

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**FIRST REGULAR SESSION**

**May 16, 1983 to June 24, 1983**

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STATE OF MAINE  
One Hundred and Eleventh Legislature  
First Special Session  
JOURNAL OF THE SENATE  
Augusta, Maine  
September 7, 1983  
Senate called to order by the President.

Prayer by Senator Michael E. Carpenter of Aroostook.

Senator CARPENTER: Let us pray! Our Heavenly Father as we prepare to finish this First Special Session of the One Hundred and Eleventh Legislature, let us all hope and pray that our work has been productive and let us all keep in mind that everything that we do both here and as we leave here today, should be in the furtherance of Your Holy Word. We pray this. Amen.

Reading of the Journal of yesterday.

**Paper From the House  
Joint Resolution**

The following Joint Resolution: (H. P. 1370)  
Joint Resolution Expressing Sympathy  
on the Death of the Honorable  
Luman P. Mahany

WHEREAS, a great sadness fills our chambers with the passing of Luman P. Mahany, of Easton, on July 18, 1983; and

WHEREAS, the Members and the staff of the Maine Legislature feel a special sorrow in his death, for he was a wise and trusted friend to all; and

WHEREAS, he has brought great honor to his county, community and state through his service in the 105th, 106th, 107th, 108th, 109th, 110th and the current 111th Maine Legislature; and

WHEREAS, he consistently used his warm and soft spoken manner and profound skill for the genuine betterment of Maine Agriculture Industry; now, therefore, be it

RESOLVED: That the Members of the 111th Legislature now assembled this day in Special Session extend this token of our deepest affection to honor the memory of a life that enriched many lives and to express a common sorrow and sadness at the loss of a dear colleague and trusted companion; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be sent to his dear and devoted wife, Augusta, and the family, along with our endless regards and heartfelt sympathy.

Comes from the House, under suspension of the rules, Read and Adopted.

Which was, under suspension of the rules, Read.

On motion by Senator Wood of York, Tabled until later in today's session, pending Adoption.

**Orders  
Joint Orders**

On Motion by Senator BALDACCI of Penobscot, the following Joint Order: (S. P. 643) (Cosponsors: Senator PRAY of Penobscot, Representative MARTIN of Eagle Lake, Representative VOSE of Eastport)

WHEREAS, the United States Constitution, Amendment X, reserves to the states the exercise of the police power to protect public health, morals and public safety; and

WHEREAS, under the Constitution of Maine, the Legislature bears a portion of the responsibility to protect the public health, morals and safety; and

WHEREAS, the regulation of public utilities is a function of the Legislature; and

WHEREAS, in 1913 the Legislature delegated to the Public Utilities Commission the regulation of public utilities, including those granted monopoly status by Act of the Legislature and by operation of other laws; and

WHEREAS, the delegation of power to the Public Utilities Commission is limited, with the

residual power and duty to regulate public utilities remaining in the Legislature; and

WHEREAS, the Legislature maintains constant oversight of the activities of the Public Utilities Commission and its efforts to regulate the public utilities of Maine; and

WHEREAS, the Legislature has been informed of the following matters:

1. Recently, the Public Utilities Commission has conducted an investigation of matters in connection with the false testimony of a specific utility and has proposed to order it and several of its officers and employees to show cause why it and the officers and employees should not be held in contempt for presenting false information to the commission, engaging in a series of actions designed to continue to impede the commission's authority and for failing to correct that information when its misleading nature became known to the utility;

2. As a result of that investigation, the utility and a senior officer of the utility have pleaded guilty in Maine courts to the crimes of falsification of physical evidence and false swearing, respectively;

3. During the course of that investigation, the commission developed information that at least one utility has become extensively involved in Maine's political process, including the use of utility employees in political campaigns; in the formation and use of political action committees; in the formation of operation of an incorporated subsidiary which conducted political polling for the utility and for presently unnamed political candidates and organizations; and in the retention of consultants for the purpose of directing its political activities;

4. The commission has indicated that due to lack of resources it has been unable to satisfactorily complete further examination of that utility's or other utilities' involvement in the political process. This leaves unanswered the critical questions of the scope and purpose of involvement in political activities by large utilities, of the relationship of these political involvements to the regulation of public utilities and of the adequacy of and compliance with election laws applicable to their activities and the beneficiaries of their activities; now, therefore, be it

ORDERED, the House concurring, that pursuant to the Constitution of Maine and the Revised Statutes, Title 3, sections 162, 165 and 401, et seq., the Legislative Council shall appoint itself, a joint standing committee or a joint select committee, as a legislative investigating committee to investigate and report on the following matters:

1. The nature of the relationship of public utilities to their subsidiaries, affiliates, officers, employees and persons or organizations providing contract services to them, with particular attention to the larger utilities;

2. The nature and extent of the participation of public utilities, either directly, indirectly or through their subsidiaries, affiliates, political action committees, officers, employees or contractors, in political processes and activities, including both referenda campaigns and election campaigns;

3. Whether that political participation has involved violations by public utilities or other persons of laws relating to elections, registration of voters, initiatives and referenda, campaign reports or finances, or other political or election activities or practices;

4. The relationship of that political participation and the regulation of public utilities;

5. Whether ratepayers' money has been used directly or indirectly to affect the regulation of public utilities;

6. The ability of the commission to properly and thoroughly investigate, monitor and report on the matters set forth above; and

7. The adequacy of the present laws governing public utility regulation and elections to properly reveal and regulate the political

participation of utilities; and be it further

ORDERED, that to carry out this investigation, the Legislature grants to this committee all the powers and authority of a legislative investigating committee as provided under the Revised Statutes, Title 3, section 162, subsection 4; section 165, subsection 7; and sections 401, et seq. The committee may hire legal counsel and staff as necessary; and be it further

ORDERED, that the committee shall make its final report, including recommended legislation, as well as any interim reports and recommended legislation, not later than the convening of the 112th Legislature.

Which was Read.

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

**Enactor**

The Committee on Engrossed Bills reported as truly and strictly Engrossed:

**Emergency**

An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine. (S. P. 638) (L. D. 1802)

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

On motion by Senator Pray of Penobscot, 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 the Tabled and specially assigned matter:

BILL, "An Act to Correct and Clarify the Motor Vehicle and Workers' Compensation Laws." (H. P. 1369) (L. D. 1803)

Tabled—September 6, 1983 by Senator PRAY of Penobscot.

Pending—Passage to be Engrossed.

(In Senate, September 6, 1983, Read Twice without reference to a Committee)

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

Senator DANTON: I offer Senate Amendment "A" (S-273) and move its Adoption, and just a word of explanation, Mr. President.

The PRESIDENT: The Senator has the floor.

Senator DANTON: Mr. President and Members of the Senate, as many of you know we got L.D. 1803, "An Act to Correct and Clarify the Motor Vehicle and Workers' Compensation Laws". It was really a mixed-bag Bill, but we've taken and amended everything up from section 1 to 6 and all that we've left in there is some clarification on the Workers' Comp. Law that needed to be cleared up, and I'm sure that when I sit down a member from the Labor Committee will get up and explain what that does.

What this Bill attempted to do was to try and clarify the Agents Law. For those of you that were like myself, (a few months ago I didn't know what an agent really was in the State of Maine or what his duties were) what an agent does is he takes and registers trailers for out-of-state trucking companies that get long-term registrations with the State of Maine. Of course, the Transportation Committee is going to study that Agents Law and try to come out with a bill some time in January for your consideration.

I'm sure it's not the intent, or was it ever the intent of the Maine Legislature, many years ago, to prohibit the Department of Motor Vehicles from registering trailers, and I'd like to get that on the Record. I think we want the Motor Vehicle Department to be able to regis-

ter the trailers and we, also, want agents to exist as they presently do, if they wish to represent trucking companies throughout the country. So having put that on the Record feeling that that was the intent years ago of the Maine Legislature and knowing that we are going to study this issue starting the middle of next month, I would hope that you would adopt this amendment.

It takes all of that section out, all you're going to have on that Bill is the clarification of some Workers' Comp Law that needs some clearing up. I'm sure the good Senator from (Hancock, Sagadahoc?) Lincoln, Senator Sewall will get up and explain what that does. Thank you, Mr. President.

The PRESIDENT: The Senator from York, Senator Danton offers Senate Amendment "A" (S-273) and moves its Adoption.

Senate Amendment "A" (S-273) was Read.

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

Senator SEWALL: Thank you, Mr. President. Members of the Senate, the section on Workers' Compensation simply restores the statute of limitations of ten years they had been under Workers' Comp. and were inadvertently changed to two years under the Speakers' Bill in an error.

Senate Amendment "A" was Adopted.

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

Sent down forthwith for concurrence.

(Off Record Remarks)

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

JOINT RESOLUTION Expressing Sympathy on the Death of the Honorable LUMAN P. MAHANY (H. P. 1370)

Tabled—September 7, 1983 by Senator WOOD of York.

Pending—Adoption.

(In House, September 6, 1983, under suspension of the rules, Read and Adopted.)

(In Senate, September 6, 1983, Read.)

On motion by Senator Wood of York, Retabled until later in today's session.

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

JOINT ORDER relative to appointment of a Committee regarding the Activities of Public Utilities (S. P. 643)

Tabled—September 7, 1983 by Senator PRAY of Penobscot.

Pending—Passage.

(In Senate, September 7, 1983, Read.)

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

Senator COLLINS: Mr. President, I would submit to the Senate that this Joint Order is totally unnecessary and a burden upon the Maine taxpayers that really cannot be justified.

This morning in our Legislative Council meeting, there came before us a letter describing the projected work of the Joint Standing Committee on Audit and Program Review under the Maine Sunset Act, explaining the schedule in which the Public Utilities Commission will be thoroughly examined, explored and a report came through with further work next winter. It requested that the Council approve the identification of two members to participate with the subcommittee, and the members appointed were the Senator from Penobscot, Senator Baldacci, and Representative Harriet Lewis. That action was approved and we know that the diligent work of that committee will be going on this fall and next winter.

The issues that are described in the proposed Joint Order really repeat what we've been seeing in the newspapers for almost one year now. We know that the Attorney General's Office has done investigations that it has

brought criminal complaints; that it has obtained convictions—pleas of guilty; there have been fines. We know that the Commission, itself, has explored its contempt powers; it has an article in the press at least once every week and in every Sunday supplement discussing all of its concerns about certain political poles and testimony relating thereto.

It seems to me as one taxpayer and one ratepayer that the Commission has been chasing butterflies for a great deal of the past couple of years. Now it seems as though certain Members of the Legislature are determined that the Legislature must, also, get in on this game and proceed to flog a dead horse. I submit that I resent that as a taxpayer and as a ratepayer, because someone has to pay. The last time that the Legislature embarked in this sort of witch hunt some of us may remember that it concerned the Valshing effort up in Aroostook County, had a connection with sugar beets and so forth. You may remember that council was hired and investigated and subpoenaed and so forth, and so forth, and so forth, and I'm informed that nearly a quarter million dollars was spent in that effort.

I think that what we have today has already been thoroughly explored by competent people in the Commission, and in the Attorney General's Office. I submit that this particular Order is a very, very obvious attempt to create a vehicle to give certain members of the Legislature the funding by the taxpayers to keep them in the public eye and to flog a dead horse, and I submit that we ought to vote against that sort of performance. 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 PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCII: Mr. President and Members of the Senate, first, to explain some of the remarks of the good Senator from Knox, Senator Collins, the work that the Audit and Program Review Committee is going to be conducting, which I am a member of as well as Representative Lewis, is the review of the Public Utilities Commission. We had a lot of discussion in Committee earlier this year about the operations of the Public Utilities Commission and there's a concern on the Committee and Audit and Program Review to get this work underway to review their programs and operation.

The issue with this particular Order is not in that domain, and I have discussed this with several other Senators and Representatives. The purpose of this Order is to set up a Joint Select Committee to investigate the political activities of the large regulated Public Utilities including the nature and extent of their political activities, the legality of those activities and who pays for those activities.

A case of political activity by the Central Maine Power Company has been getting much attention both at the PUC and in the press. This apparently includes sharing political polls with Legislative candidates; it may have included compulsory participation by company employees in a get-out-the-vote campaign. This information was incidental to a PUC investigation of other matters. Because of that and limitations on PUC resources, the PUC did not investigate the matter fully.

Chairman Bradford of the Public Utilities Committee in a letter to Speaker Martin explained that jurisdictionally, resource wise, he does not have the ability to continue the investigation.

The Commission conducted no extensive

examination of CMP's involvement in the political process. Limitations were those imposed by PUC priorities and by the resources available to conduct the investigation and the statutory requirements.

Public Utilities are not ordinary companies. The State gives them monopoly status and special treatment to insure adequate profits. The Legislature has a responsibility to see that the public interest is properly served through this arrangement. Ordinarily that is accomplished by PUC regulation, but when normal regulatory review is not enough the Legislature has the responsibility to insure proper action. The investigation must be professional, objective and of the highest quality. The Order provides the necessary resources and authority, and the vehicle of a Joint Select Committee with well-balanced membership, will insure that no individual or faction will use the investigation for political gain.

No one can predict the outcome of that investigation, but as a minimum the issue should be laid to rest with no more unanswered questions that the PUC was not able to follow-up. No more hanging fires; you'll know the facts and if the facts show inadequacy in present law governing Public Utility Regulation and Elections then we must consider changing those laws. If the facts suggest criminal conduct the matter will be turned over to the Attorney General for further investigation and possible prosecution. If the facts suggest reasonable behavior, the accusations can cease and the matter be laid to rest.

For these reasons, I ask for your support of this Joint Order. Thank you, Mr. President.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, after reading this Joint Order this morning and analyzing part of the provisions, I guess we're dealing more than with a public health issue or a safety issue, but according to the Joint Order we're talking about a moral issue. It specifically referred to the United States Constitutional Amendment Ten to protect the public health, morals and public safety. It further goes regarding the Constitution of the State of Maine which again protects the public health, our morals and our safety.

I find with interest the sixth "whereas" in this particular Order. I would like to read it for the Record: "Whereas the Legislature maintains constant (and I emphasize the word constant) oversight of the activities of the Public Utilities Commission and its efforts to regulate the public utilities in Maine." Let me go back to the word "moral." The interpretation in Webster's is "relating to, dealing with, or capable of making the distinction between right and wrong in conduct." Now if the utility, or public utilities that are listed in this particular Order are guilty of any wrong doing then certainly the sixth Whereas, we, who are maintaining a constant vigilant oversight, are just as guilty.

This thing is very comprehensive. It covers the area of subpoena powers, subpoena powers under Title 3, and many of its subsections. But the interesting thing with the Legislative Council or the assigned committee that will conduct this investigation is no one indicates any fiscal note. I think it is of significant value that if we are going to pass an Order of this magnitude and utilize tax dollars that the Council, or the Joint Select Committee be up front with a budget to clearly indicate to this Legislature put the tentative costs that are relevant to this issue. A fiscal note is a must.

I can recall the Maine sugar beet investigation which is, also, then classified as a witch hunt which cost us in the area of two hundred fifty or three hundred thousand dollars and brought forth not a single result. In fact, I think when "Freddie the Freeloader" got done with us, we looked ridiculous after expending that

much money.

Let's be up front with this issue. It says, "the nature of the relationship of public utilities to their subsidiaries, affiliates, officers, employees, and persons or organizations providing contract services to them, with particular attention to larger utilities."

Why didn't you people who drafted this, if you did do it on your own without any assistance from other people involved in this, be up front to say that you are out to get Central Maine Power Company, not just big public utilities because if you're saying public utilities gentlemen, you're talking about the telephone company, talking about water and sewer districts? Why are you not up front to say specifically who you're after? That's ethics, that's honesty and that is a moral issue.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President and Members of the Senate, the only point to make in regards to what has been said already is that hopefully the Legislative Council, which would be empowered with this particular Legislative Order to set itself up as a committee for a Joint Select Committee would be able to look at the major public utilities in this State and their political activity that the Public Utility Commission doesn't have the statutory responsibilities to review; that the Attorney General's Office can't review because there is no criminal charges; they can't investigate. They have to respond to criminal charges, so it's up to the Legislature to do the investigation and then set forth recommendations about a policy that a public utility should have in political activity. The regulated monopoly in their status, and the political activity and it's a policy that has to be developed very objectively and professionally by this Legislature because it's a policy. Thank you, Mr. President.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, this morning I heard in the corridors that the criminal charges against this big utility referred to in this Joint Order had to be reduced to a civil action.

Secondly, I understand from other sources in this Legislature that the new President has sent a letter to the Speaker of the House, Mr. Martin indicating his full cooperation in which to resolve any differences. Is that not good faith on the part of the big utility?

The PRESIDENT: The pending question before the Senate is Passage of S. P. 643.

A Yes vote will be in favor of Passage of S. P. 643.

A No vote will be opposed.  
The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

**ROLL CALL**

YEA—Baldacci, Carpenter, Charette, Danton, Diamond, Dow, Erwin, Kany, Pray, Traf-ton, Usher, Wood. The President Gerard P. Conley.

NAY—Collins, Emerson, Gill, McBreairty, Minkowsky, Perkins, Redmond, Sewall, Shute.  
ABSENT—Brown, Bustin, Clark, Dutremble, Hayes, Hichens, Najarian, Pearson, Teague, Twitchell, Violette.

A Roll Call was had.  
13 Senators having voted in the affirmative and 9 Senators in the negative, with 11 Senators being absent, S. P. 643 was Passed.  
Sent down forthwith for concurrence.

The President laid before the Senate the third Tabled and specially assigned matter: AN ACT to Make Corrections of Errors and Inconsistencies in the Laws of Maine (Emergency) (S. P. 638) (L. D. 1802)  
Tabled—September 7, 1983 by Senator Pray of Penobscot.

Pending—Passage to be Enacted.  
(In House, September 6, 1983, Passed to be Enacted)

This being an emergency measure and having received the affirmative votes of 22 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.

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

**Committee Report  
House  
Divided Report**

Ten Members of the Committee on Fisheries and Wildlife on BILL, "An Act to Provide Additional Revenue to the Department of Inland Fisheries and Wildlife Through an Increase in License Fees" (H. P. 1208) (L. D. 1607) Reported in Report "A" that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Provide Additional Revenue to the Department of Inland Fisheries and Wildlife by an Increase in License Fees and to Allocate those Increased Revenues to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (H. P. 1364) (L. D. 1797)

Signed:

Senators:

USHER of Cumberland  
DOW of Kennebec  
REDMOND of Somerset

Representatives:

MacEACHERN of Lincoln  
ERWIN of Rumford  
RODERICK of Oxford  
CONNERS of Franklin  
GREENLAW of Standish  
SMITH of Island Falls  
PAUL of Sanford

Two Members of the same Committee on the same subject matter Reported in Report "B" that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Provide Additional Revenue to the Department of Inland Fisheries and Wildlife by an Increase in License Fees and to Allocate those Increased Revenues to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (H. P. 1365) (L. D. 1798)

Signed:

Representatives:

KELLY of Camden  
CLARK of Millinocket

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

Signed:

Representative:

JACQUES of Waterville

Comes from the House, with Report "A" Read and Accepted and the New Draft (H. P. 1364) (L. D. 1797) Passed to be Engrossed as amended by House Amendment "A" (H-439)

Which Reports were Read and Report "A" the Majority Ought to Pass, as amended, Report of the Committee was Accepted.

The Bill in New Draft under New Title Read Once.

House Amendment "A" (H-439) was Read.  
On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Adoption of House Amendment "A".

(Off Record Remarks)

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

**Paper from the House  
Joint Resolution**

The following Joint Resolution: (H. P. 1372)

**JOINT RESOLUTION IN PROTEST OF THE  
NEEDLESS DESTRUCTION OF AN UNARMED  
KOREAN AIRLINER BY THE SOVIET UNION**

WHEREAS, this Legislature has learned with shock of the tragic death of 269 passengers aboard an unarmed South Korean 747; and

WHEREAS, this commercial jet which had strayed off course was shot from the sky above Sakhalin by a heat-seeking missile fired by one of eight Russian fighters which had tracked the plane for two and a half hours; and

WHEREAS, this was a cold and calculated act with little or no warning which has drawn outrage in capitols around the globe; and

WHEREAS, there has been no apology, suitable explanation or compensation offered for this barbarous act by the Soviet Union which has caused world-wide indignation; and

WHEREAS, sixty-one Americans were aboard that doomed aircraft, who with others aboard, appear to be victims of this cold war crime against humanity; now, therefore, be it

RESOLVED: That We, the Members of the 11th Legislature now assembled in Special Legislative Session take this opportunity to express our deep concern for this inexcusable act of shooting down an unarmed civilian aircraft in violation of international law and humanitarian regard for securing the safety of civilian air transport and that our deepest sympathy be extended to the many families who lost their loved ones in this needless tragedy; and be it further

RESOLVED: that a suitable copy of this joint resolution be sent to the Soviet Ambassador to the United Nations and to the American Ambassador to the United Nations.

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

On motion by Senator Pray of Penobscot, Recessed until the sound of the bell.

**Recess**

**After Recess**

The Senate called to Order by the President.

**Orders of the Day**

On motion by Senator Pray of Penobscot, the Senate voted to remove from the Table:

BILL, "An Act to Provide Additional Revenue to the Department of Inland Fisheries and Wildlife by an Increase in License Fees and to Allocate those Increased Revenues to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984, and June 30, 1985 (H. P. 1364) (L. D. 1797), Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending Adoption of House Amendment "A".

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

Senator USHER: I offer Senate Amendment "A" (S-274) to House Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Usher offers Senate Amendment "A" (S-274) to House Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-274) to House Amendment "A" was Read.

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

Senator USHER: Just to clarify, it is to clarify a technicality on page 2 and this should resolve the matter.

Senate Amendment "A" to House Amendment "A" was Adopted.

House Amendment "A" as amended by Senate Amendment "A" thereto was Adopted, in non-concurrence.

Under Suspension of the Rules, the Bill,

Read a Second Time.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, there was just one simple concern, not of the magnitude that has been discussed about bodies, but something that I think should be clarified either now or in the future by the Committee, and that's relevant to the residents in the military forces.

On this particular amendment it talks very clearly that a combination fishing and hunting license shall be issued upon payment of seven dollars plus the issuing fee.

On our Maine residents, our resident combination and fishing license is twenty dollars.

The question I have for the Committee is this: We have many residents who are in military service, at Brunswick Naval Air Station and many other installations in the State of Maine, I would assume, being in military service and being residents of the State of Maine, they would be entitled to the seven dollar combination license. Maine residents do not have that privilege as we will be paying two-thirds more or roughly twenty dollars.

I'm just wondering if there is some way that the Committee could possibly amend this to be absolutely sure that those people who are in military service, that are residents of the State of Maine, that are serving their country outside the jurisdiction of the State of Maine would come under this provision and not allow everybody else who is serving in the State of Maine who is a resident, who is in military service to have this particular privilege over and above our Maine residents.

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

Senator DIAMOND: Mr. President and Members of the Senate, I don't rise as a member of that Committee. I do rise as Chairman of the Audit and Program Review Committee and that question has been brought forth. I cannot speak why that might have been addressed here but I can assure you that's going to be addressed in the next few months, the next two months, in particular.

If I might continue, Mr. President, I do want to make another statement; that is, on page 2 of the amendment, as I say, we are about half way through the review of this entire department and I would just like to point out that where items are scratched out lines 11 and 12, you see the underlined words "credited to that fund." What we're talking about here is a swap between the interest that the Department of Inland Fisheries and Wildlife that they gained on their money currently and in the past that interest goes to the General Fund, and in turn, the General Fund pays their rent. So basically what's happening here we're making a swap; we're swapping the interest money that's going to the Department, and the General then is relieved of the burden of paying the rent. It is difficult to project what that will be from year to year. We can look at last year, for example, and find that the interest last calendar year the interest is about a hundred forty-two thousand dollars and the rent was ninety-six thousand dollars. So you see that serves a purpose in this particular case of providing monies for the Department which is one of the reasons we're dealing with all these issues.

I did want that into the Record that that is a particular point that the subcommittee on Fisheries from the Audit Committee has looked into and that's the recommendation, up to this point, at least they've made. So, I just want that again on the Record. Thank you, Mr. President.

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

Sent down for concurrence.

Under Suspension of the Rules, there being

no objections, all items previously acted upon were sent forthwith.

(Off Record Remarks)

On motion by Senator Pray of Penobscot, Recessed until 2:15 this afternoon.

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:

**Papers From the House  
Joint Resolution**

The following Joint Resolution: (H. P. 1373) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 35)

Joint Resolution Memorializing the Congress of the United States to Denounce the Inhuman and Genocidal Treatment of Baha'is in Iran

WE, your Memorialists, the House of Representatives and Senate of the State of Maine of the First Special Session of the One Hundred and Eleventh Legislative session assembled, most respectfully present and petition the United States Congress, as follows:

WHEREAS, the persecution of members of the Baha'i religious community in Iran has received world-wide attention; and

WHEREAS, most recently, the entire civilized world was shocked by the news from Iran of the execution by hanging of women members of the Baha'i faith; and

WHEREAS, reports of attempted forced conversions to Islam of Baha'is in Iran and wholesale deliberate starvation of Baha'i communities have been made public; and

WHEREAS, execution of Baha'is for no other reason than their religious preference continue in Iran; and

WHEREAS, these violations of human rights on the part of the Iranian authorities constitute violations against all civilized norms of behavior, as incorporated within such expressions of world opinion as the United Nations Declaration of Human Rights, and, indeed, violate the very principles of Islam, itself; and

WHEREAS, the Baha'i religion has a long and continued association with the State of Maine through the Green Acres Center at Eliot, and other official groups; now, therefore, be it

RESOLVED: That We, the Members of the First Special Session of the 111th Legislature, do hereby denounce the inhuman and genocidal treatment of the Baha'is in Iran by the present government of the Ayatollah Khomeini as a "crime against humanity," and we do further resolve that copies of this expression of our outrage and concern be sent to members of our state's delegation in Congress, the President of the United States, the Secretary of State, the Secretary-General of the United Nations and the Permanent Iranian Delegation to the United Nations.

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

(Off Record Remarks)

**Enactors**

The Committee on Enrolled Bills reported as truly and strictly Enrolled:

AN ACT to Provide Additional Revenue to the Department of Inland Fisheries and Wildlife by an Increase in License Fees and to Allocate those Increased Revenues to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984 and June 30, 1985. (H. P. 1364) (L. D. 1797)

The PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Ladies and Gentlemen of the Senate, this Bill as is common in late hours of any legislative session was drafted rather quickly and rather late in the evening last night, due to that I think that there are some ambiguities in the language that we will not be enacting. I think that it is necessary to add some remarks to the Legislative Record to clarify those ambiguities.

I would, also, at this same time like to take an opportunity to urge the Audit and Program Review Committee which is presently examining the Department to take into consideration these ambiguities and perhaps in their report at the beginning of the next session would have some of these recommendations, or clarifications in their report.

If I could call the Senate's attention to the Bill, and on paragraph 6 on page 3 of the Bill simply gives the Commissioner the same authority to regulate the use of vehicles and equipment that other Commissioners have under their respective statutes. It does not prohibit personal use vehicles during the time when a warden is on duty or when he is available for duty and is signed in with the Department. Many of you who are familiar, a number of game wardens are located in the rather rural, unorganized territories of the State and basically they are on-call twenty-four hours a day.

It is not intended to arrogate any rights concerning the use of vehicles and equipment that now exists in collective bargaining agreements. Any changes in policy concerning the use of vehicles would, of course, have to be negotiated in the usual manner.

Another change in the Bill occurs on page 7, section 15 of the amendment, this section prohibits the Department from initiating any new biological programs without gubernatorial approval. In addition it prevents approval of reclassifications submitted after the effective date of this Bill from being funded until July 1, 1984. It does not prevent funding of any reclassification presently under consideration. It only requires that funding for such reclassifications be approved by the Legislature in the traditional manner.

I raise these points as I stated earlier because of some concerns from a number of individuals in the Legislative process as to what was actually intended in these sections of the Bill. This is clearly a Bill which has been designed originally to meet the needs of that Department. I think that everybody can agree when we look at various departments of State government that this Legislature has responded to those needs time and time again. We have addressed the various departments of this State in the last session and this Department being a dedicated fund, being supported by the fishing and hunting license fees, is now before us for consideration to meet their needs.

I personally have some reservations that this is not going to be enough money to meet the needs of the Department in the long term. I think that this issue will be back as far as the needs of the funding in that Department will be back before us rather shortly, if not within the next immediate session, then we definitely know that it will be in the next session, the first session of the 112th.

There has been a great deal of concern about this Department expressed by a number of people. I have in my tenure here found that my constituency, at least, takes this Department rather seriously while other parts of the State or some Members of the Legislature do not take it as seriously.

The management of our resources is very important. We have assigned this Department with the responsibility of managing our resources in the wild, our game population, our fisheries.

I think that one of the selling points of the State of Maine for those who have been long

concerned about economic development is this resource. It attacks hundreds of thousands of people to this State. They may be here as sportsmen, or they may be here just as tourists, but it is this part of the State of Maine, the wildlands, the hunting and fishing, and the wildlife that attracts many people. I think that we must properly fund this Department to guarantee that they will continue the proper management of our resource. Thank you, Mr. President.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, if this had been just a revenue-raising measure during this one day Special Session, I would have very serious reservations about voting for it today, but having an opportunity of speaking to many members of the Legislature who showed a genuine concern and expressed genuine needs for the Department, I want the Record to show that I intend to vote for this measure today, not because it is raising one million three hundred and eighty-five thousand dollars, but because there are many other provisions in that particular Bill which are of significant value to the Department, and I am quite sure will strengthen the administration of the Department.

We have heard many horror stories in both Branches of the Legislature as to what has gone on in the past. It is my understanding from people who are dealing very closely with the issue that with the present administration, they have done a very commendable job in addressing many of these issues. When I look at page 2 of the Bill, section 2 and section 3 it gives me a great deal of satisfaction to know that these things will be implemented by the Department in the interest of the hunter and fisher in the State of Maine, as well as, for the benefits of the people of the State of Maine in general. That is the reason why I want the Record to state very clearly that I am voting for this issue this afternoon.

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

Senator BUSTIN: Mr. President, I request a Roll Call.

The PRESIDENT: The Senator has the floor. Senator BUSTIN: Thank you, Mr. President. Mr. President, Women and Men of the Senate, I have been deliberating long and hard on this Bill; I have read it through, I have listened, I have been as frustrated as everyone else in this Chamber about the process and about how long it has taken us to get to this moment.

I thought that I was coming here to vote on some bonding issue. I had arranged my schedule to take care of that. I have been chastised as a State Senator because my primary job is to be a State Senator. I accepted that, I am here, I wasn't this morning I had to take care of some other business. Most of the time I am here, I want to do what I was elected to do, but I thought that this Special Session was called for me to vote on bonding issues. I did not know until the last moment, as I suspect that most people did not know, that we were going to deal with the Fisheries and Wildlife issue.

Since I have been in this Legislature what I have had to deal at last moments and at last instances are fisheries and wildlife issues for the most part. Now for the most part I have sat back and said, "Well, you know I don't know much about the issue, I'll go along with the Department, or I'll go along with the Committee seeing that they have aired the issue and they have had appropriate public hearings and every body has had their chance to have input." I do not think that they have had their chance to have input on this Bill. Simply because it failed in the last Session doesn't give me cause to want to deal with it in one Legislature "Special Session" Day. We are in our second day now dealing with this issue.

I had some bills that failed, should I have

brought them up for this Special Session? I didn't, nor would I have expected this Legislature to want to deal with them now. It is hot, it has been a very very hot beginning of September. School is in session we should be out doing other business other than this.

I am not going to be voting for this Bill, not because I don't want to see a fee increase, not because I don't believe in good management of our resources in this State, but because I think that it is drafted very poorly, that the conclusions have been arrived at without adequate input from the appropriate people, and that it is doing things to try to repair a management problem or administrative problems, or whatever it is that is happening out there. It is trying to take care of problems that should be taken care of before a Bill for fee increases comes before this Legislature. That's why I am going to be voting against it.

I would hope that other people, the rest of this Body would consider my remarks and consider voting against this Bill, also. Thank you.

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 Pray.

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, I just want the Record to be accurate. This Bill did not fail in the session it was carried over by a joint order which went unanimously through this Body and the other Body. In that joint order it said, "either at the First Special or next Regular Session" this by chance happens to be the First Special Session since the last one. That is what the order had stated thus the Bill is properly before us, there were no shenanigans going on by anybody attempting to put this proposal before at an inopportune time.

As a matter of fact perhaps part of those problems facing up to the needs of the Department is the reason that this Bill is before us at this time. A number of people have pointed out that if we waited till January we would need a two-thirds vote. God knows that some part of this Legislature process not necessarily this Chamber has had a hard time getting that majority vote.

I think that it is prudent to handle this issue at this time. It would be very nice to be able to stand here and say, as we have on so many other issues, that we have addressed it would be nice to sit here and say "no more" that we are not going to increase the fees, that we are not going to increase taxes, that we are not going to fund a department with the money that they need.

I think to stated opposition to that based upon the fact that it looks good on the political record, and I am not referring to you Senator Bustin on this issue, but some people who would like to vote against it because it is good on their record to say that they voted against it, when they know that that Department needs the money just like every other department in this State, is really a grave error to the people that they represent.

I would just hope that this proposal would pass today. I feel the support out there in talking to a number of the Members, but I just wanted to make the Record clear as to why the Bill is before us. Thank you, Mr. President.

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

Senator DANTON: Mr. President and Members of the Senate, as I look at the time it doesn't make much difference whether I get up and say a few words, the day is gone anyway.

I wouldn't like the good Senator from Kennebec, her words to go unnoticed, back last January I came forward with a proposition for the Department of Fish and Game to do a study in my river, the Saco River, pertaining to about forty-five thousand salmon that they had put there. I don't know if they have ever gone back, I have never seen a report on those salmon, but what this study was going to do it was going to be conducted by the Biology Department of the University of New England which is the Osteopathic School in Biddeford. They were willing to do this practically for nothing for the Department, just in order to get recognition from the State that they do have a good Marine Biology Department. I spoke to the Senate Chairman many times on this issue, I asked him what was going on on this particular issue, I never got an answer. All I got was there wasn't any money, that I bought.

I am going to vote for this today, but I also, am going to say it right here in the Record that I will not vote in the future for any increases for this Department if I find out that other universities or other colleges are willing to go and do marine biology work for the Department at almost a nothing cost rate to them, and let them do it themselves at perhaps six, seven, eight times the cost. This I am saying today because I want it on the Record. I want the Senators to know (the Commissioner is in this Chamber), I never spoke to the Commissioner, maybe he isn't even aware of it, but I want him to know that good management practices aren't only going to stop in the woods, and the brooks and the streams and the rivers. I want good management practices to be beginning at the Department. Thank you, Mr. President.

The PRESIDENT: The pending question before the Senate is Enactment of LD 1797.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President, I request Leave of the Senate to pair my vote with the good Senator from Oxford, Senator Twitchell. If he were here he would be voting No, and I would be voting Yes.

The PRESIDENT: The Senator from York, Senator Wood requests Leave of the Senate to pair his vote with the Senator from Oxford, Senator Twitchell. If Senator Twitchell were here he would be voting No and Senator Wood would be voting Yes.

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

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Mr. President, I request permission to pair my vote. If Senator Pearson were here he would be voting Yea and I would be voting Nay.

The PRESIDENT: The Senator from Kennebec, Senator Bustin, requests Leave of the Senate to pair her vote with the Senator from Penobscot, Senator Pearson. If he were here he would be voting Yes and the Senator from Kennebec, Senator Bustin would be voting No.

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

It is a vote.

A Yes vote will be in favor of Passage to be Enacted.

A No vote will be opposed.

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

#### ROLL CALL

YEA—Baldacci, Carpenter, Charette, Collins, Danton, Diamond, Dow, Erwin, Gill, McBreairey, Minkowsky, Najarian, Perkins, Pray, Redmond, Trafton, Usher, The President-Gerard P. Conley.

NAY—Emerson, Kany, Sewall, Shute.

ABSENT—Brown, Clark, Dutremble, Hayes, Hichens, Teague, Violette.

A Roll Call was had.

18 Senators having voted in the affirmative, and 4 Senators in the negative, with 4 Senators



having paired their votes, and 7 Senators being absent, LD 1797 was Passed to be Enacted and having been signed by the President was by the Secretary presented to the Governor for his approval.

AN ACT to Correct and Clarify the Motor Vehicle and Workers' Compensation Laws. (H. P. 1369) (L. D. 1803)

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

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate, relative to H.L.S. 690 An Expression of Legislative Sentiment recognizing Emma Spellman of Gray.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, some of you may be wondering why I set aside a Joint Order acknowledging or recognizing the 100th birthday of a lady from Gray which isn't exactly in my district.

I just want to make a special mention on the Record, I was instrumental in putting this Joint Order in yesterday, we had hoped to have Mrs. Spellman up here yesterday, she certainly is strong enough to be here, but we weren't able to find anybody to transport her up here.

Mrs. Spellman is my great aunt, my father's aunt, my grandfather's sister, and she is tougher than any one of us in this Chamber I can guarantee you that, and I just wanted to make special note of that.

I probably should have had it spelled as Emma Carpenter Spellman which is her real name. Thank you, Mr. President.

#### Orders of the Day

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

JOINT RESOLUTION Expressing Sympathy on the Death of the Honorable LUMAN P. MAHANY (H. P. 1370)

Tabled—September 7, 1983 by Senator WOOD of York.

Pending—Adoption.

(In House, September 6, 1983, under suspension of the rules, Read and Adopted)

(In Senate, September 7, 1983, Read)

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

Senator ERWIN: Mr. President and Ladies and Gentlemen of the Senate, for those of us on the Agricultural Committee the passage of Representative Luman Mahany leaves a great void in our lives and in the life of this Legislature.

Luman was always a gentlemen, fought hard for the farmers of his State. In all the years of his service he never forgot his roots: the farmers, his friends, and the land he loved. He was always willing to help, to share his knowledge and to accept new ideas. He was truly a gentleman who will be deeply missed.

I, perhaps, stand taller because I have walked in his shadow. I think that I will be a better chairman for having known him.

Mr. President, I request the closing of the Senate in his memory. Thank you.

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

Senator WOOD: Mr. President, Members of the Senate, it seems appropriate that as we close this Special Session that we talk about Luman Mahany, because when he served in the House, for all of those years, one of his tasks was always to close the Legislature Sine Die.

So today I rise to speak on his passing. Maine and the Legislature has truly lost an eloquent voice on behalf of agriculture.

In the nine years that I have served in this Legislature I can think of no other person that I have met who has been as kind, as concerned or as caring as Luman was. I consider it the highest honor to be counted among his friends.

I can still see the twinkle in Luman's eye as he would come up to me with some scheme to get a certain agriculture bill passed. For Luman was a consummate strategist when it came to legislation. There were times when even the strongest of us on the Committee would say, "Luman, it is hopeless, this bill will go nowhere. Give up" and sure enough in a few days that bill would be on the Governor's desk for his signature.

Although Luman was over eighty years old and some might think that his eyesight was failing, Luman had a certain vision. He was still able to dream dreams. He knew what was essential, he knew what was important and he knew how to get those things for his county.

Even when he was confined to his home in Easton it was not unusual for him to get on the phone and tell me what he thought about what was going on and to make sure that his viewpoint was expressed in this Legislature.

Luman had a heart as big as the county he represented, always caring for those little people, always caring for those people that toiled the soil that often times are forgotten.

Luman's mind was like an encyclopedia, he knew everything about agriculture and he was willing to share it, and yet even at his age he was always willing to accept new ideas. I know that when I first started working on small farm legislation and pesticide legislation, legislation that wasn't always well received by the farming community, Luman was always there with a helpful hint, always concerned about modern issues that some how the farmers didn't think were that important. Luman never changed, but was willing to accept change.

Luman most of all was stubborn and loyal. There was no one more loyal to his party, to his committee, and to his Commissioner of Agriculture whomever that Commissioner may be. I remember my last conversation with Luman, and it was on the potato pricing bill, it was a bill that Luman had doubts about and Luman shared those doubts with me, but he said, "You know it is something that the Commissioner wants and I think that we should let the Commissioner try it, it might even help our farmers." That was the kind of loyalty that Luman would provide for me and the Committee.

So many of us will have fond memories of Luman and we will indeed be better because we knew him. I consider him to be the youngest, oldest man this Legislature has had and I can just hear Luman saying to Saint Peter now, "That's not the way we do it in the county."

Which was Adopted, in concurrence.

At this point, a message was received from the House of Representatives through Representative Mitchell of Vassalboro, the Majority Floor Leader of the House, informing the Senate that the House has transacted all business before it and was ready to Adjourn, Sine Die.

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

On motion by Senator PRAY of Penobscot the following Order:

ORDERED, that a message be sent to His Excellency, Governor Joseph E. Brennan, informing him that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President appointed Senator Pray of Penobscot, to convey the message to His Excellency, the Governor.

Subsequently, Senator Pray of Penobscot, reported that he had delivered the message with which he was charged.

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

On motion by Senator CARPENTER of Aroostook, the following Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President appointed Senator Carpenter of Aroostook, to convey the message to the House of Representatives.

Subsequently, Senator Carpenter of Aroostook reported that he had delivered the message with which he was charged.

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

Senator McBREAIRTY: Mr. President, and Honorable Members of the Senate, in honor and memory of Representative Luman Mahany of Easton, Aroostook County, I move that the Senate Adjourn Without Day.

On motion by Senator McBreairty of Aroostook, at 3:13 p.m. on Wednesday, September 7, 1983, the Honorable Gerard P. Conley, declared the Senate of the First Special Session of the 111th Legislature, Adjourned Sine Die in memory of the Honorable Luman Mahany.