

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Tenth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION

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July 16, 1982

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

Augusta, Maine
February 24, 1982
Senate called to order by the President

Prayer by the Reverend Charles D. Allen of South Somerville Baptist Church.

REVEREND ALLEN: Shall we look to the Lord in prayer. Our heavenly Father, we thank You for this day that Thou hast brought us to. We thank you for the land that we live in and this State.

I pray, heavenly Father, that You would give these Senators wisdom from upon high, to make the very important decisions that would cause You and Your name to be blessed above every name. This I pray in Jesus' precious name. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Paper from the House
Non-concurrence Matter**

Bill, "An Act Relating to Harness Racing at Agricultural Fairs, the State Stipend and Parimutuel Pools." (Emergency) (S. P. 864) (L. D. 2006)

In the Senate, February 18, 1982, referred to the Committee on Taxation.

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

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

Senator HICHENS: I now move that the Senate Recede and Concur with the House.

The PRESIDENT: The Senator from York, Senator Hichens, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The motion prevailed.

**Communication
Committee on Public Utilities**

February 19, 1982

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on Public Utilities has had under consideration the nomination of Peter Bradford as Public Advocate.

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

YEAS: Senators 2
Representatives 9

NAYS: Senators
Representatives 1 (Rep. Connolly of Portland)

ABSENT: Sen. Devoe of Penobscot

Eleven members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Peter Bradford as Public Advocate be confirmed.

Sincerely,
S/HOWARD TROTZKY
Senate Chairman
S/RICHARD DAVIES
House Chairman

Which was Read.

On motion by Senator Collins of Knox, Tabled until later in today's session, pending Placing on File.

Orders

Expressions of Legislative Sentiment recog-

nizing:

The entire legislative family for their overwhelming support of "Steve Gould Night" a very special event which was greatly enjoyed and appreciated by all. (S. P. 872) presented by Senator PERKINS of Hancock (Cosponsors: Senator USHER of Cumberland and Representative ALOUPIS of Bangor).

The John Baptist Crusaders, Eastern Maine Boys' Class D Basketball Champions for the academic year 1981-1982. (S. P. 873) presented by Senator TROTZKY of Penobscot (Cosponsors: Representative KELLEHER of Bangor, Representative DIAMOND of Bangor and Representative ALOUPIS of Bangor.)

Which were Read and Passed.

Sent down for concurrence.

Committee Reports

House

Ought to Pass

The Committee on Business Legislation on, Bill, "An Act to Remove the Interstate Business Exemption from the Unfair Trade Practices Act." (H. P. 1920) (L. D. 1902)

Reported that the same Ought to Pass.

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

The Committee on Fisheries and Wildlife on, Bill, "An Act to Establish a Uniform Hunting Season for Raccoons." (H. P. 1775) (L. D. 1765)

Reported that the same Ought to Pass.

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

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Control of Nuisance Wildlife." (H. P. 1722) (L. D. 1707)

Reported that the same Ought to Pass.

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

The Committee on Fisheries and Wildlife on, Bill, "An Act to Define Open Firearm Season on Deer." (H. P. 1723) (L. D. 1708)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Amend the Maine Traveler Information Services Act." (H. P. 1907) (L. D. 1882)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-598).

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

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

Senate

Change of Reference

Senator TROTZKY for the Committee on Education on, Bill, "An Act to Amend the Maine Medical Compact." (S. P. 766) (L. D. 1824)

Reported that the same be referred to the Committee on Appropriations and Financial Affairs.

Which Report was Read and Accepted and the Bill referred to the Committee on Appropriations and Financial Affairs.

Sent down for concurrence.

Second Readers

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

House — As Amended

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands." (H. P. 1739) (L. D. 1728)

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

Senate

Bill, "An Act Relating to the Terms of the Public Utilities Commissioners." (S. P. 812) (L. D. 1908)

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

Sent down for concurrence.

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

There being no objections all items previously acted upon were sent forthwith.

On motion by Senator Collins of Knox, Recessed until 4:30 this afternoon.

Recess

After Recess

The Senate called to order by the President.

Enactors

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

AN ACT to Change the 30-day Notice Concerning State Agency Liquor Stores. (H. P. 1829) (L. D. 1811)

AN ACT Relating to Weight Tolerance for Certain Vehicles Under the Motor Vehicle Law. (S. P. 757) (L. D. 1815)

AN ACT to Clarify the Fees for the Registry of Deeds. (S. P. 761) (L. D. 1819)

AN ACT Allowing Variations on Interest Reflecting Conventional Interest Rates on Overdue Employer Contributions to the Bureau of Employment Security. (H. P. 1741) (L. D. 1730)

AN ACT to Allow the Transfer of Venue of Civil Actions Without the Agreement of the Parties. (S. P. 780) (L. D. 1848)

AN ACT Providing Greater Flexibility on the Use of State Public Transportation Funds for Operating Assistance to Public Transportation Providers. (H. P. 1747) (L. D. 1736)

AN ACT to Clarify the Deposit Authority and Conversion Procedures of Savings and Loan Associations. (H. P. 1773) (L. D. 1763)

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 Repeal the Sunset Provision of the Family Abuse Law. (H. P. 1828) (L. D. 1810)

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

Senator MINKOWSKY: Thank you very much, Mr. President. I really appreciate that glowing introduction.

Members of the Senate, the purpose this afternoon of putting aside this particular item was simply to bring to the attention of the Senate an item we have not discussed previously. What brought this to mind, first, was the fact that, in looking over the sunset provision, it's totally amazing how this Bill got into this Session of the Legislature since the provision says very clearly that this Bill runs out November 1, 1983, which is after the next regular session of the Legislature meets.

I don't see the purpose, number one, of the Bill being here, but it's a pretty good vehicle to discuss another issue which I consider of significant value. The issue I want to discuss very briefly, Mr. President and Members of the Senate, this afternoon, is some of the telephone calls I have received from people in my Senatorial District relevant to abuse of children, child abuse.

The analogy I want to draw out this afternoon is very simply, what has gone on with Governor Baxter's School for the Deaf versus the laws of the State of Maine which protect, hopefully,

our younger citizens.

This all came to light very clearly when a constituent whose child was in Governor Baxter's School for the Deaf from 1956 to the early 70's, I think it was, who now, it has come to light some of the abuses her child has gone through.

In addition to that, she brought to my attention a recent article in a magazine referred to as "Coping". It's a Maine monthly magazine for disable people. This is the February 1982 issue, Volume 3, Number 4. The reason this is being brought out is because of our stringent State laws insofar as families abusing their own children, but the State of Maine itself, through its institutions and some of the people we have running those institutions can get away with it free and clear.

A couple of examples I'd like to state on the floor of the Senate this afternoon, Mr. President, is one of the physical abuses that was brought out in this article, was that Mr. Kelly, famous for his hair-pulling of girls in the gymnasium, of Mr. Kelley, very famous for child abuse, ramming a 12-year old boy's head against a brick wall; or, to talk about other things, this young lady apparently borrowed clothing from someone and was forced to go to the office in a T-shirt and her underwear and sit there in full view of passing students for several hours; or a boy punched in the stomach, arms twisted behind the head. Mr. Youngs forced smelling salts upon another person. The reasons give in this article were simply, according to the former administrators, thank God, because these students did not respond to sign language.

"What better place to practice abuse, than on an island away from the hearing public?" That's a quote from one of the mothers whose child was in Governor Baxter's School for the Deaf.

The charges of homosexuality, a great deal of it we understand, but nothing confirms at the present time, at least the Department of Education doesn't want to talk about it.

I found it interesting to research the statutory laws, "in researching this Bill originally. It's amazing how law enforcement people can arrest parents under the semblance or guise of child abuse, but people like Mr. Kelley and Mr. Youngs are not incarcerated at all.

We talk about the payback provision of the years of these kids spend in so-called "a friendly institution for rehabilitation," and find that what is going to be their payback to society.

One of the parents mentioned to me, an abused child becomes an abuser. I often wondered exactly how serious this charge was, because it was brought to my attention by another parent that, at least six or seven years ago, a young lady, who was deaf, a graduate of Governor Baxter's school for the Deaf, killed her child. Yet, they basically said she was mentally incompetent. I wonder, if we further researched it, or if people had brought this to light many years back, that we might find that this young lady was, also, abused by some of these bureaucrats we had at the institution.

When you look at the statutory law, under Definitions, abuse means the occurrence of the following act between family or household members: A, attempting to cause, or causing bodily injury, or offensive physical contact; or B: Adult means any person 18 years of age or older, or any person under 18 years of age who was emancipated from the legal control of his parents or guardian. We relinquish our rights as parents or guardians, emancipating them to the State of Maine, to find that we have institutionalization abuse.

It may not seem relevant, to a degree, but at least I felt this was the right vehicle in which to discuss this particular item. To the best of my knowledge, very little debate has taken place upon this complex issue now materializing before the Department of Education.

Again, getting back to the original Bill, Mr.

President, I still don't think it's the right thing to do, to go a year ahead to the next session of the Legislature in which to sunset this particular provision. I've often wondered what exactly the rationale would be. Even though I don't intend to move any differently on the Bill at the present time, I think the point I wanted to make is what I have just stated. It absolutely is asinine to take a bill that's going to expire in November of 1983 and have it in this Session of the Legislature, when they're going to have a full 100 days in the next session in which to address it properly. Thank you very much, Mr. President.

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

Emergency

AN ACT to Authorize Lincoln County to Withdraw from the Maine State Retirement System. (H. P. 1820) (L. D. 1805)

This being an emergency measure and having received the affirmative vote of 26 members of the Senate, with No Senators 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.

Orders of the Day

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

HOUSE REPORTS—from the Committee on Business Legislation—Bill, "An Act to Clarify Variable Rate Disclosures in the Maine Consumer Credit Code." (H. P. 1752) (L. D. 1742) MAJORITY REPORT—Ought to Pass as Amended by Committee Amendment "A" (H-595); MINORITY REPORT—Ought to Pass as Amended by Committee Amendment "B" (H-596)

Tabled—February 23, 1982 by Senator COLINS of Knox.

Pending—Acceptance of Either Report.

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

Senator SUTTON: Mr. President, I move the Acceptance of the Minority Report, Ought to Pass, as amended by Committee Amendment "B".

The PRESIDENT: The Senator from Oxford, Senator Sutton, now moves that the Senate Accept the Minority Ought to Pass as amended by Committee Amendment "B" Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Men and Women of the Senate, I would hope you would vote against the pending motion to Accept the Minority Report, for the Majority Report is the Report that should prevail.

The issue, or the policy decision, which is incorporated into this Bill, as amended by the Committee Amendment was made last session, with a unanimous Committee Report. You can see that the split Report, coming from the Joint Standing Committee on Business Legislation in this Session, is a bipartisan Report, as I've said immediately before, with a Majority Ought to Pass Report.

This is a departmental Bill, which was introduced after consultation with and the approval of the credit community. At the public hearing on this Bill, there was no opposition. Interestingly enough, the more prominent representatives of the creditor community spoke in support of this measure.

Committee Amendment "A" simply proposes to change the hypothetical disclosure. By the way, it's under filing number H-595, if you would care to look at it. It simply proposes to change the hypothetical disclosure from \$500 to \$1,000, on the grounds that the consumer would find this disclosure most meaningful.

It, also, has been found, as testified to the

public hearing, more "meaningful," (I'd like to put meaningful in quotes), because it simply means that the credit community has an easier example to use to show the impact of the higher interest rates.

Committee Amendment "B", as supported by my good Senate Chair, the good Senator from Oxford, Senator Sutton, would delete the entire disclosure to the effect of an increase in interest rates for open end credit. As I mentioned to you, the policy decision about this Bill was made last year, including the kind of disclosure that is incorporated into L. D. 1742.

The reason the issue is before us in this the Second Regular Session of this Legislature, is simply to correct an inadvertent, unintentional drafting error that occurred in the passage of the previous Bill. It is a problem, a problem not so much for the consumers of Maine, but a problem for the credit community of the State.

The objection that perhaps we should have noted it last year has merit, but we didn't, and that's why the Bill is before us today. I would simply urge that you defeat the pending motion, and support the Acceptance of the Majority Report.

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

Senator SEWALL: Thank you, Mr. President. Members of the Senate, I stand to support Senator Sutton in his plea to get you to support the Minority Report. To make this problem very, very simple, in a case where you have variable credit, in other words you borrow money perhaps at 15%, you know it can go to 18% you know it can't go higher because we have a limit on consumer credit loans, we decided that you should put a hypothetical remark. For instance, if you had a mortgage and it was at 15%, you get a hypothetical that would show what it would be if it got to the 18% in the variable amount. This is fine. We all agree that this is the sort of thing that should be done in closed end credit.

Open end credit is a little different. You don't know what the worst possible example is going to be. There's no way you can know, because it's open end credit. Therefore, putting a hypothetical in there turns out to be more confusing to the consumer than not putting it there. That there should be notice of what the percent is, is absolutely correct. Of course you should know what you're going to pay. You should know that it's going to be 15, and it might be 18. But if you borrowed on your open end credit that month, \$6,000, it doesn't have anything to do with the amount in the hypothetical. The hypothetical was built in there, and put in for closed end credit to show exactly what the worst possible amount could be.

The problem the banks had, then, was they couldn't put the worst amount, so they came in and said, well, we don't know what we're going to do. We have to put a hypothetical. There's no way in open end credit that we can show a hypothetical.

So there are two answers to the question. We can put in, and as Report "A" suggests, a hypothetical which has nothing to do with the amount you're going to be paying. If you can't, I would assume, that if you can't figure straight percent, and if you can't figure 18% of the amount you borrowed, you're not going to figure the difference between the 18% of what you borrowed and the amount in the hypothetical.

It's just a cleaner way to do it, a simpler way, and I would hope you support Report "B".

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

Senator CLARK: Thank you, Mr. President. Men and Women of the Senate, I will attempt to be brief in responding to the remarks of my good friend on the Committee on Business Legislation, the Senator from Lincoln, Senator Sewall. She has suggested to you that the consumers in Maine might be confused. I would submit there is merit to that statement, partic-

ularly with the advent and the implementation of variable rates.

She has, also, suggested with considerable merit, it may be easy for the consumer to calculate interest, but I would submit to you that the Majority Ought to Pass Report makes it easier for the consumer because it does one thing that is not incorporated into the Minority Report. That is that it alerts the consumer to the need to calculate.

The purpose of this disclosure is to help consumers shop for credit by comparing different variable rate consumer credit plans that may be offered by the creditors. The hypothetical disclosure, to which we all have alluded, which is the subject of this Bill, by the way, will allow consumers to compare the impact of increases in interest rates on their monthly payments. We all recognize, whether we be consumers, members of the business community, or members of the credit community, that it is that monthly payment that customers and clients are mostly concerned about.

This is a one-time disclosure, a one-time disclosure. It is not a burden to creditors, according to their testimony. It will assist consumers in comparing variable rates. I think people in today's economy, with ever-increasing interest rates, might need all the help they can get. Thank you.

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

Senator SUTTON: Mr. President, just a couple of quick notices in regard to this. There was an awful lot of debate at the hearing, as good Senator Clark pointed out. The credit community did indicate that they would like something, but really what they would like, and they'll be quick to tell you, is not to have to draw up a special form and have it printed on open end credit, at all.

I would suggest that a comparison based on any amount of money is not going to help for the shopping of credit. If someone is looking for an open end credit, they can tell very quickly that 17% is higher than 15%, and an example is not going to do them any good whatsoever.

I would like to suggest that most open end credit for the average person probably won't go to \$1,000, or it might go way over, depending, but most of it has a limitation. It could confuse the matter more than it could help it.

So I would like to suggest that the best way or the cleanest way to handle this is by supporting the Minority Report.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Sutton, that the Senate Accept the Minority Ought to Pass, as amended by Committee Amendment "B", Report of the Committee, please rise in their places to be counted.

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

14 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to Accept the Minority Ought to Pass, as amended by Committee Amendment "B", Report of the Committee in non-concurrence, does prevail.

The Bill Read Once. Committee Amendment "B" Read and Adopted and 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 Prevent Abuses in Certain Land Installment Contracts." (H. P. 2073) (L. D. 2016)

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 Index Annually the Standard Deduction Provision of the Maine Personal Income Tax and to Provide for a Statutory Referendum." (H. P. 2074) (L. D. 2017)

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 Relating to Maintenance and Snow Removal in Compact Areas." (Emergency) (H. P. 2075) (L. D. 2018)

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.

Study Report — Energy and Natural Resources Committee and Public Utilities Committee

The Committees on Energy and Natural Resources and Public Utilities to which was referred by the Legislative Council the study to create a set-aside system for petroleum products to meet the needs of priority users during an energy crisis have had the same under consideration, and ask leave to submit their findings and report that the accompanying Bill, "An Act to Create a State Set-aside System for Petroleum Products" (H. P. 2088) (L. D. 2022) be referred to the Committee on Energy and Natural Resources for public hearing and printed pursuant to Joint Rule 18.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Energy and Natural Resources.

Which Report was Read and Accepted, and the Bill referred to the Committee on Energy and Natural Resources, in concurrence.

Study Report — Energy and Natural Resources

The Committee on Energy and Natural Resources to which was referred by the Legislative Council, the study relative to requiring adequate safety information with wood stoves and furnaces have had the same under consideration, and ask leave to submit its findings and to report that the accompanying bill, "An Act to Require Safety Information with Wood Stoves and Furnaces," (H. P. 2079) (L. D. 2021) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Energy and Natural Resources.

Which Report was Read and Accepted, and the Bill referred to the Committee on Energy and Natural Resources, in concurrence.

Joint Orders

Expressions of the Legislative Sentiment recognizing:

Elise M. Monroe, of Milo, who has reached the 95th anniversary of her birth on February 23, 1982. (H. P. 2076)

The Katahdin Cougars, of Sherman Station, winners of the Eastern Maine Class C Boys' Basketball Championship for the 1981-82 academic year. (H. P. 2077)

The Central Aroostook High School Girls' Basketball Team, which won the 1982 Class C Eastern Maine Championship. (H. P. 2078)

The Maine Snowmobile Association which dedicated its first Interconnecting Trail System in Eustis on January 31, 1982. (H. P. 2080)

G. Willis Hodson, for his long and faithful service to the Town of Camden, covering a period of more than 27 years as assessor, selectman and town manager. (H. P. 2081)

Richard H. Keene, of Mechanic Falls, for his impressive 36 years as a Postal Service employee in which he accumulated over 437,000 miles of accident-free driving and 2800 hours of unused sick leave. (H. P. 2083)

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

A Joint Resolution in Memoriam:
WHEREAS, the Legislature has learned with deep regret of the death of Ralph S. MacKenzie, of Machias, longtime merchant and friend of the community. (H. P. 2082)

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

Orders

Expressions of Legislative Sentiment recognizing:

Mary Harrigan, a freshman at Houlton High School, who received an Honorable Mention in the Eastern Maine Class B Girls' Basketball "All Tourney" Team selections for 1982. (S. P. 874) presented by Senator CARPENTER of Aroostook (Cosponsors: Representative INGRAHAM of Houlton and Representative SMITH of Island Falls.)

Lisa Collett, of Houlton High School, who was selected for the Eastern Maine Class B Girls' Basketball "All Tourney" Team for 1982. (S. P. 875) presented by Senator CARPENTER of Aroostook (Cosponsors: Representative INGRAHAM of Houlton and Representative SMITH of Island Falls.)

Lauri Dunn, of Houlton High School, who was selected for the Eastern Maine Class B Girls' Basketball "All Tourney" Team for 1982. (S. P. 876) presented by Senator CARPENTER of Aroostook (Cosponsors: Representative INGRAHAM of Houlton and Representative SMITH of Island Falls.)

The Poland Busy Bees on the 50th anniversary of their organization on February 13, 1982, and for their past contributions to charitable causes. (S. P. 877) presented by Senator TRAF-TON of Androscoggin (Cosponsor: Representative CALLAHAN of Mechanic Falls.)

Hattie Pulsifer, an original member of the Poland Busy Bees, which was organized 50 years ago on February 13, 1932. (S. P. 878) presented by Senator TRAF-TON of Androscoggin (Cosponsor: Representative CALLAHAN of Mechanic Falls.)

Annie Pulsifer Gary, an original member of the Poland Busy Bees, which was organized 50 years ago on February 13, 1932. (S. P. 879) presented by Senator TRAF-TON of Androscoggin (Cosponsor: Representative CALLAHAN of Mechanic Falls.)

Marion Pulsifer Rowe, an original member of the Poland Busy Bees, which was organized 50 years ago on February 13, 1932. (S. P. 880) presented by Senator TRAF-TON of Androscoggin (Cosponsor: Representative CALLAHAN of Mechanic Falls.)

Emily Bridgman Segers, an original member of the Poland Busy Bees, which was organized 50 years ago on February 13, 1932. (S. P. 881) presented by Senator TRAF-TON of Androscoggin (Cosponsor: Representative CALLAHAN of Mechanic Falls.)

Thelma Bridgman Rollins, an original member of the Poland Busy Bees, which was organized 50 years ago on February 13, 1932. (S. P. 882) presented by Senator TRAF-TON of Androscoggin (Cosponsor: Representative CALLAHAN of Mechanic Falls.)

Elvira Birney, an original member of the Poland Busy Bees, which was organized 50 years ago on February 13, 1932. (S. P. 883) presented by Senator TRAF-TON of Androscoggin (Cosponsor: Representative CALLAHAN of Mechanic Falls.)

Martha Birney, an original member of the Poland Busy Bees, which was organized 50 years ago on February 13, 1932. (S. P. 884) presented by Senator TRAF-TON of Androscoggin (Cosponsor: Representative CALLAHAN of Mechanic Falls.)

Margaret Birney Owen, an original member of the Poland Busy Bees, which was organized

50 years ago on February 13, 1932. (S. P. 885) presented by Senator TRAFON of Androscoggin (Cosponsor: Representative CALLAHAN of Mechanic Falls).

The Houlton High School "Shiretown" Girls' Basketball Team, which won the 1982 Class B Eastern Maine Championship. (S. P. 889) presented by Senator CARPENTER of Aroostook (Cosponsor: Representative SMITH of Island Falls and Representative INGRAM of Houlton).

Stephanie Lundeen, of Central Aroostook High School, who has been selected for the Eastern Maine Class C Girls' Basketball "All Tourney" Team for 1982. (S. P. 890) presented by Senator CARPENTER of Aroostook (Cosponsor: Representative SMITH of Mars Hill).

Which were Read and Passed.

Sent down for concurrence.

Committee Reports

House

Ought to Pass — As Amended

The Committee on Agriculture on, Bill, "An Act to Protect Maine Milk Producers from Abrupt Loss of Markets." (H. P. 1726) (L. D. 1711)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-601)

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

The Committee on Energy and Natural Resources on, Bill, "An Act to Protect for Withdrawal of Certain Lands from the Spruce Budworm Suppression Program." (H. P. 1750) (L. D. 1740)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-604)

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

The Committee on Labor on, Bill, "An Act to Amend Certain Provisions of the Elevator Laws." (H. P. 1732) (L. D. 1717)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-602)

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

The Committee on State Government on, Bill, "An Act Concerning the Preservation of Archaeological Sites." (H. P. 1840) (L. D. 1854)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-603)

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

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

Senate

Leave to Withdraw

Senator EMERSON for the Committee on Transportation on, Bill, "An Act Relating to the Safety of Herring Spotter Planes." (S. P. 838) (L. D. 1961)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

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

(Off Record Remarks)

Senate Papers

Senator SEWALL: of Lincoln (Cosponsor: Senator BROWN of Washington) presented

Bill, "An Act Concerning Solid Waste Disposal Sites." (S. P. 887)

(Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

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

Sent down for concurrence.

Senator WOOD of York (Cosponsor: Representative MURPHY of Kennebunk) presented Bill, "An Act to Clarify the Authority of the Courts to Remand Persons to Alcohol Shelters." (Emergency) (S. P. 888)

(Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

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

Sent down for concurrence.

Senator CLARK of Cumberland (Cosponsors: Senator AULT of Kennebec, Representative MASTERTON of Cape Elizabeth and Representative MURPHY of Kennebunk) presented Bill, "An Act Amending the Code of Fair Practices and Affirmative Action." (S. P. 886)

(Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

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

Sent down for concurrence.

Orders of the Day

The President laid before the Senate:

COMMUNICATION — from the Committee on Public Utilities—Regarding the Nomination of Peter Bradford as Public Advocate

Tabled—Earlier in the Day by Senator COLLINS of Knox

Pending—Placing on File

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

Senator COLLINS: Mr. President, I feel compelled to make a couple of brief remarks about this appointment. Mr. Bradford comes to us with considerable acclaim achieved in Washington, as well as, in the State of Maine before he went to Washington.

When we debated the issue last year, of whether or not to create this position of Public Advocate, there were many who resisted the idea until we fully developed the picture of what the advocacy position has been in this State in recent years.

I would call upon the Public Utilities Commission, the Attorney General and the Office of our Governor to, from this point forward, pay particular attention to the reasons that many of us voted to support the creation of this position.

We found that in the past there were at least four sources of advocacy on behalf of the general public. The Commission itself had created a Division of Advocacy within its own ranks to take that role. Most of our Governors had, on the truly important and headline grabbing cases, appointed someone to represent the State on behalf of the Governor. The Attorney Generals had appointed Assistant Attorney Generals to do the same thing. Then various public interest groups, some of them funded with federal funds, sent their own people there. Of course there were groups like that headed by former Senator Reeves. Perhaps there were really five groups of advocates who all claimed to represent the general public.

It seemed better from the State government point of view that there be one source of advocacy and that source be located within the Office of the Chief Executive, who answers to the people in elections and in other ways.

Now, we've been through a transition period with a temporary appointee currently so designated by our Governor. Perhaps to this point there hasn't been a real opportunity for the transition. Now we have coming on board a man with vast qualifications and experience. I hope that the spirit with which we created this

Office will cause the Commission, the Governor, and the Attorney General to truly carry out the idea that there ought to be one advocacy source on behalf of State government representing all the people in these important rate cases. That we do away with duplication and those time-consuming measures that not only delay the work of the Commission, but dilute its work so that it can not as well handle the public's business. Thank you, Mr. President.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: This afternoon I rise not as an opponent of Peter Bradford, whom I do not know personally, but have been involved with during the Curtis Administration when he came to work for then Governor Curtis and subsequently went on to the Maine Public Utilities Commission. My opposition today is to the procedure that is being utilized.

Last year, you may recall, I opposed the transfer of Gordon Weil to the Public Advocate's Job, because I felt the time was somewhat of a ploy to hold in abeyance the job of Mr. Bradford that we are addressing today. I brought this out clearly on the floor of the Senate at that particular segment of time. Strange as it may seem this gentlemen now has two jobs, the Department of Energy and Resources, and the Public Advocacy job. Both jobs command a pretty good salary. This man has been able presently to accomplish both of these tasks at a substantial savings to the taxpayers of the State of Maine.

I sometimes wonder, at this present point, if we might have made a mistake in creating the Public Advocate job as so vividly described by Senator Collins earlier.

It has been mentioned to me a few times, that Mr. Bradford comes to us with impeccable credentials. I can think of many other people in the State of Maine, who have impeccable credentials, as well, who are not lawyers. For example, this afternoon I was just researching some of the Governor's department heads. I looked at the Department of Business Regulation, Mr. Devane, a broadcaster, who came into State government and who has done a commendable job without any previous background in business regulation. I look at the Department of Human Services, Mr. Petit, whom I understand was a fund raiser for the United Way before going to the Department of Human Services, and has been a very effective administrator. I look at the Department of Transportation, Mr. Campbell, who was a town manager and who commands a great respect, at the present time, for his knowledge and his reorganization of the Department of Transportation.

These are all people who really did not have the type of background to hold these responsible positions. Yet, they are doing an outstanding job.

My point today, is that we have many fine candidates that we can utilize in the length and breadth of the great State of Maine. But we are not being offered that choice because we held this particular job in abeyance.

We created a job slot for a Public Advocate and by all indications it has been reserved for one person, on the assumption that when that person's job terminated in Washington, D.C. and he would no longer be needed by the present administration, that he could come back to the State of Maine and fill that particular job opportunity as a Public Advocate. Yet, when we look at all the people we have in the State who could be qualified and do the job they were being denied this opportunity.

In speaking to the dissenting member of the Public Utilities Committee, he had a concern of a conflict of interest. I think that he articulated this point quite well. I think that he asked at that time that this be held up somewhat until there could be some clarification on this issue. So far, we are going full speed for-

ward in trying to confirm this nomination.

Another point that was brought up was does Mr. Bradford have a legal residence at the present time, in the State of Maine? Will he be available for this job, if he is confirmed this afternoon by the Maine Senate, by March 24?

I don't want to see us run forward in making a haphazard decision that will have a deleterious impact upon the people that we are trying to protect in the State of Maine.

If we are going to have a Public Advocate to do the job, in behalf of the citizens of the State of Maine to be a vocal voice of all their concerns, then I think that we had better be sure first and foremost that presently under the Nuclear Regulatory Commission, that he will be able to be an advocate and not be precluded from doing so because of a conflict of interest of his present administrative job description and responsibilities.

As I said previously, and I want to state this clearly for the record, I have no opposition to Mr. Bradford, or what he represents, his skills, his talents, his abilities that a lot of people say that he has, but I want to be sure that if we are going to put a person in that particular job that he has the flexibility to do the job in behalf of the people of the State of Maine.

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

Senator TROTZKY: Mr. President and Members of the Senate: Mr. Bradford was chairman of Maine's Public Utilities Commission, he also served as one of five members of the Nuclear Regulatory Commission in Washington, appointed by former President Carter. He is bright, he is sensible, he is also reasonable. He is highly experienced in the field of public utilities regulation.

We are lucky that he is returning to the State of Maine and not staying down in Washington as many people who leave do.

I can assure Senator Minkowsky that of the many appointments that I have seen Governor Brennan make this man is one of the finest appointments that he has made and I assure him that he will work in the public's interest.

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

Senator CONLEY: Mr. President and Members of the Senate: First of all I stand here to support the recommendation made by the Joint Standing Committee on Public Utilities, with respect to the confirmation of Mr. Peter Bradford.

I was thinking of what the good Senators from Knox, Senator Collins, had to say a few moments ago, when he spoke of let's have one advocate that the State recognizes as working on behalf of the public. I had to think of what has really brought this all about. What brought about the office of Public Advocate?

You know I've been up here a number of years, as many others in this Chamber have been, and we've seen people organize and appear before the PUC, appear before local town councils, everywhere all over the State, with respect to what's going on with utilities and the rate increases that are taking place. People are crying out that there is tremendous waste within many of the utilities companies throughout the State. That they should be held accountable for it.

I remember not too many years ago that there was a commissioner who was chairman at the time, who had the utility company, the utility company itself, write the brief awarding the rate increase, and it became public and it became known all over the State. What kind of respect, or what kind of faith do the citizens of this State have with the utility commission that became the pawns of utilities?

I think that that stigma has to be removed; removed so that everyone can say, well this rate increase has been granted because there is a desperate need for it.

I think, Mr. Bradford, with the qualifications that he brings to the job will help instill the con-

fidence of this State that there is big brother looking over the Commissioners, and making sure that they are acting, not in the interests of the utilities as a whole, but they have, also, within their minds the rate-payer who is going to pay these excessive bills.

I think, Mr. Bradford, will be as I have stated, certainly one whom I could place tremendous confidence in. He comes extremely well qualified, his qualifications could never be challenged by any member of this Body.

The PRESIDENT: Is the Senate ready for the question?

Is it now the pleasure of the Senate that this Communication be Placed on File?

It is a vote.

The PRESIDENT: The Joint Standing Committee on Public Utilities has recommended that the nomination of Peter Bradford be confirmed.

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

Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. A point of inquiry, I, unfortunately, was not able to attend the Committee hearing on Public Utilities last Friday when this was held, due to a professional commitment in my office in Bangor. This is the first or second confirmation, I believe, that we have voted on, I would simply like to address a question through the Chair if I may to the Chairman of the Committee, whether or not any report of partisan aides was received by the Committee prior to the hearing and the time that the vote was taken in the Committee last Friday? Thank you very much, Mr. President.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, has posed a question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Howard Trotzky.

Senator TROTZKY: Thank you, Mr. President. The Committee did not receive any partisan assistance reports from the Republican party.

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

Senator CONLEY: Mr. President, I would like to pose a question through the Chair if I may. I have been reading in the press, especially with respect to the Judiciary Committee and reviewing Judicial Appointments, that the partisan aides should look into the designated nominees. It has been my understanding that the legislative aides that have been serving the joint standing committees have been non-partisan aides, am I correct?

The PRESIDENT: The Chair would answer the Senator in the affirmative. The committees are staffed by non-partisan aides, but in the Joint Rules, it is stated nominations maybe investigated by the partisan aides on the part of each party.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate: The Public Utilities Committee has basically been a non-partisan committee this past year. We work together very well. We do have a good legislative aide, who prepared for us documentation as to Mr. Bradford's background. We had quiet a few documents, questions, that were sent to Mr. Bradford, which he answered. I don't believe this is a Republican or a Democrat issue, because I think both parties are interested in

good utility regulation so the consumers get the best rates possible.

The PRESIDENT: Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Ault, Brown, Bustin, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreairty, Minkowsky, Najarian, Perkins, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood, The President-J. Sewall.

ABSENT—Carpenter, O'Leary, Pierce, Traf-ton.

No Senators having voted in the affirmative and 29 Senators in the negative with 4 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Peter Bradford is confirmed.

(Off Record Remarks)

On motion by Senator Collins of Knox, Adjourned until 9:30 o'clock tomorrow morning.