

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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FIFTH SPECIAL SESSION
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
April 7, 1982

Senate called to order by the President.

Prayer by the Reverend Robert E. Stuart of Winter Street Baptist Church of Gardiner.

REVEREND STUART: Thank you. I am honored to be with you this morning. May we begin today by looking to God, our heavenly Father.

Eternal God, we look to You this morning at the beginning of this day, knowing that You have exhorted us to be still and know that Thou art God. We would, in this moment, lift our eyes up to You, hearing again the words that You have spoken, that in returning and quietness there is rest.

So, Father, at the beginning of this day, we sense the need to acknowledge You, to call upon You, and to invite You to be with us in the busyness and the tasks of the day, that as we are mindful of our blessed Lord and Savior, particularly in the days of this week, we might follow in His way, those who have not come to be served, but to serve, and that we might have the wisdom, the understanding, the guidance that we need, with sensitive consciences to do that which is well-pleasing in Your sight, helpful and beneficial to all of our people.

We thank You that You promise to guide us. We look unto You for it. In the name of Christ our Lord.

Reading of the Journal of yesterday.

**Paper From the House
Joint Order**

An Expression of Legislative sentiment recognizing:

Marilyn Melrose, chosen 1982 Salutatorian of Morse High School. (H. P. 2343)

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

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 Create the Maine Condominium Act." (S. P. 870) (L. D. 2019)

In the Senate, April 1, 1982, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-447) as amended by Senate Amendment "A" (S-451), Thereto.

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-447) as amended by House Amendments "A" (H-743) and "B" (H-756) and Senate Amendment "A" (S-451), Thereto, in non-concurrence.

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

Senator COLLINS: Mr. President, the Chairman of the Judiciary Committee, the Senator from Penobscot, Senator Devoe, is presently being hauled out of a snowbank and brought in to the session and will be here shortly. He telephoned in and said that if this came up before he arrived, that he would appreciate the motion being offered that the Senate Recede and Concur.

I therefore, offer that motion.

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

Is this the Pleasure of the Senate?

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: What item are we on?

The PRESIDENT: The Chair would advise the Senator that we are on Supplemental Senate Journal Number 1, item 1-1, Bill, An Act to Create the Maine Condominium Act.

Is it now the pleasure of the Senate to Recede and Concur with the House?

The motion prevailed.

On motion by Senator Collins of Knox, sent forthwith to the Engrossing Department.

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

Recess

After Recess

The Senate called to order by the President.

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

Order

An Expression of Legislative Sentiment recognizing:

Dora Michaud, of Millinocket, chosen President of the Fifth American Legion District of Maine. (S. P. 989) presented by Senator PRAY of Penobscot (Cosponsors: Representative CLARK of Millinocket and Representative MICHAUD of East Millinocket).

Which was Read and Passed.

Sent down forthwith for concurrence.

Enactors

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

AN ACT to Provide for a Comprehensive Career and Occupational Information System. (H. P. 2015) (L. D. 1985)

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

AN ACT to Adjust Levels of Compensation for Members of the Legislature and the Senate Secretary and House Clerk. (H. P. 2233) (L. D. 2091)

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

An Act to Establish Standard Procedures Enabling the Formation of Municipal Power Districts. (H. P. 1959) (L. D. 1932)

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

Senator TROTZKY: Mr. President and Members of the Senate, this Bill allows the establishment or formation of municipal power districts. I mentioned that this is public power, basically. Water and sewer districts, and we have many around the State, when they are created, they still have to come to the Legislature to get a charter.

Under this Bill, power districts will not have to come to the Legislature to get a charter. Under Chapter 322, municipalities may get hold of a dam site and generate power.

I know of no call for this Bill. No municipalities have contacted me. It's a fairly large Bill. I feel that it really is not needed, and therefore, would request a Division.

The PRESIDENT: A Division has been requested.

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

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

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: I request a Roll Call, please.

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 Enactment of LD 1932.

A Yes vote will be in favor of the Enactment of LD 1932.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Brown, Bustin, Carpenter, Charrette, Clark, Conley, Dutremble, Huber, Minikowsky, Najarian, Pierce, Pray, Sewall, C.; Shute, Teague, Usher, Violette, Wood.

NAY—Collins, Devoe, Emerson, Gill, Hichens, Perkins, Sutton, Trotzky.

ABSENT—Kerry, McBreairty, O'Leary, Redmond, Trafton.

A Roll Call was had.

19 Senators having voted in the affirmative and 8 Senators in the negative, with 5 Senators being absent, LD 1932 is Passed to be Enacted.

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

Senator PRAY: Mr. President, having voted on the prevailing side, I now move the Senate Reconsider and would urge you to vote against my motion.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate Reconsider its action whereby LD 1932 was Passed to be Enacted.

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

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

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

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

Emergency

AN ACT to Make Corrections of Errors and Inconsistencies in the Laws of Maine. (S. P. 969) (L. D. 2136)

This being an emergency measure and having received the affirmative votes of 27 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

RESOLVE, to Establish a Commercial Whitewater Study Commission. (S. P. 981) (L. D. 2140)

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

Senator DEVOE: Mr. President, thank you very much. Members of the Senate, before we vote on this, I would ask you to consider the possible consequences of this. Looking carefully at Section 4 of this LD 2140, we see that this so-called, study commission, is going to determine the social, among other things, economic and environmental impact of the commercial whitewater rafting industry in Maine.

Another thing they're going to study is the social and aesthetic impact of this activity on the Kennebec and the Penobscot Rivers.

I'm very nervous about such broad language, things that seem to me go far beyond the necessary scope of this act. A couple of years ago, I have the pleasure of making the Allagash canoe trip. It took from Sunday afternoon to Friday noon. The thing that amazed me was the number of canoes and the number of different parties on this Allagash trip.

I think others of you who have made the trip have had the same experience. If something like this LD were to pass, then I can see other legislators coming with proposals to study the Allagash Wilderness Waterway and the social and aesthetic impact of the travelers on that Waterway.

I don't think it's necessary. I urge you, really, to vote against the passage of this Bill. 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, what we have before us is not great shock and earthshaking piece of legislation. The good Senator from Penobscot, Senator Devoe, has mentioned the Allagash Wilderness Waterway. We passed legislation, the federal government passed legislation that protected that River.

I had the opportunity of going down the Allagash several years ago and found it to be the greatest treat I ever enjoyed in my life. I would just ask the good Senator from Penobscot what could possibly be harmful about this Resolve? Is it an area, is it an issue that we should or should not be concerned with?

It's just a simple study. Recommendations are going to come back to the Legislature. The Legislature, again, will have the final say with respect to what will be done. I can not, for the love of me, see a little ant hill being made a mountain. As far as I'm concerned, we're doing very little as far as making any type of restrictions. The moratorium that was originally encompassed within the Resolution has been taken out. I share those concerns of the good Senator from Penobscot, Senator Devoe, had.

I think honestly in this final stage, and knowing that this is an emergency piece of legislation and that it takes 22 votes in this State to pass it, I have no illusions, but let's be up front about it and just say why we're opposed to it and not be nitpicking at every little paragraph or every little sentence that seems to be contained in this Resolution.

The PRESIDENT: The Chair recognizes the Senator from Cumberland.

Senator USHER: Thank you, Mr. President, Mr. President and Members of the Senate, I think this Resolve is very necessary. I think we have enough information to show the impact on our rivers where the rafting is done it shows that we have concern to our two major rivers.

A few examples are, in 1976, there were 600 rafters. It goes up and through the years to 2,000 to 4,200 to 6,000 rafters. Last year, 15,000 rafters. Do we study this after we have the problem, or before? I think we ought to look at it now, especially this year. We've got the high runoff, you're going to have high water. The last two years, there was hardly any water. They had to have cooperation with the power companies to lift the dams, get enough water to go down the rivers.

This year, I don't think it will be any problem at all. I think you're going to see more and more rafters. This is going to encourage people to raft. This is the proper time to study it, because you're going to see more people there and you're going to see what the potential problem is.

We need this Resolve.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I had my very serious apprehensions yesterday. I think I debated them and brought them forth, but I think Senator Pray realized what I was getting at at that particular segment of time.

This morning, I must say to you, I had an opportunity to speak to a gentleman named Jim Ernst, who is an owner of the Maine Whitewater Cooperation, who is one of the 16 people that do the commercial trips on the Kennebec River. Many different sections of this Bill that I had apprehensions about, that I can tell you very sincerely at the present time that if each and every one of us had an opportunity to sit down with this gentleman and go through the various parts of the Bill, and to see the great concerns he has for the rivers in the State of Maine, and for the environment, I think we certainly would change our minds.

At first, I did not believe that this should be

an emergency measure, but now, understanding a little more clearly exactly what the ramifications of this particular piece of legislation is, I wanted to be on the record this morning and intend to vote for this measure, as it is before us.

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

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, as the good Senator from Cumberland, Senator Conley, as aptly pointed out that this Resolve is in an emergency stage and could thus very easily be killed, by a simple blockage of numerical number.

The good Senator from Penobscot, Senator Devoe, made reference to the Allagash and his opportunity to go down the Allagash. I have happened to have been on sections of the Allagash for a number of years, even prior to the Allagash Waterway, the Wilderness Waterway Act, which is in Title 12.

Since the Senator made reference to how nice the Allagash was and the situations dealing with the number of canoes and everything, I think that perhaps this Senate should be made aware that the Bureau of Parks and Recreation now can control the number of individuals which, and the size of parties, that go down the Allagash. They have the rules and the regulatory authorities to do that. As a matter of fact, there are areas of the allagash of which they have outlawed motorboats, the landing of aircraft, and so forth.

The reasons they have done that, and they have done that with legislative approval, through Chapter 206 of Title 12, it was done because it was the desire of this Legislature to protect and to preserve the natural scenic beauty of that waterway.

Those of us who have a concern that the same fears of what was expressed a decade or so ago in reference to the Allagash is those same fears that we hold for the Kennebec, the Upper Kennebec, and the West Branch of the Penobscot River.

I think, if anybody wants to block this order on the idea that it is going to over-regulate it, because other rivers haven't been, that's a false premise. If you are going to vote against this Resolve because you feel that it is going to stifle free enterprise, that's a false statement as well. It's an attempt to protect and preserve for the people of this State, something very unique that we have.

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

Senator PRAY: 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 Final Passage of L. D. 2140.

A Yes vote will be in favor of the Final Passage of L. D. 2140.

A No vote will be opposed.

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

ROLL CALL

YEA—Ault, Brown, Bustin, Carpenter, Charrette, Clark, Collins, Conley, Dutremble, Hichens, Kerry, McBreairty, Minkowsky, Najarian, Pray, Redmond, Trotzky, Usher, Violette, Wood.

NAY—Devoe, Emerson, Gill, Huber, Perkins, Sewall, C.; Shute, Sutton, Teague.

ABSENT—O'Leary, Pierce, Trafton.

A Roll Call was had.

20 Senators having voted in the affirmative and 9 Senators in the negative, with 3 Senators being absent, L. D. 2140 Fails of Final Passage.

Sent down forthwith for concurrence.

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

Senator HICHENS: Thank you, Mr. President. During the course of our 110th Legislative Session, I have attempted to remember everyone in the Senate with a poem from one occasion to another, and some on special occasions. I have tried not to be selective. Yesterday, one of our good Senators asked me if I would write a very special one for one of our retiring Senators. Seeing that this Senator three years ago told me that the only reason he ran for re-election was because he wanted to have me write a poem for him, for his birthday, I felt that on this occasion today, that I would break my precedent and write this poem for this special Senator.

There are always individuals who stand out in a crowd,

Some because they're comical and some because they're loud

Some because they're obstinate and have to have their way

Some who with all issues have to have their say.

And among our Senate members, we find a very few

Who really are the shining stars in most things that they do.

We have our friend from Portland who an actor tries to be

And flings his arms about a lot that all around may see.

There's the gentleman from Washington who with his southern drawl,

Gets the attention he desires amongst us one and all.

The Ladies get attention through their attractive ways,

And their charming personalities brighten up our days

And certain characteristics are diversified Each with a personality that cannot be denied

But we must admit there's one who serves us in the Senate here

Who stands above the rest of us in getting every ear

For when he stands and addresses the issue that's at hand

He has each Senator's attention right at his command

He has no drawl, he's not a clown nor often is he loud

But there is no denying he stands out in the crowd.

His arguments on education bills and P.U.C. Are so precise and so correct—It's plain that all can see

He is a one and only and 'Twill be real hard to replace,

A man like Howard Trotzky—and so right to his face

I hope you'll join in wishing that the days ahead may be

The very best for the lame duck from Bangor—Hal Trotzky!"

Senator Collins of Knox 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.

Out of Order and Under Suspension of the Rules, On motion by Senator AULT of Kennebec (Cosponsors: Senator CLARK of Cumberland, Representative MURPHY of Kennebec)

and Representative MASTERTON of Cape Elizabeth).

WHEREAS, the Code of Fair Practices and Affirmative Action has been in effect since 1976; and

WHEREAS, the roles and responsibilities of the Maine Human Rights Commission and the Department of Personnel have been unclear; and

WHEREAS, the State of Maine's responsibilities to oversee state Equal Employment Opportunity and Affirmative Action Programs, and the state contract process have been vague and inconsistent at times; and

WHEREAS, current federal equal employment opportunity and affirmative action enforcement responsibilities may be transferred to the state's; now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the joint standing committee of the Legislature having jurisdiction over State Government with the cooperation of the Department of Personnel, the Maine Human Rights Commission, the State Affirmative Action Task Force and representatives of Maine industry, study the currently existing Code of Fair Practices and Affirmative Action for the purpose of strengthening and clarifying its intent, promulgation and enforcement authority; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the First Regular Session of the 111th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding; shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

(S. P. 990)

Which was Read.

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

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

Papers From the House Joint Orders

Expressions of Legislative Sentiment recognizing:

Joe Stevens, oldest living World War I member of Donald V. Henry Post #80 in Millinocket. (H. P. 2348)

Hollis Robbins, oldest living World War II member of Donald V. Henry Post #80 in Millinocket. (H. P. 2349)

George H. Martens, Jr., of Camden, for his contribution to the community in his work on behalf of worthy charitable causes. (H. P. 2350)

Wendy Ann Gilman, of Presque Isle, on being chosen Miss Presque Isle for 1982. (H. P. 2351)

Felicity Bean, of Brunswick, who is the top speller in the Brunswick public school system. (H. P. 2352)

Stephanie Davis, Kimberly Gibson and Stacey Wojtysiak, of Brunswick High School, who are joined as class Valedictorians due to their perfect records. (H. P. 2353)

Tony Tammara, of Woodland, who has been selected as the sportswriters' and college coaches' "Man of the Year". (H. P. 2354)

John E. Ham, Jr., submaster at Deering High School, for his outstanding contributions to Deering High School and the educational

system in the State of Maine. (H. P. 2344)

The first team of the Maine Class A Intercollegiate Ice Hockey League, of Biddeford: Cathy Narsiff, goal tender; Bjorn Johnson, defenseman; Keith LaFebure, forward; Jim Sevigny, defenseman and Honorable Mention, Paul Dube, forward. (H. P. 2345)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

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 Implementing Certain Recommendations of the Citizens' Commission to Evaluate the Department of Environmental Protection." (S. P. 968) (L. D. 2130)

In the Senate, April 5, 1982, the Bill Passed to be Engrossed as amended by House Amendment "B" (H-750), in concurrence.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "B" (H-750) and "C" (H-763), in non-concurrence.

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

Senator McBREAIREY: I move that we Recede and Concur.

The PRESIDENT: The Senator from Aroostook, Senator McBreairey, now moves that the Senate Recede and Concur with the House.

On motion by Senator Huber of Cumberland, Tabled until later in today's session, pending the motion by the Senator from Aroostook, Senator McBreairey.

Non-concurrent Matter

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

In the Senate, April 5, 1982, the Bill Passed to be Engrossed, in concurrence.

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

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

Senator PIERCE: Mr. President, I move the Senate Recede and Concur with the House.

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

Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

RESOLVE, to Establish a Commercial Whitewater Study Commission. (Emergency) (S. P. 981) (L. D. 2140)

In the House, April 7, 1982, Finally Passed.

In the Senate, April 7, 1982, Failed of Final Passage, in non-concurrence.

Comes from the House, that Body Having Insisted.

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

Senator USHER: Mr. President, I move we Recede and Concur with the House.

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

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, there is far more to this innocent looking little Bill than meets your eye. It is becoming as complex as a Robert Ludlum novel, for the lack of information that has been presented to us, either accidentally or on purpose by the proponents of this study. I'd like to share with you some information that I've been able to accumulate in the last half hour by getting on the telephone.

Some time ago, there was filed in the Feder-

al District Court here in Maine an anti-trust action in which a newly formed whitewater rafting company charged the present Whitewater Rafting Association and two principle whitewater rafting companies with attempting to obtain exclusive put-in rights at the Harris Station, which apparently is at the top of the Kennebec where these whitewater rafting trips start.

That case is now in the process of perhaps being negotiated. The law firm representing one of the defendants, I believe, by the name of Wayne Hockmeyer, and maybe the Association, has a partner in Portland that is handling the litigation down there. Another partner or another associate in that law firm is up here in Augusta lobbying for the Whitewater Rafting Association to get this Study Commission passed.

I don't think this is an item of information that has come out. I think it should be of concern to us.

I talked just a few minutes ago with another lawyer involved in the action who is familiar with the one-time involvement of Central Maine Power Company, because originally Central Maine Power Company as the owner of Harris Station, and apparently the owner of the flowage rights from there to the end of the rafting trip, was named as a defendant in the action.

Central Maine Power has since been dismissed as a defendant. I believe that the reason Central Maine Power was named as a defendant in the action is because it was alleged in the complaint that they were collaborating with the older whitewater rafting companies in discouraging equal access to the Kennebec by the newly formed company.

This may have been what Senator Pray a day or two ago was alluding to when he said something about a lease that had existed and then he understood had been cancelled.

I'm told that federal law, which governs Central Maine Power's ownership of Harris Station, they operate that a FERC license. One of the provisions of that license is that Central Maine Power can not do anything to discourage access by the public. So, whatever Central Maine Power Company was doing that may have tended to discourage access by the public or by a newly formed company has ceased.

I'm told that a day or two ago, Central Maine Power Company, as the owner of the site, was given a proposed agreement, by the very attorney here in these halls who is lobbying for passage of this Bill, that calls for Central Maine Power Company to be a policeman, and among other things, to regulate the put-in times, regulate the number of put-ins that can be made by the whitewater rafting companies, and surprisingly enough, to give preference to the older whitewater rafting company whenever possible, namely to Mr. Hockmeyer.

I'm further told that that provision of the proposed agreement probably is going to have to be renegotiated, because it is unacceptable. Central Maine Power Company does not want to get into the position of acting as a policeman and establishing safety regulations.

These are some of the concerns that have come to light just today, about this. I feel that it is reasonable to share them with you, because it makes it appear all the more obvious, that the timing of the introduction of this Study Commission was timed deliberately to subvert the legislative process, that the lobbyist knows about, that the whitewater rafters must know about.

We all know that as members of the committees we've been reminded two or three times in the last two or three weeks that our committees were encouraged to get in study requests. This is not a new problem, Members of the Senate, that just surfaced in the last few days, that called for this Study Commission to be hastily presented to the Members of the Legislature. This problem has existed for months.

Now, if, if the whitewater rafters were in fact sincere in their effort to get legislative attention drawn to this, why at least didn't they start by following the usual normal process of approaching either the Energy and Natural Resources Committee or the Committee on Inland Fisheries and Wildlife and try to interest the Chairman of those respective Committees, whether one or the other Committee would be interested in having that as a study project? Or if they felt that both Committees ought to have jurisdiction, why couldn't somehow both Committees engage in it as a joint study project?

They apparently felt that we would let down our guard in the last two or three days of this Session, that we would say this is another innocent little bill, not much will come of it, not much is involved, let's just study the problem, throw a few numbers at them, and we'd be buffaloed.

I must say that I am disappointed in the whitewater rafters and the techniques that they have attempted to use to foist onto us something that is the subject of an anti-trust action that nobody in this Chamber saw fit to tell us about.

If the proponents of the Bill were in fact aware of the anti-trust action and all the ramifications of it, and what the subject matter of the anti-trust action, why didn't they share that with us?

On the other hand, if the members of the committees involved or the sponsors were not aware of the anti-trust action, you have to ask yourself, I think, as I'm asking myself, how well informed were they on the very subject that they were trying to tell us about needed study?

I think this LD is a calculated subversion of the regular, normal, legislative process, that there is an attempt here perhaps to get a private advantage in an anti-trust action. I don't know whether it is or not, but there are too many facts just surfacing at the eleventh and a half hour that make it appear to me that we weren't told what we needed to know in the first place in order to make an informed decision.

Mr. President, I'm happy to share these facts with you and the Members of this Body. I am unhappy, at the same time, that these facts, which were in existence, weren't previously shared with us by the proponents of this study. Thank you very much, Mr. President.

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

Senator USHER: Thank you, Mr. President. Mr. President and Members of the Senate, I thank the good Senator from Penobscot, for his comments. Seeing as I am the sponsor, I suppose that he is relating them to me. I'd like to clear up a few facts for the record.

Tomorrow, I think, it is two weeks, it has been two weeks since a meeting was held in the Civic Center, two weeks ago tomorrow. It was wardens involved and people in the whitewater rafting. They discussed about making new laws within the guides, the guide qualifications. Naturally, a lot of discussions come about when you have a meeting, especially when it comes from throughout the State of Maine. They have a long distance to travel and this is probably the first time this year that they got together.

After the meeting, somebody said we better do something about this, well this is not new. Last year, during my hunting week, I was up in the Rip Dam area, because I have a camp up in that area. I was talking to the local warden, who was present at this meeting two weeks ago. We talked about potential problems. We said if we have a big winter, a lot of snow, there's going to be high water and probably create some new rafters in the area. We've got to do something. This warden is on top of everything in the area. He is a very capable person, and he is involved in the qualifications of the guides and setting up the rules and regulations.

So it is not new, but nothing was said about putting in a bill last November. We just overlooked those things. A lot of us discussed what we'd like to see done, but we never actually do it.

It sounded like I was intentionally putting this in at the last minute, the eleventh hour, or even later than that. In all the years I've been up here, I've always seen something come in at the last minute, no matter what it is, whitewater or anything else. If you try to resolve the problem in the last minute, this is one of our capabilities, if we can do it, we do it.

This was brought to me just a week ago. We discussed this. We had the warden come down last Monday and we discussed it quite lengthily in the afternoon, and decided on what we'd like to do. Some of us were against the moratorium, on the first day, I was, and then I compromised, which we're supposed to do up here to get anything done. I went along with the moratorium. That didn't go through and it went back to no moratorium.

As far as the legal, the ramifications of this Bill, I have no background in legal affairs. I didn't know anything about it. All that I know is I'd like to resolve the problem in whitewater rafting. I've been there, I've watched them put in, take out, I've also been fishing in the West Branch and have seen the rafters come down and many, many rafters. It might have a potential problem of jeopardizing the fishermen who have their lines out in the water and you see ten rafts coming down, what do you do? Who has the right of way there?

This is what we'd like to study. As far as any legal problems, I knew nothing about it. This is probably the first resolve that I've put in in the eleventh hour. I'm finding out that it doesn't work all the time, so far. I still think we need this study. This is going to be the year for it. You can see the results out there on that ground today. This is going to create high water. We have got it here in the State, it is going to create more business. We don't want it to get out of hand any more than it's going to get. We want to have some control. We've checked with Colorado, Wyoming and different states. They have control by numbers. We want to look at it and see if that's the way we want to go. If we wait until next year, by the time the law goes into effect, we've lost another year. You wait until it's too far down the road to correct, or you do it now, preventative maintenance.

I urge the Senate to pass this Resolution.

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

Senator HICHENS: Mr. President and Members of the Senate, on the vote this morning, I voted for the Bill. This afternoon I will vote against the Bill. I have always been disturbed because they put in bills and try to run them through without hearings, I fully realize the public hearings are a courtesy to the public and not a requirement. I think that they should know what's going on and have an opportunity to speak on the issues which affect people throughout the State.

I was approached by lobbyists on this issue. First I was told that the moratorium had been taken off. Then I was told the appropriation had been taken off. I feel that under those circumstances that there is no need for the Bill. If all these things can be taken off, why is it so important?

Now the good Senator from Cumberland has stated that they knew about this last November and it was just their own negligence that they didn't have to put in earlier, or at least approach the Council to have it put in. I think at this late date that there is no need for it. If it's that vital an issue, it can be handled next year, probably as an emergency bill and still be effective for the whitewater traveling next summer.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, I'd like to respond to a few of the remarks by the Senator from Penobscot, Senator Devoe. I think I can tell by the most recent comments of the last speaker that probably this proposal doesn't have much of a chance for survival in here today because of the emergency preamble. So thus I'm going to respond to some of his remarks of the eleventh hour rhetoric and the, I guess, the nice legal terminology of saying that those who bring something in at the eleventh hour attempts to perhaps mislead, to say it politely to the other members of this Chamber. I think that that's an inappropriate statement. I would prefer that such rhetoric would not stay true at this time.

(Off Record Remarks)

On motion by Senator Conley of Cumberland, Tabled until later in today's session, pending the motion by the Senator from Cumberland, Senator Usher.

Joint Resolution STATE OF MAINE

In the Year of our Lord
Nineteen Hundred and Eighty-Two

Joint Resolution Commemorating the
"Days of Remembrance" of the
Victims of the Nazi Holocaust

WHEREAS, less than 40 years ago, 6 million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide, and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors must never be repeated; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people; and

WHEREAS, the people of the State of Maine should remain eternally vigilant against all tyranny, and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 20, 1982, has been designated pursuant to an Act of Congress and internationally as a Day of Remembrance of Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the international community will be commemorating the week of April 18 through April 25, 1982, as the "Days of Remembrance" of the Victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the 110th Legislature on behalf of the people of the State of Maine, in memory of the victims of the Holocaust, recommit ourselves to the lessons of the Holocaust through this international week of the commemoration and express our common desires to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further
RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

(H. P. 2346)

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

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

Senator TROTZKY: Mr. President and Members of the Senate, this Resolution just came across my desk. I feel I must respond here.

The American philosopher, George Santayana, warned that those who forget history are condemned to repeat it. In the Second World

War, the German government systematically murdered 6,000,000 Jews. It did not touch me personally, because I was a 2 or 3 year old baby living in the United States of America, but yet, 2 or 3 year old babies living throughout Europe were being tossed into ovens, being carried by their mothers to gas chambers.

When I got married to my wife, my wife, Evelyn, came from a family where her father left Germany. He was a proud German, a proud German Jew and lived in Berlin and escaped the Nazis in the late 1930's. He came to the United States of America.

Her mother came from Czechoslovakia, and was sent by her father to leave Europe. She went to Hamburg, where she booked passage on a boat called the St. Louis. This, by the way, is my mother-in-law, on the St. Louis. There were 1,000 Jews put aboard the St. Louis, and they paid for passage to escape the Nazi armies that were moving forward all over Europe.

The boat went to Cuba, where it was supposed to dock, and that point these 1,000 Jews were going to be allowed to, I guess, live in Cuba. The Cubans said no, and the boat stood outside in Havana Harbor for many days, trying to allow the people on the boat to disembark.

Appeals were made to the United States. This was probably back in 1939 or so, to the United States to allow this boat to dock in some port in the United States. At that time, there was a strong isolationist tendency in the United States, and the United States would not allow the boat to dock.

The boat couldn't go to Palestine because the British decided that, the British controlled Palestine, the boat couldn't go there. They made appeals to all countries throughout the world. The boat had to go back to Germany from where it came. It docked in Hamburg, and four countries allowed Jews to, I guess the Jews were divided up into four groups and 750 of them went onto the Continent. The other 250 went to England. Luckily, my mother-in-law was allowed to go to England, and she survived, finally came to the United States, and married my father-in-law.

The other 750 to 1,000 had to go back to Germany, to countries in Europe, and probably most of them ended up in an extermination oven in Germany or elsewhere.

Today there are many people who try, not many people, but there are some people throughout the world who try to deny that this genocide took place. This only happened in 1940, in one of the most sophisticated countries in the world, Germany, with tremendous, with universities, sciences, and yet, all kinds of morality broke-down.

The destruction of the Jews came, to a certain extent, even before the war effort. Trains that were supposed to, or could have carried troops and wounded back from the front were diverted to carry Jews to extermination ovens.

It's something that none of us can comprehend. I can't comprehend it when I read about it, because no one can understand what it means to destroy 6,000,000 people, 6,000,000 people is 6 times the population of Maine.

Poland, from where my ancestors came from, Lithuania, there were 3,300,000 Jews, 3,300,000 of those Jews were destroyed systematically.

I guess the most important thing is that morality broke-down. Nothing restrained the German government. This wasn't, this was a governmental act, the whole government was geared to this annihilation of Jews. It just didn't stay in Germany, wherever they went, wherever the German armies went and wherever they occupied, there was mass destruction of people, human beings.

So, this Resolution is being put forth in states throughout the country. There has been established a Holocaust Memorial Council in Washington, D.C. It was established under the

Carter Administration. I feel it is important to state that yes, this touched my life in some way.

It goes beyond this. It goes to the issue of tyranny, and tyranny throughout the world, and why people remain quiet.

Yesterday, of course, we saw pictures outside which were horrible as to what the bomb did in Hiroshima. Probably we have seen what happened in Pearl Harbor, and pictures of that, it was just as bad. In Cambodia, from what I read in newspapers a few years ago, I heard the number 3,000,000 people, and I don't know the numbers exactly, but they say millions of people were systematically destroyed by Pol Pot. I remember Senator Snowe went to Cambodia at that time, from Congress, Congress was doing some investigation. But why did the United States, why do countries, for example, in Cambodia sit still while 3,000,000 people, or 2,000,000 or whatever was, were being systematically destroyed?

I guess the importance of this is it is important to remember what took place in the past, so that we do not repeat it. It is also important, I think, to remember, and I feel this very strongly as a United States citizen, that we're a country of people who've come from all over the world. We came to this country to seek freedom. We came to escape tyranny. I think the United States, as a leader in the world, has to maintain a strong army, strong navy, a strong presence in the world to maintain freedom, because this country and the people who came here appreciate freedom. I think we have responsibility as a country to look at what is happening all over the world.

Above all, we should not forget these incidents that have taken place such as the Holocaust, where millions of civilians were destroyed, civilians who were loyal to their country. It's something I can't comprehend, because I remember my wife's grandfather. Even though he was in the United States, he still looked back at his past as being a proud German. He fought for the Kaiser in World War I. Actually, I think he fought against my uncle who was fighting for the United States at that time.

Yet, he was proud to be a German. Yet, his family had to escape to live. So, this does touch my life in some way. Consequently, I think it is important to remember the statement by Santayana that those who forget history are condemned to repeat it.

Which was Adopted, in concurrence.

Joint Resolution STATE OF MAINE

In the Year of Our Lord
Nineteen Hundred and Eighty-Two

Joint Resolution Commemorating the
350th Anniversary of the Greater
Portland Area

WHEREAS, the year 1632 saw the founding of "Old Falmouth," an area encompassing land from the present day municipalities of Cape Elizabeth, Falmouth, Portland, South Portland and Westbrook, which was one of the earliest settlements of Maine; and

WHEREAS, since those early days, the area now known as Greater Portland has grown to become the largest and most economically diversified metropolis in northern New England, encompassing the additional municipalities of Cumberland, Freeport, Gorham, North Yarmouth, Scarborough, Windham, and Yarmouth and containing a population of 190,000 people; and

WHEREAS, despite such growth, the area has retained and continues to foster a healthy interest in preserving its historical heritage, thereby recognizing its origins and its place in the continuing growth and development of the State; and

WHEREAS, the communities of Greater

Portland, areas of great scenic beauty and stimulating cultural and recreational life, provide a wonderful environment in which to live and grow and are a source of pride to the State of Maine; and

WHEREAS, in 1982, Greater Portland will be commemorating and celebrating its 350th anniversary as a metropolitan community through over 100 community and business sponsored events and projects jointly designated as "Celebration 350;" now, therefore, be it

RESOLVED, That We, the Members of the 110th Legislature on behalf of the people of the State of Maine, do hereby extend our sincere congratulations to the communities of Greater Portland on achieving 350 prosperous years of growth and development and wish "Celebration 350" the utmost success in fostering greater community pride and togetherness, greater appreciation of the area's heritage and expanded tourism and economic development opportunities for the region and for Maine; and be it further

RESOLVED, That suitable copies of this Joint Resolution be prepared and transmitted forthwith to the "Celebration 350" committee.

(H. P. 2347)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

On motion by Senator Pierce of Kennebec, the Senate remove from the Table:

A Joint Order relative to the Code of Fair Practices and Affirmative Action. (S. P. 990)

Tabled earlier in today's session by the Senator from Kennebec, Senator Pierce, pending Passage.

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

Senator AULT: I request leave of the Senate to withdraw my Order.

The PRESIDENT: The Senator from Kennebec, Senator Ault, now requests leave of the Senate to withdraw his Joint Order, which he proposed.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

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

Committee Report House

Ought to Pass — As Amended

The Committee on Taxation on, Bill, "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1982-83." (H. P. 1845) (L. D. 1841)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-766).

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

Sent down forthwith to the Engrossing Department.

(Senate at Ease)

The Senate called to order by the President.

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

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

Recess

After Recess

The Senate called to order by the President.

Orders of the Day

The President laid before the Senate:

Resolve, to Establish a Commercial Whitewater Study Commission. (S. P. 981) (L. D. 2140)

Tabled earlier in today's session by Senator Conley of Cumberland, pending the motion by the Senator from Cumberland, Senator Usher, that the Senate Recede and Concur.

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

Senator PRAY: Mr. President and Members of the Senate, I rise on a point of personal privilege. I personally, as a Member of this Chamber, resent the statements that were made just a few moments ago by the Senator from Penobscot, Senator Devoe, in his seemingly legal, polished, political jargon, accused the Senator from Cumberland, Senator Usher, the sponsor of this Resolution, and those who supported it, as attempting to deceive, was the word that he used, the Members of this Chamber and the Legislature.

For those of you who are able to understand the word of deceit or deception, and sentiments such as those words such as usually fraud and trickery and so forth.

I think that such rhetoric in an attempt to kill this Order would have been far easier in the beginning the Senator from Penobscot, Senator Devoe, had stated his, just plain opposition to this proposal. First of all it was the moratorium. Then it was another thing, and another thing, and another thing. Today, earlier he raised several facts, as he called them, which are in real essence, not fact.

The question of the case that he brought up perhaps would have dealt, if there was a moratorium still on the proposal. The moratorium is not there, thus it is not, the reference to the pending case, which is by chance happened to be handled by a law firm, whom a Member of this Chamber's spouse is a member of and taking part of that case, and as my understanding, lent legal advice in that case. Yet, that individual sees no problems with expressing a desire one way or another on this proposal, and mostly in opposition to the proposal.

The concern of the eleventh hour, as was spelled out before, and I'll explain it again, as the Senator from Cumberland, Senator Usher, pointed out a few moments ago, was that the Department of Fisheries and Wildlife in its attempt to regulate as directed by this Legislature the licensing of whitewater rafting outfitters, held a hearing at the Augusta Civic Center.

It was from the results of that hearing that several recommendations were made and some concerns were expressed.

It was just about a week ago, 10 days ago, that we learned that the State of West Virginia had placed a moratorium on its whitewater rafting. Thus, the attempts to come in at the eleventh hour was not an attempt to deceive any individual in this Legislature, proponent or opponent of this Order, or of this Bill.

It was an attempt to address a sincere concern and problem which a number of individuals had in reference to whitewater rafting.

The concerns that the Senator from Penobscot, Senator Devoe, referred to in his earlier statements dealt with some of the squabbles between rafters themselves, which is one of the problems that this Study Order was an attempt to stop, to help control.

The Senator from Penobscot, Senator Devoe, made reference this morning to the Allagash Waterway. We have taken action on that River to protect it and preserve it. Yet he seems not to want to do that on the Penobscot or the Kennebec.

I think that the Bill is a good one. It requires an outside look at it. Both the Chairman of

Energy and Natural Resources and the Chairman of Fisheries and Wildlife in this Chamber have supported this Bill. I think that the Study as proposed, giving the presiding officers of both Bodies an opportunity to appoint individuals who had an interest in it and who the presiding officers could decide would be fair and impartial individuals to serve on it, to make recommendations to future Legislatures to take some type of action or no action would have been the appropriate way.

I want to leave one thing in your minds. There has been absolutely no attempts by any of the individuals that have been running around here lobbying this issue, or voting for it, that there was an attempt to deceive in any deceitful manner to have this thing passed in the waning hours of the Legislature.

As a member of the Legislative Council, I suppose is I had such narrow and tunnel vision that any proposal that came in, in the waning hours of the Session should be, it would be my perception that there is an attempt to do something devious here, because the legislation wasn't proposed at the beginning of the Session. That would be very narrow and of course not a deserving position to take on such matters. Many of these issues are learned of late in the session and attempts to address them. As long as the Legislature is in session, that opportunity is provided. That's how this Order came in.

On the calendar, there was an attempt to explain it to all individuals who had questions to ask. I would hope that the membership, when voting on this, would remember that there was an honest attempt to solve a sincere and honest problem.

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

Senator DEVOE: Mr. President, I thank the Senator from Penobscot, Senator Pray, for his comments. The remarks of the good Senator from Cumberland, Senator Usher, confirmed fears that I had that there, perhaps were not facts or information provided to the Senator from Cumberland, the Senator from Somerset, that I think were pertinent to the overall subject of whitewater rafting and whether we should have a Study to regulate it, or leading to some kind of regulation.

If I gave anyone in this Body the impression that I felt that either the Senator from Cumberland or the Senator from Somerset were trying to mislead us intentionally. I regret it and I apologize. That was not my feeling. In remarks that both Senator Usher and Senator Redmond had made to me during the most previous recess, they had confirmed that.

The question has come up as to whether or not the anti-trust litigation has any relation to the whitewater rafting study. Whether it has relation or not, the fact that it exists, the fact that it is in dispute, I think is pertinent information that should be within our possession when we vote on the wisdom of this Study.

One of the lobbyists has talked to me during the recess, that he didn't think there was any connection and, therefore, he didn't mention it, or didn't think to mention it to the Senate sponsors of this Study Resolve. It may be that they just got contacted very recently, and didn't have a chance to acquaint the Senators with all the facts, that perhaps the sponsors, in my opinion, should have had. If that is what happened, then it is not the fault of the lobbyists, it is the fault of their clients.

One final comment about the West Virginia moratorium and the legislation that was enacted down there apparently within the last week or ten days. It may be that the Whitewater Rafting Association feels that because there was precedent set by one Legislature, within the last couple of weeks, of enacting a moratorium, that that would give it a little more grace when it hit the State of Maine.

But we're talking about big dollars here. We're talking about shutting out possibly some

other possible competitor of the existing whitewater rafters.

The fact that the moratorium came off made this Resolve a little less unpalatable. I think if anyone is to be criticized here today, it may be the Whitewater Rafting Association, who for whatever reason, apparently decided among themselves that they would not pursue the normal legislative process of trying to get either the Fisheries and Wildlife Committee or the Energy and Natural Resources Committee to study this. I think this is the central issue to the whole question.

We know we've been bombarded by memos and reminders and memoranda from the Office of Legislative Assistants telling us, the Chairmen of each Committee, get your study requests in. Why couldn't that route have been followed by the Whitewater Rafting Association?

The final question that I have in my own mind is, now that we have all these facts, now that we have this information, that perhaps the Whitewater Rafting Association did not want to share with its lobbyists and with its Senate sponsors, the question, do we still have a problem of a sufficient magnitude to call for a study? I haven't resolved that question in my own mind even at this minute. I'm still wrestling with it.

Some members of the Body, this Body, say that these facts indicate we do have a problem, and I am somewhat being persuaded by the remarks made by the Senator from Penobscot, Senator Pray, which reminds me that apparently several years ago we did study the Allagash Wilderness Waterway. The fact that that is such a pleasant experience now shows that that is the benefit of having a study. That may be, because I have very fond memories of the trip that I was privileged to make a couple of years ago, shortly after we adjourned. It's a memorable experience. I do think that probably a trip down the Kennebec or the Penobscot on a whitewater raft is not a 5 day proposition. It's a several hour proposition.

What I still haven't resolved in my own mind is whether or not, because of that fact, we will still benefit by having a study. 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 appreciate the comments made by the good Senator from Penobscot, Senator Devoe, at least his tone of voice has suggested less hostility to the Resolve than when he first approached it. I can understand with a moratorium in there, and the moratorium being removed, obviously calmed the nerves of a lot of other people.

When I went down the Allagash, I recalled as the good Senator from Penobscot, Senator Devoe, stated, it was certainly a memorable experience, one that no one can forget who had had that great opportunity.

The fact is that I, as I stated earlier today or the last time this Bill was before us, I had the opportunity of also going down the Kennebec. That, too, was not only memorable but I think even far more exciting because of the fact that we were in whitewater and we were flashing down the river at excessive speeds.

The real difference, though, between the Allagash and the Kennebec was that the Allagash was a situation where one took their time, more ease and more pleasure, and the luxury of being able to observe the beauty and the scenery that encompasses that waterway, plus those wonderful, great creatures that I call, the majestic moose.

The only thing that I could catch on the Kennebec was my breath. It was at an extremely high water time of the season. The rapids were running very rapidly. Those of us that were in the raft did everything in the world but to hold on.

As I stated earlier, since those years and to

me, I believe it was 4 years ago when I took that trip down the Kennebec, the traffic that has been generated not only on the Kennebec but also on the Penobscot has multiplied innumerosly. I think that's the concern all of us should have here today. I don't care who is operating these whitewater rafting trips down either of those rivers.

I do think we should have some concern about the safety, concern about what's being done and what isn't being done that should be done, perhaps. I think, in all honesty, that whatever that report or that study is formulated, is going to come back to us, or is going to come back to the Department that is responsible for the implementation of rules and regulations. It's going to eventually come before the Legislature to make that final determination. It can be rejected, but it certainly should be something of interest that all of us who have had that experience to be able to take a good look. I think those of us who have had that experience would be able to know whether or not someone was trying to put something over on someone or not. If they were, then obviously that study would be rejected.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, it is very interesting as a layman to listen to all this debate this afternoon, this morning, and yesterday. A great deal of what I said yesterday, I had very serious concern for, and that was the moratorium. That was for the bandied word we used a great deal of free enterprise system, free competition among the people in that particular industry.

I did not look at the debate this afternoon as deceit by any means. I looked at it as a very good informational session. It brings to mind, after a few years, that the posture hasn't changed that much. The definition I once used a few years ago about our art, "that politics is the art of looking for trouble, finding it everywhere, and diagnosing it wrong, and applying unsuitable remedies."

My major concern, when I spoke in favor of this Bill this morning, had been resolved. I had spoken to a person who in good faith had told me that he operated a whitewater operation. He was genuine. He was sincere.

As to the sponsor of the Bill, I don't know really that he was aware to any degree, or if the anti-trust suit had any relevancy to the Bill itself, for we never discussed it.

My concern now, as a layman of this particular Body, is will the passage of this particular Resolution have any effect on the outcome of the anti-trust action? I'd be much happier to know exactly what the answer might be relevant to that question.

Over the years, we have been faced with many critical issues, and this being no different than anything else as far as I am concerned. I think I rather despise some of the tactics that have been used in indicating other members of this Body, whose relatives might be directly or indirectly involved in this issue. I think, basically, the word was used earlier, a cheap shot. I think that is a cheap shot. I think every person here was elected to serve the best interests of the people in the State of Maine in a very constructive, conscientious manner, not to be bandied around as a ploy in which to get across their arguments or points. This is totally unfair.

I just don't know, at the present time, after making the statement I did this morning, what I intend to do. I know I feel I want to do what is right on behalf of the industry, on behalf of the people in the State of Maine who will utilize our rivers for their recreational purposes, but I'm not here for the purpose of lining somebody's pocketbook or trying to be used to circumvent a possible legal action that is pending in the courts.

To reiterate one point, Mr. President and Members of the Senate, for my own edification, I hope some knowledgeable Senator can answer that question as to what will be the outcome if this particular measure is passed by this Body as it relates to the anti-trust action pending before the court at the present time?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President, I am advised by counsel for the defendants that the anti-trust action is likely to be settled in the next few weeks. Therefore, the passage or failure of passage of this Resolve will not have any material significance in the settlement or the disposition on the court records of that particular piece of litigation. Thank you, Mr. President.

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

Senator USHER: Mr. President, I respect the good word from the Senator from Penobscot. I have a lot of faith in this gentleman. I think he is a gentleman.

My major concern is the safe use of the rivers, and also the concerns of the safety of the rafters and the environmental impact along the rivers. That is my major concern.

I was asked to sponsor this. I feel that we serve all the people in Maine. They come to people involved in the Fish and Wildlife Committee are the people who issue the licenses. We are concerned with the enforcement part of it. The environmental people and concerned with the environmental aspects of it. So there's two different departments involved. They have to start from us. It came to us and we agreed to sponsor this Legislation.

The other matter which is legal, is unrelated to this issue, I strongly believe. I don't believe that we ought to discuss this. It was brought up that maybe the rafters should have followed the rules. How many times do we break the rules? All of us, we break the rules every day, but we also make them. We have to have some guidelines. We make them, break them, three or four times a day, so this is not new.

My major concern is treating everybody fairly and it's no different than having Transportation coming in in the last five days, Human Services, or we change the taxes, or the whitewater rafters. Everybody should be treated fairly.

Last year, it happened to be Fish and Wildlife again. At the eleventh hour, it was the bear hunters. We had probably 50 bear hunters in the Chamber. It just happens. Maybe Wildlife is the right name for our Committee. We are active, and it seems that the last three or four years this seems to be the right name. We are always in the last of the news.

I still believe that we should study this. There has been a concern over is there a need. Why are we discussing this today when we have a foot of snow outside? Well, a few years ago, we had 600 rafters. Last year there was 15,000. How much more are there going to be this year? Let's not wait until it's all destroyed in the area. Let's protect the environment today.

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 Cumberland, Senator Usher, that the Senate, Recede and Concur with the House, please rise in their places to be counted.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: 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 Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, having raised innumerable questions about this Resolve, having been a participant in some of the debate, I would now like to indicate to the Members of the Senate that regardless of my personal dissatisfaction at the methods that the Whitewater Rafters Association used, I am persuaded by the argument of Senator Usher and Senator Pray, that there is a problem, and that we ought to address it. I intend to support the motion to Recede and Concur. Thank you, Mr. President.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, I am very happy to hear the remarks by the Senator from Penobscot, Senator Devoe, in reference to his support of this. I would just like to have the record very clear, that this proposal was not offered by the Maine Rafting Association. They have, after the proposal was submitted, come out in support of it, but it was not initiated by them, or was the original design or so forth of that or even the moratorium their idea.

The PRESIDENT: The Chair would advise the Senate that it requires a two-thirds vote of the entire elected membership for this motion to prevail.

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Usher, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the motion to Recede and Concur with the House.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Brown, Bustin, Carpenter, Charrette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Huber, Kerry, McBreairey, Minkowsky, Najarian, Pray, Redmond, Traf-ton, Trotzky, Usher, Violette, Wood.

NAY—Gill, Hichens, Perkins, Pierce, Sewall, C.; Shute, Sutton, Teague.

ABSENT—O'Leary.

A Roll Call was had.

23 Senators having voted in the affirmative and 8 Senators in the negative, with 1 Senator being absent, the motion to Recede and Concur with the House does prevail.

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

Order

An Expression of Legislative Sentiment recognizing:

Henry W. Pierce, an outstanding citizen of Waterville, who will celebrate his 80th birthday on April 7, 1982. (S. P. 991) presented by Senator PIERCE of Kennebec (Cosponsors: Senator TEAGUE of Somerset, Representative CONARY of Oakland and Representative JACQUES of Waterville).

Which was Read.

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

Senator PIERCE: Mr. President and Members of the Senate, I was hoping that my Dad was going to be here today when this Order went through, but because of the storm, he refused to leave the yard and the house where he's been shoveling most of the day, despite the best efforts of many people to get him away.

Those of you who have met my Dad know that he is a fairly remarkable person in that last year he went out and bought himself a

moped. He scoots all over town in that, put a couple of baskets on it and does his grocery shopping in it. Really, if I could sum up, he is the most honest person I have ever met in my life.

Usually we celebrate his birthday as a family, and because I'm here today, and because of the wheather, we can't, so I do want to wish him a Happy Birthday with this Resolution. Naturally, I will take it to him.

I guess I would just like to say publicly, whether I became Governor of the State or not, if I could ever attain half the stature of my father, I'd be a very happy man.

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

Senator TEAGUE: I would also like to wish a Happy Birthday to Henry Pierce. I have known Henry Pierce for quite a while. I first met Henry when he was manager of Armour back in the early fifties. We are each members of the same country club, and even today Henry Pierce plays golf. We also sit on the same board of directors in the Waterville Savings and Loan Association, so Happy Birthday, Henry.

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

Senator CONLEY: Mr. President, I have not had the good fortune of meeting the father of the good Senator from Kennebec, Senator Pierce, but I certainly want to join in the echo of the sentiments of wishing him a very Happy Birthday. I'd be very willing to excuse the good Senator from Kennebec, Senator Pierce, and allow him to go home and give his Dad a hand and shovel that driveway.

Which was Passed.

Sent down forthwith for concurrence.

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

Papers From the House Joint Orders

Expressions of Legislative Sentiment recognizing:

Heather D. Larlee, daughter of Mr. and Mrs. George Larlee of Oakfield, who has been chosen valedictorian of Southern Aroostook School District for 1982. (H. P. 2355)

Lynn Miller, of Jay, a member and past chief of the Jay Fire Department for his contribution to the community as a veteran fireman and life-long resident of Jay. (H. P. 2356)

Neil Kevin Benar, of East Millinocket, as valedictorian of Schenck High School for 1982. (H. P. 2357)

Laura Jane Shea, of East Millinocket, as salutatorian of Schenck High School for 1982. (H. P. 2358)

Thomas Griffiths, of Monmouth, a former Maine State Historian from 1940 to 1955, who celebrated his 94th birthday on April 6, 1982. (H. P. 2359)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Enactor

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

AN ACT to Amend the Maine Implementing Act with Respect to the Houlton Band of Maliseet Indians. (S. P. 931) (L. D. 2076)

On motion by Senator Redmond of Somerset, the Senate voted to Suspend the Rules.

On motion by Senator Redmond of Somerset, the Senate voted to Reconsider its action whereby LD 2076 was Passed to be Engrossed.

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

Senator REDMOND: Mr. President, I present Senate Amendment "B" to SP 931, LD 2076 and I support its Adoption.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now offers Senate Amendment "B" to LD 2076 and moves its

Adoption.

Senate Amendment "B" (S-472) was Read.

The PRESIDENT: The Senator has the floor.

Senator REDMOND: Mr. President, what this Amendment does is in the Bill itself, there is a requirement that, "no land or natural resources located within any city, town, village, or plantation may be acquired by the Secretary for the Houlton Band of Maliseet Indians without the approval of the legislative body of the city, town, village, or plantation."

There are, throughout the State, many areas that are unorganized and are not mentioned along here with the city, town, village, or plantation and that's the unorganized areas of the State, which are under the jurisdiction of the county government, or the State government.

What this Amendment does is includes the unorganized territories of the State.

I have had several conferences with members of the Attorney General's office. I attended a meeting where Senator Carpenter was present and they discussed various other problems, some of the other Members of the Legislature had with this. I expressed to the best of my knowledge my reasons why we should include this. Actually, I thought this was only an omission.

As I see it, my Amendment here, I understand that if that is Adopted, some members of the Attorney General's office have stated that if this is Adopted, because of the nature of this Bill and the negotiations that took place with the Maliseets and the Department of Interior, that this could probably, if we Adopted this, that it could kill the Bill.

Well, I don't know what would happen if we killed the Bill. I can't see any reason why it couldn't be brought back in another session, because we have spent a good part of the day debating the white-watergate, or the whitewater rafters bill, because the resolve was brought in at a late hour, now here is a bill that is very much more substantial, because I don't see any reason why we should discriminate against the unorganized areas of the State of Maine.

I really appreciate Section C of the Bill, which states that, well Section B, "no land or natural resources may be acquired by the Secretary for the Houlton Band of Maliseet Indians until the Secretary files with the Maine Secretary of State a certified copy of the instrument, creating a trust," and so forth. That none of these lands would be acquired unless they had approval from these bodies of government that have jurisdiction over these lands. I think this is very, very well done, but I think I believe it is just as important that the same application be given the unorganized territories.

So, I hope that you will support the Amendment.

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

Senator DEVOE: Mr. President and Members of the Senate, I respectfully urge the Members of this Body to oppose Adoption of Senate Amendment "B" to this Bill.

This particular bill is the end product of weeks and weeks, and months and months of very hard negotiations between the Maliseets and the Attorney General's office. So far there has been only one minor housekeeping amendment which we put on in Committee, which changed the structure of a sentence. I think that this Amendment is totally unnecessary.

If I can refresh the recollection of the Members of this Body, two years ago we passed the Maine Indian Implementing Act. What this Bill does is simply incorporate into that Act certain provisions for the benefit of the Maliseet Indians, which are in the Houlton area.

There presently is in existence a \$900,000 trust fund, which must be used by the Secretary of the Interior for the purpose of buying land for the benefit of the Maliseet Indians.

If you've read the Bill, then you know that if any land within an organized territory is to be purchased, the Indians must first approach the

legislative body, namely the city council or the town selectmen in that community, and obtain their approval for purchase by the Secretary of the Interior, before that purchase can go through.

This Amendment, which Senator Redmond is offering, suggests that the Legislature should have the same authority for unorganized territories. I submit to you it is unnecessary. Members of this Body. We're talking about possible 4,500 or 5,000 acres somewhere in this State. I'm assuming it will be somewhere in the Aroostook County area, where the Indians reside, but you don't know. I can't say that for sure. We're talking about 4,500 to 5,000 acres.

They are not close enough yet on the acquisition of the land, so that they could have given us a legal description of tracts, or sections of townships that were going to be bought. It was not deemed necessary. The Attorney General's office has advised the entire Judiciary Committee that it was not necessary to define the Houlton Trust Band land in the LD, before we went ahead and passed it.

For these reasons, Mr. President, I respectfully urge the Senate to reject Adoption of this Amendment. Thank you very much, Mr. President.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, this is my little Bill, which started out to be a nice little housekeeping bill. It has somehow gotten wound around the axle and has become pretty complicated and quite controversial.

As the good Senator from Penobscot, Senator Devoe, the Chairman of the Judiciary Committee, just testified, this Bill had a public hearing. During all this, there was no opposition. As he indicated, this is a result of negotiations which came about because of the big land claim settlement, if you will. We were ordered to do this by the federal government and to put together an implementing act. We were given, as I understand it, although I wasn't involved in negotiations, certain guidelines.

There are two provisions in this Bill that I think are important. I want to speak to those because they relate indirectly at least to the Amendment that has been offered here this afternoon.

The first one I want to speak on is the payment in lieu of taxes. Payment in lieu of taxes will be made to the municipality in the same amount as what would have been taxed. If I own property and I pay \$600 worth of tax on it this year, and the Secretary of Interior, for the Houlton Band of Maliseet Trust, buys that land, then next year there will be that amount or more due the town from the \$100,000 that is being set-aside in this LD. There's a \$900,000 trust fund, \$100,000 of which is being set-aside to pay this payment in lieu of taxes.

The federal government, did not, I understand, tell us that the payment in lieu of taxes had to be the equivalent of the property tax. That's a plus for the municipalities. I think that's a plus for the State.

The other thing that's a plus, or would be regarded as a plus by most of the communities in the State, is the veto power. It is unprecedented that I know of that if I negotiate with the good Senator from Somerset, Senator Redmond, to buy property that the selectmen of wherever could veto that sale. That is in this Bill. They can not buy land, the Secretary of Interior can not buy land, a landowner could not sell land under this trust arrangement without approval of a legislative body, selectmen, town council, city council, whatever you have. It's a very restrictive situation.

The good Senator from Somerset, Senator Redmond, would like to add to that unorganized. As I said, I was not involved in the negotiations. I don't know what took place there. What I do know is what was struck was a very delicate balance, which the State of Maine and

the municipalities in the State of Maine got some very important things, got some things that they considered to be important. This is the end result.

We're talking about, as the good Senator from Penobscot pointed out, relatively small portion of land in comparison to the whole lands claim case, in comparison to the entire acreage in the State of Maine.

I would oppose the Adoption of this Amendment because I don't think that this is in keeping of the spirit of this particular piece of legislation.

The State, I would add, as I understand the Bill, would also receive the in lieu of taxes payment if there was land in fact purchased by the Secretary for the Houlton Band of Maliseets.

The question was asked a minute ago as to, what might happen if this Bill doesn't pass? I think it's a very real possibility that the federal government is very concerned about this particular situation, since they did federally recognize the Houlton Band of Maliseets with the land claims settlement, and are very concerned about this particular, the federal government is very concerned about this particular piece of legislation. They very easily could give us the rules. They could put the rules upon us, and that concerns me because I'm not sure they're going to be too concerned about the input or the veto power of the town council of Houlton or anybody else. Perhaps they may not be as concerned about the equal payment of monies, vis-a-vis taxes.

I think it's very important that we tread very carefully with this Bill. I think we do know exactly what is in this Bill. I don't think there are any hidden things in here. We went to the Committee, it had a good hearing, it's had a thorough working over up to this point in the legislative process. I do not regard the Amendment as offered by the good Senator from Somerset, Senator Redmond. I do not regard that as in keeping with the intent of the Bill.

Therefore, Mr. President, I would move its Indefinite Postponement.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I don't know if I made my point clear. Bear with me, I would like to attempt to try a little harder to get the Legislature, to get this Body to understand what I have in mind.

There were the questions raised like the good Senator from Aroostook just mentioned and have been debated. I have no problem with that. The restrictions on alienation, or taxation, or the limited condemnation, or payments in lieu of taxes, no problem with that. A fund to secure the payments, like I say, I have no problem. I have no monetary problems.

The problems that I have are what this Bill is doing, what I would like to, the message I'd like to get across here is which is most important, that the attorney's and the negotiators who have spent all this time putting this piece of legislation together, I'm sure to them it's very important that it's a successful piece of legislation and that this Legislature enacts it. I think it's a feather in their hat.

Our job here is not to ascertain this item. Our job here is, we are representing the people of Maine, and this Bill here is giving the people who are involved in this an open slate to buy \$900,000 worth of land from any person who willingly will sell it to them. There's no description. There's no prescription of how many acres, or locations, or anything. It could be parcels of 10 acres. It could be parcels of 1,000 acres. One could speculate to assume that under the probably going prices of land in unorganized territories, that at \$200 an acre, we're talking of 4,500 acres. I have no problem with this. As 4,500 acres of land, with all the land that we have is not very much.

However, when you consider that we are

signing off to those other people a carte blanche for setting up these areas and in any area that they so desire where they have a willing sales person. I would have no problem with that if it was under our laws of the State of Maine, the ordinary laws, the ones that we have enjoyed ever since our Constitution, but this is under a special law where these lands are going to be in trust by the Secretary of the Interior. If some of these unorganized towns have differences or something, they will have to go to Washington. They will have to negotiate with the federal government.

I think that it's only fair to the people of Maine, not only the people who live in those unorganized towns, the people in this Body of government here that enjoy a lot of our facilities that we have in those areas. They use them very much. I'm not, all I would like to do is that the unorganized towns, I would like to see that this Amendment be Adopted so we'd have something, some kind of control over the purchase of these lands.

This law is going to be there in the books forever. We can't change it. We're leaving this open to buy \$900,000 worth of land where the poor citizen of Maine, how is he going to plan for future developments for his children? He doesn't know. I think that the people of Maine should know where those areas are going to be.

I used to own the Bigelow Range of Mountains, my brother and I many years ago, so I'm very familiar and some one got the bright idea that those mountains should be preserved forever. There was about 50 public meetings in the area, so the people of Maine would know what was going on, to inform them so they'd know what to expect. Then, there was a referendum. Then, the State agreed to buy the mountains so we'd preserve them in that state.

There is no difference whatsoever in this Bill. There's no reason why the Legislature shouldn't have something to say on it. So, I could go on forever. I hope that I've made myself clear. I think it's more important that we pass this Amendment, even if it would kill the bill, I think it's more important. I think that I wouldn't mind paying my share of taxes to re-employ the people who work at this to renegotiate and so forth in order to live up to the Constitution of the State of Maine.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreaity. Senator MCBREAIRTY: Mr. President and Honorable Members of the Senate, I guess I have stated before on the floor of the Senate that I look at unorganized townships different than most of you, because I represent a large portion of the unorganized territory in Aroostook County, that have people living there.

Now they are people like you and I, they talk, walk, breath, they have feelings, they pay taxes, they do everything that the rest of us do.

It bothers me that so many times when we have legislation or consider things, that they're left out. Now definitely we're dealing with the Indians here as a minority group, because it says here, that they can't buy land with this money, unless it is approved by the town officials. Now, they must be a minority group or they could buy land anywhere they want if it was for sale, but they can't.

My unorganized people have been put in a minority group that's just a little lower than the Indians here, because it says, in order to buy land in a town, or a village, or a plantation, it has to be approved by the officials. Now, what most people don't seem to understand is that unorganized townships have officials, too. The county commissioners are their officials.

Now, I am not so sure that I can go with Senator Redmond's Amendment, because I don't think it should come in here for the Legislature to make a decision. I would like to see added to the cities, towns, villages, plantation, "or unorganized townships," and leave the officials as they are because they do have officials. They have county commissioners. I'd like to see that

added, or take off cities, town, villages, plantations, and let the Indians buy land wherever it is for sale, like I can.

If anyone felt that just by adding unorganized towns would work and treat these people all the same, I'd like it Tabled and I'd have an amendment drafted to that effect, if this one fails. Thank you.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, very briefly, I guess, I can't argue with my colleague from Aroostook that there is a difference here in treatment.

I guess I'm concerned about what the reaction of this Legislature would be if I brought in legislation that said before Ralph "X" and Suzy "Y" could buy or sell property, they had to get the approval of any municipal legislative body. I think there would be a great hue and cry. I think free enterprise would be the word of the day. That bothers me.

We had a debate, we heard one of the finest speeches of the session from the good Senator from Washington, Senator Brown, about group homes for the mentally retarded, very good words, very eloquent words and we enacted that piece of legislation.

What we're talking about here is a group of people that have been recognized by the federal government, whether or not any of us like that. That is a trust fund set up for them, administered by the federal government whether we like that or not.

In this Bill, what we're saying, in part of it anyway, is you can buy land anywhere you want, with the approval of the town fathers, as it comes to towns. I wouldn't disagree that we did leave out non-towns, non-communities, unorganized. I'm just concerned about, I think these people, if they have the money and they're willing buyers, and they can find a willing seller, that they ought to be able to buy the land. Again, I wasn't in on the negotiations. Thank you, Mr. President.

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

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, I think we should all keep in mind that this L. D. in its present form, without the Amendment, is in strict compliance with the federal law that adopted the Indian Land Claims for the State of Maine.

I would like to mention to the Members of this Body that Section 5D of the federal act, merely requires that the agreement between the Houlton Band and the State of Maine make provisions on the location of lands to be acquired in trust for the Houlton Band. There is no requirement in the federal act that the land that, the act specifies the location of the land in the agreement adopted by this Legislature, between the Houlton Band and the State.

For that reason, again, I respectfully urge the Members of this Body to reject this Amendment.

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

Senator REDMOND: Mr. President and Members of the Senate, again, I would like to reiterate my position on this. I would ask those speakers who preceded me and who are in opposition to my Amendment, I would ask that they stand-up and please debate the Amendment. Compliance with the federal law, Section 5E, I have no problem with that. I've been stating that right along, and all the other problems that were discussed in the Committee on Judiciary. The Legislature has no problem with that.

The problem is that they excluded the unorganized townships. I'd like to have them, those are people. The Town of Rockwood, many of you have been to Rockwood, we call it the Town of Rockwood, Rockwood is an unorganized township. You look all through the State, there are thousands and thousands of people

who live in unorganized territory, and they have been left out of this. All I'm asking is equal treatment. that's all.

So, I hope that someone who is opposing this will standup and tell me why should we be discriminating against the people in unorganized townships?

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 Aroostook, Senator Carpenter, that Senate Amendment "B" to L. D. 2076 be Indefinitely Postponed, please rise in their places to be counted.

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

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: 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 Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President, I would like to pose a question through the Chair to anyone who might be able to answer. Does the federal law say that when an Indian is given some money by the federal government that in order to buy land in a town, he has to have approval of the town officials? Could anyone answer that?

The PRESIDENT: The Senator from Aroostook, Senator McBreairty, has posed a question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, to the best of my knowledge, the federal law does not require municipal approval when land is to be purchased within an organized community, as opposed to an unorganized community. That was negotiated into this particular agreement.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Carpenter, that Senate Amendment "B" to L. D. 2076 be Indefinitely Postponed.

A Yes vote will be in favor of the motion to Indefinitely Postpone Senate Amendment "B". A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Hichens, Huber, Kerry, Minkowsky, Najarian, Pray, Sewall, C.; Trafton, Usher, Violette, Wood.

NAY—Ault, Brown, Emerson, Gill, McBreairty, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotzky.

ABSENT—O'Leary.

A Roll Call was had.

19 Senators having voted in the affirmative and 12 Senators in the negative, with 1 Senator being absent, the motion to Indefinitely Postpone Senate Amendment "B" does prevail.

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

(See Action Later Today.)

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

Order

An Expression of Legislative Sentiment recognizing:

Henry N. Deschene, of Auburn, on his 50th year as a member of Branch 345 of the National

Association of Letter Carriers for his many years of faithful service to the Auburn Post Office which he joined in 1929. (S. P. 992) presented by Senator TRAFTON of Androscoggin (Cosponsors: Representative BRODEUR of Auburn and Representative MICHAEL of Auburn).

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Senator CARPENTER: Mr. President, with reference to Supplemental Senate Journal Number 12, L. D. 2076, (I don't have an item number), having voted on the prevailing side, I would move Reconsideration.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Carpenter, that the Senate Reconsider its action whereby the Bill, An Act to Amend the Maine Implementing Act with Respect to the Houlton Band of Maliseet Indians, (S. P. 931) (L. D. 2076) was Passed to be Enacted.

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

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

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

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

Orders of the Day

The President laid before the Senate:

Bill, "An Act Implementing Certain Recommendations of the Citizens' Commission to Evaluate the Department of Environmental Protection." (S. P. 968) (L. D. 2130)

Tabled earlier in today's session by Senator Huber of Cumberland, pending the motion by the Senator from Aroostook, Senator McBreairty, that the Senate. Recede and Concur with the House.

On motion by Senator Huber of Cumberland, the Senate voted to Recede.

House Amendment "C" was Read.

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

Senator HUBER: Mr. President, I now present Senate Amendment "A" to House Amendment "C" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to House Amendment "C" and moves its Adoption.

Senate Amendment "A" (S-473) to House Amendment "C", as amended by Senate Amendment "A", Thereto, was Adopted, in non-concurrence.

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

Sent down forthwith for concurrence.

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

Recess

After Recess

The Senate called to order by the President.

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

Paper From the House

Joint Order

ORDERED, the Senate concurring, that in accordance with emergency authority granted under Title 3, section 2 of the Maine Revised Statutes, the 2nd Regular Session of the 110th Legislature shall be extended by one additional legislative day to be held on April 13, 1982. (H. P. 2360)

Comes from the House, Read and Passed.

Which was Read.

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

Senator WOOD: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Passage of H. P. 2360, please rise in their places to be counted.

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

21 Senators having voted in the affirmative, and 10 Senators having voted in the negative, H. P. 2360 was Passed, in concurrence.

Enactors

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

AN ACT to Create the Maine Condominium Act. (S. P. 870) (L. D. 2019)

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 Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1982-83. (H. P. 1845) (L. D. 1841)

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.

On motion by Senator Pierce of Kennebec, Adjourned until Tuesday, April 13, 1982 at 10 o'clock in the morning.