

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 1, 1982 to May 13, 1983

STATE OF MAINE
One Hundred and Eleventh Legislature
First Regular Session
JOURNAL OF THE SENATE
Augusta, Maine
March 22, 1983
Senate called to order by the President.

Prayer by Rabbi Morris Bernstein of the Temple Shalom Synagogue Center of Auburn.

RABBI BERNSTEIN: I feel very privileged to stand before you today. I'm a "Mainer" by choice, rather than by birth. I have been in the State for about eight months, and in that short time, I've seen something very remarkable: a people who are self-reliant and readily do and care for neighbors, even for strangers.

I've never met a "Mainer" who wasn't proud to be from Maine, and these are very resourceful people. I think this is the only place I have ever been in where people can take a burnt-out barn and make it into an eight room colonial.

As for you, Ladies and Gentlemen, you have the awesome responsibility of bearing the trust of these very fine people.

In the Jewish tradition, we are taught that each of us is created "Shalom Alei chem," in the image of God. At times, we have to search deep in our hearts to find that Divine spark, and some of us, a little deeper than others. Therefore, let this be our prayer today:

When you weigh in your minds what is right and what is good for the people of Maine, You truly imitate God, by pursuing justice on one hand, and compassion on the other. Amen.

Reading of the Journal of yesterday.

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

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

The President then retired from the Senate Chamber.

**Papers from the House
Non-concurrent Matter**

BILL, "An Act Relating to Payment by an Employer when a Physician's Certification of Illness is Required" (S. P. 240) (L. D. 682)

In the Senate March 18, 1983 Majority Ought to Pass Report Read and Accepted and the Bill passed to be Engrossed as amended by Senate Amendment "A" (S-31).

Comes from the House with the Minority Ought Not to Pass Report Read and Accepted in non-concurrence.

On motion by Senator Dutremble of York, the Senate voted to Insist.

House Papers

BILL, "An Act to Adjust Annually the Aid to Families with Dependent Children's Standard of Need to Eliminate Inflation-induced Decreases in Recipients' Standard of Living" (H. P. 935) (L. D. 1218)

Reference to the Committee on Health and Institutional Services suggested.

Comes from the House referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed in concurrence.

BILL, "An Act Concerning Insurance Rates for Persons with Good Driving Records" (H. P. 917) (L. D. 1197)

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

Which was referred to the Committee on Business Legislation and Ordered Printed in concurrence.

BILL, "An Act to Designate the Director of Area Reference and Resource Centers as Permanent, Nonvoting Members of the Maine Library Commission" (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24) (H. P. 919) (L. D. 1198)

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

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

BILL, "An Act to Prohibit 3rd Parties from Distributing Political Material on Behalf of a Candidate unless Authorized to do so by that Candidate" (H. P. 920) (L. D. 1199)

BILL, "An Act to Restrict the Time During which a Candidate may Campaign before the General Election" (H. P. 921) (L. D. 1200)

BILL, "An Act to Provide for Caucus and Convention Alternative for Making Nominations for Election" (H. P. 922) (L. D. 1201)

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

Which were referred to the Committee on Election Laws and Ordered Printed in concurrence.

BILL, "An Act to Make Allocations from the Low-level Waste Siting Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24) (Emergency) (H. P. 933) (L. D. 1216)

Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

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

BILL, "An Act to Permit Hunting with a .22 Caliber Rifle during Raccoon Hunting Season" (H. P. 934) (L. D. 1217)

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

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed in concurrence.

BILL, "An Act to Create a Maine Sentencing Guidelines Commission" (Emergency) (H. P. 916) (L. D. 1196)

Reference to the Committee on Appropriations and Financial Affairs suggested.

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

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

BILL, "An Act to Establish the Maine Natural Death Act" (H. P. 924) (L. D. 1203)

BILL, "An Act to Improve Remedies for Substandard Housing" (H. P. 923) (L. D. 1202)

BILL, "An Act to Revise Certain Sections of the Probate Code" (H. P. 936) (L. D. 1219)

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

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

(Off Record Remarks)

BILL, "An Act to Incorporate Last Best Offer Provisions into the Municipal Public Employees and the University of Maine Labor Relations Laws" (H. P. 925) (L. D. 1204)

BILL, "An Act Concerning Charges to Agricultural Seasonal Employers for Benefits Paid to Unemployed Workers" (H. P. 937) (L. D. 1220)

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

Which were referred to the Committee on Labor and Ordered Printed in concurrence.

BILL, "An Act to Create a Statewide Task Force on Arson" (Emergency) (H. P. 938) (L. D. 1221)

BILL, "An Act to Enable Law Enforcement Agencies to Dispose of Certain Property" (H. P. 926) (L. D. 1205)

BILL, "An Act Concerning Inspection of Hotel Records by Police Officers" (H. P. 927) (L. D. 1206)

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

Which were referred to the Committee on Legal Affairs and Ordered Printed.

BILL, "An Act to Allow the Election of Members of the Board of Assessment Review" (H. P. 940) (L. D. 1223)

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

Which were referred to the Committee on Local and County Government and Ordered Printed in concurrence.

BILL, "An Act to Permit any Municipality with a License Ordinance to Deny a License to any Corporation, Company, Firm or Individual who is Delinquent in Paying any Personal Tax" (H. P. 939) (L. D. 1222)

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

On motion by Senator Pray of Penobscot, referred to the Committee on Taxation and Ordered Printed, in non-concurrence.

Sent down for concurrence.

BILL, "An Act Concerning Menhaden Fishing in Casco Bay" (H. P. 928) (L. D. 1207)

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

Which was referred to the Committee on Marine Resources and Ordered Printed in concurrence.

BILL, "An Act to Reincorporate and Amend the Charter of the North Berwick Water District" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Emergency) (H. P. 929) (L. D. 1208)

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

Which was referred to the Committee on Public Utilities and Ordered Printed in concurrence.

BILL, "An Act to Reform the Maine Corporate Income Tax Law" (H. P. 941) (L. D. 1224)

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

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

BILL, "An Act to Adjust Certain Motor Vehicle Title Fees" (H. P. 930) (L. D. 1209)

BILL, "An Act Relating to Enforcement of Handicapped Parking Zones on Turnpikes and the Interstate System by State Police" (H. P. 931) (L. D. 1210)

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

Which were referred to the Committee on Transportation and Ordered Printed in concurrence.

Communications

The Following Communication:

**State of Maine
House of Representatives
Augusta 04333**

March 21, 1983

The Honorable Joy J. O'Brien
Secretary of the Senate

111th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

House Paper 155, Legislative Document 180,
AN ACT to Amend the Banking Code Regard-

ing Minimum Amount Entitled to Interest, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Nineteen voted in favor and one hundred twenty-five against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
/s/ EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

The Following Communication (H. P. 464):
11th Maine Legislature
March 17, 1983

Hon. Edwin H. Pert
Clerk of the House
Hon. Joy J. O'Brien
Secretary of the Senate
State House
Augusta, Maine 04333

Dear Clerk Pert and Secretary O'Brien:

Pursuant to Joint Order, H. P. 663, we are today appointing the following members to the Joint Select Committee on Job Training:

Sen. Larry Brown, Senate Chairman
Sen. Frank Wood
Sen. James McBreairty
Rep. Stephanie Locke, House Chairman
Rep. Dan Gwadnosky
Rep. Raynold Theriault
Rep. Gary Cooper
Rep. Ralph Willey
Rep. Guy Scarpino

Sincerely,
/s/ JOHN L. MARTIN
Speaker of the House
/s/ GERARD P. CONLEY
President of the Senate

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File, in concurrence.

Senate Papers

BILL, "An Act Relating to Drinking in Public" (S. P. 420) (Presented by Senator McBREAIRTY of Aroostook) (Cosponsors: Senator CHARETTE of Androscoggin, Representative MATTHEWS of Caribou and Representative CROUSE of Washburn)

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

Sent down for concurrence.

BILL, "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,450,000 for Fiscal Year 1984 and \$1,500,000 for Fiscal Year 1985" (Submitted by the Public Utilities Commission pursuant to Joint Rule 24) (Emergency) (S. P. 421) (Presented by Senator BALDACCIO of Penobscot) (Cosponsors: Representative VOSE of Eastport, Senator KANY of Kennebec and Representative BOST of Orono)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Provide a Corporate Tax Credit for Donations of Technological Equipment to Maine Elementary and Secondary Schools" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (S. P. 422) (Presented by Senator MINKOWSKY of Androscoggin) (Cosponsors: Representative MELENDY of Rockland, Representative CROWLEY of Stockton Springs and Senator HAYES of Penobscot)

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

Sent down for concurrence.

Committee Reports House

Leave to Withdraw

The following Leave to Withdraw reports shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Provide State Assistance for Municipalities with Excessive Refuse Disposal Costs" (H. P. 533) (L. D. 686)

BILL, "An Act Concerning Calvary Hill Christian School of Wilton, Maine" (H. P. 667) (L. D. 850)

BILL, "An Act to Modify the Dispute Resolution Process under the Labor Statutes" (H. P. 734) (L. D. 943)

BILL, "An Act Relating to the Storage of Malt Beverages under the Liquor Law" (H. P. 703) (L. D. 892)

BILL, "An Act to Designate the Atlantic Salmon as a Game Fish" (H. P. 446) (L. D. 539)

BILL, "An Act Relating to Recoupment of Monies Expended in the State Weatherization Program and the Establishment of a Permanent Revolving State Weatherization Fund" (H. P. 492) (L. D. 589)

BILL, "An Act to Provide Home Energy Assistance Benefits to Eligible Tenants in Subsidized Housing" (H. P. 509) (L. D. 607)

BILL, "An Act Concerning Travel Expenses for Legislators" (H. P. 806) (L. D. 1046)

Change of Reference

The Committee on Legal Affairs on BILL, "An Act to Amend the Charter of St. Mark's Home in Augusta" (H. P. 486) (L. D. 583) Reported that the same be referred to the Committee on Taxation.

Comes from the House with the Report Read and Accepted and the bill referred to the Committee on Taxation.

Which Report was Read and Accepted in concurrence, and the bill referred to the Committee on Taxation in concurrence.

The Committee on Appropriations and Financial Affairs on BILL, "An Act to Establish Funding for Programs of Preventive Intervention and Family Support" (H. P. 532) (L. D. 685) Reported that the same be referred to the Committee on Health and Institutional Services.

Comes from the House with the Report Read and Accepted and the bill referred to the Committee on Health and Institutional Services.

Which Report was Read and Accepted in concurrence, and the bill referred to the Committee on Health and Institutional Services in concurrence.

Divided Report

The Majority of the Committee on Labor on BILL, "An Act to Provide for Leaves of Absence for Employees Elected to the Legislature, Excluding Employees Covered under Provisions Dealing with Teachers" (H. P. 349) (L. D. 597) Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-71).

Signed:
Senators:

DUTREMBLE of York
HAYES of Penobscot

Representatives:

BONNEY of Falmouth
NORTON of Biddeford
SWAZEY of Bucksport
ZIRNKILTON of Mount Desert
WILLEY of Hampden
TAMMARO of Baileyville
BEAULIEU of Portland
TUTTLE of Sanford
LEWIS of Auburn
GAUVREAU of Lewiston

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

Signed:
Senator:

SEWALL of Lincoln

Comes from the House, the Majority Ought to Pass As Amended Report Read and Accepted and the bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-71).

Which Reports were Read, and the Majority Ought to Pass, as amended, Report of the Committee was Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" was Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

Senate Ought Not to Pass

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act Concerning Cable Television" (S. P. 174) (L. D. 529)

Ought to Pass — As Amended

Senator SEWALL for the Committee on Business Legislation on BILL, "An Act to Amend the Maine Consumer Credit Code" (S. P. 219) (L. D. 656) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-34).

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

Ought to Pass in New Draft under New Title

Senator TRAFTON for the Committee on Judiciary on BILL, "An Act to Remove Reference to Deputy Clerks under the District Court Laws" (S. P. 152) (L. D. 443) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Remove Reference to Clerical Assistants under the Court Laws" (S. P. 419) (L. D. 1268)

Which Report was Read and Accepted. The Bill in New Draft under New Title Read Once and Tomorrow Assigned for Second Reading.

The President Pro-Tem would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Conley to the Rostrum to assume his duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator Conley to the Rostrum where he assumed his duties as President.

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

The PRESIDENT: The Chair wishes to commend the Senator from Aroostook, Senator Carpenter for his outstanding performance as President Pro-Tem.

Second Readers House

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

BILL, "An Act to Strengthen the Enforcement of the Collection Agency Law" (H. P. 666) (L. D. 849)

BILL, "An Act to Amend the Fraud Provisions of the Maine State Retirement System Statutes" (H. P. 693) (L. D. 882)

BILL, "An Act Limiting the Cost of Local Pay Telephone Calls" (H. P. 943) (L. D. 1213)

BILL, "An Act Concerning the Use of Purse Seines in Washington County" (H. P. 944) (L. D. 1214)

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

House — As Amended

BILL, "An Act to Amend the Maine Statutes to Provide for the Sale of Kerosene or Similar Illuminating or Fuel Oils which Flash under 100° Fahrenheit, Open Cup Test" (H. P. 154) (L.

D. 179)

BILL, "An Act to Provide Consistency in the Filing of Mechanics' Liens" (H. P. 263) (L. D. 323)

BILL, "An Act to Increase the Penalty for Non-payment of Reportable Wages under the Unemployment Compensation Laws" (H. P. 506) (L. D. 604)

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

Enactors

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

An Act Relating to General Health Insurance Benefits for Injured Maine Workers and Their Families. (H. P. 896) (L. D. 1148)

An Act to Amend the Provisions of the Medical Eye Care Program. (S. P. 376) (L. D. 1123) (See Action Later Today)

An Act to Amend the Banking Code Regarding the Trust Powers of Thrift Institutions. (S. P. 105) (L. D. 237)

An Act Relating to the Industrial Waste Treatment Program of the Kennebec Sanitary Treatment District. (H. P. 347) (L. D. 406)

An Act to Amend the Charter of the Augusta Sanitary District. (H. P. 256) (L. D. 306)

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

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory. (H. P. 430) (L. D. 512)

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

Emergency

An Act to Clarify Filing Fee Requirements for Public Utilities Commission Approval for Electric Utilities' Purchase of Electric Power and Conversions. (H. P. 887) (L. D. 1122)

This being an emergency measure and having received the affirmative vote of 31 members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act to Adjust the Service Fee and Allocations of the Low-level Waste Siting Fund, and to Adjust the Membership of the Low-level Waste Siting Commission. (H. P. 568) (L. D. 663)

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I guess I took rather seriously this morning the good remarks made by the Rabbi from Auburn, Rabbi Bernstein when he made reference to weigh what is right and good for the people of Maine. That is the key words, "weigh what is right and good for the people of Maine."

The piece of legislation in the enactment stage as an emergency this morning, in my estimation, is not what I consider right and good for the people of the State of Maine.

If you look at it objectively, at least, from my own personal assessment of it that it doesn't amount to anymore than an area of statutory harassment of a utility and the ratepayer's in that utility.

People fail to take into consideration in legislation, statutorily, keep adding on these additional costs, costs, after costs, after costs, and the end result is it matriculates down to the people, who sometimes can least afford to pay the additional costs. These maybe our low-income people, our indigent people. If they can't afford to pay for it, then it reverts back to

those who are working, who pick up the additional costs through taxation.

One of the asinine parts of this Bill, where it is of in my estimation, of paramount importance to have people on that Commission, on which I serve and I'm very happy and very proud to serve on the Commission, because you do have some very, very fine people, the thing that's wrong with this you expect the utility to pick up the cost for the activities of the Low-level Waste Siting Commission, but you're denying their participation in providing the expertise, along with other people that we have on our Commission in which to come forth with a viable, practical document that will serve the people in the State of Maine in a constructive fashion.

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

Senator KANY: Thank you, Mr. President. Mr. President and Members of the Senate, this is neither a pro nor an anti-nuclear Bill. It basically provides funding for choosing the best method for Maine, of solving the problem of what to do with our Low-level Radioactive Waste. A problem important to us who are here today, as well as, to future generations, and I ask you to Enact this emergency measure so that a thorough job can be done as we make this important decision, carefully.

This being an emergency measure and having received the affirmative votes of 25 Members of the Senate, with 5 Senators having voted in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

On motion by Senator Najarian of Cumberland, the Senate voted to reconsider its action of earlier in today's session whereby:

BILL, "An Act to Amend the Provisions of the Medical Eye Care Program" (S. P. 376) (L. D. 1123), was Passed to be Enacted.

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

The President laid before the Senate the first Tabled and specially assigned matter: SENATE REPORT—from the Committee on Education

BILL, "An Act to Amend the Statute Relative to the Appointment of the Commissioner of Educational and Cultural Services" (S. P. 220) (L. D. 657) Ought to Pass in New Draft under same title (S. P. 416) (L. D. 1263)

Tabled—March 18, 1983 by Senator PRAY of Penobscot

Pending—Acceptance of Committee Report
The Ought to Pass, in New Draft, Report of the Committee was Accepted. The Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

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

BILL, "An Act Concerning Court Procedures Dealing with Notice in Liability Cases" (H. P. 402) (L. D. 485)

Tabled—March 18, 1983 by Senator PRAY of Penobscot

Pending—Enactment
(In House March 17, 1983 Passed to be Enacted)

On motion by Senator Pray of Penobscot, Retabled for 1 Legislative Day.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate, what I would like to do this morning is to read a position paper into the Record on a bill that was reported out of our Committee on Marine Resources, and the reason why it is of paramount importance that

nobody misconstrue what the intent of the Committee was as a whole.

If you will bear with me for just about a minute I would be glad to put this on the Record so that people who are actually concerned with the designation of the Atlantic salmon as a "game fish" will fully understand what we did and why we did it.

"No recent event has been more exciting or satisfying for conservationists than to witness the restoration of Atlantic salmon in Maine rivers. From a low point in the 1950s when only a handful of fish were landed each year, Maine's rivers are now returning to their former state, and yield more than one thousand fish annually.

This restoration is the result of three factors: water quality clean-up in the rivers, an active restoration and stocking program, and the wise management of the resource over the last 20 years. Each of these activities was a cooperative effort of State and federal agencies, and represents expenditures of millions of dollars. The tremendously enhanced environmental, recreational, and economic benefits that have resulted are a wonderful reward for this effort.

Over the last several years, the Legislature has recognized the significance of the Atlantic salmon restoration, and has enacted several new provisions to protect the resource. These measures include:

- 1) Designation of coastal waters in salmon rivers where controls apply;
- 2) Requirements for Atlantic salmon stamps in all inland and designated coastal waters to allow the state to monitor the harvest; and

- 3) Establishment of an Atlantic salmon tagging program, with a bag limit of 10 fish per year for any person.

These new provisions are only now being implemented, and haven't been given a chance to work. Because of this, and because there has been no demonstration of a specific problem with the present situation, the Marine Resource Committee is recommending that L.D. 539 be granted Leave to Withdraw. If there are any problems after the implementation of the new requirements, particularly the tagging system, the Committee would recommend taking whatever action is necessary to protect the resource."

Finally, the title of L.D. 5349, as far as the Committee was concerned was misleading. "There is no current designation of any species as a "game fish." There are prohibitions on the sale of certain predominantly fresh-water fish, such as trout and bass. There are no restrictions on the sale of any predominantly salt-water species. Hundreds of thousands of pounds of Atlantic salmon are currently imported into this State from Canada, there are proposals for the commercial aquaculture of the species for sale. Until it has been demonstrated that there is a problem, it would create an unacceptable administrative burden to prohibit the sale of Atlantic salmon."

Thank you very much, Mr. President, and Members of the Senate for getting this testimony on Record.

Senator Baldacci of Penobscot was granted unanimous consent to address the Senate, On the Record.

Senator BALDACCI: Thank you, Mr. President. Members of the Senate, there was a bill that came out of the Committee on Public Utilities, ought not to pass, it was a "Bill, An Act Concerning Cable Television."

I understand that this Bill has been brought up many times before in this Legislature and turned back, but something very interesting has occurred with cable television in the Bolder Colorado Case versus the cable company in that town it was held that the municipalities could not set up local franchises unless they had a state policy enabling them to do

that.

So that means that if a state doesn't have a cable television policy that the local franchises are invalidated. The State of Maine does not have a cable television policy enabling municipalities to set up those local franchises, and it could invalidate all of those local franchises.

The Committee in hearing the bill presented by the Senator from York, Senator Dutremble, was impressed with the fact that there was a concern there. There are a lot of communities that leave it up to the cable companies to regulate themselves, and it is not very fair to the consumers.

The second point was that there is a blur between what the telephone company will be providing in the future and what the cable companies will be providing in the future, and also, the law suit. So, the Committee has set aside the bill because it would not like to do something and then have a study show that something else ought to be done. It has made a telecommunications policy study the top priority for the Committee to undertake, similar to a State energy policy.

So, I would ask any of you Senators who are interested in input into that, I did receive documentation from some, but if any of you are interested in having some sort of input into that situation I would appreciate it, because something has to be done to protect the consumers.

Thank you, Mr. President.

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Carpenter of Aroostook, Adjourned until 9 o'clock tomorrow morning.
