don't think it's specifically unique to the nuclear regulatory industry, or any other industry in terms of dealing with waste of any kind from industry, hazardous waste, nuclear waste, or whatever environmental issues that come up before our state or national government.

I do think that it's significant to state that the main issue here is that the State has a right, a compelling interest, to protect the citizens from uncontrolled development of nuclear waste. Mainly because, if we do not keep pressure on the N.R.C., if we do not keep pressure on the Federal government, to address this issue, what we really are creating is an absolute flow of nuclear waste throughout the country, certainly here in the State of Maine, without any safeguards.

As you look at this issue, I say this, the bill itself specifically addresses the plans of the Maine Yankee plant to store its waste rationally and on a time frame consistent with its capability to produce nuclear power. We all enjoy the benefits of energy, of electrical energy. No one is going to debate that. If one is for or against nuclear power, that is not specifically the issue.

The issue is that we are now finding that the State of Maine is becoming, on a national scale, as well as within the State, a prime repository, or a possible prime repository for nuclear waste. I would like to refer to the report that was submitted to us several months ago relating to radioactive waste from the legislature. I was somewhat concerned when I read about the three potential reasons why Maine may become a specific site. The sites were that Maine has a low density, population density. It has a positive geological formation. And, I think it is also near to other nuclear producing facilities, therefore, it would pose little danger for many other larger population areas throughout the country.

Be not led astray by the fact that Maine is being highly considered for this particular repository. I would then say that this Legislation would be a "statement of policy" by the Legislature reflecting the Governor's opinion, and the Attorney General's opinion, that we must intervene on behalf of the people to make sure that every step of the way that the process, the powers of State government are behind them.

I would like to state, also, that the particular development here in this report said, that Maine should have at its disposal the capabilities to provide for the public welfare. Why are we concerned about the public welfare, because since 1954 we have had amendments to the national regulatory law, which says, "that the Energy Reorganization Act of 1974, the Clean Air Amendments, the Safe Drinking Water Act, the Resource, Conservation, and Recovery Act, the Marine Protection and Resource Recovery Act, all of these factors that nuclear waste and nuclear power does have an

impact on and we are trying to prevent it.

Therefore, I would state that what we should do at this time, is give a message to the Federal government, to the NRC, to all of the people of the State, supporting the position of our Governor to get appropriate information, supporting the positions of the Attorney General's Office, to have appropriate control and review of this and over-sight.

We should pass this Legislation, I think, it is something that is good for those people who enjoy nuclear power, and those who do not want it. It is something that, I think, is a rational, sound policy statement on behalf of the Legislature. Thank you.

The President requested the Sergeant-at-Arms to escort the Senator from Knox, Senator Collins, to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins to the rostrum, where he served as President Pro-Tem.

The President then retired from the Senate Chamber.

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

Senator TROTZKY: Mr. President and Members of the Senate, looking over this Bill, what the bill appears to do is if the Federal government does not act to decide what to do with these nuclear rods and so on, it is going to force Maine Yankee to close down one day.

The statements are being made on the floor of the Senate, here, that Maine is one of the prime, the Federal government is looking at Maine as a prime repository for nuclear waste. From what I have read, I do not see that. All they are doing is looking at 39 different states, and looking at different geological medium. The granite happens to be on the bottom, and the salt domes on the top. I do not think that we are dealing with repositories of nuclear waste here. All we are dealing with is reasonable storage of these nuclear rods.

I have been down to Maine Yankee, with the Energy Committee a few years ago, we walked in and saw this large, looks like a swimming pool, is what it looks like, it is lined with stainless steel and concrete, and so on. You can look down and you can see the rods and they are not hurting anybody.

If they had to expand, put them closer together, and it was safe, or expand on site for these rods it is not hurting anybody. Maine Yankee is generating a tremendous amount of energy to the benefit of the people of this State, and it is the cheapest energy being generated.

You know, people say, send a message to the Federal government, hurt the State of Maine, and send a message to the Federal government, but what you are doing is sending a message to politicians. The politicians down there in Federal government are not willing to take a stand on nuclear power, because the anti-nuclear people have totally put fear into the politicians. Well, I have stood up and backed nuclear power over, and over, again and I am still here today. I'll back it over, and over, again, because I still feel that it is the sanest way, right now, to generate power, and the safest way with the least environmental harm.

So we are not doing anything by sending a message to the Federal government by passing this Bill. We are potentially hurting the people of the State of Maine.

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

Senator CONLEY: Mr. President and Members of the Senate, I always enjoy that great politician, the great Senator from Bangor, Senator Trotzky.

I think what we are concerned about today, is we are concerned about the health, the environment, or at least that portion of the State of

Maine where most of us reside, recognize that there is something up the coast, 20 odd miles, or 30 odd miles, from my community that everyone is constantly aware of. We know that we have an atomic plant.

Now the good Senator from Bangor, living up in Penobscot, I am sure that he and his fellow citizens saw no danger or harm in voting to keep Maine Yankee open last year. Those people in the Saint John Valley up in Aroostook County saw no harm in keeping Maine Yankee open last year. I'll tell you the closer you got to Maine Yankee you saw a different ball game, because those were the people who lived in the fear, and they do not live in the fear necessarily of Maine Yankee, they live in the fear as to what happened at Three Mile Island.

That is not what we are discussing here today, we are discussing really, about spent fuel and what we are going to do with this active radio waste.

I heard on the radio as I was driving up this morning that our senior senator said, the Legislature should be very careful in challenging the Federal government, with respect to this problem. I think it is the time to challenge the Federal government. If the citizens of this country had not challenged the Federal government back in the 60's we would more than likely still be in Vietnam today.

There is not enough knowledge with any of us in this Chamber with respect to the harm and the dangers that can come from active radio waste, but certainly the fear and the concern has been put into all of us and particularly those of us who live in a radius of this Maine Yankee Power Plant.

Now, I can remember being here a number of years ago, when legislation was passed through here that allowed the construction of that massive plant down there.

I have stated on this floor in the past, that at the present time that I agree with what the good Senator from Penobscot, is saying, there is nothing cheaper, and up to date nothing safer, than atomic energy.

That is what we have been told. I can remember when the construction of that plant took place, and we were going down there and viewing it. The massive, massive concrete that went into that construction. To think that to tear this plant down costs more, more to disassemble the plant, than it did to construct it, should automatically give us all kinds of concerns as to about radioactivity and why should it cost so much.

I think that there is legitimacy in this particular Legislation today, that would mandate that the Federal government gets off its buttock and start moving in a positive manner and address the seriousness of this problem.

I do not agree with the good Senator from Penobscot, Senator Trotzky, that this will shut Maine Yankee down, but I am sure that it is going to send a message to Washington, that they, they, are going to have to address the disposal of nuclear waste.

I would urge the Senate to support the measure before them.

The PRESIDENT Pro-Tem: A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President and Members of the Senate, Senator Trotzky has raised the issue that L. D. 1203 would result in the shut down of Maine Yankee. It is my understanding that Maine Yankee has operated in the past without the capacity of storage. In fact in October, 1975 the Nuclear Regulatory Commission gave the Maine Yankee permission to increase the number of fuel assemblies stored in the pool from 318 to 953. Maine Yankee did not have full core discharge capacity from October 1974 until that project was completed.

It is also my understanding that there is no Federal regulation saying that a nuclear power plant must have full core discharge capacity in

order to operate. I wish that someone on the Committee would clarify this. If they do not have this capacity can they still operate?

The PRESIDENT Pro-Tem: The Senator from York, Senator Wood has posed a question through the Chair, if anyone cares to answer it.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, I understand that once they have used up their authorized capacity of 953 assemblies, if they do not get permission to store more, they will have to shut down. They have to put them somewhere and that is the only place that they have. They have assured us that there is room to store more.

I am not sure what Passage of this Bill would do, it is doubtful that it would have any bearing on what the Regulatory Commission would do, but I would assume that it could influence their turning down of the permission to store more. If this happened then they would have to shut down in 1987.

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

Senator PRAY: Mr. President and Members of the Senate, for those of you who have not taken a moment during this brief debate to open up your book to look at 1203 to see what we are voting against or maybe voting for. Basically what the Bill does, is insure that onsite storage will be used only as temporary storage, one. That means that it will not become full time. Not as a substitute for permanent disposal elsewhere, but in no case shall the allowable numbers be greater than 3 times the number of fuel assemblies in the full core load of the plant.

It is putting a limit on it, it is not saying that they can't store it. It is saying that there will be a limit on it. That limit will allow Maine Yankee, under existing demands, to operate through 1987 or 88. This is 1981, six years to address that concern.

I feel that a 6 year operational basis guideline at this time is not unreasonable. It gives the National Regulatory Authority ample opportunity to address this, because the demand is not just coming from the State of Maine, but it is coming from across this country. People are concerned about nuclear waste. I think that this is a small step, in the right direction at this time for us in this State to address something that is of a very grave and deep concern to all of us. It does not put anybody as a proponent or opponent of nuclear power. It addresses waste and it is a reasonable measure that has been sought for our approval. I would hope that we would give it that approval after we reject the pending motion.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Yes, Mr. President and Ladies and Gentlemen of the Senate, just to address the question by Senator Wood. I think that it is significant to note in the last 10 years the whole concept of breeder reactors has been one of the primary means of producing nuclear power in terms of the components that go into producing the fuel.

The Reagan Administration, I think, that there are many people within this administration, the President's Administration, who have been advocating the development of nuclear power in the United States. They have fashioned much of their thinking on the experiences of France and other countries that have taken a leading role in breeder reactors. I think that if we look at this, that in other words to question, will we shut down here in the State of Maine? No we will not shut down here in the State of Maine.

Secondly, if the intent of the Legislation is to have a temporary storage we will have the capacity to handle the waste that is produced in line with the concepts and the time frames es-

tablished by the NRC, and Maine Yankee, itself.

Another issue is that the fact that there will be, if there does ever become a storage facility for nuclear waste in this country we can certainly transport the nuclear fuel out of the state of Maine to some other facility.

I think that we should seriously consider this, and here is our point, if the administration does continue to research and develop the capabilities of breeder reactors in the United States, they will take all of the nuclear waste from all of the plants, and they will take them and they will put them in Nevada, or Utah, or anyplace else that they want to put them, but keep them out of the State of Maine.

Secondly, we can then transport them by, any means that they want, rails, ship, or plane, or truck to that facility.

I think that Senator Pray made a very good point, that this is temporary storage. We have more than enough capacity to handle that, and Yes we have operated for quite some time in the State of Maine without total capability to store the full complement of the spent fuel rods. Therefore, I think that the question is adequately answered, and let's ship it out. Thank you.

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

Senator TROTZKY: Mr. President and Members of the Senate: Senator Kerry from York put up a good point. He said, if we go on with a nuclear aide we have to go basically with reprocessing plants. We do not have any reprocessing plants operating in the United States now.

Or if we go we can go to the breeder cycle and so on, but it is going to take more than 6 years to do that. It takes more than 6 years to build a basic nuclear plant now. So, consequently, what Senator Pray is talking about, he is saying that after 6 years let's close down Maine Yankee.

Well, I want to inform Senator Conley over there that Washington has received a message, the people of the United States send Ronald Reagan there. So they have received a message.

Secondly, I want to say that even though I come from Bangor, I'll state right here that I feel safer living in Wiscasset, than next to Bangor International Airport, or for that matter, Portland Jet-Port.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, going back to a remark made by the good Senator from Penobscot, Senator Pray, you are not for the bill nor against it, or against nuclear power or for nuclear power.

In my community, during the nuclear referendum question, they voted 3 to 1 to keep Maine Yankee open. We are about 34 miles from Maine Yankee. Only 2 towns in my entire Senatorial District, by a very slim margin voted against keeping Maine Yankee open.

Let me first say, that we did have 2 reprocessing plants in the United States. One in New York, and one in South Carolina, that were operated by the Federal Government, explicit for the purpose of reprocessing nuclear fuel, so that it could be reutilized, and put back into reactors for future use to cut down the additional costs, over what it is costing at the present time.

Those plants because of political ramifications were both temporarily closed down by the Federal Government. It was a political decision on the part of Washington. It is rather interesting to note, that as many nuclear weapons that we have around this nation, everybody forgets about the waste, that 92 percent of the waste that we have in this country do not come from the nuclear industry, or the com-

mercial aspect of it, but from our own Federal Government, who is the one who is processing it for security of the nation, and the security of the world.

It was mentioned that there are no adequate safeguards. There is not another industry in this world that has as many safeguards built into it as the nuclear industry. In fact, I feel more secure having a nuclear plant in Wiscasset, or even in the city of Lewiston, as far as I am concerned, than I would be faced with the volley of tank cars in the city of Portland, carrying chlorine and other petro-chemicals, and nitrogen, and all this other stuff, and the tank farms of gasoline around the community, than one nuclear plant that is serving the needs of the people of the State of Maine, in a very effective manner.

You are talking of a Maine Industry. You are talking about a Bill here that is serving the needs of the people of the State of Maine. We are so concerned as we always should be when we have a fuel shortage of our elderly, or indigent, and our senior citizens. We spent \$21 million in which to be sure that they had warm winters.

If we did not have a plant such as Maine Yankee on line, those costs would proliferate and people may not agree, but there was a recent article in the Wall Street Journal, that says, "you think that oil prices are bad now in 1981. Wait 'til 1995 when oil will cost you roughly \$85 to \$90 per barrel."

We talk about all these different things, effluents going into the atmosphere. How do you address, in a state like Maine our industrial growth, unless you have a basic adequate supply of electrical power to do this?

Certainly the same opponents of nuclear power are the same ones who are opposed to the development of coal resources in this country because the ambient air qualities will be distorted. They are opposed to everything going.

I have lived in the State of Maine all of my life. I was raised here. I have every confidence in the world that this is a very safe technology.

We do have, the end result basically is brought up very clearly, if we do not take care of the waste, or reprocess it, it is going to compel the Maine Yankee Plant to close down. There is no other way of looking at it.

There is another factor, I do not believe that you have to worry about sending nuclear fuel or waste products to the State of New Hampshire, or worrying about New Hampshire's Seabrook Plant sending it to Maine, because they have built adequate reservoirs.

Aren't we very fortunate here in the State of Maine to have such broad perspectives to build a reservoir as large as they did in which to handle the excess fuel rods while waiting for our regulatory and our Federal Government to make a decision?

What about the tax dollars generated? The same people who are proponents of this particular thing, are the same ones down there now howling and crying about how we are going to divvy up the cost of the \$3 million in the Town of Wiscasset and give it to everybody else in the State of Maine. They are very, very inconsistent. They are talking out both sides of their mouth.

Let us look around the world where there are about 257 nuclear reactors. Why do you think that the United States is far behind, because it has been a political boondoggle. Other nations are utilizing it to its fullest capacity.

You know they spoke about that heavy concrete dome, and what the costs are. True. Go to Russia, China, India, France, and you know that they do not even have the concrete dome over their reactors. All the added security has been built into it.

I am concerned just like the next person for the health of our citizens of the State of Maine and our environment, but I also realize that we



are not a rich state, we are relatively a poor state, and we have to have these guarantees built in.

Do you think that a company like Maine Yankee, or Central Maine Power Company would spend the \$237 million initially to build a plant that could not be duplicated today for \$1.5 billion, if it was unsafe? If there was any fears on their part? After all they are a State of Maine company. After all, that company is comprised of both Republicans and Democrats. After all, those are technological people who have a good working knowledge and are Maine citizens. After all, also, they are unionized people.

Do you want to jeopardize everything on the pretext that you are not going to handle this particular problem, that we have to throw it back on the Federal Government? If they have not handled it originally it is going to be a long time, before they handle it. The end result, the proponents of this particular Bill, simply want to close Maine Yankee. It is as simple as that. There is no other way of analyzing it.

The breeder reactor, the breeder reactor which is being developed very well in Russia, and in France, originally started in America with our tax dollars, maybe 35 years ago, but all of a sudden now, we are coming back to say well, the next step is the breeder reactor, of course it is.

It does use more spent fuel than it produces, or waste than it produces. Again, in today's economy, can we afford to spend this many dollars to go onto that particular step where that was developed in this country and basically farmed out to foreign countries who are now developing it, because they are fully cognizant of the ramifications of the world situation in so far as oil? Are we going to wait until the wells run dry, or the OPEC nations strangle us to death with their exorbitant price on oil before we come to the realization that we have to take care of the security and the well-being of the people of the State of Maine?

I think that most of us regardless of our party affiliation realize that we must continue with the existing plant that we have. It is the only safe, logical, sound way of addressing a need of significant value, because Maine, being a poor State would be in the dumps if it was not for the fact that we have Maine Yankee. The only unfortunate part of it is, the company was not that well endowed with bonding revenues when that thing came about originally, and that is why we only own 38 percent of it.

Maine, I do not believe, was ever construed to be a dumping site, because of the geological factors. It was just brought up as one of the many possible sites. They are looking for salt mines, deep in the ground to take care of those wastes.

If it was so prevalent that we are going to be one of the dumping sites, because of our geological formation, why was the human cry out when they were developing Sears Island? Because of a geological fault of 35,000 years old or more that might move which caused that particular plant to be changed over to now, hopefully, a coal fired plant if things go well to meet the needs of the State of Maine?

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

Senator PRAY: Mr. President, I question as to whether or not there is a quorum in the Chamber.

The PRESIDENT Pro-Tem: An absence of a quorum has been suggested. The Chair notes the absence of a quorum.

A Quorum of Senators was called to the Chamber.

The Senate called to order by the President pro tem.

The PRESIDENT Pro-Tem: The Senator has

the floor.

Senator MINKOWSKY: Thank you very much, Mr. President. I truly believe that this does cover some of the concerns raised by some of my colleagues who have been here with me a long time, that maybe this Bill is not that well thought out, and that it would really have a dilatorious affect upon the people of the State of Maine and in the end result our economic growth.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I will be very brief, I think that the issue is very well before us, it doesn't come down as a pro-nuclear or anti-nuclear issue. I think that more appropriately, it comes down as to whether or not you want to take back some control over your own life or not, kind of issue.

I stand here this morning as an opponent for nuclear power. I am not in the least bit ashamed of that. I did vote Yes, on the referendum last fall. I am not in the least bit ashamed of that. That is not my intent this morning, in supporting and speaking in favor of this Bill, to close down Maine Yankee, immediately. I will live by the results of the referendum. I will live by the results of the people in my area.

What I am saying, is that we ought to have the control. We ought to have the guts, in this Chamber, and that is all that this Bill is about. Send a message to Washington, that we want to make the determination whether or not Maine Yankee is going to increase its storage capacity. Not the Nuclear Regulatory Commissioners, one of which happens to be from Maine. I do not happen to know Mr. Bradford, he was in State government before I was. I doubt that very many of you here know him that well.

I do not feel comfortable at all leaving that decision in the hands of a group of administrators, of bureaucrats. I have heard the good senator from Androscoggin, Senator Minkowsky rail against, but yet he seems to be very, we all seem to be very content in leaving that decision in their hands. I am not content with that decision. That is all that we are asking for this morning, the same philosophy that I have heard espoused from Washington these past few months.

I do not need the senior senator from Maine to come back and tell me how to run my business in the Maine Legislature. I feel very comfortable with my position on the Bill this morning and I do not feel that I am interfering in his job one little bit.

I feel that the time has come, in this issue, as in all others, for Maine and the other states of this union, to take back some of the power that we have lost to Washington, I think this is a good place to start. That is all that this Bill is about.

I certainly hope that when you get ready to vote on this issue that you don't decide whether you are pro-nuclear or anti-nuclear. But that you decide whether or not you ought to have some control over this issue.

We are not flying in the face of the referendum. The referendum was on one issue, whether or not you wanted to close Maine Yankee down now. The people said, No, we don't think so. They didn't say No, overwhelmingly. They said No, we don't think so. I would defy anybody in this Chamber to run this issue out to referendum and see how fast it will fly. Thank you.

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

Senator DEVOE: Thank you, Mr. President. Mr. President I suggest that those who support this Bill, and the sponsor of this Bill, are 4 years too late in becoming concerned.

The problem really developed when newly elected President Carter, as one of his first acts in office, issued an executive order that

forbid the reprocessing of domestic spent nuclear fuel.

Also as part of the national policy which he was encouraging, we still reprocess spent fuel that is derived from American made nuclear plants that have been sold and installed abroad.

The plant in Barnwell, South Carolina processes fuel from Europe and Asia that is transported back here. But President Carter in his wisdom, and I am sure with the assistance of the anti-nuclear forces that helped elect him, decided that whereas it was all right to further national policy and encourage the sale of multi-billion dollar nuclear plants to Europe and Asia, and as part of that national policy to allow their spent fuel to be returned to this country to be reprocessed to make new fuel so that it could go back to those foreign countries. It was not alright to do it for spent fuel derived from nuclear plants within these United States.

I suggest that the sponsor of this Bill is four years too late. I suggest that the supporters of this Bill are four years too late in expressing concern, and in being anxious to send a message to Washington. Why didn't they do it four years ago, right after President Carter established his executive order that forbid the reprocessing of domestic spent fuel? That was the time to be concerned, not today.

I think that our present President, having been in office less than three months, is probably going to encourage the development of nuclear fuel in this country as part of a national energy policy. Part of that evolving policy must be allowing spent fuel assemblies, from the various nuclear plants that we have in the United States, to be transported to Barnwell, South Carolina, and I believe, to the processing plant in Hanford, Washington, where it can be reprocessed and new fuel generated. That will be progress.

The reason we have the problem in the first place is that when Maine Yankee was designed, years before it was constructed, the national policy was to allow domestic reprocessing of spent fuel. Therefore, you did not have to worry about having a large storage capacity at Maine Yankee because domestic policy at that time permitted the taking of those spent fuel assemblies to the reprocessing plant.

That all changed with the stroke of a pen early in 1977, when Jimmy Carter suggested that maybe we ought to change our national policy. That's when the problem really began. The problem didn't begin with the Maine Yankee referendum. The problem began the day that Jimmy Carter signed that executive order that said we can not reprocess in this country spent fuel assemblies from our domestic nuclear plants.

Why didn't the sponsor, and why didn't those who are supporting this Bill today, get agitated then? I don't know. Maybe there were political considerations. Maybe they didn't want to oppose a President of their own party. Maybe they just weren't conscious or aware of the implications of this.

Mr. President, I suggest the time to have gotten concerned about this problem was the day that Jimmy Carter changed national policy that had existed from the time that the Rowe Massachusetts Atomic Plant, the first one, I think, in the country, was built. From that time down to early 1977, you didn't face this problem. No domestic nuclear plant faced the problem of what to do with our spent fuel, because national policy permitted that it be carted back to these reprocessing plants, and reprocessed. That's when the problem developed. Not now.

To suggest that Three Mile Island has anything to do with this, I think, is a specious argument, because the accident at Three Mile Island was in the reactor, not in the storage of the spent fuel. That had nothing to do with it. It's an inert substance in water, with concrete, steel, and other metals surrounding it. Mr. President that's when the problem started. I'm going to vote no on this bill and not have any

problem doing it. The problem started four years ago, not now.

The President Pro-Tem requested that the Sergeant-at-Arms escort the Senator from Kennebec, Senator Pierce to the rostrum to assume the duties of President pro tem.

The Sergeant-at-Arms escorted the Senator from Kennebec, Senator Pierce to the rostrum, where he served as President Pro-Tem.

The Sergeant-at-Arms escorted Senator Collins of Knox, to his seat on the floor of the Senate.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President, Men and Women of the Senate, it really doesn't matter to me who started the problem. Senator Devoe keeps saying that this problem started four years ago. He admits there is a problem. I agree with him. That's why I'm going to vote yes on this thing.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President and Members of the Senate: I also do not think it matters which party created this problem. I would say that both of them have shown their inability in Washington to deal with this problem. I would take exception to the remark that there was no problem until the former President Carter signed that order. If that was the case, if that was the case, why did the N.R.A. in October of 1975, well before the President took office, grant Maine Yankee the ability to expand their capacity? Why did they have to expand their capacity, if this problem was being dealt with?

I would suggest that this problem was a problem well before President Carter signed that order.

The PRESIDENT Pro-Tem: 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 Aroostook, Senator McBreaity that the Senate accept the Majority, Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Ought Not to Pass Report of the Committee.

A No vote will be opposed.

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

#### ROLL CALL

YEA — Ault, Brown, Collins, Devoe, Emerson, Gill, Hichens, McBreaity, Minkowsky, O'Leary, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Violette, Wood, The President J. Sewall.

NAY — Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Najarian, Pray, Trafton, Usher.

ABSENT — Bustin, Huber.

Senator Wood of York was granted permission to change his vote from Yea to Nay.

A Roll Call was had.

20 Senators having voted in the affirmative and 11 Senators in the negative, with 2 Senators being absent, the motion to Accept the Majority Ought Not to Pass Report of the Committee in non-concurrence, does prevail.

(See Action Later Today)

The President Pro-Tem requested the Sergeant-at-Arms to escort the Senator from Knox, Senator Collins, to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins, to the rostrum

where he served as President Pro-Tem.

The Sergeant-at-Arms escorted Senator Pierce of Kennebec to his seat on the floor of the Senate.

#### Divided Report

The Majority of the Committee on Energy and Natural Resources on, RESOLVE, Providing for Revision to the Land Use Regulation Commission's Land Use Handbook, Section 6, "Erosion Control on Logging Jobs." (H. P. 454) (L. D. 501)

Reported that the same Ought to Pass.

Signed:

Representatives:

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

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-198).

Signed:

Senators:

McBREAIRTY of Aroostook  
O'LEARY of Oxford  
REDMOND of Somerset

Representatives:

KIESMAN of Fryeburg  
DEXTER of Kingfield  
AUSTIN of Bingham

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

Which Reports were Read.

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

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, I move the Minority Report and wish to speak to my motion.

The PRESIDENT Pro-Tem: The Senator has the floor.

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, last year this Legislature enacted a statute exempting private roads in the unorganized areas from the Site Location Law, provided they are located, constructed, and maintained in accordance with the standards adopted by L.U.R.C. for protection and development districts, and the guidelines adopted by L.U.R.C. for management districts, the great bulk of the land in the unorganized territories.

As the sponsor of last year's bill, I can state that it was our intention to insure that logging roads in management districts be subject to flexible guidelines and not rigid standards. That is why we chose the word "guidelines".

The construction of logging roads is not something which can be regulated precisely with a tape measure from Augusta, because proper construction of logging roads depends greatly on terrain, location, and other sites specific factors. There must be a considerable degree of flexibility and discretion. You build a road and space culverts differently depending on whether it is on a steep slope, or if it crosses a stream, or if it is in the middle of the woods some distance from either a slope or a stream.

Last year we recognized that such flexibility is necessary when we approved the use of Handbook 6 which provides that road builders should use good judgment, common sense, discretion in construction of the road to avoid erosion and sedimentation. L.U.R.C. has written a letter to the Energy and Natural Resource Committee confirming that flexibility is a basic aspect of the guidelines.

Although both reports recognize that we are dealing with guidelines, the Minority Report is clearer in its statement describing this flexibility and discretion. I urge your vote on this Minority Report. Thank you.

The PRESIDENT Pro-Tem: The Senator

from Aroostook, Senator McBreaity, moves that the Senate Accept the Minority Ought to Pass, as amended, Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Thank you, Mr. President. Men and Women of the Senate, I guess I have some real questions about the amendment that the good Senator from Aroostook, Senator McBreaity, has just talked with us about. It relates to the standard that's created in that amendment, which is good judgment, common sense, and discretion. It seems to me that this makes the road guidelines virtually unenforceable and substitutes a standard that I'm unfamiliar with, and in legal terms in which I certainly think any judge would have problems with understanding what that means in real terms.

I would ask the good Senator to comment on that. When the vote is taken, I would ask for the Yeas and Nays.

The PRESIDENT Pro-Tem: 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 Aroostook, Senator McBreaity, that the Senate Accept the Minority Ought to Pass, as amended, Report of the Committee.

A Yes vote will be in favor of Accepting the Minority Ought to Pass, as amended, Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Collins, Devoe, Emerson, Gill, Hichens, McBreaity, Minkowsky, O'Leary, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Usher, Violette.

NAY — Brown, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Najarian, Pray, Trafton, Trotzky, Wood.

ABSENT — Bustin, Huber, The President J. Sewall.

A Roll Call was had.

18 Senators having voted in the affirmative and 12 Senators in the negative, with 3 Senators being absent, the motion to Accept the Minority Ought to Pass, as amended, Report of the Committee, in concurrence, does prevail. The Resolve Read Once. Committee Amendment "A" was Read and Accepted, in non-concurrence. The Resolve, as amended, Tomorrow Assigned for Second Reading.

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

Senator PIERCE: Mr. President, with regards to L. D. 1203 I would move Reconsideration and would ask the Senate to vote against my motion.

The PRESIDENT Pro-Tem: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Pierce that the Senate Reconsider its action of earlier in today's session, whereby on Bill, "An Act to Limit the Storage of Spent Fuel at Nuclear Reactors, (H. P. 1007) (L. D. 1203) it Accepted the Majority Ought Not to Pass Report of the Committee.

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.

Senator Hichens of York was granted unanimous consent to address the Senate, on the Record.

Senator HICHENS: Thank you. Mr. President.

Some newcomers to the Senate don't know what lies in store when they become a Senator — some find that they get more than ever they expected — some disappointed get with the way State Government is run — and it is a sure bet that if they stay here long enough they'll try to make a change in the way that things are done here — will try to rearrange the way they find things now in place, but I am sure they'll learn that their ideas may reach deaf ears — veterans are apt to spur suggestions from newcomers — I've often heard them say you'll soon learn you must conform we've done it just this way down through the years — so get in line — and when your leader speaks, don't try to reason for yourself — just follow as he seeks to lead you. Listen carefully and when he plays his hand just play follow the leader — sit when he does — then stand when he gets up. In doing so you'll find it easy here but if you have convictions of your own — just lend an ear to those who try to think things out and make up their own mind, on all the issues that you face — and soon, my friend, you'll find that Senate life is interesting — just to say the least and the viewpoints of your colleagues soon will be released. With this advice to you today — I hope that you will get the message — and will join with me in wishing Dick Charette a very Happy Birthday on this fine April morn, and hope he'll feel real fortunate — in the fact that he was born in a land where he can freely think and do as he sees fit, on every issue that he'll face and feel real proud of it.

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Provide the State Liquor Commission with Discretionary Authority to Refund Liquor License Fees when the Licensee has been Deprived Through no Fault of His Own." (H. P. 1013) (L. D. 1223)

Reported that the same Ought Not to Pass.

Signed:

Senator:

SHUTE of Waldo

Representatives:

COX of Brewer

STUDLEY of Berwick

TREADWELL of Veazie

PERRY of Mexico

McSWEENEY of Old Orchard Beach

GWADOSKY of Fairfield

STOVER of West Bath

SWAZEY of Bucksport

DUDLEY of Enfield

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

Signed:

Sensors:

CHARETTE of Androscoggin

VIOLETTE of Aroostook

Representative:

SOULAS of Bangor

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

On motion by Senator Shute of Waldo, the Majority Ought Not to Pass Report of the Committee Accepted, in concurrence.

#### Senate

##### Leave to Withdraw

Senator DUTREMBLE for the Committee on Labor on, Bill, "An Act to Insure Unemployment Compensation for Employees who are Harassed." (S. P. 350) (L. D. 993)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

#### Ought to Pass — As Amended

Senator SEWALL for the Committee on Business Legislation on, Bill, "An Act to Amend the Consumer Loan Agreements Law." (S. P. 318) (L. D. 908).

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-119)

Senator CLARK for the Committee on Business Legislation on, Bill, "An Act Relating to Interest Rates upon Refinancing of Loans under the Maine Consumer Credit Code and Making other Clarifications of the Maine Consumer Credit Code." (S. P. 228) (L. D. 615)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-118).

Senator SEWALL for the Committee on Business Legislation on, Bill, "An Act to Exempt Certain Signs from the Billboard Law." (S. P. 378) (L. D. 1136).

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-117).

Senator SEWALL for the Committee on Business Legislation on, Bill, "An Act to Establish Minimum Standards for Medicare Supplement Insurance Policies." (S. P. 175) (L. D. 455)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-120).

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act to Bring the Maine Traveler Information Services Act into Conformity with the United States Constitution." (Emergency) (S. P. 427) (L. D. 1249)

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

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

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act to Conform the Maine Consumer Credit Code to the Federal Truth-in-Lending Simplification and Reform Act." (S. P. 94) (L. D. 213)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-122).

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" (S-122) was Read.

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

Senator SUTTON: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" under filing S-124 and move its Adoption.

Senate Amendment "A" (S-124) to Committee Amendment "A" was Read and Adopted. Committee Amendment "A", as amended, by Senate Amendment "A", was Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

The President Pro-Tem requested the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall to the rostrum where he may assume his duties as President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Sewall to the rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins, to his seat on the floor of the Senate.

The PRESIDENT: The Chair would thank the Senator from Knox, Senator Collins, and the Senator from Kennebec, Senator Pierce.

(Off Record Remarks)

#### Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Provide for a

Special Hunting Season on Bear during the 2nd Week in November." (S. P. 52) (L. D. 61)

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

Signed:

Sensors:

REDMOND of Somerset

USHER of Cumberland

Representatives:

MacEACHERN of Lincoln

CONNERS of Franklin

PAUL of Sanford

CLARK of Millinocket

PETERSON of Caribou

ERWIN of Rumford

DAMREN of Belgrade

GILLIS of Calais

SMITH of Island Falls

JACQUES of Waterville

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

Signed:

Senator:

HICHENS of York

Which Reports were Read.

On motion by Senator Pierce of Kennebec, Tabled until Later in Today's Session, pending Acceptance of Either Committee Report.

#### Second Readers

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

##### House

Bill, "An Act to Increase the Limit Indebtedness of the Newport Water District from \$1,000,000 to \$1,500,000." (H. P. 964) (L. D. 1155)

Which was Read a Second time and Passed to be Engrossed, in concurrence.

##### House — As Amended

Bill, "An Act to Overrule Federal Preemption of Certain Maximum Rate Ceilings of the Maine Consumer Credit Code." (H. P. 12) (L. D. 6)

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

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

Which was Read a Second Time.

On motion by Senator Pierce of Kennebec, the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A" to L. D. 1414.

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

Senator PIERCE: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" under filing number of S-125 and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-125) to Committee Amendment "A" was Read and Adopted. Committee Amendment "A", as amended by Senate Amendment "A" was Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act to Create a Department of Corrections." (S. P. 376) (L. D. 1134)

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

Which was 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 Amend the Eating, Lodging and Recreational Place Licensing Law. (H. P. 62) (L. D. 74)

AN ACT to Provide for the Arbitration of Disputes Between Health Insurers and Policyholders. (H. P. 447) (L. D. 508)

AN ACT to Increase the Fees and Provide for Continuing Education of Podiatrists. (H. P. 542) (L. D. 603)

AN ACT to Remove the Authority of a Juvenile Intake Worker to Make Informal Adjustments for Juveniles who Operate a Motor Vehicle under the Influence of Intoxicating Liquor or Drugs. (H. P. 459) (L. D. 505)

AN ACT Relating to the Costs of Transporting Persons to Hospitals for the Mentally Ill. (S. P. 310) (L. D. 866)

Which were 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 Appropriate Funds for the Expenses of the Capitol Planning Commission." (S. P. 293) (L. D. 819)

On motion by Senator Perkins of Hancock, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Create a State Compensation Commission. (H. P. 757) (L. D. 894)

On motion by Senator Perkins of Hancock, Placed on the Special Appropriations Table, pending Enactment.

#### Emergency

AN ACT to Clarify and Make Corrections in the Liquor Laws." (H. P. 669) (L. D. 773)

#### Emergency

AN ACT to Prevent Certain Abuses in Door-to-Door Sales. (H. P. 833) (L. D. 1000)

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.

#### Orders of the Day

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

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

Tabled—April 15, 1981 by Senator HICHENS of York.

Pending—Enactment.

On motion by Senator HICHENS of York the Bill was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

#### Papers from the House House Papers

Bill, "An Act to Amend the Fair Credit Reporting Act." (H. P. 1350) (L. D. 1538)

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 Enable Continuation of the Highway Safety Defensive Driver Program through an Increase in Student Registration Fees." (H. P. 1353) (L. D. 1539)

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.

#### Joint Orders

Expressions of Legislative Sentiment recog-

nizing:

Gary Conn, of the University of Maine hockey team, named to the 1981 Eastern All-American team by the ECAC Division I hockey coaches. (H. P. 1355)

The University of Maine hockey team, coach Jack Semler and assistant coach Gary Wright for an outstanding 23-11 season, qualifying for the ECAC Division I tournament. (H. P. 1356)

Gary Conn, Joe Crespi, Bill Demianiuk, Brian Hughes, Jon Leach, Tom Leblond, Jamie Logan, Marc Son, Jim Tortorella, John Tortorella and Paul Wheeler, graduating seniors and founding players of the University of Maine hockey team. (H. P. 1354)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

#### Enactor

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

#### Emergency

AN ACT to Create the Casco Bay Island Transit District. (Emergency) (H. P. 1198) (L. D. 1351)

This being an emergency measure and having received the affirmative votes of 26 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.

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

#### Committee Report

#### Senate

#### Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act to Establish a Kennebec River Future Commission." (H. P. 1141) (L. D. 1285) have had the same under consideration, and ask leave to report: that they are unable to agree.

On the part of the Senate:  
Senators:

DEVOE of Penobscot  
REDMOND of Somerset  
O'LEARY of Oxford

On the part of the House:  
Representatives:

KANY of Waterville  
JACQUES of Waterville  
LUND of Augusta

Which Reports were Read and Accepted.

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

Senator CONLEY: Mr. President, a parliamentary inquiry, is it proper now at this time to request that the Chair appoint a second Committee of Conference? Preferably, Mr. President, a more flexible second Committee.

The PRESIDENT: The Chair would advise the good Senator from Cumberland, Senator Conley, whom the Chair suspects knows anyway, that in order for his motion to have any validity, he must first move Reconsideration, whereby the Senate Accepted the Unable to Agree Report. At that point, if that carries, a motion to appoint a second Committee would be in order.

Senator CONLEY: I would be delighted to make that motion to Reconsider our action whereby we Accepted the Report.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate Reconsider its action whereby it Accepted the Unable to Agree Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Reconsideration, please rise in their places to be counted.

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

12 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion to Reconsider does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: May I again pursue the Chair with a parliamentary inquiry?

The PRESIDENT: The Senator may state his inquiry.

Senator CONLEY: Mr. President, it would appear to me that we would have to Accept the Committee of Conference Report before one could make a motion to have the Chair appoint a second Committee of Conference. If I'm wrong, Mr. President, I beg total absolution.

The PRESIDENT: The Chair would advise the Senator there are only two actions available to the Senate on a Committee of Conference Report, if the Chair's recollection is correct in this matter. That is, Accept or Reject. The Senate saw fit to Accept the Committee Report, therefore, the only motion available is Reconsideration of that Acceptance of the Committee Report.

The other alternative would have been for someone in this Chamber to have moved Rejection of the Committee Report. If that motion were to carry, then a second Committee of Conference would be in order to be appointed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mea culpa.

#### (Senate at Ease)

The Senate called to order by the President.

The PRESIDENT: The Chair lays before the Senate, Bill, "An Act to Provide for a Special Hunting Season on Bear during the 2nd week in November (S. P. 52) (L. D. 61), tabled earlier in today's session, by Senator Pierce of Kennebec, pending Acceptance of Either Committee Report.

Is it now the pleasure of the Senate to Accept the Majority Ought to Pass, as amended, Report of the Committee?

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request when the vote is taken, 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 Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: A parliamentary inquiry. Are we Accepting the Amendment if we vote in the affirmative?

The PRESIDENT: The Chair would advise the Senator the only available posture is Acceptance of the Ought to Pass, as amended, Report of the Committee, or Rejection of that, and Acceptance of the Ought Not to Pass Report.

Senator WOOD: Mr. President, then I would pose a parliamentary inquiry, is this Amendment germane to the Bill?

#### (Senate at Ease)

The Senate called to order by the President.

The PRESIDENT: The Chair would advise the good Senator from York, Senator Wood, that in the opinion of the Chair, the Amendment is germane.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Thank you, Mr. President. Men and Women of the Senate, briefly, this is a mother's Bill. We're talking about a spring season that will allow the taking of bear just after they've had their baby cubs. It seems to make sense to me, and I would hope to this Body, that with the bear population declining, that we would want to preserve the baby cubs. The only way to do that is to allow the mother some time with those cubs.

This provides for a longer, through the Commissioner's rules, for a longer fall season. I think this will enhance the bear hunting season and protect this resource for future generations.

I hope you will vote against the pending motion.

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

Senator HICHENS: Mr. President, as you can well see, I am the lone dissenter on this Committee Report. Some people question as how I was ever appointed to this Committee. Sometimes I wonder why, also, I am glad that I was appointed, glad to see the reactions that we get a great many times from the Committee members, and from the press, from the public, as the pressures are put on.

Last fall, our Commissioner in all of his good wisdom felt that the bear kill in the State of Maine was far in excess of what it should be to protect the bear population in our State. He called for a limited season. During the interim, the Advisory Board, with the Commissioner's approval, passed a ruling that would limit the season just in the fall. This was held up by the Attorney General for clarity. Then, very recently, after several bills had been submitted to the Committee for consideration, one of my own which limited the season somewhat, another one by the good Senator, Senator O'Leary, another one by a House member, which had a very extensive closed season, the Advisory Board of the Fisheries and Wildlife Commission had a vote, and with the Commissioner breaking the tie vote, ruled that there would only be a hunting season between the 1st of October and the end of November.

Naturally, all of the bloodthirsty hunters, and I call them bloodthirsty hunters, because I don't think they're sportsmen in any sense of the word, started to rebel. Some of the camp owners started to rebel, because it was going to cut in on their profits. They prevailed upon the members of the Committee to take one of the bills as a vehicle to upset the Commissioner's and the Advisory Board's ruling.

As a result, we have this Amendment before us today, which opens not only a spring season, but an extended fall season, and now another extended fall season to allow the trappers to get in on the whole program.

I was told yesterday by one of the trappers, that if they weren't given their season, that they would kill the Bill, because they felt that they were being discriminated against. Probably they were, because I don't know why we should have a spring season and not let the trappers have their chance.

As the good Senator, Senator Trafton, has already stated, the spring season is the season when the mothers are out with their cubs. Baiting is allowed. This has been one of the things which I have been against for a great many times. I also have a bill before the Committee to that effect.

I hope that the Senate, in their wisdom, and in their compassion, and in their faith in the Commissioner of the Department of Fisheries and Wildlife, will kill this Amendment today.

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

Senator CONLEY: Mr. President and Members of the Senate: This is the time that I like to speak most often, when there's very few of us present. I know that my credibility on fish and game bills is absolutely zilch. However, I do have some grave concerns with this particular Bill, because we don't have many bear in Portland. I've heard from a tremendous amount of people throughout the northern part of the State who have definitely taken a view on this particular legislation. There's one thing I do enjoy, and that is going down our Maine streams and rivers during the summer time and being able to witness some of the resources that we do have.

The Maine moose has always been my number one prize. My second is the next big game animal, would be the Maine bear.

I think we have to realize that after hibernating all winter long, giving birth to cubs, and then to have these great hunters, as they classify themselves, come into the Maine woods, leave raw beef down to attract the mother bear, to enjoy her feast, which is appropriate this time of the year, we could call it "The Last Supper."

If this is the sportmanship that the Maine Senate is interested in, and prolonging to totally annihilate what little bear herd we have left in this State, then vote to pass this Bill. But I'm beginning to believe, really, that common sense has totally left this Maine Senate.

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

Senator PRAY: Thank you, Mr. President, Mr. President and Ladies and Gentlemen of the Senate. It's always great to hear those great orators from the southern part of the State talk about central and north central Maine, and northern Maine. Some of the rhetoric that we've heard this morning has disturbed me a little bit.

For an example, the Senator from York, Senator Hichens, says "bloodthirsty". Bloodthirsty, those who want to shoot the moose and the bear. It was just a couple of weeks ago that he wanted to shoot the neighbor's 12 year old kid for walking across the corner of your property. Deadly Force Bill, you all remember that one, right? If you thought the kid was running away with a piece of property, shoot him down. I call that bloodthirsty.

The Senator from Androscoggin, who is presently in the Women's Caucus, they're out in the hallway, said this is a mother's bill.

Let's talk about the bear kill. Let's talk about some of the statistics that the Department has formulated over the years. The majority of the bear killed in the spring of the year are males. The vast majority of the bears that are killed in the fall of the year are females. The question is, could the bear cubs, I would take it at this time, whatever percentage of the 1000 bears that are going to be killed, because we're still going to kill 1000 bears, no matter when the season is. What percentage of those bears are going to be mothers with cubs?

By having a greater emphasis on the fall hunt, then you will have a greater number of female bears, with cubs, that would potentially be shot. Thus, you would be going into the first year of hibernation with two cubs less than a year old without a mother to show them what to do.

I realize that that's a rather emotional and touching issue. I don't disagree with their concerns. The reason I'm supporting this Bill today, is because the Commissioner of Fisheries and Wildlife, just a month ago, was down in Foxboro, Mass., at a sportsman's show. He was telling the people there that there's going to be a spring hunt. There are a lot of businessmen in this State down there taking reservations and deposits, and they were setting up this year's business, which is now roughly two weeks away. They have taken a lot of money in.

They've spent a lot of that money in preparation for the season.

If you want to address the spring hunt, there's going to be a number of other bills coming out of the committee. That issue can be addressed.

I think we ought to stop for a moment and we ought to look at the economic factors which will affect both the Departments. My understanding is the Departments have sold over last year, I don't have the figures for this year, but last year they sold over 30,000 big game licenses by the first of May. 34,000, 35,000. You multiply that by \$65, and we have a Department down there that's telling us that they need money, that economically they're right on the brink, they needed a moose season to: one, manage the herd, two, to economically bail out of increasing Maine resident licenses. On the other side of the coin, now, for some reason, they don't feel as if they need this half a million dollars, or perhaps a greater amount, to operate that Department.

These individuals who do come into the State this year, at this late notice, will severely, economically affect a large proportion of this State. I happen to have in my district, out of the 29 communities I have, I happen to have a Town of Patten, which used to have a mill owned by the Huber Corporation, which burned down last year. It was the major employer in the community, having I think near 100 individuals being employed there. That mill now burned down, is under reconstruction, but in that time period, there is no employment opportunities.

We also have in this area, close to 20 hunting lodges, a little bit less than 20. These lodges hire individuals, and they've hired a number of individuals this spring who normally are working, who are now unemployed. If you shut the season off at this last moment, such as what the Commissioner has done by a regulation. As a matter of fact, he formulated two regulations. The first one was for a spring hunt. After it was being challenged, that he did not correctly follow the procedures, which the Attorney General stated that he had not, he had to go through the formality again. This time, they voted to close the season.

One thing that the people of the State of Maine like out of most politicians is consistency, not somebody jumping back and forth every other day on an issue.

I think, as we debated the Moose Bill, and the Senator from Aroostook, Senator McBreairey, talked about the image the State was going to receive out-of-state. A lot of us in this Chamber are concerned about economic development. We're concerned about jobs. We're concerned about welfare. We're concerned about all the other issues, that we talk about, that are always related to employment. A lot of the social programs could be solved if we had employment opportunities and people were working.

Here's one small segment of our society, which we may, in one small swoop, devastate. Economically, they have taken in a lot of money. I've seen figures in excess of a million dollar business. I think, when we take into consideration the management of the herd, the concern being that there's going to be too many bears killed, no matter when the season is, if it's as spelled out in this Bill, there will still be a limit of 1000 bear. It will still be the same number of days, the spring and the fall.

I would hope that, myself even starting off my debate being a little bit emotional at some of the comments being made, that we would throw the emotional aspects of all these issues aside, that we would look at, at this moment, the economic effect.

As I have already stated, there are some bills out that we can address a season far enough in advance, so that individuals who make a livelihood of that, can adjust to it.

If you want to talk about the 1982 season, then



let's do that on another bill. Let's just not go in and take several hundred people and throw them into the unemployment lines or down on general assistance in your local municipalities, perhaps not in Portland, but clearly, several of my communities would be affected.

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

Senator BROWN: Thank you, Mr. President. Men and Women of the Senate, I have desperately tried to stay in my chair this morning, as I hear the comments regarding the bear season. Here we are again trying to interfere with the Commissioner, who's trying to do his job. We first had the bear, then the deer, rather the fish, the fish it was, then the bear, then the deer, and then the bear.

Here we are, it seems like God had better protect his creatures, because the Legislature is not going to do it obviously. Anything that wiggles, moves, or walks, we're going to shoot or bite.

It seems to me that I hope that we can kill this particular bill at this time, and not go ahead and try to pass a law when we are dissatisfied with the regulation that a certain Commissioner is trying to regulate.

I urge you to go ahead and let's kill this silly Bill. Thank you, Mr. President.

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

Senator WOOD: Mr. President and Members of the Senate: I, too, would hope that you would kill this Bill today. I would like to share some of the reasons why I think that action is appropriate. First of all, I would point out that 60 percent of the bear killed last year were killed by out-of-staters. Several good Senators were concerned with the moose season, that we're allowing out-of-staters to reap the harvest of our moose. I would urge that out-of-staters are certainly reaping the harvest of our bear.

Since most Mainer's hunt in the fall, this Bill would severely impact on them by allowing out-of-staters disproportionate amount of our bear population.

If we are going to be consistent and concerned about out-of-state hunters, I would certainly recommend you kill this Bill.

The second reason is that we are trying to replace the judgement of the Commissioner with out collective judgement. I think that is sometimes an appropriate action to do, when it's based on the reasons the Commissioner gave. The reason the Commissioner stopped this season, obviously, was for management purposes. If we feel that those figures were wrong, then that's a reason to supplant it.

Economic reasons are not reason to supplant the judgement of the Commissioner. Because I would argue that although it might benefit these industries for the short term, if we willy-nilly allow further killing of bear, these industries will have an impact that will be far more devastating than anything that we do this year and in the near future.

So I think it is only in those extraordinary times that we should supplant the judgement of the Commissioner and this is not one of them.

I would also argue that when you talk about bear kill, and you are talking about female bear kill. This has a ripple affect on the bear population. For every female bear that is killed you would have to count the 2 cubs that will not survive. So you are talking about 3 bear less population, not 1 bear, less population.

Finally there is the issue, and I love this issue, it is always brought up, there will be other vehicles for us to use. There will be other ways for us to express our dissatisfaction, well I would argue that if the Committee felt that there was some justification for in the future limiting bear seasons, then they should have reported both bills out at the same time so that we could have taken care of this emergency this year and then treated the far ahead issue. I think the Committee's unwillingness to report these 2 bills out indicates that they are not very

interested in curbing the bear season in the future.

For these reasons I would urge you to vote against this bill.

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

Senator SEWALL: Thank you, Mr. President, Men and Women of the Senate. This is a very emotional issue, for me, and after discussing it with the Senate Women's Caucus, I determined that I had to speak on it this morning.

Four years ago, in the month of May, I went on a very serious bear hunt, and indeed I captured a bear with 3 cubs. They now live with me in semi-captivity, although one of the cubs is about ready to move out permanently, I think.

For those reasons I could not possibly support any kind of bill that would allow more bear hunting in Maine.

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

Senator REDMOND: Mr. President and Members of the Senate: After all these very impressive and very emotional speeches, I feel at a loss, however, I think that I should add probably my nickel's worth.

All I would like to say is that this is a people's bill. I do not think that I am going to debate the motherhood aspect of it, anymore than I would like to debate the businesses who own and operate our ski slopes here, were there are plenty of suffering, broken legs, probably as many people suffer as there are bear that suffer during the bear hunt. I do not think that I want to debate that.

I would also like to add, it is not very often that I am in agreement with the good Senator from Penobscot, Senator Pray, but I approve everything that he has stated in his debate on this matter.

Ladies and Gentlemen of the Senate, the question here is not whether we shoot the cubs or we don't shoot the cubs. The Commissioner of Inland Fisheries and Wildlife has stated many times that it is safe to say that the take of a thousand bear a year will not endanger the bear herd.

In this amendment it states that for this spring that there would be a take of no more than 500 bear. The Commissioner, we know that if the take exceeds any of these amounts he can go and close the season any time, as written in the emergency preamble.

I would like to make this statement. It is more than my thoughts put together could say. Bear hunting is an important part of Maine's heritage. It contributes to an industry that is vital to the economic well-being of certain areas of the State. Whereas, with proper management, bear will continue as a renewable resource for present and future generations. Whereas, recent rules closing the spring bear hunting season are not necessary to protect bear populations, but seriously disrupts the plans of many Maine citizens who have invested time and money in anticipation of this season. Whereas, this disruption will cause severe financial hardship, unless the season is re-established for this year. I repeat, for this year only, because as far as the whole concept, I've been in conference with some of the members of the Advisory Council, and I'm in full agreement that we should hunt bear only in the fall. There's no question about it. They will beat about to take the thousand bears in the fall and we don't need the spring season.

We should bear in mind, that for years, at least ten or probably more years, that we've been doing it this way. I can't see any reason why we can't take care of this spring, because we're talking about people who are all struggling to make a living in this State. The majority of businesses are small businesses, and farmers, and outdoorsmen. There's no reason in the world why we should go and pull the rug right away from under these people who are trying to make an honest living.

Therefore, I hope that you will vote to keep this Bill alive and send it back to the House.

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

Senator HICHENS: Mr. President and Members of the Senate: The good Senator, Senator Redmond, has just stated, that this is a people's bill. If this is a people's bill, I don't know where all the people are, because all of the letters and telephone calls I've had in the last two days have been against passage of this Bill, and in support of the Commissioner's regulation.

The only person who has approached me is a camp owner. I sympathize with his problems. I don't think this is a money bill. I think this is a preservation of our natural resource, the bear, in the State of Maine.

In reference to the good Senator from Penobscot, Senator Pray's reference as far as blood-thirsty, he referred to my vote on the deadly force issue. Any bear that comes upon my property and starts to destroy property, I can shoot him. The law says I can, to protect that property. That's why I voted on the same as far as humans coming in to take away or destroy my property, that I should have the same right to protect it as I do against a bear or any other predatory animal.

I think that you have heard enough debate on this this morning. I hope, in all your good wisdom, you will vote with me to kill the Bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Ladies and Gentlemen of the Senate, I would like to state, regarding the good Senator from Cumberland's statement, or the good Senator Hichens, that no one, he hasn't received any mail. Well, I would like to state, and truthfully, that I've had mail on both sides. I've had much mail from people from Washington County that grow blueberries that want to be able to shoot the bear when they're ruining their blueberry crops. I've had all kinds of mail on both sides. I just wanted to make sure that all you Members of the Senate here know that.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Usher:

Senator USHER: Thank you, Mr. President. Just some more information before we do vote on this issue. I do believe in regulation. This is a sort of regulation. This is why we discussed this in Committee, and came out with this Amendment. It also involves the economists of this State. I am not a businessman, I'm just a common laborer.

This does regulate that only 500 will be taken. I'm sure in relation to Senator Brown's comments, the Senator from Washington, if it concerned closing down the sardine factory in with 30 days notice, he would be more concerned.

These people were led to believe for the past six months, there was going to be a spring season. They accepted money from last fall, reinvested it in advertisement, in sportsman's shows. Now you can guess where the money is. These people have house payments, car payments, truck payments, to prepare 30 days before the season opens.

I'm not a businessman, like I said. Is this a good business move? We still are going to regulate 1000 bear. We probably won't reach that amount, because the less amount of bear are shot in the fall anyway.

This is the major concern of the Committee. We do believe in the fall season. A majority of our bills passed this year won't take effect until next year. Next year we will support a fall season only, the majority of the Committee. I'm sure I speak for many of them. I do endorse another bill coming down, where it's only a fall season, but this is for next year. We should be concerned about these small businessmen.

The PRESIDENT: The pending question



before the Senate is Acceptance of the Majority Ought to Pass, as amended, Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Ought to Pass, as amended, Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Carpenter, Clark, Collins, Devoe, Dutremble, Emerson, McBreaity, O'Leary, Perkins, Pray, Redmond, Shute, Usher, Violette, The President J. Sewall.

NAY — Ault, Brown, Charette, Conley, Gill, Hichens, Minkowsky, Najarian, Sewall, C.; Sutton, Teague, Trafton, Trotzky, Wood.

ABSENT — Bustin, Huber, Kerry, Pierce.

A Roll Call was had.

15 Senators having voted in the affirmative and 14 Senators in the negative, with 4 Senators being absent, the Majority Ought to Pass, as amended, Report of the Committee was Accepted.

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

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

#### Papers from the House

##### House Papers

Bill, "An Act to Allow the Export of Wood from Public Lands under Certain Circumstances." (Emergency) (H. P. 1359)

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 Adjust the Tax Accounting Method Used for Corporations which are Part of a Unitary Group of Affiliated Corporations." (H. P. 1352)

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

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

Bill "An Act Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats." (H. P. 1360)

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.

On motion by Senator Pierce of Kennebec, Adjourned until Tuesday, April 21, 1981, at 5:00 o'clock in the afternoon.