

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

April 28, 1982 and April 29, 1982

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May 13, 1982

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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
March 26, 1982
Senate called to order by the President.

Prayer by the Reverend Gerard B. Wilber of Emanuel Christian School in Belfast.

REVEREND WILBER: Father, it just sort of makes me feel good all over to be in the Chamber. You know, Lord, You've been real good to us. My, You have been real good. You have given us a State where we can stand and talk to You. We can open this Session with talking with You and nobody is going to hurt us. Lord, You know, I think it's because that You saw fit somehow along the way to elect ladies and gentlemen to make the laws of this wonderful State in such a way that we continue to have freedom. Thank you for them. Thank you for them.

And Lord, You know, just a little bit ago, just a minute or two ago, I walked down here. Before I did, I looked all around, and I saw these young people. Oh my, that's so important. Lord, I just have one request, just one. Unusual for me to just have one, isn't it, Lord, but I only have one. That is that you would so direct and guide the people of this Chamber so that the decisions that they make for our State would continue to keep our country and our State free, so that when these young people get to be adults and citizens, and even members of this House and Chamber, this Senate, that they, too, would be able to say, thank You, Lord. Thank You for the laws. Thank You for the men and women who make them. We thank You in Your blessed, wonderful name. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Orders

Expressions of Legislative Sentiment recognizing:

The East Auburn Lakers: Dave Burgess; Bill Saucier; Verne Paradie; Norm Gove; Dave Carlmark; Glen Burgess; Hop Faunce; and Arnie Burgess, winners of the Mens' "A" Volleyball Championship. (S. P. 952) presented by Senator TRAFTON of Androscoggin.

Staci Burgess, of Edward Little High School, Auburn, winner of the All-Around Individual Championship for Women in State Gymnastics. (S. P. 953) presented by Senator TRAFTON of Androscoggin.

June M. Prosser, daughter of Richard E. and Melinda G. Prosser, of Cundy's Harbor, who placed first in the Maine Voice of Democracy Competition sponsored by the Veterans' of Foreign Wars. (S. P. 954) presented by Senator CLARK of Cumberland (Cosponsor: Representative DILLENBACK of Cumberland).

Clarence W. Collins, of Freeport, for his outstanding dedication and commitment for over 60 years to the "Collins Campaign for Highway Safety" in Maine and across the Nation. (S. P. 955) presented by Senator CLARK of Cumberland (Cosponsor: Representative MITCHELL of Freeport).

Ed Genthner, of Clare's Thirsty Dolphin in Brunswick, who has been named the "Ugliest Bartender in Maine" by the Maine Chapter of the National Multiple Sclerosis Society for 1982. (S. P. 956) presented by Senator Clark of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick).

The JNB, for winning the South Portland Open League Basketball Championship for 1981-82. (S. P. 959) presented by Senator GILL of Cumberland.

Which were Read and Passed.
Sent down for 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: RESOLVE, to Reimburse the Town of Fort Kent for Loss due to Erroneous Increase in the 1981 State Valuation. (H. P. 2005) (L. D. 1976)

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act Clarifying the Laws Governing Bail in Certain Capital Cases." (H. P. 2155) (L. D. 2056)
Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Revise the Laws Pertaining to Bail in Criminal Cases" (H. P. 2160) (L. D. 2060)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Public Utilities on, Bill, "An Act to Eliminate the Requirement that Changes in the Public Utility Rates be Prorated." (H. P. 1790) (L. D. 1780)

Reported that the same Ought to Pass.

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

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

Ought to Pass—As Amended

The Committee on Taxation on, Bill, "An Act to Revise the Definition of Forest Land for Purposes of the Tree Growth Tax Law and to Require Notification of Landowners' Obligation to Reapply. (Emergency)" (H. P. 2178) (L. D. 2068)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 688).

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

Leave to Withdraw

Senator CONLEY for the Committee on Judiciary on, Bill, "An Act Clarifying the Laws Governing Bail in Murder Cases." (S. P. 791) (L. D. 1867)

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 BUSTIN for the Joint Select Committee on Alcoholism Services on, Bill, "An Act making Allocations Related to the Alcoholism Prevention, Education Treatment, and Research Fund for the Expenditures of State Government for the Fiscal Year ending June 30, 1983." (S. P. 832) (L. D. 1940)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 438).

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

Senator TROTZKY for the Committee on Education on, Bill, "An Act Concerning Pay-

ment of School Committee Debts." (S. P. 749) (L. D. 1752)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 437).

Which Report was Read and Accepted and the Bill Read Once.

Senator Pierce of Kennebec was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Pierce of Kennebec, Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

The PRESIDENT: The Chair would advise the Senate, that we are on LD 1752, pending Adoption of Committee Amendment "A".

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

Ought to Pass in New Draft

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act to Revise the State Takeover Bid Law." (S. P. 840) (L. D. 1963)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 957) (L. D. 2103)

Which Report was Read and Accepted and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Make Interstate Bank Ownership Possible." (S. P. 804) (L. D. 1891)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 950) (L. D. 2100)

Signed:

Senators:

SUTTON of Oxford
CLARK of Cumberland
SEWALL of Lincoln

Representatives:

BRANNIGAN of Portland
GWADOSKY of Fairfield
POULIOT of Lewiston
TELOW of Lewiston
JACKSON of Yarmouth
MARTIN of Van Buren
RACINE of Biddeford

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

Signed:

Representatives:

FITZGERALD of Waterville
GAVETT of Orono
PERKINS of Brooksville

Which Reports were Read.

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

Senator SUTTON: Thank you, Mr. President. First of all, I would move the Ought to Pass Report.

I'd like to make just a few, brief comments on this particular Bill, and would then stand ready at a later time, or whatever, and if you wish, to answer any questions or problems you might have with this Bill.

The one thing I think we should remember that is most important, is that we are not here to decide whether Maine should go into the interstate banking business. We are not here to make that decision. That decision was made in 1975. In 1975, we passed a law that allowed out-of-state institutions to own Maine banks, as long as that state allowed Maine banks to own banks in their respective states.

So we made the decision. It hasn't happened

since then. We haven't looked carefully at our law since then, but that decision has been made. It can happen.

So what has happened now is that we've taken this subject and put it together, tightened up the law, made it responsive to the needs of the financial institutions, the business institutions, and the citizens of the State of Maine, and present it for your consideration.

I have distributed, and each one of you have, a copy that shows the basic contents of each section of the so-called, Interstate Bank Ownership Bill, so I won't go into that right now. It is before you, and if after reviewing it, you have any questions, we will look it over.

The New Draft was made necessary because of our wish to respond to many of the wishes and needs of the business and banking communities as they came up, and the Superintendent of Banking's wishes.

Without any further discussion at this particular time, I commend this to you. I am convinced it is in the best interests of the people of the State of Maine, of the business community of the State of Maine, and of the banking community of the State of Maine. I move its adoption.

The PRESIDENT: The pending question is the motion by the Senator from Oxford, Senator Sutton, that the Senate Accept the Ought to Pass, in New Draft, Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, this particular matter, I think, has been discussed quite extensively by many of us with other people who are concerned for the Interstate Banking Bill. One particular person, who does not live in my Senatorial District, who is an executive officer of a small commercial bank, expressed it in this particular perspective a strong conviction that something must be done is apparent of many bad measures.

I took that particular statement that he made quite seriously, because as he portrayed it to me, in Maine we are in a very unique position. He emphasized the word unique. We have been able to relay directly to the individual commercial and residential customers, and give them personalized attention, maybe not always addressed from the viewpoint of a minimum amount of money they can borrow, but just what they need.

The end result was this particular person, who had worked in the State of Connecticut, in an executive capacity, with many large banks that did work through interstate relations, felt that Maine really has been brought out to many of you, has the resources in which to address the banking needs. The multinational and all the national corporations, they can't obtain this money because Maine banks maybe are not in a position to provide it.

The major concern stayed with the fact that since deregulation has taken place, they were put in a position of not being as competitive as the term was "the biggies". The only thing they have left at the present time, as they state, is offering individualized/personalized service. They say now they're getting pretty much to their saturation point, because of the many innovative-creative ideas through technology, that is far out-weighting the type of service that they can offer.

The other interesting point that came about was the fact that they are not fearful of interstate banking. All they really have said to me, that they are asking for lead time in which to address this particular situation, not go into it instantaneously as the redraft of this particular Legislation calls for.

Let me make it perfectly clear that I do not have one single independent commercial bank in my Senatorial District. I'm only articulating these points-of-view this morning, that other people can, for the record, give verification to

existing banks in the State of Maine, as well as, to the consumer in the State of Maine, that the long term effect will not destroy what we, in Maine, have been used to in receiving the type and quality of service over the years.

On motion by Senator Sutton of Oxford, the Majority Ought to Pass, in New Draft, Report of the Committee Accepted, and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Identify Freshwater Wetlands." (H. P. 2236) (L. D. 2094)

Bill, "An Act to Provide for the Direct Election of Community School District Committees." (H. P. 2237) (L. D. 2095)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1982. (Emergency) (H. P. 2235) (L. D. 2093)

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

Bill, "An Act to Amend the Child Support Laws." (H. P. 2184) (L. D. 2070)

Which was Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

House—As Amended

Bill, "An Act to Revise the Military Laws of the State." (H. P. 2072) (L. D. 2020)

Bill, "An Act to Provide Retired Teachers, State Employees and Beneficiaries with a Cost-of-Living Increase." (H. P. 1891) (L. D. 1877)

Bill, "An Act Relating to State Entitlement of Certain School Administrative Districts." (H. P. 1984) (L. D. 1956)

Bill, "An Act to Clarify the Procedure for Budget Meetings" (Emergency) (H. P. 1730) (L. D. 1715)

Bill, "An Act Relating to Emergency Closure of Contaminated Shellfish Areas." (H. P. 1734) (L. D. 1719)

Bill, "An Act to Promote Local Control of Hazardous Waste Facilities." (H. P. 2014) (L. D. 1984)

Bill, "An Act Concerning Need Under the School Lunch Program." (H. P. 1774) (L. D. 1764)

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

Bill, "An Act Creating the Housing Opportunities for Maine (HOME) Program and Governing Program Funds Appropriated by this Act to the Maine State Housing Authority." (Emergency) (H. P. 2071) (L. D. 2012)

Which was Read a Second Time.

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

Senator SEWALL: Thank you, Mr. President, and Members of the Senate. I present Senate Amendment "A" with a filing number of S-439 and would speak briefly to my motion.

The PRESIDENT: The Senator from Lincoln, Senator Sewall, now offers Senate Amendment "A" to LD 2012 and moves its adoption.

Senate Amendment "A" (S-439) was Read.

The PRESIDENT: The Senator has the floor.

Senator SEWALL: Thank you, Mr. President. Members of the Senate, this friendly Amendment merely attempts to find a middle ground between those who sincerely believe in subsidized housing for single family first time owners, and those who believe in the subsidies for small profit-making housing as well. It provides for the duplex. I move its adoption.

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

Senator AULT: Mr. President and Members of the Senate, as Chairman of the State Govern-

ment Committee, I want you to know that this is the Governor's housing bill. It came out of the Committee with a unanimous Ought to Pass Report. We agonized many long hours over it. Considered this proposal in Committee, and agreed that there was a need for unit housing for people. Quite often that's all that they can afford.

We're talking not necessarily new homes, new single dwelling homes, but we're talking about housing for everybody in the State of Maine.

I would move Indefinite Postponement of this Amendment.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves that Senate Amendment "A" be Indefinitely Postponed.

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Kennebec, Senator Ault, that Senate Amendment "A" be Indefinitely Postponed, please rise in their places to be counted.

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

23 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion to Indefinitely Postpone Senate Amendment "A" does prevail.

The Bill, as amended, Passed to be Engrossed, in concurrence.

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

Senator CONLEY: Mr. President, having voted on the prevailing side, I now move that the Senate Reconsider its action whereby the Bill was Passed to be Engrossed.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate Reconsider its action whereby LD 2012 was Passed to be Engrossed.

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.

Orders of the Day

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

Bill, "An Act to Ensure Continuation of the Residential Conservation Service." (H. P. 1936) (L. D. 1916)

Tabled—March 25, 1982 by Senator Collins of Knox

Pending—Enactment

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

Senator COLLINS: Mr. President, I've had this matter Tabled for two or three days because, after listening the other day to the discussion of it by the Senator from Androscoggin, Senator Minkowsky, I felt that I ought to really look into the matter more closely.

Having had that opportunity, I, today, want to have the opportunity to vote against the Enactment of this measure. I realize that it is likely to pass, but I think that we are acting prematurely in adopting, in effect, a federal program before the federal program has come to an end. It is quite likely that it will come to an end.

My concern is not only with adopting a federal program prematurely, but with the fact that, in reality, this program is not doing what it was designed to do. I think we are all in favor of conservation measures. The attempt to save energy has been a national concern, and continues to be a national concern. We should do what we can to promote the saving of energy.

In this particular case, where utilities of one type, namely electric utilities, are forced to

conduct audits at a price much less than the real cost, and forced to help with financing of energy improvements, the benefit is going to the middle income and higher income people, who could afford to do it on their own, rather than to the low income people, for whom it was really designed.

I don't know just how exactly you meet that problem. If I did, I'd be here trying to amend it. I hope very much that in days to come, perhaps in another Legislature, that that problem will be addressed, because the direct result of this program, as it now stands, and as it is in operation is, that we're paying more for our electric bills, and the effect is regressive. It means that the poor are subsidizing those who have greater resources, because they're paying the higher rates, along with everyone else, but they're not getting the benefits of this subsidy in this program.

Just for example, one of the most common audits, you pay \$15 for, and the cost of doing that audit, on an average, is \$72. Now that difference becomes a part of the rate base, part of the charges that we all pay for our residential electricity.

So, I see this as a well meaning program, which just hasn't worked out. It is good in theory, but it is not working out, certainly not as well as we hoped. There has been some good accomplished by it, I'm sure. Just how much, I haven't been able to get a handle on. I've asked various sources that would know, and they have some general ideas. They know it has done some good, but they really can't quantify it in relation to what it is actually costing the ratepayers to have the program.

So, I simply wanted to get this on the record, and request that when the vote is taken, there be a Division.

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

Senator CONLEY: Mr. President, it would be my hope that the Senate would Enact this Legislation today. The figures given by the good Majority Floorleader, Senator Collins, as being something in the neighborhood of \$72 to provide an energy audit. Let's go one step further and try to bring about the results of what the savings have been because of the fact that someone has taken steps forward to preserve and to conserve on the amount of energy that is being used.

Obviously, this amounts into thousands and thousands of dollars, not only for this one particular person who may have requested the energy audit, but for the thousands of Maine people's homes who have had this audit. Their homes have been insulated, and tightened up, and has brought about thousands of dollars, plus the fact that conservation of energy that was generally being burned and going up through the smoke stack.

It would be my hope that this Bill would be Enacted today, and that we could keep our eye on it in the future, to see that these results continue to be of a positive nature.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I appreciate the comments both by Senator Collins and Senator Conley relevant to this issue. The reason why I was concerned with it was because we are moving ahead too quickly enacting into the State of Maine the laws that are already on the federal books.

Basically, what we should have done is waited until the termination of the federal law to enact the State law.

In answer to Senator Conley's appraisal of energy audits, it is true that most of the energy audits are being conducted for middle income people and low income people. These people are well informed and have taken the necessary steps in which to tighten up the heated envelope in that particular home. They are al-

ready conserving energy.

It's the low income people, it is the senior citizens, who do not have the resources with which to tighten up that heated envelope inside the home to make it more energy efficient, with we, as a State, and the federal government, subsidizing it in higher oil prices.

I have discussed this issue with several people, and there's only one conclusion we can come to this morning. I would feel it would be of significant value to adopt this particular measure and in the next session of the Maine Senate, or the Maine Legislature, to fine tune it at that particular time.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Enactment of LD 1916, please rise in their places to be counted.

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

16 Senators having voted in the affirmative, and 11 Senators having voted in the negative, LD 1916 was Passed to be Enacted.

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

Senator PRAY: Mr. President, having voted on the prevailing side, I move the Senate Reconsider its action whereby this Bill was Passed to be Enacted.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Pray, that the Senate Reconsider its action whereby LD 1916 was Passed to be Enacted.

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

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

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

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

(Off Record Remarks)

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 Require the Maine Guarantee Authority in Certain Instances to Repay the State for Money Borrowed on its Behalf by the State." (Emergency) (H. P. 2261) (L. D. 2107)

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

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

Bill, "An Act to Provide an Alternative Withdrawal Procedure from the Tree Growth Tax Law for the 1982 Tax Year." (Emergency) (H. P. 2241) (L. D. 2101)

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.

Enactor

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

AN ACT to Protect the Atlantic Salmon Fishery in the Lower Penobscot River from Veazie to the Southernmost Point of Verona Island. (S. P. 906) (L. D. 2048)

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

Senator TROTZKY: Mr. President and Members of the Senate, certain public policies have been established through our federal government and State government. One is to cleanup the rivers of our State. Many, many dollars, both State and federal, have been used so that

pollution from industries, cities and towns has been abated. The Penobscot River again is flowing in a clean state.

What this has led to is the restoration of the Atlantic salmon run in the Penobscot. At one point in time, there was so much pollution in the Penobscot River that there was no oxygen in large portions of the river and the salmon could not go upstream.

Over \$10,000,000, possible somewhere near \$20,000,000, has been used to restore the Atlantic salmon runs. However, other policies have taken place in the national government fairly recently. One was the establishment of the Public Utilities Regulatory Policy Act. Under that Act, any company can come in, can claim a dam site by eminent domain, can generate power, and Central Maine Power Company or Bangor Hydro has to pay a rate which is a replacement cost for oil generation of power, which is the highest cost.

What that means is that there's an incentive for everybody to come in and grab hold of every dam site they can in the State of Maine, rebuild the dam, and then the company pays them the highest rate for power.

The ratepayers don't save anything. To give you an example of what takes place under this Act, International Paper Company has dam sites on the Androscoggin. They rebuild the dams there, they will sell the power to Central Maine Power for the highest rate. International Paper will receive the replacement cost for oil generation of power, and then they'll turn around and they'll buy power from CMP at a lower rate.

Who subsidizes this? All the ratepayers.

Anyway, what I'm trying to say here is you have two policies which are in conflict. One policy which says let's cleanup our rivers, let's restore our natural resources, let's restore the Atlantic salmon run. Another policy, for the federal government, which encourages hydro development.

The Penobscot River at Bangor, there's an old dam sitting there right now. The dam is approximately 300 feet long. It's wooden crib work, rotting timbers, and quite a bit of it has been washed away. The four miles from Bangor to Veazie has dropped down to its natural level.

All of a sudden now you have a lot of salmon clubs springing up in Eddington, Veazie, Bangor has been established for a long time, and tremendous interest on behalf of Maine citizens in the Atlantic salmon run.

The City of Bangor has certain rights to that dam. They were granted, by the Legislature, the right, they were never granted the right to generate hydro-electric power. They were given the right to construct a dam to provide water for the inhabitants of the City of Bangor.

What the City of Bangor did is they turned around years ago and they went to Flood's Pond, which is out of Holden or Eddington, and they piped the water from Flood's Pond to the City of Bangor as a clean water supply.

Because of the federal laws, all of a sudden, companies are coming in and showing interest in the Bangor dam. The Bangor Hydro-electric Company has no interest in the dam. The dam itself, would not be a benefit to the ratepayers. The tides come in twice a day, and any power that the Bangor dam would generate would be reduced by at least two-thirds.

The Enactment of this Bill, and let me state what it says it's important. "To protect the water quality and aquatic resources, fisheries, and fishing opportunities as an exercise of the public trust of the State, no person, firm, corporation, municipality, or other legal entity may erect, operate, maintain, or use any dam on that portion of the Penobscot River downstream from the Bangor Hydro-electric Company dam, located at Veazie, to the southernmost point of Verona Island, for any purpose not previously legislatively authorized."

Essentially, this is a compromise amend-

ment worked out by the committee, which would not take any rights away from the City of Bangor that were not granted to them by previous legislation.

More important, this Bill sends a clear message to the Federal Energy Regulatory Commission, that the citizens of Maine, through their elected representatives, strongly believe that Maine rivers belong to Maine people, and that Maine people should have a say in how the water in these rivers is utilized.

I would encourage the Senate to Enact this Bill.

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

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, when this Bill came before the Legislative Council, when it was first introduced, I was wholeheartedly in support of it, and the more the Senator from Penobscot talked about it, I ended up voting against it, at that stage of the game.

I do not intend to vote against it at this time, but I do have some reservations in reference to what we are attempting to do here, and that is basically that we are going to take from both the federal level and state level the say in the operation of potential dam sites. In this instance one particular site and we are establishing a priority that will say, somewhere down the road I am sure, with the rest of it, that the Legislature will have the say on all hydro development potential in the State of Maine.

This Bill does not do that, but I think it is a forerunner into what will eventually happen. While I believe that there are areas of this State that should be protected from dam development, I think that this is perhaps a bad precedent that we are setting, but because of the value of the resource of the Atlantic salmon, I think that this should be Enacted.

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

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, I attended a town meeting last week in the town of Frankfort which is between the Bangor dam and the southern tip of Verona Island. At that time there was a proposal that a hydro-plant will be built on a stream going into the Penobscot River. I wonder if one of the experts or sponsors of this Bill would give me assurance that this hydro-plant could still be built and maintained on that stream, dumping into the Penobscot River?

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

Senator McBREAITY: Mr. President and Honorable Members of the Senate, I don't think that I would like to qualify myself as an expert on this Bill, but I don't feel that this Bill applies to any tributary of the Penobscot. If this is off the main stream, I can't see where this Bill does anything.

This was a tough Bill for us to handle, a tough Bill to make a decision on, because we did not have enough information or any study of the river, or the dam, or the fisheries so that we could make a clear cut decision. That is why we came out with an amendment that will still allow studies to be made of the river, the dam, the fisheries. It will still allow somebody later, if they wish to make that study, to come back to this Legislature, with all the information that they have and at that time if it looks feasible, or proper, or possible to have both they could do this.

I can't see where it affects any stream coming into the Penobscot.

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

Senator PRAY: Mr. President, I would like to pose a question to the Chairman of the Committee, in reference to his recent statement, in reference to his comments that a study would be completed and that this information would come back before the Legislature. I would suspect that since this Bill went before the Energy

and Natural Resources Committee with the Senate and the House in their wisdom sending back additional legislation at some future time, if it was ever called upon, would go back before that same Committee?

That information which would come back through this study, does it not presently go before some type of public review?

The PRESIDENT: The Senator from Penobscot, Senator Pray has posed a question.

The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBREAITY: Mr. President, Members of the Senate, there is no study in this Bill. I guess that we have just, I am just saying it is possible for Bangor to continue a study of the dam, if they wish. If they do conduct this study, before they can generate power there, electricity, they would have to come back to the Legislature. This Bill mandates that they come back before they can use that dam for anything that they haven't already been given permission to use it for. I understand that they have not been given permission to use it to generate electricity.

Does that answer your question?

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

Senator CONLEY: Mr. President, it would be my hope that the Senate would take some affirmative action on this particular Bill, today.

I can only suggest that perhaps in the next session the four sponsors of this Bill may not be here and the Legislature can do as it pleases.

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

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, I talked to the research person on Energy and Natural Resources, John Bailey, concerning this Bill, whether it would prohibit the generation of power at the dam in Frankfort, Maine, and he said that he couldn't say for sure that it would or would not prohibit the use of that dam.

Now that project in Frankfort is quite important to the town, because they will be receiving money for that, as they have the water rights for that dam.

I do not see any great need that this Bill has to be Enacted today. I think that it wouldn't be out of order to Table it for a day, so I would hope that somebody might Table this for one day, and find out the answer to the question, because if they are not allowed to generate power on that stream going into the Penobscot River I'll be voting against the Bill.

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

Senator SHUTE: I move that this Bill be Tabled for one day.

The PRESIDENT: The Senator from Waldo, Senator Shute, has moved that LD 2048 be Tabled for 1 Legislative Day.

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 the motion by the Senator from Waldo, Senator Shute, that LD 2048 be Tabled for 1 Legislative Day, please rise in their places to be counted.

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

7 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion to Table LD 2048 for 1 Legislative Day, does not prevail.

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

Senator SHUTE: I'd ask for a Division on Enactment.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Enactment of LD 2048, please rise in their places to be counted.

21 Senators having voted in the affirmative

and 4 Senators having voted in the negative, LD 2048 was Passed to be Enacted.

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

Senator CONLEY: Mr. President having voted on the prevailing side, I now move Reconsideration.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley that the Senate Reconsider Enactment of LD 2048.

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

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

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

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

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

Order

An Expression of Legislative Sentiment recognizing:

Curt Lovill, of Gardiner, the only Lion in New England ever to be installed as President of Lions International. (S. P. 960) presented by Senator PIERCE of Kennebec (Cosponsors: Senator AULT of Kennebec, Representative KILCOYNE of Gardiner and Representative WEYMOUTH of West Gardiner).

Which was Read and Passed.

Sent down for concurrence.

Orders of the Day

Senator Charette of Androscoggin was granted unanimous consent to address the Senate, On the Record.

Senator CHARETTE: Thank you, Mr. President. Women and Men of the Senate it is indeed a pleasure, and I, also, rise with pride today, as on March 25, the Governor of this State signed a proclamation.

I would like to read this and place it on the Senate Record of today's proceedings.

STATE OF MAINE

Proclamation

WHEREAS, the State of Maine proudly counts among its citizens some 300,000 Franco-Americans; and

WHEREAS, Franco-American citizens have established parishes and subsidized parochial schools of their own to teach the spiritual and moral values upon which this country was founded; and

WHEREAS, Franco-Americans have been pioneers in creating hospitals, rehabilitation centers, orphanages and homes for the elderly; and

WHEREAS, the significant cultural, economic and civic contributions made by Franco-Americans have served to enrich our culture and lifestyle here in Maine; and

WHEREAS, June 24 is the Feast of Saint John the Baptist;

NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of the State of Maine, do hereby proclaim June 24, 1982 as

FRANCO-AMERICAN DAY

throughout the State of Maine and ask all citizens to join in this important observance and show of appreciation toward all Franco-Americans.

IN TESTIMONY WHEREOF, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this twenty-fifth day of March in the Year of our Lord One Thousand Nine Hundred and Eighty-Two.

S/JOSEPH E. BRENNAN

Governor

Thank you very much.

Senator Violette of Aroostook was granted unanimous consent to address the Senate, On

the Record.

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, I wish to rise to echo the remarks of the Senator from Androscoggin, Senator Charette. I am very pleased to see the Governor recognizing the French people and their ancestry in the State of Maine.

I am particularly proud of them. I think it is very becoming of the Governor to recognize them in this way. Thank you very much.

Senator Minkowsky of Androscoggin was granted unanimous consent to address the Senate. On the Record.

Senator MINKOWSKY: Thank you very much, Mr. President. Mr. President and Members of the Senate, I, too, would like to share and join with Senator Charette, as the other Senator representing the city of Lewiston and also the great County of Androscoggin, above all that I was born and raised in this French community 49 years ago. Have been exposed to the culture and heritage of this particular community and actually have been very proud to have been raised in that type of an environment.

I guess with a name like Minkowsky, not too many people have the glorious opportunity of having this particular opportunity to be raised in the tradition of the French people. Subsequently, I might add, Mr. President, I was so impressed with the fact that I was raised in the tradition of the French people of the community that I also married a French girl. Thank you very much, Mr. President.

Senator Dutremble of York was granted unanimous consent to address the Senate. On the Record.

Senator DUTREMBLE: Mr. President and Members of the Senate, I would like to echo the sentiments of the previous Franco-American Senators who have spoken here. Coming from one of the most Franco-Americanist of all the communities in the State of Maine, it is the belief of many of the people, in my home town of Biddeford, that the Franco-American tradition started in Biddeford, and spread north, instead of the other way round.

We are very proud to have the Franco-American Day proclaimed by the Governor and hopefully the whole State of Maine can celebrate it on that day. Thank you.

Senator Clark of Cumberland was granted unanimous consent to address the Senate. On the Record.

Senator CLARK: Mr. President, Men and Women of the Senate, on a slightly different vein, I would share with you a significant moment in what is deemed to be economic development in the area that is included in my Senatorial District, Senate District 11.

On Wednesday of this week, I was privileged to be a participant in the dedication of the new hydro-electric project spanning the Androscoggin River at Topsham and Brunswick. With a single push of a button, the first of three turbines that will be installed at this dam site, was turned on. That is simply one step, one progressive step forward in helping this State and this nation become increasingly independent of foreign oil.

On motion by Senator Collins of Knox, Adjourned until Monday, March 29, 1982, at 9:30 o'clock in the morning.