

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 31, 1982

Senated called to Order by the President.

Prayer by Rabbi Raymond Krinsky of the Beth Israel Congregation in Waterville.

RABBI KRINKSY: Almighty God, we seek Your blessing upon these Senators in their striving to accomplish good legislation for the people of Maine. May they always be cognizant of their wider responsibilities beyond the immediate urging of self and constituent. Give them the resolve to guide their electorates toward sensible conclusions. Let them be bulwarks of confidence and courage in these times perilous with depression and uncertainty, and calling out for imaginative leadership.

May our support of them be not wanting. Give us the will to continue to be involved in their efforts. We pray they succeed in all they undertake, and that their success become the augury of our spiritual and material prosperity. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Papers from the House
Non-concurrent Matter

Bill, "An Act to Make Interstate Bank Ownership Possible. (S. P. 950) (L. D. 2100)
In the Senate, March 29, 1982, Passed to be Engrossed.

Comes from the House, Bill and Papers Indefinitely Postponed, in non-concurrence.

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

Senator COLLINS: Mr. President, I move this matter be Tabled 1 Legislative Day.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that L.D. 2100 be Tabled for 1 Legislative Day.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Knox, Senator Collins, to Table L. D. 2100 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.

16 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion to Table L. D. 2100 for 1 Legislative Day pending Consideration does prevail.

Non-concurrent Matter

Bill, "An Act to Establish a Small Claims Court. (S. P. 743) (L. D. 1746)

In the Senate, March 25, 1982, Report "A" Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-426) as amended by Senate Amendment "A" (S-435), Thereto.

Comes from the House, Report "C" Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "B" (S-427) as amended by House Amendment "A" (H-705), Thereto, in non-concurrence.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I move the Senate Recede and Concur.

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

Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

RESOLVE, Authorizing Washington County Vocational-Technical Institute to Lease the Fishing Vessel, Fish Finder. (S. P. 961) (L. D. 2109)

In the Senate, March 29, 1982, referred to the Committee on Education and Ordered Printed.

Comes from the House, Passed to be Engrossed without reference to Committee, in non-concurrence.

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

Senator BROWN: Mr. President, I move we Recede and Concur.

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

Is this the pleasure of the Senate?

The motion prevailed.

Communications

Committee on Aging, Retirement and Veterans
March 30, 1982

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine

Dear President Sewall:

The Committee on Aging, Retirement and Veterans is pleased to report that it has completed all business placed before it by the second regular session of the 110th Legislature.

Total number of bills received 14

Unanimous reports 14

Leave to Withdraw 3

Ought Not to Pass 1

Ought to Pass 5

Ought to Pass as Amended 4

Ought to Pass in New Draft/

and New Title 1

Divided Reports 0

Committee Initiated Bills

from Joint Orders 0

Respectfully submitted,

S/THOMAS M. TEAGUE

Senate Chairman

Which was Read and Ordered Placed on File.

House of Representatives

March 30, 1982

Honorable May M. Ross

Secretary of the Senate

110th Legislature

Augusta, ME

Dear Madam Secretary:

The House voted today to adhere to its former action on Bill "An Act Relating to the Closing of State Liquor Stores in Communities with One Store" (Emergency) (H. P. 1996) (L. D. 1972)

Respectfully,

S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Committee on Business Legislation

March 30, 1982

The Honorable Joseph Sewall

President of the Senate of Maine

State House

Augusta, Maine

Dear President Sewall:

The Committee on Business Legislation is pleased to report that it has completed all business placed before it by the Second Regular Session of the 110th Legislature.

Total Number of Bills received in Committee 37

Unanimous Reports 34

Ought to Pass 6

Ought Not to Pass 3

Leave to Withdraw 6

Ought to Pass as Amended 16

Ought to Pass in New Draft 3

Divided Reports 3

Respectfully submitted,

S/ROLAND SUTTON

Senate Chairman

Which was Read and Ordered Placed on File.

Orders

Expressions of Legislative Sentiment recognizing:

Alice Peabody, of Freeport, who, at 80 years of age, was proclaimed the "Matriarch of the Eastland Shoe Corporation" by her colleagues. (S. P. 964) presented by Senator CLARK of Cumberland (Cosponsor: Representative MITCHELL of Freeport).

Wesley Farnum, who is retiring after serving 24 years as principal of Central Elementary School in South Berwick. (S. P. 966) presented by Senator HICHENS of York.

Which were Read and Passed.

Sent down for concurrence.

An Expression of Legislative Sentiment recognizing:

The 100th anniversary of the arrival of the Sisters of the Good Shepard of Quebec in the United States. (S. P. 965) presented by Senator VIOLETTE of Aroostook (Cosponsors: Senator DUTREMBLE of York, Representative MARTIN of Van Buren and Representative PEARSON of Old Town).

Which was Read.

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

Senator VIOLETTE: Thank you, Mr. President. Ladies and Gentlemen of the Senate, just a few remarks relative to this Joint Order this morning. Les Soeurs de Le Coeur Immaculer Marie de Quebec, or more commonly known to us here in the States as the Sisters of Good Shepards, was a North American Organization started to care for former women prisoners.

They were invited to Biddeford by the pastor of St. Joseph's in 1882, and from there they went to the towns of Van Buren, Grand Isle, Old Town, Lewiston, and Bangor, where they continue today, caring for our elderly, our unwed mothers, our children, and instructing them in religious education in our schools, as well as, in their community involvement.

Our State is that much richer as a result of these Sisters' contributions. I wish them the very best in their continuing struggle to make this world a more humane place for us to live in. Thank you.

Which was Passed.

Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on Health and Institutional Services on, Bill, "An Act to Create an Independent Health Facilities Review Organization." (H. P. 1934) (L. D. 1920)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass—As Amended

The Committee on Marine Resources on, Bill, "An Act to Provide the Authority to the Commissioner of Marine Resources to Register a Trademark. (Emergency) (H. P. 2163) (L. D. 2063)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-712).

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

The Committee on Taxation on, Bill, "An Act to Define the Raising of Seeds as Agricultural Production under the Sales and Use Tax Law." (H. P. 1794) (L. D. 1784)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-708).

Comes from the House, the Bill Passed to be

Engrossed as amended by Committee Amendment "A".

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

(Off Record Remarks)

Ought to Pass in New Draft

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Enabling the State Planning Office to Administer the Community Development Block Grant Program." (Emergency) (H. P. 2085) (L. D. 2027)

Reported that the same Ought to Pass in New Draft under New Title, "An Act Making Appropriations, Authorizations and Allocations Enabling the State Planning Office to Administer the Small Cities Program Community Development Block Grant" (H. P. 2263) (L. D. 2108)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

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

On motion by Senator Collins of Knox, there being no objections all items previously acted upon were sent forthwith.

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

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

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

Recess

After Recess

The Senate called to Order by the President.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Permit and Regulate the Location of Group Homes in Residential Districts." (H. P. 2067) (L. D. 2008)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 2264) (L. D. 2111)

Signed:

Senators:

CONLEY of Cumberland

KERRY of York

Representatives:

HOBBINS of Saco

BENOIT of South Portland

JOYCE of Portland

O'ROURKE of Camden

LUND of Augusta

LIVESAY of Brunswick

SOULE of Westport

DRINKWATER of Belfast

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

Signed:

Senator:

DEVOE of Penobscot

Representatives:

REEVES of Newport

CARRIER of Westbrook

Comes from the House, the Bill in New Draft Passed to be Engrossed.

Which Reports were Read.

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

Senator DEVOE: Mr. President, I move the Senate Accept the Ought Not to Pass Report on

this Bill.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, moves that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would urge the Senate to vote against the pending motion.

Mr. President and Members of the Senate, the Bill before us today is one that has been worked on by the Committee almost since the day that we came into Session. We have worked with the Department of Mental Health. We have spoken with many town officials. The Commissioner of Mental Health, and Retardation, Commissioner Concannon, feels that the most important piece of legislation that this legislature will be confronting this year, is this Bill that deals directly with group homes.

If we don't have a legal obligation to pass this Legislation, we certainly have a moral obligation to pass this Bill. Everyone is aware of the Pineland Center court decree and the steps that have been taken by the Department is to move the mentally retarded out from institutions and bring them into the communities amongst the general population.

The thing that I was unaware of while we were working on this Legislation is the fact that in my own neighborhood, there are presently three group homes.

I don't understand what the fear is that is being generated by passing a bill that is going to allow Maine citizens who have been born with a birth defect from residing within our communities. I can not for the love of me, understand how anyone could be opposed to this Bill.

I don't want to sound like motherhood and apple pie, but I'll say one thing, as a father of 12 children, I've always thanked God that each one of those children were born normal. The good Senator from Penobscot, Senator Devoe, yesterday had three of his very lovely children up in the Senate Chamber and in the Retiring Room. I had a chance to talk with them. I say how proud he must be.

If one of my children were born retarded, or if one of your children were born retarded, would you want them confined to Pineland for the rest of their lives? I don't think so.

This Bill is a human rights issue and nothing else. Are we going to allow a few rednecks in this State to prohibit these children from being given the same opportunities that you and I have?

I think that this is an emotional issue. I think it's an issue that we should all stand up and be counted on. There is every protection in this draft, this New Draft of the Bill, that prohibits the Department from railroading anything. There are public hearings, there is a building inspection that is done, that there is a 60 day waiting period before the selectmen or the council can act. Then there is the final appeal of last resorts.

I urge every Member of this Senate to vote against the pending motion.

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

Senator DEVOE: Thank you, Mr. President. I think the good Senator from Cumberland, Senator Conley, for his comments. I think he is being simplistic in his suggestion to you that the alternative that we are faced with here today is whether people stay confined in Pineland, or go to live in single family homes.

That is not the issue. I do not object to people living in homes in communities, but I do object to what the Department is trying to do here, in this Bill. That is to in some way override local community zoning ordinances.

I grant you there is a hearing permitted, in fact even required by the Board of Appeals. The problem that I have with this Bill is that for the first time, the State of Maine will be

saying in statutes, that a particular use which the State is pushing is included within the definition of single family residential use, permitted uses. That is overriding local communities' right to zone their communities the way they wish. That is the problem I have with this Bill.

In Brewer, in Dover-Foxcroft, in Belfast, to name three communities in the last two or three years, it appears to me that the Department of Mental Health went out of its way to pick a fight with the local community, went out of its way.

If you read the law court's decision in the case involving the City of Brewer, you will find out that the group home concept that they wanted used in Brewer could have been used if the Department had chosen to go and call itself, a boarding home. That would have subjected the Department of fire and safety codes, and would have increased the costs. So they said, we'll skip that route. Instead, we'll try to get the courts to judicially interpret the list of permitted uses in the City of Brewer zoning ordinances, so that the concept of group homes is included within the list of permitted uses by implication.

The law court refused to do that. The law court, through Justice Nichols, clearly said, if this is going to be done, it is for the Legislature to make that decision. That's why we have this Bill today. I admit that. It is a legislative decision.

I submit to you, Members of the Senate, the danger that I see in this Bill is that if we open the door for community living uses by statute, to be included as a permitted use in very town's single family residential zone. Then, in subsequent years, this Body is going to be faced with alcohol shelters and every other kind of Departmental use that it says there is a need for. Forget about what the local community decides it wants. We know better here in Augusta, and we can tell the local community, based on an emotional argument, your zone ought to be changed, and we know better, and we're going to do it for you. That's the problem I see with this Bill.

The Department of Mental Health can still locate duplex homes in zones other than single family residential zones, and perhaps achieve the desired result that way. In the case of Brewer, and in the case of Belfast, and in the case of Dover-Foxcroft, they went out of their way to be difficult. They in effect said, there is no possible other house within the entire confines of Brewer, Dover, and Belfast, where this group home concept can be tried than in the particular home we have chosen. The house in Brewer was 30 or 40 feet away from houses on either side of it. It didn't have parking facilities, a very jammed up neighborhood. Testimony of their efforts in Dover-Foxcroft led you to believe that there was a space of 10 or 15 feet between the houses. No parking facilities.

I grant you, there are group homes successfully located and successfully functioning in lots of communities in this State. I applaud that. I am for it. What I am not for, and the reason I am against this Bill is that the Department is asking this Legislature to say to local communities that for this particular type of living arrangement need, we know better than the local communities.

You're going to hear talk this morning about the Pineland consent decree. I submit to you that the Pineland consent decree can be complied with if a home is located in a community other than in a single family residential zone. You're talking about home-like environment. You can have that in zones other than single family residential zones.

Members of the Senate, I urge you to think of the long-range implication of this Bill when you cast your vote. I urge each and every one of you today to remember that this is a local control issue. If you're ever going to go on record as favoring the concept that towns have the right to

enact their own zoning ordinances, then you want to concur with me and vote for the Ought Not to Pass Report. Thank you very much, Mr. President.

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

Senator CONLEY: Mr. President and Members of the Senate: I always love to hear about local control. I remember several years ago, when some communities within the country decided that it wasn't their responsibility to recognize the fact that people were poor and they couldn't take care of themselves, and they didn't have to pay general assistance or welfare. They had no obligation whatsoever.

Well, the United States Supreme Court said differently, that they did have an obligation. Today, they are meeting that obligation.

Let me remind you of one other thing, that the communities throughout this scattered State of ours are nothing more than creatures of the State, that Augusta, we, the Legislature, dictates whether or what laws they shall live under.

I don't believe the good Senator from Penobscot, Senator Devoe, with his family of 6 children, his wife and himself, could move into Dover-Foxcroft if they wanted to zone out families of 8. In fact, that was the first question that struck me, when the Town Manager from Dover-Foxcroft appeared before the Judiciary Committee. The first question that came to my mind was, would I, and my family, designated, we hope, to be normal people, would we be able to hold residence in Dover-Foxcroft? I doubt that very much, because under the good Senator from Penobscot, Senator Devoe's, thoughts or thinking, they could pass a local ordinance that could prohibit me from living there.

Let's look at the Bill. I know, obviously not too many of you have had the opportunity to look at it. It's redraft, just came out of Committee, relates to nothing what the good Senator has spoken about. He talked about one house being 30 feet. If you look at the Bill, it says that a home must be I believe it's 1800 or 1500 feet from the nearest home. They can't have bundles of these houses springing up side by side.

Do you want to allow, this is the question, do you want to allow selectmen or councilmen to prepare ordinances that solely discriminate against the mentally retarded of this State? That's what it boils down to.

I see my good friend from Oxford, good Senator Sutton, doesn't agree. Well, that's my decision, that I'm not going to allow them to do it. I'm not going to allow them to continue to do it. If you believe that we all go down this road once, then I think we ought to all go together. We ought to live in the same community with one another. We ought to share the problems that each of us have with one another.

I would urge this Senate to defend the pending motion, again.

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

Senator BROWN: Thank you, Mr. President and Members of the Senate. I'm a very strong believer in local control. I have a very strong feeling about that. However, on this particular issue, I do not believe in it. I do not believe in local control that can discriminate against the black or against any other segment of society, whether that be the handicapped, mentally or otherwise.

I'd like to spend a few moments this morning talking about the benefits that the rest of society gain from having a group home in the neighborhood, not just the individuals who reside in that home. Perhaps toward the end, talk briefly about some of the concerns the good Senator from Penobscot, Senator Devoe, has brought up about the home in Brewer and other places.

We're living in a time, Mr. President and Men and Women, when selfishness is running rampant throughout our country, when the

moral fiber that make cooperative effort of our earlier settlers and has given way to what we can get as soon as we can. Get what you can as soon as you can.

There's a recent book that came out by Alasdair McIntyre which was titled, "After Virtue." Where he makes a strong case for the economic situation that we currently live in, leaves no place for cultivation of the virtues, and allows instead this selfishness to run rampant.

At a national level, we have some recent things that have happened concerning the National Rehabilitation Act of 1973, which was amended in 1978. All the businessmen, including the good Senator from Oxford, Senator Sutton, are very much familiar with the Section 504 of that Act, which is very well known to all businessmen, including myself. That grants equal rights to handicapped people, whether they be mentally handicapped, physically handicapped, or whatever. Rights including an opportunity to an education, to housing, to government, to purchasing, to health care, and to employment. It essentially says that no community or establishment can base solely upon handicapped condition discriminate against a person.

We recently had, I think it was last Saturday's paper, 200 people assemble in Portland, handicapped people, very concerned about what's happening at the national level with the dismantling of some of the provisions or the lack of enforcement of that Act.

What happens to the rest of us, to the general population, to our humanity, when we allow this kind of discriminating to occur, especially to the able-bodied? To the rest of us, those of us who have whole children.

I'm convinced, Ladies and Gentlemen, that as a result of some of the recent publicity concerning Baxter, or Pineland, or AMHI, across the river, and some of the things that can happen with institutionalization, that we very much need to have individuals back in the community.

I'm also convinced, being a nursing home owner, that perhaps had we all not at some point foresee being old, we might have taken the elderly people, because they are no longer contributing members that much, we could take them and maybe put them together in some kind of an institution.

I'd like to relate a couple of incidents that have happened to me personally, and what I have gained as a result of being associated with handicapped people. I'll first talk briefly about, I have a son who is in the fourth grade. As a result of the mainstreaming that we have in education today, he has a youngster in there who is a brain damaged boy, hyperactive, the kind that would have normally been put aside into a special classroom. My son, being near the top of the class, and all of us in here have students, have sons and daughters like that, was asked to work with this youngster.

Well, at first I resented it, because it's going to detract from his own education. After he had a chance to do it a little while, he came to me one day when I was talking to him about it, and he said, you know, all that, this particular boy, all he needs is somebody to understand him a little bit.

As a result of my son's exposure to that youngster, the teachers have now come to me and said that my son possesses an unusual ability to work with such people.

Now which one gathered the benefits from that? Was it the boy that he was helping, or was it my son that was in the process?

I'll tell you a couple of the most important lessons that I've learned in life, also. About 12 years ago, I was working in Bangor at a sheltered workshop, and also worked with the cerebral palsy center there. I remember one, my job, by the way, was to place individuals at work stations to give them experience working.

I remember placing specifically a cerebral

palsied youngster who had the slurred speech and the uneven gait, and the lack of muscular control, and all those things which made him not a pretty person in our body beautiful society we live in. His mind was okay, it was just his body that wasn't.

He went to work in a place, washing cars, and lived seven miles out of town, but would get up at 3:30 in the morning in order to walk in to be sure he was at that job on time. The tremendous joy that was experienced by him by being able to have a job and be a contributing person.

I remember another person at a work still development center who was 27 years old, retarded. He was overweight. I remember rotten teeth and cross-eyed, anything but a pretty person. This individual would come to work sometimes on Monday morning with a black eye and bruises on his face. I remember saying, you know, how did this happen? He said, my father. I said, how come he did this to you? He said, well, he only does it when he gets drunk and then he gets ashamed of me.

Now who is the person that learned? I learned a great deal as a result of the kind of contacts that I've had with handicapped people. I'm wondering what happens to the rest of us when we take these people and don't allow your children and my children to be associated with them?

I remember one time hearing Margaret Mead, the famous sociologist and anthropologist, before she died in New York, obviously, before she died, saying that back in the early days, old Ben would be coming down the jungle path with a spear in his hand, yelling. The neighbors would say, get out of the way, here comes old Ben. We got to get out of his way. They'd climb trees or do whatever. Pretty soon the family and friends would get him settled down and everything would be okay.

To have removed old Ben from that neighborhood would have been taking a very important element from that community.

There is a book by Victor Frankel, which I think is entitled, "Man's Search for Meaning," where he talks about the element of suicide. He cites a study that was done in a university, where 60 students, who had attempted suicide were asked a question, why did you do it? They had responded, 85% of them said they had no reason to exist.

You know, when we removed those people from among us, that are not quite the standard of the rest of us, what does that do to our own humanity? And give us reasons to even exist.

No, I'm not for local control when it means taking away not just a right of people that would be moving into a community, but a right and a benefit for my own children, and your children.

You know, I was reminded, too, of a quote that was supposed to be found on a wall of a concentration camp, which went something to the effect, and this is a paraphrasing.

When they came for the Jews, I was not a Jew, so it didn't bother me any. When they came for the Catholics, I wasn't a Catholic, so it didn't bother me either. Then pretty soon they came for me.

I'm just concerned that if we do not allow, if we do not say very strongly and firmly to a community, that they do not have the right, that they do not have the right to discriminate against a class of people based upon their handicapping condition. And more importantly than to those people is what it does to you and I. We'll have a sterile little neighborhoods with the nice neat little front yards, with the kids smoking pot and the parents drinking. We don't have this leavening that occurs and is necessary for all of us to maintain our own humanity.

So I urge you, Ladies and Gentlemen, to very seriously consider this issue. I urge that you defeat the motion and pass this Bill along. Thank you, Mr. President.

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

Senator TROTZKY: Mr. President and Members of the Senate: I think this issue is being oversimplified. First of all, there are certain people in the State who do have rights, too. That's owners of single family residences, people who invest a lot of money, their life's savings, in a single family residence.

We're not talking about discrimination, because the family next door can have a handicapped child. The family next door can be Catholic, black, Jewish, Protestant, or what not.

What we're talking about here is we're saying that, you can put a group home or up to 8 mentally handicapped people in right next door to a single family residence.

That's what we're talking about here. We're not talking about discrimination.

We have single family residences and we have multi-family residences. If we're going to have a home of 8 people, 8 adults who are mentally handicapped, why can't we, why can't we find room in a multi-family zone?

I think one has to take a look at this issue. We're not painting a picture of discrimination on the floor. A single family residential area has all kinds of people with all kinds of handicaps, all kinds of religions, all kinds of background.

You think about it. When you vote, if when you put your money into a single family residence, right next door in comes a home with up to 8 mentally handicapped people. They don't have to be children. They can be adults, too.

So, I would hope the Senate would vote with the Senator from Penobscot, Senator Devoe, on this.

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

Senator COLLINS: Mr. President, I think that there is a very great tendency to oversimplify the kind of issue that we have today. On the one hand, there's talk about rights and on the other hand, there's talk about what you might say is compassion for people.

I regret very much that the Senator from Cumberland, Senator Conley, and the Senator from Washington, Senator Brown, have so little confidence in the people of the State of Maine, acting in their own communities.

I have confidence that most of the people in the State of Maine, acting in their own communities, will have the degree of compassion and common sense that will solve these problems.

I've seen it happen in my own community. My own community is not the most liberal community in the State, by any means, but it has its share of compassion. It has its share of rednecks. I would almost think, to listen to the Senator from Cumberland, that everywhere except the City of Portland, were mostly rednecks. I just can't agree with that, because I haven't found people that way in our State.

I agree that there are some rednecks. I agree that there are some communities that have acted with seeming callousness in handling this kind of question, but not all of them have, certainly. Those who have, have sometimes thought better of it and backed off, and found a very suitable location for group homes.

In my own community, in residential districts, we have three group homes. They got there because the community decided in its own way that it was a suitable place for those homes to be. We have in the law what we call, a variance. Every zoning code has some provision whereby there can be a variance from the normal conditions under certain procedures, hearings, and the like.

So without the State putting its heavy hand on this matter, we can have the variances that permit these homes in single family residential zones. The question is, will we permit the people in the communities to make that decision for themselves, or will we say here, thou must?

I just don't think that we have come to the state of society that makes it necessary for us, here in Augusta, to make all of those decisions. I think there is still room in the State of Maine. I agree there will be some mistakes made, but I think there is still room for local decision-making.

I think that the good people of Washington County, when they go to their churches, and when they go to their community meetings, and when they have their town meetings, and their appeal board, and their planning boards, and so on, I think that they will find in their own hearts the same quality of spirit that we know is in the heart of the Senator from Washington, Senator Brown.

I think there will be enough people of that quality there in Washington County, so that the people in Washington County can make that decision for themselves.

Now perhaps I am naive. Perhaps I haven't been around much. I don't know, I've been around a fair amount. I've had to represent, in tribunals at the community level, people on both sides of this kind of issue. I've had to represent those who wanted a place for the mentally retarded in a residential zone. I've had to represent those who wanted a place for the elderly in a residential zone. I've represented those property owners who did not want a group home in a residential zone, not only in my own City, but in surrounding communities.

It's true, there's a lot of sounding off and a lot of noise that sometimes sounds like just plain redneckism run rampant, but at the same time, there frequently is an overriding good sense and compassion that lets the community deal with this.

In my own City, we have three residential zones, three qualities. I have lived in all three of those residential zones at different times. The least quality of those three zones, in my judgment, was the best place for the type of home that we're talking about. That may not be so in some other community, but in my community, that would be my judgment.

I submit that each of us, in some degree, is a leader back in our own communities. Our words ought to be heard there, if we want the group home in our community in the single family residential zone, we ought to go to those meetings in our community and express our ideas, our compassion for those people. How, in the same way that the good Senator Brown has described, how the needs can be met, and how, in meeting the needs, we can stand a little taller ourselves and help our children to appreciate that there are those less fortunate than ourselves who need help.

It's not an easy issue, but in the long span of government by the people, when we take this kind of responsibility away from the local people, and we say from on high in Augusta, that we have decided this and you don't decide it, when we remove that responsibility from those people, I say that we are eroding their capacity to express their own compassion in their own community. I say that that is just as dangerous as the evils that the good Senator Brown has described to us in his own eloquent way.

So, I ask you to look at this local versus State issue from that point of view, not only from the property versus people point of view that sometimes gets to be an oversimplified dichotomy, but from the standpoint of whether we, as representatives of the people, have enough confidence in those people that we will let them act in their own communities with their own common sense and their own compassion. Thank you.

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

Senator VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, very briefly, this year when I agreed to co-sponsor this Legislation, I did it because I saw a situation that I believed to be one, in my opinion, that smacked of blatant discrimination against

part of our, a segment of our society, where communities have decided that they do not want these people to live in the better parts of their communities.

It's the old, oh, isn't that too bad, but don't let them live next to me. Let them live on the other side of the tracks.

Remember years ago, when some communities in this State and other parts of this country didn't want low income housing in their communities, didn't want housing for the elderly in their communities, or in certain sections of their cities and towns?

I think, we, as a society, have a responsibility to these people, to associate with them, and to learn from them. How we can do this, when they're going to be living on the other side of the tracks, is beyond me.

It's a clear principal in the law that municipal zoning ordinances derive their vitality and direction from enabling legislation enacted by this Body. This LD would establish a necessary consistency between legislative direction in the provision, services regarding the mentally handicapped and legislative direction in application of zoning law.

So today, Ladies and Gentlemen of the Senate, I would hope that you would reject the motion of the good Senator from Penobscot, Senator Devoe, and Accept the Majority recommendation of the Committee.

Mr. President, when the vote is taken, I request it be taken by the Yeas and Nays. Thank you.

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

Senator KERRY: Yes, Mr. President and Ladies and Gentlemen of the Senate, I'll be very direct on this issue. First of all, I'm an advocate for the handicapped, and have worked with the handicapped for many years. In fact, around 15 years ago, I worked with the Big Brothers program, with the handicapped in Maine and in Massachusetts.

More importantly around, 9 years ago, I did a series of articles on the handicapped at Pine-land. I traveled throughout the State, the Levinson Center in Bangor, and also visited virtually hundreds of families in homes throughout the State.

I think there have been some very compelling arguments brought forth here today from the good Senator from Penobscot, Senator Devoe, and the good Senator from Knox, Senator Collins, regarding local control.

I do believe there should be local control. Decision-making should be made on the lowest level of government, and certainly by the people, themselves, whenever necessary.

As we saw in the paper today, the zoning ordinances in Eliot were to be overridden by State authority, mainly because they did not develop appropriate zoning rules and regulations to protect the common good of the people in that area.

So this is a common judicial and statutory provision of our laws, that zoning primarily is to protect people. Zoning will protect people primarily by providing protections in an area where you will not have overdevelopment or things of this nature. What has happened, de facto, zoning ordinances are primarily utilized today by the wealth and well-to-do and those people in power to keep other people out.

I won't appeal to the emotional arguments because even though I think they do have a compelling nature to them, when you look at one child or adult, who has been neglected for virtually years in this State and throughout the country, I think it's very compelling for myself to make that specific decision in favor of the handicapped.

I don't want this Body, the public policy-making body of the State of Maine, looking away and not admitting what we are really doing here today. We are making choices as individual Senators, as to whether to allow discrimination to take place in the State of Maine.

If the good Senator from Knox, Senator Collins, believes that people will make the decisions with compassion and common sense and good forethought in the local communities, why have they waited since 1820 to do it here in the state of Maine? Do we have to wait another 100 years for people to allow other individuals, who have the total rights that we have, to live side by side? Do we do it by numbers? I came from a family of eight. Why do we have numbers in here? We have numbers to restrict people from coming into the area.

We all know that many people who are in our institutions are heavily sedated with Thorazine, with medication. Everything is done therapeutically through medication today in large institutions, because we can not afford to have the expensive and responsible care for people in local communities, even though it may be better for the community, and it certainly would be better for the individuals and the families.

We're talking today about a Bill that allows people, whether they are mentally retarded, quadriplegics, with fine healthy capable people, people with major physical problems, developmental disabilities, to live side by side with other people throughout our State.

I would say this, when I visited these families, when I'd go into a home in certain areas, where women had never left their homes, mothers of children who did have a developmental disability refused to put them in Pineland, refused to put them in an institution, a nursing home, or a boarding home, or the Levinson Center. They never left their home in 15 years, had never left the State of Maine in over 25.

Now, when I make my decision on this vote, I will fully understand the local control issue. I will fully understand the complex decision-making processes that take place at the local level, of trying to zone anything. We all know that.

I want you all to realize, and I think it's significant, that it is a matter of public policy, of civil rights, of direct discrimination.

I don't agree with the Department of Mental Health and Corrections of forcing themselves on a community such as Dover-Foxcroft, or Brewer, or Biddeford, or anywhere else.

My first hand experience with these families, and there are many families in the State of Maine who have suffered irreparable damage, because our public policy has discriminated against people with developmental disabilities. We have closed the door of Pineland. We don't want to see these people. Admit it. We don't really want to admit that they're there. They are there. Their families don't want to admit there's a lot of guilt in their families as well.

I think that what we ought to do is to address the issue for what it really is. If you allow public housing, if you allow private housing, it all has to be zoned properly.

If you allow this Bill you are taking a giant step forward in public policy that admits that the mentally retarded and the public policy of this State will conform with local zoning, will meet the building code requirements, will have perfect public disclosure, because they will be put through jumping hoops that none of us, if we were going to buy a home in that area, would have to do.

I would submit to you, that although there are compelling arguments to leave it to the Judiciary, to leave it to someone else, let's make the decision here today on what we think the issue really is. Of allowing full rights for housing and personal development to be afforded to persons with developmental disabilities.

I would, also, encourage the defeat of this motion and support of the Ought to Pass Report.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President and Members of the Senate: I rise today, I am not on the Judiciary Committee, but I do Chair a Committee that dealt for the 6 years that I have been in the Legislature with issues dealing with Pineland.

The consent decree is an important part of why we are here. There was litigations. Senator Devoe brought up the fact that there was a law case or a court case in the Brewer area, and the Judge did say that it was up to the Legislative Body to make those decisions and that is why we are here today.

We have that Bill here today and we are here to make a decision on that.

This isn't a Brewer bill, or it is not a South Portland bill, or it is not a Portland bill, or a Belfast bill. It is a bill dealing with the retarded in the State of Maine, they are all over the State. Up until this point they resided at Pineland, because of the consent decree, which says that they should be in community settings, we have adopted the tenants of that consent decree. The State of Maine has been relieved of the court master, only because we said that we would go along with the consent decree.

I think that it is important to, for me to read parts of it to you, because I am not sure all of you have read it or have it before you.

It does say that the retarded should be placed in community residence and that these sites shall be chosen in residential settings normal to the community in which they are located, with ample opportunity for interaction with the community.

That is what we are talking about, we have been told by the courts and the court master that this is what we must do and we are trying to comply with this.

I think in the Brewer situation and in some of the other situations that there have been problems, I think that the Department has readily admitted that perhaps they approached it in the wrong manner.

I think that they have learned a lesson by that. I am sure that from this point on, as in the recent past, they have gone into the communities, they have worked with the people there.

We have a situation in Bridgton, Maine, that was accepted wholeheartedly by the community. They have community involvement, and volunteers in that facility. It has just been a tremendous uplift not only for the clients, but for the community itself.

In my own City of South Portland, we have group homes. They are looked upon in a good, friendly manner by their neighbors close by them. I am sure that all of you can point to group homes within your own areas that provide a good quality of life and a home-like setting for their clients and that is what we are talking about.

I would just like to give you an illustration that is in the consent decree about two different group homes.

One of them is a group home "A". It serves 8 retarded adults, including 5 members of the plaintiff class in the action. "This home exemplifies the residential services described by the decree and these are few in number. Home "A" is physically indistinguishable from other homes in its residential neighborhood. Most community services such as stores, banks and bus service are close at hand. Home "A" is clean and orderly, yet active and lived in. The kitchen, livingroom, dining room, bathroom, and bedrooms are just like any other home. The furnishings are comfortable and home-like. Clients are included in decision-making, rules of conduct are determined jointly by the staff and by the clients. And recently the home occupants nominated one of their number of serve on the board of directors of a non-profit corporation which operates the home. The household duties are shared and the responsibilities are appropriately assigned. The staff at this home "A" are attuned to providing instruction and encouragement for its clients. Clients are constantly taught skills necessary

for increased self dependency, and prepared to live in a less restrictive environment."

I am going to stop from reading there right now, because some of you know that my husband served in the Legislature, this was 15 years ago, and at that time he, also, served on the Health and Institutional Services Committee. I remember visiting Pineland with him, on numerous occasions and at that time the retarded were confined to beds. They weren't worked with, they weren't trained to do things. The concept of how they dealt with the retarded then was completely different from now.

When I go up there, as Chairman of the Committee, I see a completely different setting. I see people being trained to do things. They aren't in beds, only the very severely retarded who have many multiple disabilities are bedridden. Most everyone else is up and around and performing a chore or some duty and they are feeling that they are needed at somethings. I think that this is most important. My whole point is that we have moved a long way from the 15 years to this point and I think that it is important that we continue to move.

Community contact in this group home "A" is encouraged and clients learn to cope not only with the narrow environment of the home but with the urban setting as well. They make use of all the services available.

Group home "B", which is another region of the State, has 54 people that live there. This home violates most environmental and programmatic requirements of appendix "B" of the Pineland Consent Decree. Variations of this type of residence are also found in many parts of the State of Maine. "Located on a country road some distance from the community, home "B" is distinguishable from other rural homes. It is very large, it is marked by a big sign facing the road. It is clean, it is orderly, and cheerful, but it is not home-like in its design. Bedrooms are arranged in a dormitory fashion and the dining area is huge. Most clients when they are not outside in programs are to be found in one large day care."

I think that this exemplifies the differences in the homes and what we are looking for.

I think that we are mandated to comply with this consent decree. I look at this Bill before us as having been worked, and worked, and worked, by the Committee on Judiciary and they have come up with the best language possible. It is not a local issue. It is a State issue, because we are dealing with retarded clients throughout the State of Maine.

There are some communities, as Senator Collins mentioned, that their local ordinances will allow this, but there are some that will do everything possible to keep these group homes out. I think that one of the objects is to get these people, these clients, back closer to their families and that is why the group homes should be in various communities throughout the State.

I would, also, urge a vote of Ought Not to Pass on the pending motion.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President and Members of the Senate: there is certainly no one, I believe, in here who has a better record of supporting local control and zoning than I do, but I do want you to know that not all of these, but most of these retarded individuals have been abandoned or conveniently forgotten by their families, it is a fact.

We are able to assemble six or eight of these individuals together in a group home, you won't find a more loving and dedicated single family unit. I believe that they are much better off when they have gotten together in this way and have formed a new family, and they certainly deserve to be living in a single family residential zone.

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

Senator BUSTIN: Mr. President, forgive me for dragging on this discussion but as I was listening to the other speakers it concerned me that I saw so many empty seats. When I see empty seats and there is a Roll Call I assume that everybody has made up their mind.

I think that this is too important an issue for us to leave our seats and not listen to the discussion and not perhaps think about changing your mind.

If Senator Ault will forgive me, I think, that he is emotionally, probably more emotionally involved in this issue than I am. He has a son in a group home. He is the president of the Kennebec Valley Council for Retarded Citizens. I am the treasurer of that Council.

I have a retarded sister, my younger sister is in Pineland. When I first came to this Body I was warned that one of the things that I should not do is get personally involved in legislation. Well, I am not going to listen to that advice today. I am going to get personally involved.

As a matter of fact my own sister was also to move into the Bridgton home, because of her multiple handicaps and it isn't just retarded, she can't do that. She is confined to Pineland, so she has to be there.

There are some other things, to get away from the personal touch. In my own neighborhood, which is a very residential neighborhood, and nobody touches that. Augusta is not a zone place, but an apartment building complex was going to be built in back of us. Guess what happened in my nice little residential home area? They put a petition out to try to stop that multi-family dwelling from going up. You know what, it went up, and you know what it is right in back of me and it doesn't cause us any problems. It didn't reduce my property value one iota, and I don't think that the group homes are either.

I think that it is a real bugaboo that has gotten to us here, is what are we going to do with these horrible people that we are supposed to keep in closets? What we are going to do, I give you, is treat them like human beings. We are going to associate with them. We are going to try to teach them our values. We are going to try to take some responsibility for them, and the further you put them away from me and my own living environment the less I have to deal with that.

I urge you to vote against the pending motion.

The PRESIDENT: 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 Washington, Senator Brown.

Senator BROWN: Mr. President, Ladies and Gentlemen, I want to relate one other instance if I may, will take just a moment to do so. In the town of Machias, which is in my District, this is a recent example, in the last two weeks. Machias doesn't have any zoning, so this particular aspect was not a problem there, but you know the comment was there was a group home that was going to be located in Machias, and the Department, if I may say so, through its counseling center in Bangor did everything possibly wrong in trying to locate that group home in Machias, so I frankly am personally opposed to the location of that home and the way that they went about it. But you know what the common comment was of the people surrounding the location of where the home was going to be located? Not anything other than, what is it going to do to the price of my property? I have those people next door.

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

from Penobscot, Senator Devoe, that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Collins, Devoe, McBreairey, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky.

NAY—Ault, Brown, Bustin, Carpenter, Charrette, Clark, Conley, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, Minkowsky, Najarian, Pray, Trafton, Usher, Violette, Wood.

ABSENT—O'Leary.

A Roll Call was had.

11 Senators having voted in the affirmative and 20 Senators in the negative, with 1 Senator being absent, the motion to Accept the Minority Ought Not to Pass Report does not prevail.

The Majority Ought to Pass, in New Draft, Report of the Committee Accepted, in concurrence. The Bill, in New Draft, Read Once and Assigned for Second Reading later in today's session.

(Off Record Remarks)

Senate Leave to Withdraw

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act Permitting Deaf Persons to Serve on Juries." (S. P. 742) (L. D. 1738)

Reported that the same be granted Leave to Withdraw.

Which Reports was Read.

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

Senator DEVOE: Thank you Mr. President. Mr. President and Members of the Senate, before this Leave to Withdraw Report is Accepted, I would like to bring to the attention of the Senate and the sponsor of this L.D., Senator Hichens, the progress that has been accomplished as a result of the introduction of this particular LD.

We have another bill on our calendar this morning relating to selection of traverse and grand jurors. That Bill was heard several weeks after Senator Hichens' Bill, which is LD 1738, was heard.

The introduction of this Bill concerning how disabled people are referred to on juror questionnaires is that the administrative office of the courts has now advised the Judiciary Committee that they are going to amend the juror questionnaire that is sent out, so that disabled people who might receive a juror questionnaire will be able to check a block and still be considered a member of the juror pool.

There is going to be a question added to the juror questionnaire dealing with the fact that they are not automatically prevented from serving as a juror because of a handicap.

I want to commend the Senator from York, Senator Hichens, for the introduction of that Bill, and wanted to bring to the attention of the Senate the progress that has been accomplished as a result of that Bill having been presented. Thank you very much, Mr. President.

Which Report was Accepted.

Sent down for concurrence.

Senator DEVOE for the Committee on Public Utilities on, Bill, "An Act to Create a Commission to Prepare a Revision of the Public Utilities Law." (S. P. 745) (L. D. 1748)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Senator AULT for the Committee on State Government on, Bill, "An Act to Accept Relinquishment of Exclusive Federal Jurisdiction Over Marshall Point Light Station in the Town

of St. George." (S. P. 855) (L. D. 1992)

Reported that the same Ought to Pass.

(Rep. Holloway of Edgecomb-abstained).

Which Report was Read and Accepted, and the Bill Read Once and Assigned for Second Reading later in today's session.

Ought to Pass—As Amended

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act to Facilitate the Removal of Clouds on Title to Proposed Unaccepted Streets in Subdivisions." (S. P. 854) (L. D. 1991)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-443)

Senator KERRY for the Committee on Judiciary on, Bill, "An Act Relating to the Selection and Services of Traverse and Grand Jurors." (S. P. 793) (L. D. 1869)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-444).

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, Assigned for Second Reading later in today's session.

Ought to Pass in New Draft

Senator GILL for the Committee on Health and Institutional Services on, Bill, "An Act to Amend the Maine Certificate of Need Law." (S. P. 900) (L. D. 2038)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 967) (L. D. 2123)

Which Report was Read and Accepted and the Bill, in New Draft, Read Once and Assigned for Second Reading later in today's session.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Deleting the Requirement of a Federal Matching Share for the Expenditure of Funds for Expansion and Improvement of the Biddeford Municipal Airport." (S. P. 951) (L. D. 2097)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-442).

Signed:

Senators:

EMERSON of Penobscot
USHER of Cumberland
O'LEARY of Oxford

Representatives:

CARROLL of Limerick
REEVES of Pittston
FOWLIE of Rockland
LISNIK of Presque Isle
MOHOLLAND of Princeton
STROUT of Corinth
MACOMBER of South Portland
HUTCHINGS of Lincolnville

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

Signed:

Representatives:

HUNTER of Benton
McPHERSON of Eliot

Which Reports were Read.

The Majority Ought to Pass, as amended, Report of the Committee was Accepted, and the Bill Read Once. Committee Amendment "A" was Read and Adopted. The Bill, as amended, Assigned for Second Reading later in today's session.

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Prohibit Public Utilities From Including Uncompleted Construction Work costs in Their Rates." (S. P. 773) (L. D. 1844)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-445).

Signed:
Senator:

TRAFTON of Androscoggin

Representatives:

DAVIES of Orono
RIDLEY of Shapleigh
BENOIT of South Portland
McGOWAN of Pittsfield
KANY of Waterville
VOSE of Eastport
CONNOLLY of Portland

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

Signed:
Senators:

TROTZKY of Penobscot
DEVOE of Penobscot

Representatives:

WEYMOUTH of West Gardiner
BORDEAUX of Mount Desert
PARADIS of Old Town

Which Reports were Read.

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

Sensor COLLINS: Mr. President, I move this matter be Tabled for 1 Legislative Day.

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

Sensor PRAY: I move this item lie on the Table until later in today's session.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that this Bill be Tabled until later in today's session, pending Acceptance of the Committee Report.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Sensor TROTZKY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Pray to Table L. D. 1844 until later in today's session, please rise in their places to be counted.

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

10 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the motion to Table L. D. 1844 until later in today's session does not prevail.

Is it now the pleasure of the Senate to Table this Bill for 1 Legislative Day?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Sensor TRAFTON: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion by the Senator from Knox, Senator Collins, to Table L. D. 1844 for 1 Legislative Day.

A Yes vote will be in favor of the motion to Table L. D. 1844 for 1 Legislative Day.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Bustin, Collins, Devoe, Emerson, Gill, Huber, McBreairey, Perkins, Pierce, Redmond, Sewall, c.; Shute, Sutton, Teague, Trotzky, The President-J. Sewall.

NAY—Brown, Carpenter, Charette, Clark, Conley, Dutremble, Hichens, Kerry, Minkowsky, Najarian, Pray, Trafton, Usher, Wood.

ABSENT—O'Leary, Violette.

Sensor Bustin of Kennebec was granted permission to change her vote from Yea to Nay.

A Roll Call was had.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 2 Senators being absent, the motion to Tabled L. D. 1844

for 1 Legislative Day pending Acceptance of Either Committee Report, does prevail.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Revise the Education Laws." (Emergency) (S. P. 561) (L. D. 1554)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 897) (L. D. 2042)

Signed:

Senators:

TROTZKY of Penobscot
CLARK of Cumberland

Representatives:

CONNOLLY of Portland
GOWEN of Standish
LOCKE of Sebec
THERIAULT of Fort Kent
MATTHEWS of Caribou
THOMPSON of South Portland
MURPHY of Kennebank

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

Signed:

Sensor:

PIERCE of Kennebec

Representatives:

BROWN of Gorham
BROWN of Livermore Falls
ROLDE of York

Which Reports were Read.

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

Sensor TROTZKY: Mr. President, I would like to first of all, move Acceptance of the Ought to Pass, in New Draft, Report.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, moves that the Senate Accept the Majority Ought to Pass, in New Draft, Report of the Committee.

The Senator has the floor.

Sensor TROTZKY: Mr. President and Members of the Senate: for those Senators who have been around a few sessions, we have seen that many bodies of law have been recodified. For example, one was the Marine Resources Law, as I remember it, the Criminal Code, and so on.

Before you, you have the recodification of the Education Law, which I'm sure none of you have read through thoroughly.

Let me explain the process that took place on the recodification of the Education Law. The recodification was submitted to the First Session of the 110th Legislature. The Bill was referred to the Joint Standing Committee on Education. The Joint Standing Committee on Education held a hearing on this Bill this past June, during the First Session of the Legislature.

Those attending the public hearing were offered an opportunity to place their names on a mailing list for future work sessions. We had at that meeting the Maine School Superintendents Association, the Maine Teachers Association, and others, including the attorneys plus attorneys from the Attorney General's office.

Because of the size of the Bill, you can say, the Bill was divided into, we divided the Bill into four sections for four sub-committees. During the summer and fall, legislators on the Education Committee attended these work sessions with members of the public.

Each work session was announced on the legislative calendar, which is distributed to quite a few members of the public. The Committee staff prepared an old law, new law, side by side. What this was, was a large page showing the old law and the recodified law. It was done systematically.

Prior to each work session, with respective sub-committees, the Committee reviewed the side by side with the Department of Education and affected educational constituency groups. Again, I say Maine School Management and their attorneys had a chance to review this through the school board lawyers, Maine Teachers Association, also, had a chance to

review it with their lawyers.

At the work session, we received suggested changes from the Department of Education, constituency groups, and a final draft, which all parties received.

The key thing to recodifying a law is that there be no substantive changes. This is a major thing. Whenever there was a question of a controversy in the Committee over substantive changes, we retained the wording of the law as it is presently in the books.

Okay, the Bill, right now some people are questioning this Bill. We passed out to you, things came across your desk, for example, first was a letter from an organization called GEM, Guardians of Education in Maine, headquartered in Camden.

Now, GEM, for example, they said that we omitted something called dissemination of obscene matters to minors. That was the first thing that they objected to. The Education Committee then distributed something else on your desks, and the answer to that, is this, what they said we omitted is found in Title 17A, and therefore LD 2042 does not recodify Title 17A. It's still in the law.

They then were concerned about, they gave a whole list of specifics that they thought we were changing. We went over every one of them, and we responded to the Legislature with a letter to every member of the Legislature, showing that, in practically all of these cases, that we were not changing anything substantially, or else they couldn't find in the law what they thought was omitted.

There were a few things, for example, we omitted a list of cross references. We, and so on, these cross references are coming along in an amendment to this. We have an amendment coming along tomorrow, where anything that was brought up which was an omission, or possibly if somebody complained of a substantive change, we have put it back in its present form.

For example, you had a letter from the distinguished school board member, Mary Adams, where she was concerned about leaving something out that had to do with the American flag. This is going to be put back in, in the amendment.

However, a lot of time and a lot of work has been put into this.

There is another group that wants to see this sink. That is the Maine Association of Christian Schools. They came into this Legislature a couple of years ago with a bill to exempt Christian schools from State control. The Legislature turned them down, and felt that Christian schools should be subject to some State control, meaning all private schools, religious schools and so on, should have some State approval to protect the kids.

So what they want to do is, they want this Bill to go under, because they want to make a substantive change in the present law to eliminate the approval of private and religious schools. That's what they want to do, but the Committee has agreed that there would be no substantive changes.

They said this Bill would affect their fight in court. This is not true, because of the court fight that they are having right now. They are challenging, they are using the Constitution, not the Education Law, but the First Amendment to the Constitution to try and free themselves from any State control.

A lot of work and a lot of time has been put into this by the Legislature's Education Committee, by attorneys for many different groups, and a lot of money in printing. It costs quite a bit to print a Bill this size. I believe that Senator Clark mentioned to me before that approximately \$50,000 has been used in taxpayer dollars to recodify the Education Law.

Now the Education Law has to be recodified like many of the other laws, because over a period of hundreds of years, language becomes outdated. There are inconsistencies in the law. In the present law it's very difficult to find a

section, sections that deal will, for example, teachers may be all over the Education Law. An issue dealing with school boards may be all over.

We put this together in a good form that can be read well. People can look up, find things. At the same time, there are not substantive changes.

Let me say what we intend to do with this. Because there are people, and I realize that many, many, you know, people did not, the Legislature did not read it. I know they won't read next year or the year after. This bill was held over.

What we are doing is this. We are going to bring forth an amendment which will address any substantive changes that have been up. So, and so there is no substantive change. Any omissions, and we've held, we had a public hearing the other day to respond to any of the questions that Mrs. Dobbs of the Guardians of Education in Maine had, or Mary Adams had, or anybody else. We the, any issues that were valid. But many of the times, all they could come up with was generalities, generalities which had absolutely nothing to do with the specifics in here.

So what we are going to do is, we are going to put an amendment on the end of this Bill tomorrow, which essentially will say that this law will not become effective until June 30, 1983, at the end of the six months of the next Legislative Session. This law will have wide dispersal throughout the State, even though it's not effective. If there are any other concerns about substantive changes, they can be addressed by the next Legislature. It's a safety precaution.

To turn this Bill down now, and kill this Bill, you are costing the people of the State of Maine over \$50,000 in expenses for no valid reason. If there are any substantive changes that you feel we have in this Bill, I would like them addressed to the Education Committee. If the Committee feels there are substantive changes, we will put an amendment on, include it in the amendment which will be offered tomorrow.

So, therefore, I would hope that somebody would Table this for 1 Legislative Day.

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

Second Readers

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

House

Bill, "An Act to Clarify the Authority of Municipalities to Raise and Expend Money for Athletic Facilities." (H. P. 2265) (L. D. 2112)

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

House — As Amended

Bill, "An Act to Clarify and Make Corrections in the Motor Vehicle Laws." (H. P. 2185) (L. D. 2071)

Bill, "An Act Relative to the Theft of Utility Services." (H. P. 1821) (L. D. 1806)

Bill, "An Act Amending the Electrician's Licensing Law." (H. P. 2127) (L. D. 2045)

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

Senate

RESOLVE, Authorizing the Department of Human Services to Direct the Development of an Assessment Tool and Referral System to Assist Persons Considering Boarding Home Care. (S. P. 963) (L. D. 2116)

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

Sent down for concurrence.

Enactors

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

AN ACT to Amend the Child Support Laws. (H. P. 2184) (L. D. 2070)

AN ACT Concerning Payments of School Committee Debts. (S. P. 749) (L. D. 1752)

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

(Senate at Ease)

The Senate called to order by the President.

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

Communication

Committee on Energy and Natural Resources

March 31, 1982

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine

Dear President Sewall:

The Committee on Energy and Natural Resources is pleased to report that it has completed all business placed before it by the second regular session of the 110th Legislature.

Total number of bills received: 18

Unanimous reports: 14

Leave to Withdraw 2

Ought Not to Pass 1

Ought to Pass 5

Ought to Pass as Amended 4

Ought to Pass in New Draft 2

Divided Reports: 4

Respectfully submitted,

S/JAMES A. MCBREAIRTY

Senate Chairman

Which was Read and Ordered Placed on File.

Committee Reports

House

Leave to Withdraw

The Committee on Health and Institutional Services on, Bill, "An Act to Establish Statutory Guidelines for the Planning and Expenditure of Social Service Funds." (H. P. 1879) (L. D. 1872)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act to Require Electric and Gas Energy Forecasts." (H. P. 1927) (L. D. 1896)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act to Ensure Funding for the Eventual Decommissioning of Any Spent Fuel Disposal at Any Nuclear Plant." (H. P. 2096) (L. D. 2030)

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.

Enactors

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

Emergency

AN ACT to Revise the State Takeover Bid Law. (S. P. 957) (L. D. 2103)

This being an emergency measure and having received the affirmative votes of 28 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.

Emergency

AN ACT Creating the Housing Opportunities

for Maine (HOME) Program and Governing Program Funds Appropriated by this Act to the Maine State Housing Authority. (H. P. 2071) (L. D. 2012)

Comes from the House, Failed of Enactment.

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

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

Committee Reports

House

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

Bill, "An Act to Remove Winterville Plantation from the Maine Forestry District." (H. P. 1816) (L. D. 1801)

Bill, "An Act to Remove West Forks Plantation from the Maine Forestry District." (H. P. 1818) (L. D. 1803)

Ought to Pass

The Committee on Taxation on, Bill, "An Act to Remove Wallgrass Plantation from the Maine Forestry District." (H. P. 1796) (L. D. 1786)

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 Assigned for Second Reading later in today's session.

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

Communication

Committee on Education

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine

Dear President Sewall:

The Committee on Education is pleased to report that it has completed all business placed before it by the Second Regular Session of the 110th Legislature.

Total number of Bills received 17

Unanimous Reports: 12

Ought to Pass 1

Ought Not to Pass 1

Leave to Withdraw 1

Referred to Another Committee 1

Ought to Pass as Amended 5

Ought to Pass in New Draft 3

Divided Reports 4

Carry-over Bill — Ought to Pass

in New Draft 1

Above Bill recommitted — Divided

Respectfully submitted,

S/HOWARD M. TROTZKY

Senate Chairman

Which was Read and Ordered Placed on File.

Enactors

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

AN ACT to Remove Restrictions Preventing State Retirees from Receiving Certain Benefits. (H. P. 2260) (L. D. 2106)

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

AN ACT Concerning Maine Emergency Medical Services. (H. P. 2234) (L. D. 2092)

On motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending Enactment.

AN ACT to Amend the Charter of the Lucerne-in-Maine Village Corporation. (H. P. 2257) (L. D. 2105)

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 Encourage Fuel Diversity by Increased Use of Natural Gas. (H. P. 1956) (L. D. 1929)

Emergency

AN ACT Concerning the Regulation of Atlantic Salmon. (H. P. 2256) (L. D. 2104)

Emergency

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. (H. P. 2178) (L. D. 2068)

These being emergency measures and having received the affirmative votes of 28 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.

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

Committee Reports

House

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Clarify the Criminal Restraint by Parent Law." (H. P. 1969) (L. D. 1944)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-700).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-700) as amended by House Amendment "A" (H-713) Thereto.

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

The Committee on Marine Resources on, Bill, "An Act Relating to the Sale and Purchase of Herring." (H. P. 2162) (L. D. 2062)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-714).

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. The Bill, as amended, Assigned for Second Reading later in today's session.

The Committee on Public Utilities on, Bill, "An Act to Restrict Rate Increase Proposals by Public Utilities." (H. P. 1865) (L. D. 1859)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-716).

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

Which Report was Read.

On motion by Senator Trotzky of Penobscot, Tabled until later in today's session, pending Acceptance of the Committee Report.

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

On motion by Senator Pierce of Kennebec, Recessed until 2 o'clock this afternoon.

Recess

After Recess

The Senate called to order by the President.

(Off Record Remarks)

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

Committee Reports

House

Ought to Pass — As Amended

The Committee on Public Utilities on, Bill, "An Act to Establish Standard Procedures Enabling the Formation of Municipal Power Districts." (H. P. 1959) (L. D. 1932)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-715).

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. The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Taxation on, Bill, "An Act to Remove Allagash Plantation from the Maine Forestry District." (H. P. 1817) (L. D. 1802)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-718).

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. Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Sent down forthwith to the Engrossing Department.

The Committee on Taxation on, Bill, "An Act Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax." (H. P. 1795) (L. D. 1785)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-720).

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

The Committee on Taxation on, Bill, "An Act to Eliminate the 2¢ Excise Tax Imposed on Jet Fuel Used by International Flights." (H. P. 1974) (L. D. 1949)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-719).

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

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

Divided Report

Seven Members of the Committee on Public Utilities on, Bill, "An Act to Provide that Corporate Reorganization by Public Utilities be Subject to Approval by the Public Utilities Commission." (H. P. 1842) (L. D. 1837)

Reported in Report "A" that the same Ought to Pass in New Draft under New Title, Bill, "An Act to Provide the Corporate Reorganizations Affecting Public Utilities be Subject to Approval by the Public Utilities Commission", (H. P. 2266) (L. D. 2113).

Signed:

Representatives:

DAVIES of Orono

BENOIT of South Portland
VOSE of Eastport
KANY of Waterville
McGOWAN of Pittsfield
PARADIS of Old Town
RIDLEY of Shapleigh

Three Members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft under New Title, Bill, "An Act to Provide that Corporate Reorganizations Affecting Public Utilities be Subject to Approval by the Public Utilities Commission", (H. P. 2267) (L. D. 2114).

Signed:

Senators:

TRAFTON of Androscoggin
TROTZKY of Penobscot

Representatives:

CONNOLLY of Portland

Three Members of the same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

Signed:

Senator:

DEVOE of Penobscot

Representatives:

BORDEAUX of Mount Desert
WEYMOUTH of West Gardiner

Comes from the House, Report "A" Read and Accepted and the Bill, in New Draft, (H. P. 2266) (L. D. 2113) "An Act to Provide that Corporate Reorganizations Affecting Public Utilities be Subject to Approval by the Public Utilities Commission", Passed to be Engrossed as amended by House Amendment "A" (H-710).

Which Reports were Read.

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

Senator TROTZKY: Mr. President, I move that the Senate Accept Report "B", Ought to Pass, in New Draft and I would speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate, this is probably the most important bill that has come out of the Public Utilities Committee this Session.

I have distributed a little scheme here on a piece of paper to explain the need for this Bill.

Central Maine Power Company, in its stockholders, in its annual report to its stockholders, states that it intends to reorganize and diversify. What they intend to do, and I, if you follow this chart, it will explain it. They intend to form a holding company called, Maine Industries. Every person who holds a share in CMP will send their share into Maine Industries, and they will receive, they will exchange on a one-to-one basis a share in CMP for a share in Maine Industries.

Now, Central Maine Power Company is regulated by the Public Utilities Commission. Maine Industries will not be regulated by the Public Utilities Commission. It's a holding company. Maine Industries will then form a subsidiary called, Maine Energy Resources Incorporated, known as MERI, and then they will raise money based on the stock they've gotten in Central Maine Power Company. They will go into possibly a lot of different ventures, small scale hydro, cogeneration. In other words, they'll buy into a peat company, maybe possible with Wheelabrator-Frye. They may run a small scale hydro station. They may get into real estate. They may get into mining. They can get into a pinball machine company. They can get into anything. They are totally unregulated here.

Now, the process of diversification has taken place among many utilities in the country. The reason they are doing this is because they don't feel they are getting the profits that they should from the Public Utilities Commissions around the country. They feel by diversifying like this and getting into the unregulated side of the sheet here, that they can become more

profitable. Therefore, they can attract capital to help, for example, finance CMP, if Maine Industries is making a lot of money.

Now, the scheme looks good as long as Maine Industries is making a lot of money, and as long as the money is going back to CMP, and quality service is being maintained.

The important thing to understand in public utilities management is a public utility is granted a monopoly. In other words, no one else can serve the area that Bangor Hydro serves, or that Central Maine Power serves, or that Consumer Water Company serves.

In return for a lack of competition these public utilities submit to regulation.

Now, the important, the feeling of the Committee is that to protect the consumer of these monopolies, that they should have some oversight. The Public Utilities Commission should have some oversight over these unregulated Maine Industries, Maine Energy Resources scheme here.

Now, the Bill which I'm hoping the Senate will support is a very simple bill. Basically, it says, it defines reorganization. It says, "that unless exempted by rule or order of the Commission, no reorganization may take place without approval of the Public Utilities Commission."

They have to take into consideration the interest of the utility's ratepayers and investors.

"The Commission shall impose such terms, conditions, and requirements as in its judgment are necessary to protect the interests of the ratepayers." Consequently, the Bill includes the following provisions. "The Commission has reasonable access to the books and records and documents of these companies on the unregulated side, that the utility's ability to attract capital," that's CMP, "shall not be impaired, that the ability of the utility to provide safe and reasonable and adequate service is not impaired, that the utility's credit is not impaired, that reasonable limitations is being imposed upon the total level of investment in the non-utility business."

In other words, they can take money from CMP here, Maine Industries, and they can for example take \$10,000,000 and they can leverage it and borrow \$90,000,000 and turn it around and invest \$100,000,000 in a non-regulated business.

So, in other words, the PUC can exercise some limitation on the, impose some limitation on the total level of investment in the unregulated side.

Now the remedial power, if service is being jeopardized, if the credit of CMP is being impaired, the PUC has one power and that is called, "divestiture." They cut the utility off from, for example, the unregulated side, or they have the ability to cut off, for example, the real estate business that CMP might be in, or the mining business, or the hydro company, where they feel it is jeopardizing CMP's credit and ability to attract capital.

Now, that essentially is what this Bill does, LD 2114. It is a simple, clean Bill that says, the PUC shall regulate, shall have some oversight over the unregulated business of the utility.

The other Bill, which was accepted by the other Body, or Report "A", essentially has one other section, Section 8. This brings in, states something to the extent that, a small power production facility, meaning possible a hydro station or a co-generation facility could not be constructed by the electric utility, then it may be on the unregulated side.

This really doesn't belong in the Bill. It never came in originally. If people are concerned about that, they should amend the Small Power Producers Act.

So it is the feeling of Senator Trafton and myself that the best thing that we should be going with is a clean bill.

I'd just like to say one other thing, that Central Maine Power Company is a company with a third of a billion dollars with income and nearly a billion dollars in assets. Our constitu-

ents expect some reasonable protection from the State. This Bill provides it, so I hope the Senate would accept Report "B".

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

Senator DEVOE: Thank you, Mr. President. Members of the Senate, I'd like to pose a question to Senator Trotzky or any other member of the Committee that discussed this Bill thoroughly. As I look at this Bill, Report "B", it gives the Public Utilities Commission substantial investigatory and powers of inquiry. Yet, as I look at the Bill as it is printed, I don't see a Fiscal Note.

Now, it seems to me that this is the beginning of the scenario which we typically are given by the Public Utilities Commission. They come in with a bill and say, we can do this with the present staff. Then, accepting that blithely given statement, the Legislature enacts a bill. Then, the next year they come back and they say, we're so overworked, you're giving us so many duties, we need more staff.

Now, I'd like to have the Chairman of the Committee address this question of whether or not, with the present staff that the Commission has, you recall the headline that was in the newspaper in the last week or 10 days, where the Public Utilities Commission was lamenting the fact that it had a tremendous number of cases to consider, that it was overworked and it needed more money, more staff.

Now, are we going to encounter that same problem with this Bill? Would somebody address that question for us, please? Thank you, Mr. President.

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

Senator TROTZKY: Mr. President and Members of the Senate, there is a bill on the Governor's desk increasing the monies to the Public Utilities Commission by about \$400,000.

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

Senator DEVOE: Mr. President, I'd address another question to Senator Trotzky. How can that Bill be to provide additional funds for additional staff for this Bill, when this Bill hasn't even been passed? Is it perhaps possible that the \$400,000 that you refer to is to provide additional funds and additional staff for the Commission so that it can do the job as it is presently required to do under present statutes, not counting whether this Bill passes? Because if you look at this LD, you're going to have virtually the entire rate making process almost, which the staff will be able to go through before it decides whether or not a utility can engage in a non-regulated business. I can't understand how the \$400,000 that is contained in a supplemental bill, that is on the Governor's desk now, can be to provide extra staff for this Bill when we haven't even passed this Bill. Thank you, Mr. President.

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

Senator TRAFTON: Thank you, Mr. President. Men and Women of the Senate, I, too, would like to respond to the question of the good Senator from Penobscot, Senator Devoe. I do agree with him that the current bill on the desk of the Governor is the assessment bill and does not indeed deal with this Bill directly.

I have raised the very question that the Senator asked this morning, with the Chairman of the Committee. I have before me a letter dated March 31, responding to that question. There are essentially three points to the letter that I would like to outline for the Members of the Senate this afternoon.

The first is, an evaluation of the number of cases that might possibly be brought to the Public Utilities Commission. In the view of Ms. Carrigan, the number of cases would be very small. It is unfortunate that the good Senator has chosen this time to leave the Chamber, because I really did want him to hear this information. Perhaps he can read it in the record at

a later time.

At any rate, for the benefit of the rest of the Members, the Chairman of the Commission feels that there will be a very few cases before the Commission that will require this kind of extensive review. They point out, rightly so, that the only pending case is that of CMP, and that there are only two other large electric utilities which might need this kind of review in the future.

As far as the number of the small water utilities and the telephone companies, many of these are already involved with holding companies and so again, would not need this type of review under 2114.

Finally, as far as the review of a gas company, the only gas company in Maine was reorganized a very short time ago.

Second, and I think it's important to note this, the Commission is currently reviewing the CMP reorganization. The reason they are reviewing the CMP reorganization is because CMP has requested that they do so, in order to perhaps have an effect on their pending application before the Securities Exchange Commission.

So the work is already being done on this particular application at the current time, with current staff, under the current allocation.

Finally, the Commission points out that without this type of legislation, there could be a very severe increase in the kind of work that they might have to undertake in the future. So they, in fact, see this as reducing their workload, by allowing them to have prior approval of these types of financial schemes and not to have to come in after the fact, after potentially there has been some adverse impact on the rate-payers, and try to, at that point, straighten out all the problems, either through the rate base or whatever.

So the Commission views this as a very positive step in perhaps alleviating much of the workload in the future.

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

Senator COLLINS: Mr. President, I have a number of problems with this Bill. Certainly the version espoused by the Senator from Penobscot, Senator Trotzky, and the Senator from Androscoggin, Senator Trafton, is preferable to the version that was Enacted in the other Body.

But, each of these measures, it seems to me, is unnecessary and potentially is the nose of the camel in tent.

We have a tendency in this Legislature to think, when we talk about the regulation of utilities, that the only utility being regulated is the Central Maine Power Company. It is the biggest, of course, and serves a good part of the State, but it is not the only utility.

One of the reasons that I dislike this Bill is that it has an effect on other utilities that I believe has really not received adequate consideration.

For example, we have a utility holding company known as Consumers Water Company. It owns several water utilities outside of the State, at least a couple in the State, and it owns additional subsidiary corporations that have nothing to do with utility business.

This kind of a bill hits that sort of a company as well as the Central Maine Power Company. It hits the telephone company. It hits the small, local water company, which frequently is owned in one or two families and has been handed down from one generation to the other.

Perhaps I have missed something in this Bill, but it seems to me that we're asking the Commission to undertake a lot of very unnecessary investigation that would relate to these smaller companies. If there is some amendment or something that leaves these people out, I hope that members of the Committee that are more knowledgeable will explain that to us.

I have been exposed to the arguments on all sides of this question. I spent considerable time with Gordon Weil. One member of the Commis-

sion has given me voluminous written materials and has talked with me. The lobbyists from the powerful interests all over the State have talked with me on various sides, paper companies, telephone companies, water companies, electric companies, you name it, I have talked with them. I have tried to listen to all sides, because I recognize the importance of protecting the public interest.

When I heard the good Chairman of the Committee talking a few minutes ago, it sounded to me as though he thought that there just wasn't any sort of protection at all for the public, unless we enact this Bill. I disagree with that. To start out with, we have the Federal Public Utility Holding Company Act. Right now, Central Maine Power Company has had to take account of that Act and go the Securities Exchange Commission, before launching into a diversification program.

The SEC, in order to short cut some of its work, has come back to the Maine Public Utilities Commission and said, well, what do you think about it?

So there is a process already in place here, federal and State that protects the public interest. So why do we need a lot more?

I read in the newspaper last week an extensive article about how the Commission was swamped with work, and how they had more than they could possibly do. With due respect to all that the Senator from Androscoggin has told us, I just can not see how this Commission can follow the mandate of this Bill, which says that the Commission has to pass judgment on the best interests of the ratepayers and the investors, without getting into a substantial business judgment on every matter that comes before it.

The way I read this law, this could have to do a great deal with purchase contracts between affiliates, all kinds of problems of ordinary business that these concerns are involved with from day to day.

Again, maybe I don't know as much as members of the Committee. I hope they'll relieve my mind if I am in error about this.

Earlier this week, the full page ads commenced in the papers. I have one here from one of the papers. I'm sure you've all had it in your paper. It says "Urgent, Citizen Alert." It's signed by Bruce Reeves. So I guess that means that Bruce Reeves is captain of the team that is supporting this venture. He sure has collected a lot of strange bedfellows in this effort.

He says here that, look out, or the public utilities are going to give their stock away, give their stock away, he says. Does anybody in this room believe, really, that that's what is going to happen, that the public utilities are going to give their stock away? Does anyone think that, that's legally possible?

I hope not. I hope we're not that naive.

Then, of course, he says that it's going to increase utility rates, which he always says every time he opens his mouth. Then he lists all the Senators and their home phone numbers, and so on. Thank goodness my phone hasn't been ringing. I guess, I hope that means that my constituents have more confidence in me than they do in former Senator Reeves.

Swarms of lobbyists are working, yes, that's true, on both sides. There are a lot of them in this Chamber, on both sides, swarms of them, able, the most brilliant minds in the State, representing the most powerful companies in the State, both sides, certainly.

I have to ask myself, do I wish to entrust the business future of an important company in this State to the judgment of three Public Utilities Commissioners, in contrast to the business judgment of the boards of directors of the companies that want to do some diversification?

I know a lot of those people, not only the utility companies right here, but across the State, water companies and others. When I was much younger, I used to represent water companies in utility rate cases. I got to know a lot of those

boards of directors. I have a lot of respect for the business judgments of our utility boards in this State.

When I argued this with some of the proponents of this Act, they said, oh, you don't need to worry. We're not going to tell you whether this company can get into wood chips or peat, or something else. That's up to them, what the nature is.

But I read the Bill and it says, that it is the Commission that has to pass judgment to protect the investors, the investors, that's the stockholders. It's the duty of a board of directors of a company, that company, to protect the investors. If it's the three Public Utilities Commissioners that are going to be substituted for the boards of directors of our utilities in this State, Lord help us.

That's not to demean the quality of our present Commissioners. The quality of our Commissioners comes and goes. We have good ones, we have mediocre ones and sometimes we have poor ones. I'm looking over the long span. I'm not taking out individuals or any particular time. I have known these Commissioners the last 30 years, pretty much, because of my profession and because I'm interested in political life and this is part of it.

And so, I say to you that no matter how much the Commissioners and the proponents may say, oh no, we're not going to decide about peat and we're not going to decide about wood chips. The Act itself says, that these reorganizations don't happen unless the Public Utilities Commissioners, those three people, decide that this is in the best interests of the investors, that their capital structure and their loan ability, and so forth, and so forth, and so on is not going to be hurt.

I submit again to you that that ought not to be the duty of the Commission, except with respect to public utility activities. That is their ball game. That is what they should decide. They decide it now, and they should continue to do so. I think they can protect the State of Maine and its ratepayers adequately with the power they already have.

So Captain Bruce Reeves and his team, paper companies, the Commission, some of our distinguished Senators, some small hydro entrepreneurs, represented here in this Chamber, people who are making a great deal of money out of small hydro ventures that are essentially unregulated.

Last week the Senator from Penobscot, Senator Trotzky, was debating another bill. He told us about how a company like Scott Paper Company could produce electricity for 4 plus cents and sell it for 5 and buy it back for 4, or something like that. That isn't the exact way it went, but it was similar to that. It was a good thing.

Today's paper has the article about the power company tightening up on that. They realize they've got a bad buy there. They're trying to do something about it. That company is trying to protect its ratepayers. I'm not sure how the Commission will look upon that, when it comes to their decision-making.

So, there are a lot of forces at work here, not just that simple question of how do we protect the public. There are a lot of questions in back of this, some of which you don't see right out in the open until someone like myself gets up and talks about them. So I am asking you to take a very hard look at this.

When I got to the end of the Bill, I found a section that said "transitional provisions." It says, here, that any reorganization that is pending without regard to the date when any affected utility has sought appropriate regulatory sanction from the SEC or any other regulatory body. In other words, it wants this Bill to reach backwards in time and grab on to something that is already in a tribunal of the United States of America, a quasi-judicial body, and is already in the Public Utilities Commission of this State, and reform it, and make this Act apply backwards in time to that proceeding.

In my limited education, that is the very thinly disguised attempt to create an ex post facto law. I don't like that kind of law. I think laws ought to be prospective if this serious. I do not mean to say that it is technically written so that it is ex post facto, but in terms of the realities of life, I say to you that that is a very bad precedent to put in here. I say that it is unnecessary, because the Central Maine Power Company is already before the SEC and is already before the PUC on this issue. Why do we need to interfere with that process, with a statute that says, this includes the reorganization proposed by Central Maine Power Company, something that is already there in the tribunals?

Does this Legislature have no respect for the separation of powers in our government? Do we presume to tell an independent tribunal of the Executive Branch what to do in a reaching backward fashion? Do we presume to tell the Securities Exchange Commission of the United States what to do about something pending before it? Is that intergovernmental comedy, as we have known it?

I'm really appalled at that kind of a section in a bill like this.

So, I suggest to you that here is the nose of the camel. With these powerful forces arrayed on the other side, I expect they may prevail. There are only a couple of voices probably here that will speak against that powerful team headed by Captain Reeves. If they prevail, and I hope they do not, but if they prevail, I can't help but wonder if seven or eight years from now, those paper companies will be coming in here with their tails between their legs, saying you've got to get the Public Utilities Commission away from regulating our paper making business, you know.

That seems farfetched right now, but that's the way things develop. They develop because of the insidious creeping of governmental process.

So I suggest to you, please look at this Bill. Remember that it will affect small water companies, small public utility holding companies like Consumers Water. Originally, I think the draft would have provided that a little one town water company owned by one family, if the old man died, that his heirs would have to come in and get permission to own the stock. What does that do to the value of the stock? That kind of regulation just isn't needed here.

I hope that we will vote against this whole thing. In order to give us a proper vehicle, I'm going to move, Mr. President, that this Bill, and all of its accompanying paper, be indefinitely Postponed.

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

SENATOR TROTZKY: Mr. President, this Bill, this whole issue can be looked at in two different ways. The good Senator from Knox looks at it as the nose, the camel getting into the tent. I look at it, and so do most of my Committee members, as Central Maine Power Company getting out of the tent. That's what is taking place here.

You know, there are different options we could have taken in the Committee. We could have just passed, put a bill forth to the Senate the CMP is a monopoly, it's a public utility and it belongs in the utility business in Maine. We could have prohibited diversification. But we chose to allow the diversification, but yet have some oversight to protect the consumers.

In this case, Bruce Reeves is right. I haven't voted with Bruce Reeves, I don't think, on any issue. But in this case, he is right.

Now, a few things. First of all, if you look at Section 7, it says that the PUC can put reasonable limitations impose upon the total level of investment into this unregulated scheme here. However, they do not have the authority to approve or disapprove of the nature of the non-utility business. I assume they're free to buy into Resorts International, Atlantic City, or

whatever they want to buy into they can.

The concern of the Public Utilities Commission is to make sure that the assets aren't drained out of CMP into the unregulated businesses here.

Secondly, water companies and telephone companies are public utilities. Therefore, if they go into diversification they should come under the same law.

I do have an amendment prepared which will allow the small family-owned companies to transfer by gift, devise, or inheritance without triggering this process here.

Secondly, the SEC, the good Senator from Knox mentioned the Securities Exchange Commission. They must approve the formation of a holding company, but SEC review is basically based on interstate commerce aspects of the case. Reagan's new federalism implies decreasing federal responsibility. There is decreasing federal responsibility. We have the obligation to give our PUC the power to keep some kind of oversight over this diversification.

The other issue is that yes, I have brought up the issue of something which I don't think is fair, where for example, International Paper Company can turn around and build three or four dams and sell power to the power company at the avoidance costs for oil power, and then turn around and buy back the power from CMP at a much lower rate.

That's not the issue in this Bill here. We want to amend the Small Power Producers Act, we can do that in another bill. If PURPA, which allows this, a federal act, allows this, that can be amended in Congress.

It's a very simple issue here. You look back at all the people back in your District who are served by these monopolies, whether it's Bangor Hydro in mine, CMP in yours, or Maine Public Service, a water company, or a telephone company. If they start using that company, the credit of that company, through financial manipulation here to get into all aspects of business, diversification, then a very simple bill to protect you consumers, your ratepayers. It simply says that there shall be some oversight over this diversification.

Now, there's another aspect to this. Why are companies going into diversification? They are going because they don't feel they are getting an adequate rate of return from the PUC. They'd like to make more money.

The Public Utilities Law here states very clearly, first of all, every public utility is required to furnish safe, reasonable, and adequate facilities. The rates that they charge must be just and reasonable. In determining just and reasonable rates, the Commission shall provide such revenues to the utility as may be required to perform its public service, and to attract necessary capital on just and reasonable terms.

In other words, if Central Maine Power Company doesn't feel it is getting adequate rates, it should go before the PUC as it does all the time. The law here states that the PUC has to give them rates, just and reasonable rates, so they can attract necessary capital, on just and reasonable terms.

What they're going for in the diversification is trying to make even more money. They want that money to flow basically to the stockholders. That's the goal of the diversification. However, the reason that the Committee is allowing this diversification to go on, not putting in a bill out to prohibit it, is because they've come to us and they claim that if they make more money for their stockholders, or this Maine Industries, they can then borrow money in the capital markets at a lower rate.

So, we're saying, go ahead, diversify if you want, but the State, the public policy of the State should be to have some oversight to protect the ratepayers of the State of Maine, who basically have no choice. They have only one company to buy their electricity. They have

their telephone, or get their water from.

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

Senator CONLEY: Mr. President and Members of the Senate: I rise this afternoon, one, I want to support the motion made by the good Senator from Penobscot, Senator Trotzky. Secondly, I certainly want to rise in support of Captain Bruce Reeves and his first team. Thirdly and most importantly, I do emphatically believe in the separation of powers. I think it is long overdue that we separate the powers of CMP from this State Senate.

I urge the Members of this Senate to go on record and vote in the affirmative of accepting Report "B". Purely and simply, this Bill is one to protect consumers of electricity and other utility services.

The way electricity costs are skyrocketing, the poor consumer can use all the help he can get.

A few months ago, CMP announced they were going to restructure the company and create a holding company which would go into a lot of speculative businesses. They might go into the real estate business, the timber business, or for that matter, they could go into the restaurant business. In other words, any business.

Now what are they going to use for money when they speculate in these businesses? The money we give them in the rate for electricity, if those deals work out, the utility stockholders rated, then the ratepayers will reap the benefits. If they make bad investments, the utility ratepayers may end up holding the bag. This could happen not only with CMP, but with other utilities that engage in one of these reorganizations.

You certainly all remember what happened to the Pennsylvania Railroad. That was a regulated utility. They got into some of this diversification. They lost money speculating in real estate. The whole company got into financial problems. They finally went bankrupt, but the people still needed rail services, so you guessed it, the taxpayers are today picking up the tab and the trains are running.

I submit to you, Ladies and Gentlemen of the Senate, if the ratepayers are going to have to bear some of the risks, then the State of Maine ought to have the right to take a look at these reorganizations in advance, to determine if it is in the public's interest.

That's all this Bill does. It says that the utility has to get the approval of a State agency before going into one of these reorganizations. It doesn't prohibit them from reorganizing. It just says, purely and simple, let us take a look at it first.

Now I understand that some of the utilities are claiming they ought to have the unfettered right to go into the reorganizations without prior approval. They say that they can make higher profits if they can get out from under State regulations. In response to that, let me remind them that the State of Maine has given them a monopoly and protects them from competition, that they are entitled by law to a fair return on their investment. If they don't think it's high enough, they have the right to appeal to the Maine Supreme Court, if denied by the Public Utilities Commission. The utility ratepayers, if that rate is given to them by the court, have no choice whatsoever in the matter, and they have to pay the rates that are charged.

Let's be clear about this. The issue is whether utilities should be allowed to avoid regulation through these reorganizations without first having the PUC examine it. It's that simple.

I believe, and I'm willing to bet, that even ratepayers in the State of Maine agree with me, that the public has the right to determine how and under what circumstances these utilities will be permitted to get into one of these financial schemes.

It has been said that this is one of the most

important bills to come before the Legislature in recent years. Frankly, as a representative of the people, I don't think we have much choice. A vote for this Bill is a vote for the ratepayers, the people of this State.

Once again, I would urge you to support the motion made by the good Senator from Penobscot.

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

Senator TRAFTON: Mr. President, Men and Women of the Senate, I rise again to express some of my concern about this Bill. I think it's very refreshing today that we've heard the name of Bruce Reeves several times. I admire the Senator from Penobscot for his honesty in admitting that in fact, Bruce Reeves is right on this issue, and that he is voting with him.

I would, also, say that the good Senator from Penobscot, Senator Trotzky, is right on this issue and I am voting with him on this issue, which is an unusual occurrence for me.

The paper companies are also right on this issue. I don't always vote with them on the issue, either. I could go on and on, because there are a lot of proponents for this particular piece of legislation, and they are all right.

The only people who are opposing this Bill are the utilities. All those people, all those businesses who consume electricity and who know the importance of this Bill are indeed supporting it.

The good Senator from Knox, Senator Collins, has suggested that there are plenty of safeguards already in place both at the federal level and at the State level, and that, in fact, this Bill is somehow a duplication. If that is so, then I would ask the Senator why all the fuss? If it is just duplication then why all the fuss?

In fact, I think he knows, because he has a far closer relationship with the current administration than certainly I do. There are big changes afoot in Washington. The Reagan Administration is trying to severely undermine the Public Utilities Holding Act of 1935. In fact, they have publicly stated that they want it repealed.

Also, Aaron Levy, the Director of the Division of Corporate Regulation at the SEC has urged states on several occasions to pick up this authority. He has already experienced a reduction in his staff from hundreds just a short time ago to a little over five at present. So I think it's quite clear that the federal government is trying to severely restrict the authority of the SEC to review this kind of organization.

Also, I would say that we have never been a State that has relied solely on the federal government to somehow protect the interests of Maine people. I think this is another instance in point where we should turn to our own resources and enact laws that we feel are sensible, and not turn to the federal government for direction.

If we are looking at what the Bill will be at the State level, and there has been much bandying about of the affiliated interest law, I guess that deals with transactions after the fact. It does not deal with the initial approval of the creation of these various holding companies.

So again, we really are unprotected at this point. This Bill is a modest proposal that would offer some prior review and approval of the formation of these holding companies or any diversification interests.

Now, I think during the debate, there may be some inference that diversification is a very fine idea, that all businesses should engage in it, that it's really the state of the art, and what's happening. I would just refer you to a few comments from the special report of Electrical Week. This isn't any radical publication that I've laid my hands on, put outside Bruce Reeves, or any of that crowd. This is the electric utility industry newsletter, so I think that we can look with some validity on some of their remarks. I think it's important to see what

they're saying about diversification, in case we have any question about whether there is indeed some risk that we should be concerned about in diversification efforts.

In this article, they speak about utility diversification again and again, and say that the opinion is greatly divided on diversification. Some people are even calling it a fad. William Shepherd of the University of Michigan, Professor of Economics, says, in short, diversification is hazardous to managers as well as to shareholders, customers, regulators. I think that we are in the midst of a fad with a lot of unforeseen consequences, based on wishful thinking, and we'd be better off discouraging it.

There are many other instances of negative comments about the potential effect of diversification on the consumers and the rate holders.

Turning to the question of how it affects securities' ratings, one of the leading authorities, a Solomon Brothers utility analyst, Jennifer Proga said, diversification is a risky, tricky route for electric utilities seeking brighter financial futures.

She goes on to show particular concern about what diversification will do to the credit standing of these various companies. In general, she counsels against diversification.

This report goes on and on.

What this Bill before you does is not to suggest that we in any way discourage diversification, despite the very divided opinion of experts, whether they be economics or utility experts, or securities analysts. We're merely saying that we need one shot at reviewing the potential plans for diversification before it is a fait accompli.

The Bill in no way discourages it, nor in no way does it prohibit it, nor does it seek to regulate any of the other interests. Once the approval is given, then those other affiliated interests can continue on and practice the free enterprise and so forth.

I'd also like to refer you to another article. This is a report done by the National Association of Regulatory Utility Commissioners. They draw many conclusions in this article, but again, they point to some of the problems that a utility could face in diversification.

They suggest, for example, that diversification might increase rather than decrease the cost of capital to an enterprise. They suggest that the public utility consumer has everything to lose and little to gain from diversification. They suggest that diversification may make utility management less committed to service.

Again, I would emphasize that even with these concerns about what diversification may mean, that this Bill before you only seeks to allow a period of time for review of this very important decision to diversify. Because of the potential risks that the customers may see come to pass if untoward diversification is undertaken.

So finally, I guess I would just say that this is a simple question. It is easy to try and build it into a question that seems as if we're examining the very roots of the free enterprise system. Again, I think we understand only too well that public utilities are not the free enterprise system. As Bob Cumming pointed out in his article in last Sunday's Telegram, there has been a very special relationship between the public utilities and the State, since they decided 50 years ago to undertake an area of jurisdiction where they have a total monopoly. They have total control over that area, and they're not competing with anyone else for business in that area.

So, I would hate to think that anyone would suggest that in any way we are trying to penalize free enterprise, public utilities, as we know them today, are certainly not free enterprise.

So on behalf of the ratepayers and the consumers in your district, I would urge you to oppose the pending motion, which is the Indefinite Postponement of this bill, and to give the Public Utilities Commission and the people of

this State the opportunity to have, at least, a one time voice in whether or not diversification is in the interests of the ratepayers in this State.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, I ask that when the vote is taken, that 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 Hichens.

Senator HICHENS: Mr. President, I would ask permission to pair my vote with the good gentleman from Oxford, Senator O'Leary. If he were here, he would be voting for the Bill and I would be voting against.

The PRESIDENT: The Senator from York, Senator Hichens, requests Leave of the Senate to pair his vote with the gentleman from Oxford, Senator O'Leary. If he were here, he would be voting Nay and the Senator from York, Senator Hichens, would be voting Yea.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The pending question before the Senate is the motion by the Senator from Knox, Senator Collins, that L. D. 2113 be Indefinitely Postponed.

A Yes vote will be in favor of the Indefinite Postponement of L. D. 2113.

A No vote will be opposed.

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

ROLL CALL

YEA—Collins, Devoe, Perkins, Sutton.

NAY—Ault, Brown, Bustin, Carpenter, Charrette, Clark, Conley, Dutremble, Emerson, Gill, Huber, Kerry, McBreaity, Minkowsky, Najarian, Pierce Pray, Sewall, C.; Shute, Teague, Trafton, Trotzky, Usher, Violette, Wood.

ABSENT—Redmond.

A Roll Call was had.

4 Senators having voted in the affirmative and 25 Senators in the negative, with 2 Senators having paired their votes, with 1 Senator being absent, the motion to Indefinitely Postpone L. D. 2113 does not prevail.

The Report "B", Ought to Pass, in New Draft, Report of the Committee Accepted, in non-concurrence. The Bill in New Draft, Read Once.

On motion by Senator Trotzky of Penobscot, Under Suspension of the Rules, the Bill, in New Draft, Read a Second Time.

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

Senator TROTZKY: Mr. President, there was concern expressed in the Senate that there are some very, very small water companies or family held companies, so I present Senate Amendment "A", filing number S-446 to L. D. 2114 and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now offers Senate Amendment "A" to L. D. 2114 and moves its adoption.

Senate Amendment "A" (S-446) was Read.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President, what this Amendment does essentially is clarify the intent of the Bill that the statute will not apply to transfers of stock by gift, will, or inheritance. It will make it clear that the transfer of stock among family members in a very small company will not trigger the application of the

law.

Senate Amendment "A" was Adopted. The Bill, in New Draft as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

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

Committee Reports House

Ought to Pass in New Draft

The Committee on Public Utilities on, Bill, "An Act Requiring Public Utilities Commission Approval for the Purchase of Portions of Electrical Generating Facilities by Electrical Companies or Fuel Conversion in Electrical Generating Facilities." (H. P. 1915) (L. D. 1901)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 2272) (L. D. 2119)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence, and the Bill, in New Draft, Read Once.

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

Senator TROTZKY: Mr. President, because things are going so fast here, I think that I have an obligation just to quickly explain this Bill. Before a company can build a plant in the State of Maine, electric generating facility, they must get prior approval from the Public Utilities Commission.

There have been a lot of concerns that our public utilities, they buy parts of plants out of state, such as nuclear generating facilities. The law does not require prior approval.

Essentially, what this Bill does, is require prior approval in out of state purchases of electric generating facilities by the Public Utilities Commission.

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

Senator TRAFTON: Mr. President, Men and Women of the Senate, I would, also, like to add that this Bill does in no way constitute a division of how the costs for that particular project will be allocated. This Bill seeks to say that at the time of approval, the decision is prudent. It doesn't make any decision on the future of that decision. If, indeed, things transpire that make that decision no longer prudent, the onus is still on the utility to reverse that decision or modify that decision, and conduct themselves in a way that will benefit the ratepayer and their stockholders.

There was concern expressed in an editorial in the paper, the Portland papers, that this, in some way, would mean that necessarily with prior approval, that the full allocation of costs for a project would be put on to the ratepayer. But this is not the intent of the Legislature. It is the intent that the Public Utilities Commission would thoroughly evaluate that question at the time a rate hike was proposed.

The Bill, in New Draft, Tomorrow Assigned for Second Reading.

The Committee on Public Utilities on, Bill, "An Act to Provide for Improved Energy Policy Development Including the Preparation of an Annual Electricity Demand Forecast." (H. P. 1861) (L. D. 1855)

Reported that the same Ought to Pass in New Draft under New Title, Bill, "An Act to Provide for Improved Energy Policy Development and Electricity Demand Forecasts", (H. P. 2273) (L. D. 2120)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Marine Resources on, Bill, "An Act to Create a Maine Groundfish Association," (H. P. 1443) (L. D. 1585)

Reported that the same Ought to Pass in New Draft under New Title, Bill, "An Act to Promote the Maine Groundfish Industry," (H. P. 2270) (L. D. 2117)

Signed:

Senator:

DUTREMBLE of York

Representatives:

FOWLIE of Rockland

VOSE of Eastport

CROWLEY of Stockton Springs

JANSON of Kennebunkport

JORDAN of Warren

POST of Owl's Head

CAHILL of Woolwich

CONNORS of Franklin

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under New Title, Bill, "An Act to Promote the Maine Groundfish Industry," (H. P. 2271) (L. D. 2118)

Signed:

Sensors:

SHUTE of Waldo

BROWN of Washington

Representatives:

SALSBURY of Bar Harbor

NELSON of Portland

Comes from the House, the Majority Report Read and Accepted and the Bill, in New Draft, (H. P. 2270) (L. D. 2117), Passed to be Engrossed.

Which Reports were Read.

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

Sensor SHUTE: I move the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Waldo, Senator Shute, now moves that the Senate Accept the Minority Ought to Pass, in New Draft, Report of the Committee.

The Chair recognizes the Senator from York, Senator Dutremble.

Sensor DUTREMBLE: Mr. President, I would request a Division, please.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Washington, Senator Brown.

Sensor BROWN: Thank you, Mr. President. I urge that you would vote against the good Senator from Waldo, Senator Shute, even though my name appears with his on the Minority Ought to Pass Report. I'd like to speak briefly to that, if I may.

The PRESIDENT: The Senator has the floor.

Sensor BROWN: This particular Bill, "An Act to Create a Maine Groundfish Association," has been in the works since the session last year. There has been a lot of hard work that has gone into this particular Bill. It's a very important Bill to the fishermen of the State of Maine.

You have all received a corrected copy, placed on your desk in the last few moments, of L. D. 2117. I'd like to draw your attention, if I may, to page 3 of the corrected copy 2117 on your desk, to line number 36.

The difference between L. D. 2118, which is the report that the good Senator Shute has urged the passing, and 2117, is the following. There are three words in 2117, "or groundfish products" that is removed out of the 2118 that the good Senator from Waldo urged you to pass.

This particular piece of Legislation, this "Act to Create a Maine Groundfish Association", was purposely, this Bill is purposely created to assist the Maine fishermen, to assist the Maine fishermen. What 2117, or the other Report, Ought to Pass Report, 2117 says, is that only those fish that are landed in Maine, processed in Maine, can receive a logo of the quality and freshness of the Maine product.

But 2118 says that you can bring the fish in from Canada or Massachusetts, and process that fish in Maine and have it receive the Maine logo.

If we're going to have the small fishermen, the Maine fishermen, we want to restrict the Maine logo only to those fish that are caught and landed on the Maine coast.

So I urge you to defeat the motion by the good Senator from Waldo. Thank you, Mr. President.

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

Sensor CLARK: Thank you, Mr. President. Mr. President, I have a question that I would ask any member of that Joint Standing Committee on Marine Resources, who might care to answer. Is it my understanding that Canadian fish and/or non-Maine grounded fish, meaning brought in, would be stamped with the Maine logo? I have obviously some resistance to that, because we are already having trouble with Canadian potatoes, let alone Canadian fish, not to mention Massachusetts and New Hampshire lobsters.

Question number two, is my understanding correct that this Bill in its present form, would not force a processor to not process Canadian fish, but it would simply, if we follow the advice of the good Senator from Washington, but we would simply, but those processed fish would be not be able, again, to have the Maine logo stamped on their packaged, finished form?

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

Sensor CONLEY: Mr. President, I received a couple of phone calls prior to coming in here. I've become somewhat confused, and it's possible for me to become confused, particularly when we're talking about groundfish.

In all the fishing I've done over the years, they all look alike to me. I don't know how you're going to tell a Canadian fish from one caught in Cape Cod, and how you're going to catch one off the Maine State Pier.

This Maine logo bit, it really leaves me confused. How are the people going to tell the difference if a haddock is caught in Cape Cod, or if it is caught two miles off the port of Portland?

The PRESIDENT: The Senator from Cumberland has posed a question through the chair.

The Chair recognizes the Senator from Waldo, Senator Shute.

Sensor SHUTE: Mr. President, Ladies and Gentlemen of the Senate, the difference in the two Reports is that the Report that the good Senator from Washington, Senator Brown, is supporting, is that fish would have to be landed in Maine to have a Maine logo.

That would mean that if, I don't care if it's foreign fish, Japanese, or Russian, or whatever. If they are landed in Maine, they could have the Maine logo on them, and possibly get a bit more price than off brands.

If we have Maine fishermen and Maine crews and Maine registered boats landing in Gloucester or Canada, and trucked to Maine, and processed in Maine plants, they could not have a logo. I wonder if that is fair? We are giving the Maine logo to non-profit organizations, and say that, as long as the fish are landed in Maine, whether they are from Gloucester, or Maryland, you can use the Maine logo, but if you have Maine boats, Maine crew, Maine registered boats out there, and they land in another state other than Maine, and truck back to Maine, those fish can not use the Maine logo.

I really don't think that is fair as far as using the Maine logo on a fish processed here in Maine goes.

Now this goes along with another bill that we had this morning, L. D. 2063, which allows An Act to Provide the Authority to the Commissioner of Marine Resources to have a registered Maine logo, or trademark. I think this is quite a lot different than the Maine potatoes, because the potatoes are, you usually can tell,

or there is usually Maine potatoes or any potato has a residency. Whether in Canada, New Hampshire, or Maine. But fish, maybe the good Senator from Washington could tell me, what a Maine fish is? Is that a Maine caught fish outside the three mile limit, off Newfoundland, Maryland, Maine, or is a Maine caught fish with a boat that lands in Maine, whether they are caught in Japan or Australia? Where is a Maine caught fish?

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

Sensor CLARK: Thank you, Mr. President. I'm going to attempt to respond to the question of the good Senator from Waldo, Senator Shute. In the words of the two fishermen from my District, in my home town, who got me on the phone this morning. They told me what a Maine fish is. I'll share it with you, because they are the experts and obviously I'm not.

A Maine fish is a fish that is landed in Maine, and process in Maine. If you are a Maine fisherman with a Maine license or registered boat, landing in Gloucester, Massachusetts, or Yarmouth, Nova Scotia, it's not a Maine fish.

They want Maine fish landed in Maine, whether they are caught by Massachusetts fishermen or Canadian fishermen, but as long as they are landed in Maine, they will be considered Maine fish.

That is how I would like to vote, despite my inexperience in this area, if you will.

It seems to me that we know when we're in Maine by the boundaries. Those boundaries are pretty definitive. If the fish is landed in Maine ports, you know you're here. So that makes it Maine fish.

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

Sensor SHUTE: Mr. President and Members of the Senate, does that mean that people that are in the State of Maine are Maine residents when they're up here in the summer, or does that mean that fish that are in the Maine waters in the Maine summer are Maine residents?

I'm a bit confused by that analogy of the whole fishing Bill here.

I had a telegram from a Bill Donnell from the Commercial fisheries and that evidently doesn't understand the Bill. He urges defeat of the Minority Report.

If we are going to say that non-resident fishermen, non-resident boats can land their fish in Maine and use the Maine logo, and possible get one or two cents a pound extra for their catch, but Maine boats, Maine fishermen, that land in other states or provinces, can't use a Maine logo, I think there's something wrong with this Legislature.

Now we're giving this logo to a private, non-profit corporation. I think the State ought to have something to say about who is going to use that logo, the Maine fisherman's logo.

We talk about we're helping Maine fishermen. Well probably for every fishing boat that has six or eight people on it, we have two to three hundred people in the processing plants. Maybe we ought to give a little consideration to the two or three hundred people in the processing plants that are processing these fish, that the six or eight people on that boat are bringing in to this State. I think the employment of those people in the processing plants ought to have a little consideration today.

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

Sensor HICHENS: Mr. President and Members of the Senate: I too am confused as many of you know I spend part of my summer in Nova Scotia. I have seen tons of fish caught here, put into trucks, and sent over into the States.

I, also, am personally acquainted with a man who comes to Portland, buys all of his fish from Portland, has it shipped to Canada, packed and sent back to the United States for sale.

Now is this Maine fish, or is this Canadian fish, when it comes back into our States, even though it has been caught off the Maine coast and then sent to Nova Scotia for processing?

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

Senator SEWALL: Thank you Mr. President. I would like to pose two questions through the Chair to any member who may be able to answer. First, does this mean that a Maine fisherman, perhaps from my District, who is fishing offshore, and is caught in the fog and has to land with his very perishable fish, has to land say in Gloucester, can no longer take advantage of the logo?

I'd like to know, secondly, a little bit about the logo. What is it? Where is it applied? Can it be forged?

The PRESIDENT: The Senator from Lincoln, Senator Sewall, has posed some questions through the Chair.

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. My head has been swimming for some time concerning this particular Bill. We worked on it for an entire year. We're swimming more now as we're talking about this issue.

We're getting more confused as we ask these various questions.

Once again, this particular piece of Legislation is created for one purpose, and one purpose only, which is to help the Maine fishermen with a quality assurance marketing program to market his fish.

Now to answer the good Senator from Lincoln, Senator Sewall, I would not consider that fish landed in Gloucester as being Maine fish, even though it is landed by a Maine fisherman. Those are some isolated examples. We need to protect the Maine fishermen, to do everything possible to provide him with a market. We are subsidized heavily by, the Canadian fisherman, rather is subsidized heavily. He is bringing products into Maine, selling them to the processors within the State at reduced prices, leaving very little market for the Maine caught product.

Again, the entire reason for this Bill is to provide some protection and a marketing scheme for the Maine fisherman.

I'd like to just also further comment on the good Senator from Waldo, Senator Shute, who has quoted briefly this Bill Donnell, who is editor of Commercial Fisheries News. Just to quote that telegram, which many of us received today, it's "Urgent that you support the precise language to restrict the use of Maine fresh logo to Maine caught fish only. Otherwise, we're perpetuating a fraud, frustrating Maine fishermen, and asking Maine taxpayers to further subsidize the Canadian fish."

So I urge you to defeat the motion before us and Accept the Majority Report, L. D. 2117.

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

Senator SHUTE: Mr. President and Members of the Senate, I agree with a lot of the remarks that have been made here today. I would like to amend the Bill to say, that fish using the Maine logo shall be caught by Maine fishermen and landed in Maine ports, if that's what the Legislature wants, and registered Maine boats. Then there won't be any argument about who will be using the Maine logo, whether it's the foreign, or anyone else.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Two questions, if I may, Mr. President. Number one, I've had a question asked about the logo and I have not yet to hear it explained. Number two is, I would like to know the effect of this Bill and Andre the seal, because he spends the winter in Massachusetts and the summer in Maine.

The PRESIDENT: The Senator from Hancock, Senator Perkins, has posed a question through the Chair to any knowledgeable Sen-

ator who may care to answer.

Senator BROWN: Mr. President, to answer the good Senator from Hancock, Senator Perkins, this Bill deals entirely with fish only. It does not in any way regulate seals.

The logo is a fish logo. Excuse me, Mr. President, may I ask, is the question what the shape of the logo is, or, it will be designed over the next few months as I understand it. Maybe the good Senator from Waldo would further comment on that.

The PRESIDENT: The Senator from Washington, Senator Brown, asks leave of the Senate to speak a fourth time.

Is there objection?

The Senator has the floor.

Senator BROWN: Thank you, Mr. President. This is, as I understand it, this logo will be something that will be developed over the upcoming months. It's not a stamp like the USDA certificate of approval or good housekeeping approval. It is a tag system that will go inside a package, which will say, that this is a quality, fresh, Maine product when it is marketed in Chicago, or Detroit, or wherever. It will show the pride and the quality of the product that is being sold.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Waldo, Senator Shute, that the Senate Accept the Minority Ought to Pass, in New Draft, 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.

4 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to Accept the Minority Ought to Pass, in New Draft, Report of the Committee does not prevail.

The Majority Ought to Pass, in New Draft, Report of the Committee was Accepted, in concurrence. The Bill Read Once and 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 Non-concurrent Matter

Bill, "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation-induced Increases in Individual State Income Taxes." (I. B. 2) (L. D. 1737)

In the House, March 30, 1982, the Bill Passed to be Engrossed.

In the Senate, March 30, 1982, Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body Having Adhered.

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

Senator TEAGUE: I move we Adhere.

The PRESIDENT: The Senator from Somerset, Senator Teague, moves that the Senate Adhere.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, this of course is the initiated bill. While I am in favor of this Bill, I recognize that in the judgement of, I think, the majority of the Legislature, this is something that should go to the ballot. Therefore, I will not opposed the pending motion.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Somerset, Senator Teague, to Adhere, please rise in their places to be counted.

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

25 Senators having voted in the affirmative, and 1 Senator having voted in the negative, the motion to Adhere does prevail.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Frank and Marguerite Haley, of Limerick, on the 50th anniversary of their anniversary of their wedding. (H. P. 2276)

Thomas Joseph Curran, a native son of Portland, for his continuing contributions to the Tiger Athletic Association, and to the community spirit which it has so well exemplified over these last 5 decades. (H. P. 2277)

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

Committee Report House

Divided Report

Seven Members of the Committee on Public Utilities on, Bill, "An Act to Require Certain Public Utilities to Submit a Plan to the Public Utilities Commission to Provide Financing to Customers for Energy Conservation and Renewable Measures." (H. P. 866) (L. D. 1027)

Reported in Report "A" that the same Ought to Pass in New Draft under New Title, Bill, "An Act to Require Public Utilities to Submit a Plan to the Public Utilities Commission to Provide Financing to Customers for Energy Conservation and Renewable Resources", (H. P. 2274) (L. D. 2121)

Signed:

Representatives:

DAVIES of Orono

KANY of Waterville

McGOWAN of Pittsfield

VOSE of Eastport

BENOIT of South Portland

CONNOLLY of Portland

RIDLEY of Shapleigh

Five Members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft under New Title, Bill, "An Act to Amend the Electric Rate Reform Act to Require the Public Utilities Commission to Consider Utility Financing of Energy Conservation", (H. P. 2275) (L. D. 2122)

Signed:

Sensors:

TROTZKY of Penobscot

TRAFTON of Androscoggin

Representatives:

WEYMOUTH of West Gardiner

PARADIS of Old Town

BORDEAUX of Mount Desert

One Member of the same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

Signed:

Sensor:

DEVOE of Penobscot

Comes from the House, Report "A" Read and Accepted and the Bill, in New Draft, (H. P. 2274) (L. D. 2121) "An Act to Require Public Utilities to Submit a Plan to the Public Utilities Commission to Provide Financing to Customers for Energy Conservation and Renewable Resources", Passed to be Engrossed.

Which Reports were Read.

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

Senator TROTZKY: Mr. President, I move the Senate Accept Report "B", Ought to Pass in New Draft, and I'd like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate, all this small Bill does in the LD 2122, it says, that the Public Utilities Commission shall take a look at utility financing of energy conservation measures, whereas the other Report, Report "A", mandates that each of the companies submit plans, prepare and submit plans to the Public Utilities Commission for financing of energy conservation measures by customers.

The Senator Trafton and I felt that energy conservation, by all of our, by the public, what it does is it eliminates the need for utilities buying new generating facilities which are very costly. We feel that, at least, the Public Utilities Commission should be taking a look at energy conservation plans, financing by the utility.

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

Senator COLLINS: Mr. President, I'd like to ask through the Chair whether these measures will be paid for by the ratepayers or by the investors.

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, Men and Women of the Senate, I think the Senator from Knox has asked an important question, and it's one that concerns me greatly, and probably the reason that I did not sign Report "A". In "B", the cost would be borne by the ratepayer. I think the rationale, however, is that there is a potential for savings to the ratepayer in the avoidance of costly new generation facilities, and so that really the cost will be less than that savings.

However, I would have to add that the reason I signed Report "B", and really wanted to see this as permissive legislation rather than mandatory legislation, is that I would like the Public Utilities Commission to have the opportunity to study that question. If indeed it is the public policy of this State to encourage energy conservation, I would eventually hope that we would do it as a part of our tax policy rather than a part of our electric rates.

I think that our tax policy is a more progressive way to encourage this, and that it puts the burden of cost on people who have more ability to pay rather than distributing it equally on electric ratepayers, which bears no relationship to the cost.

So, I think that by allowing this to be permissive and to allow the Public Utilities Commission to take a look at this under the 1977 Electric Rate Reform Act, to use this as one of their purposes that this still allows the Legislature at a later point the opportunity to examine again the issue of how we would like to pay for this.

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

Senator DEVOE: Thank you, Mr. President. Members of the Senate, if you will take the time to look at LD 2121, you will see that it relates to utilities that serve 20,000 or more customers. Now, unless I read this Bill incorrectly, apparently only customers of utilities that serve more than 20,000 customers need to have the need for conservation brought to their attention.

Can somebody on the Committee address the Members of this Senate and advise us why it is necessary that utilities that serve more than 20,000 customers initiate this study and recommend these programs of conservation, but utilities that do not serve 20,000 customers, their customers aren't going to get the benefit of it? Thank you very much.

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

Senator TROTZKY: Mr. President and Members of the Senate, in response, I'm not advocating the passage of LD 2121. I'm advocating the passage of LD 2122, which is the Bangor Hydro Amendment.

The Ought to Pass, in New Draft, Report "B" of the Committee was Accepted, in non-concurrence. 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 Remove Wallgrass Plantation from the Maine Forestry District." (Emergency) (H. P. 1796) (L. D. 1786)

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

Sent forthwith to the Engrossing Department.

Bill, "An Act to Permit and Regulate the Location of Group Homes in Residential Districts." (H. P. 2264) (L. D. 2111)

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

House — As Amended

Bill, "An Act Relating to the Sale and Purchase of Herring." (H. P. 2162) (L. D. 2062)

Bill, "An Act to Clarify the Criminal Restraint by Parent Law." (H. P. 1969) (L. D. 1944)

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

Senate

Bill, "An Act to Accept Relinquishment of Exclusive Federal Jurisdiction Over Marshall Point Light Station in the Town of St. George." (S. P. 855) (L. D. 1992)

Bill, "An Act to Amend the Maine Certificate of Need Law." (S. P. 967) (L. D. 2123)

Which were Read a Second Time and Passed to be Engrossed. Sent down forthwith for concurrence.

Senate — As Amended

Bill, "An Act to Facilitate the Removal of Clouds on Title to Proposed Unaccepted Streets in Subdivisions." (S. P. 854) (L. D. 1991)

Bill, "An Act Deleting the Requirement of a Federal Matching Share for the Expenditure of Funds for Expansion and Improvement of the Biddeford Municipal Airport." (S. P. 951) (L. D. 2097)

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

Sent down forthwith for concurrence.

Bill, "An Act Relating to the Selection and Services of Traverse and Grand Jurors." (S. P. 793) (L. D. 1869)

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".

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

Senator PIERCE: Mr. President, I move that we Adopt an Amendment under filing number S-448.

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

Senate Amendment "A" (S-448) to Committee Amendment "A" was Read and Adopted. Committee Amendment "A" as amended by Senate Amendment "A", Thereto, was Adopted. The Bill, as amended, Passed to be Engrossed.

Sent down forthwith for concurrence.

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

Communication Committee on Health and Institutional Services

March 31, 1982

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

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 28 of the 110th Maine Legislature, the Joint Standing Committee on Health & Institutional Services has had under consideration the nomination of Richard Nelson as Chair of the State Health Coordinating Council.

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 0

ABSENT 2 (Sen. Hichens of York, Rep. MacBride of Presque Isle)

Eleven members of the Committee having in the affirmative and none in the negative it was the vote of the Committee that the nomination of Richard Nelson as Chairman of the State Health Coordinating Council be confirmed.

S/Sen. BARBARA GILL, Senate Chairwoman
Which was Read and Ordered Placed on File.

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

Paper From the House Non-concurrent Matter

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)

In the Senate, March 30, 1982, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-438) as amended by Senate Amendment "A" (S-441) Thereto.

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-722) Thereto, in non-concurrence.

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

Committee Report House

Ought to Pass — As Amended

The Committee on Taxation on, Bill, "An Act to Revise the Procedure for Municipalities Withdrawing from the Maine Forestry District." (H. P. 1911) (L. D. 1883)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-707).

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. The Bill, as amended, Tomorrow Assigned for Second Reading.

Out of Order and Under Suspension of the Rules,

On motion by Senator CONLEY of Cumberland,

ORDERED, the House concurring, that Bill, "AN ACT to Protect the Atlantic Salmon Fishery in the Lower Penobscot River from Veazie to the Southernmost Point of Verona Island," Senate Paper 906, Legislative Document 2048, be recalled from the Governor's desk to the Senate. (S. P. 971)

Which was Read.

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

Senator CONLEY: Mr. President, there's an old saying, if we can't get it right the first time, we'll get it right the second time. I now move Passage of the Order.

Which was Passed.
Sent down forthwith for concurrence.

An Expression of Legislative Sentiment recognizing:

Fire Chief Douglas Hinkley, of Jonesport, who was re-elected to his 40th consecutive year as head of the local fire protection unit. (S. P. 972) presented by Senator BROWN of Washington (Cosponsor: Representative RANDALL of East Machias).

Which was Read and Passed.
Sent down for concurrence.

Committee Report Senate

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Create the Maine Condominium Act." (S. P. 870) (L. D. 2019)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 447).

Signed:

Senators:

DEVOE of Penobscot
CONLEY of Cumberland

Representatives:

HOBBS of Saco
REEVES of Newport
O'ROURKE of Camden
JOYCE of Portland
BENOIT of South Portland
SOULE of Westport

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

Signed:

Senator:

KERRY of York

Representatives:

LUND of Augusta
LIVESAY of Brunswick
DRINKWATER of Belfast
CARRIER of Westbrook

Which Reports were Read.

The Majority Ought to Pass, as amended, Report of the Committee was Adopted, and 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:

Communication Committee on Legal Affairs

March 31, 1982

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine

Dear President Sewall:

The Committee on Legal Affairs is pleased to report that it has completed all business placed before it by the second regular session of the 110th Legislature.

Total number of bills received 18

Unanimous reports 9

Ought to Pass 5

Ought Not to Pass 3

Ought to Pass as Amended 1

Divided Reports 9

Respectfully submitted,

S/MELVIN A. SHUTE

Senate Chairman

S/HAROLD R. COX

House Chairman

Which was Read and Ordered Placed on File.

Committee Reports House

Ought to Pass — As Amended

The Committee on Taxation on, Bill, "An Act to Allow for Industrial Development Improvements Utilizing Tax Increment Financing." (H. P. 2053) (L. D. 1999)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 727).

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

The Committee on Taxation on, Bill, "An Act to Clarify Solar Energy Tax Exemptions." (H. P. 2066) (L. D. 2007)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 725).

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

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

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Remove the Sales Tax Exemption on Motor Fuels." (H. P. 2153) (L. D. 2055)

Reported that the same Ought Not to Pass.

Signed:

Senators:

EMERSON of Penobscot
WOOD of York

Representatives:

POST of Owl's Head
HIGGINS of Portland
MASTERMAN of Milo
TWITCHELL of Norway
KILCOYNE of Gardiner
HAYDEN of Durham
INGRAHAM of Houlton
KANE of South Portland
BROWN of Bethel

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. 726).

Signed:

Senator:

TEAGUE of Somerset

Representative:

DAY of Westbrook

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

Which Reports were Read.

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

Senator TEAGUE: Mr. President, I move we Accept the Committee Amendment "A", the Minority Report, and would speak briefly.

The PRESIDENT: The Senator from Somerset, Senator Teague, now moves that the Senate Accept the Ought to Pass, as amended, Report of the Committee, the Minority Report.

The Senator has the floor.

Senator TEAGUE: Men and Women of the Senate, this Amendment provides that the Sales Tax on motor fuels shall be imposed at the wholesale level and it lowers the excise tax on motor fuels to 5 and one half cents per gallon. It would increase the Gas Tax to the consumer from 9 cents presently per gallon to 11 and a half cents per gallon, an increase of 2 and a half cents per gallon at that pump.

If this Committee Amendment passes, it would bail out our trouble Department of Transportation. It would generate \$9,600,000 for the troubled DOT. I think it would solve most of their problems.

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

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Somerset, Senator Teague, to Accept the Minority Ought to Pass, as amended, 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.

10 Senators having voted in the affirmative,

and 14 Senators having voted in the negative, the motion to Accept the Minority Ought to Pass, as amended, Report of the Committee does not prevail.

The Majority Ought Not to Pass Report of the Committee was Accepted, in concurrence.

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

Committee Reports House

Ought to Pass

The Committee on Local and County Government on, Bill, "An Act to Revise the Salaries of Certain County Officers." (Emergency) (H. P. 2280) (L. D. 2126)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 1846).

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

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, in concurrence.

Sent down forthwith to the Engrossing Department.

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1982. (Emergency) (H. P. 2295) (L. D. 2127)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 1846).

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

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

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

The PRESIDENT: The Chair would direct the Senate's attention to a communication from the Committee on Health and Institutional Services. The Senate did not complete its business in regards to this Communication, which was a nomination procedure. The letter from the Committee has been placed on File.

The PRESIDENT: The Joint Standing Committee on Health and Institutional Services has recommended that the nomination of Richard Nellson be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Health and Institutional Services be overridden? In accordance with Joint Rule 38 of the 110th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—None.

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

ABSENT—O'Leary.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator 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 Richard Nellson is confirmed.

(Senate at Ease)

The Senate called to order by the President.

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

**Committee Report
House
Divided Report**

The Majority of the Committee on Taxation on, Bill, "An Act to Amend Laws Relating to the Maine Development Foundation and Economic Development." (H. P. 1960) (L. D. 1933)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-709).

Signed:

Senators:

TEAGUE of Somerset
EMERSON of Penobscot

Representatives:

INGRAHAM of Houlton
BROWN of Bethel
DAY of Westbrook
TWITCHELL of Norway
MASTERMAN of Milo

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

Signed:

Senator:

WOOD of York

Representatives:

POST of Owl's Head
HIGGINS of Portland
KANE of South Portland
HAYDEN of Durham
KILCOYNE of Gardiner

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

Which Reports were Read.

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

Senator EMERSON: I move we Accept the Majority Ought to Pass, as amended, Report.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, moves that the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee.

The Senator has the floor.

Senator EMERSON: Mr. President and Ladies and Gentlemen, what is at issue between the two Reports is whether or not the liberal construction section of LD, or statute, dealing with the Development Commission, shall remain in the statutes or not.

The Majority Report would have it remain in the statutes. The other Report would have it taken out.

Everybody that testified before the Committee, which included the Governor's Office and people connected with the Maine Development Commission recommended that we keep this section in the law. That is the position of the Majority Report. So I hope you will vote that way.

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

Senator WOOD: Mr. President, Men and Women of the Senate, I realize the hour is late. I would prefer not debating this Bill at this point, but it is on the calendar. I think that it is a significant difference between the two Reports.

The Committee on Taxation was charged with studying the Maine Development Foundation. We have performed that task over the summer, holding numerous meetings with the Maine Development Foundation.

In those hearings the Maine Development Foundation kept talking about wanting to form a new partnership to work on what they determined were crucial issues such as Workers' Compensation, such as mining, and such as other issues.

We felt as a Committee that this was inappropriate. These were lobbying activities and public funds should not be expended for lobbying purposes.

After working out the Report, we determined that these were inappropriate activities and both Reports signified that it is our displeasure with this type of activity and we do not want it to continue.

Interestingly enough, the Maine Development Foundation in the past has taken positions on public issues such as the nuclear power referendum. I feel that it is inappropriate for an agency that is really not a State agency, which is receiving State funds, to be taking positions in terms of public policy. That is not the role of these agencies.

That issue has been dealt with in both Reports. I am pleased to report that hopefully in the future the Maine Development Foundation will not be intruding into the political process.

However, there is in the law currently a liberal construction clause. When we asked the Maine Development Foundation why they needed this liberal construction clause, they could not, in my opinion, give me any good reason. They simply said, well, in the future we might need it. You know, we can never tell what might happen. Being one of the more conservative members of that Committee, and feeling that the liberal construction clause in government is a fairly dangerous precedent to be granted to any agency, whether they be a State, federal, or local, and especially an agency that is not any of these categories but a quasi-State agency, was not the best policy.

A Minority of the Committee removed the liberal construction clause.

I would point out that the whole Committee voted to remove the liberal construction clause in the original study report, if you look at the original study report. Everyone on the Committee agreed that the liberal construction clause should be removed.

However, when we held the hearing, the Governor's office came and opposed that, again, for no good reason that I felt. The Maine Development Foundation came and opposed that change, again, with very little justification. It's my attitude that unless someone can convince me that there work will be seriously impeded without this liberal construction clause, I think that you should vote for the Minority Report and take out this liberal construction clause.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Emerson, that the Senate Accept the Majority Ought to Pass, as amended, 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.

17 Senators having voted in the affirmative, and 8 Senators having voted in the negative, the motion to Accept the Majority Ought to Pass, as amended, Report of the Committee, in non-concurrence, does prevail, and the Bill Read Once, Committee Amendment "A" was Read and Adopted, in non-concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Committee on Marine Resources on, Bill, "An Act to Clarify the Discharge Requirements for the Processing of Certain Marine Resources." (H. P. 1787) (L. D. 1777)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-729).

Signed:

Senators:

SHUTE of Waldo
DUTREMBLE of York

Representatives:

FOWLIE of Rockland
JORDAN of Warren
VOSE of Eastport
CROWLEY of Stockton Springs
SALSBURY of Bar Harbor

HANSON of Kennebunkport
CONNERS of Franklin
NELSON of Portland
CAHILL of Woolwich

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (H-730).

Signed:

Senator:

BROWN of Washington

Representative:

POST of Owl's Head

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-729).

Which Reports were Read.

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

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

**Committee Report
House
Ought to Pass**

The Committee on Taxation on, 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)

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.

Enactor

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: AN ACT to Eliminate the Requirement that Changes in the Public Utility Rates be Prorated. (H. P. 1790) (L. D. 1780)

On motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending Enactment.

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

**Paper From the House
Non-concurrent Matter**

Bill, "An Act to Adjust the Eating, Lodging and Recreational Place Licensing Fee." (S. P. 811) (L. D. 1907)

In the Senate, March 10, 1982, Passed to be Engrossed.

Comes from the House, Bill and Papers Indefinitely Postponed, in non-concurrence.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Consideration.

(Senate at Ease)

The Senate called to order by the President.

Orders of the Day

The President laid before the Senate: Bill, "An Act Concerning Maine Emergency Medical Services." (H. P. 2234) (L. D. 2092)

Tabled—Earlier in the Day by Senator PIERCE of Kennebec.

Pending—Enactment.

On motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day.

The President laid before the Senate: House Report—from the Committee on Public Utilities — "Bill, An Act to Restrict Rate Increase Proposals by Public Utilities." (H. P. 1865) (L. D. 1859) Ought to Pass as Amended by Committee Amendment "A" (H-716)

Tabled—Earlier in the Day by Senator TROTZKY of Penobscot.

Pending—Acceptance of Report.

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

(Senate at Ease)

The Senate called to order by the President.

(Off Record Remarks)

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

Enactor

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

Emergency

AN ACT to Remove Wallagrass Plantation from the Maine Forestry District. (H. P. 1796) (L. D. 1786)

This being an emergency measure and having received the affirmative votes of 25 Members of the Senate, with 1 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.

Emergency

AN ACT to Remove Allagash Plantation from the Maine Forestry District. (H. P. 1817) (L. D. 1802)

Emergency

AN ACT to Revise the Salaries of Certain County Officers. (H. P. 2280) (L. D. 2126)

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.

Senator Trotzky of Penobscot was granted unanimous consent to address the Senate, Off the Record.

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