

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 4, 1984 to April 25, 1984**

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STATE OF MAINE  
One Hundred and Eleventh Legislature  
Second Regular Session  
JOURNAL OF THE SENATE

In Senate Chamber  
Thursday  
February 16, 1984

Senate called to Order by the President.

Prayer by Father John Bellefontaine of the Sacred Heart Catholic Church of Hallowell.

FATHER BELLEFONTAINE: O'God, our Creator and Conserver, the basic needs of these crucial and explosive times are justice and peace which are related as cause and effect.

Inspire our Senators here assembled to grow in this essential virtue of justice, through their daily prayer, reflection and study.

Oh, Providential Father, may Your wisdom become their wisdom, Your words become their words, Your concerns become their concerns. That they may solve the burning issues of the present with justice towards all. That cherished peace may abound more and more in the communities of our beloved State.

We ask this simple yet profound blessing through Him, who is the Son of Justice and the Prince of Peace, Christ our Lord, Amen.

Reading of the Journal of Yesterday.

(Off Record Remarks)

**PAPERS FROM THE HOUSE**

**Study Report**

**Committee on STATE GOVERNMENT**

Report of the Committee on STATE GOVERNMENT to which was referred by the Legislative Council the Study Relative to Compensation of Members of Boards and Commissions have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Establish Standards and a Policy for the Compensation of Members of Boards, Commissions and Similar Organizations" (H. P. 1571) (L. D. 2081) be referred to the Joint Standing Committee on STATE GOVERNMENT for public hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED in concurrence.

The Bill referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED pursuant to Joint Rule 19, in concurrence.

**Joint Orders**

The following Joint Order: (H. P. 1572)

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government report out such legislation to the House as they see fit to revise the salaries of the county officers and lay the county taxes for the year 1984.

Comes from the House, READ and PASSED. Which was READ and PASSED, in concurrence.

**COMMUNICATIONS**

The Following Communication: (S. P. 773)

THE SENATE OF MAINE  
AUGUSTA

February 15, 1984

Joy J. O'Brien  
Secretary of the Senate  
State House

Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under Title 1, M.R.S.A. Chapter 25, subsection 1002, I am today reappointing Douglas I. Hodgkin of Lewiston to the Commission on Governmental Ethics and Election Practices.

Sincerely,  
S/ SAMUEL W. COLLINS, JR.

Senate Minority Leader  
Which was READ AND ORDERED PLACED ON FILE.

THE PRESIDENT: Pursuant to M.R.S.A. Title 1, Section 1002, Chapter 25 this appointment requires the affirmative vote of two-thirds of the membership present and voting.

Will all those Senators in favor of the reappointment of Douglas I. Hodgkin of Lewiston as a member of the Commission on Governmental Ethics and Election Practices, will please rise and remain standing until counted.

All those Senators opposed will please rise and remain standing until counted.

26 Senators having voted in the affirmative and No Senators having voted in the negative and No Senators being absent and 26 being more than two-thirds of the membership present and voting, the reappointment of Douglas I. Hodgkin is CONFIRMED as a member of the Commission on Governmental Ethics and Election Practices.

Sent down for concurrence.

The Following Communication:  
OFFICE OF ENERGY RESOURCES  
STATE HOUSE STATION 53  
AUGUSTA, MAINE

February 15, 1984

The Honorable Gerard P. Conley

Senate President  
Maine State Senate  
Station #3

Augusta, Maine 04333

Dear President Conley:

As required by Private and Special Law 1983, Chapter 54, I am pleased to transmit to you the final report of the Ethanol Study Committee. The report contains proposed legislation that should be considered in conjunction with L. D. 418, An Act Temporarily Reducing the Excise Tax on Internal Combustion Engine Fuel Enhanced with Ethanol, which was held over from last session.

Please note that while the Office of Energy Resources provided the staff support for the Committee, we have not taken a position on the Committee findings or recommendations.

Sincerely,

S/ JOHN M. KERRY

Which was READ and with accompanying papers ORDERED PLACED ON FILE.

**SENATE PAPERS**

Bill, "An Act to Amend the Trustee Appointment Process of the Cumberland County Recreation Center to Make it Conform More Closely to New Legislative Redistricting" S. P. 771

Presented by Senator USHER of Cumberland. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

**ORDERS**

**Joint Resolutions**

On Motion of Senator BUSTIN of Kennebec, (Cosponsors: Representative NADEAU of Lewiston, Representative BOST of Orono, and Senator CONLEY of Cumberland) the following Joint Resolution: (S. P. 772)

JOINT RESOLUTION CALLING FOR AN INVESTIGATION OF HEATING OIL PRICES

WHEREAS, a great many homes and businesses in Maine are heated with oil; and

WHEREAS, the price of heating oil in Maine has jumped from \$1.05 a gallon to \$1.24 a gallon since December; and

WHEREAS, suppliers' inventories of heating oil in New England are down by 38% over the same period, which may have contributed to this price jump; and

WHEREAS, the weather in Maine, since September, has been a little warmer than an aver-

age year; and

WHEREAS, there have been no reports of international disruptions in the supply of petroleum; and

WHEREAS, these conditions have created a hardship for the people of Maine who depend on oil, with no apparent economic justification; and

WHEREAS, the Revised Statutes, Title 10, section 1105, prohibits unreasonable profits in the sale of necessities, including fuel of all kinds; now, therefore, be it

RESOLVED: That We, the Members of the 111th Legislature, assembled in the Second Regular Session, do hereby respectfully request that the Office of Energy Resources investigate the causes of the sudden rise in price, to determine whether it is justified or not; and be it further

RESOLVED: That the Office of Energy Resources investigate the inventory practices of the heating oil suppliers and work to ensure that adequate inventories will be available for use within this State; and be it further

RESOLVED: That the Office of Energy Resources refer to the Attorney General any evidence of price fixing or other potentially illegal anticompetitive activities; and be it further

RESOLVED: That the Office of Energy Resources report to the Legislature, on or before April 1, 1984, on the findings of their investigation, together with any recommendations they may have.

Which was READ.

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

SENATOR KANY: Mr. President and Members of the Senate, I see no harm in this Resolution and I intend to vote for its passage. I do believe it would be more appropriate to memorialize Congress and petition the Federal Government to address this very serious problem.

I wanted to let you know that the Office of Energy Resources has been doing its job and is on top of this issue and has kept both the Public Utilities Committee and the Energy and Natural Resources Committee very well informed. In addition, John Kerry did write to all Legislators and we all received a memo from him on this topic of heating oil price increases, which was dated February 2nd. In addition, John Kerry has petitioned Chairman Miller of the Federal Trade Commission, Secretary Hodel of Energy and, also, the Attorney General of the United States, Mr. William French Smith, to investigate the reasons for the price increases. I believe that's appropriate and I do believe that an inquiry should be made to see if there is actual adjustment of the inventories nationally for the purpose of price fixing.

I wanted to share with you, once again, some of the information from John Kerry, Director of the Office of Energy Resources and I will repeat for you precisely what he said: The Office is entirely up on inventories in the State of Maine, by the way, and Mr. Kerry said: "As you know, heating oil prices have risen rapidly during the past few weeks. The principal reasons for this increase are the severely cold weather which affected the entire country and a significant drawdown of refinery inventories. During the summer and fall the major oil companies purposely accumulated less storage of heating oil than normal. As a result, inventories were not plentiful so the increased demand could not be met with ease. Another factor exacerbating the situation was the cold weather on the Gulf Coast which disrupted refinery operations. The price increases originate with the major oil companies and not with local Maine dealers. In fact, wholesale prices have risen faster than retail prices, which is an indication that some dealers in the State are not passing through all the higher prices." and, once again, I'm reading from the memo to all members of the Legislature, dated February 2, 1984. "As long as the weather remains cold, the price increases will probably continue. Although product stock

levels are lower than normal, I do not expect supply problems. Crude oil stocks are adequate, and refinery operations have been increased to produce more heating oil."

I won't go through the entire thing but there's just two portions of it which are important to all of us. "As of February 1, the average retail price for heating oil sold in the State was \$1.236 a gallon, an increase of 17% or 17.8 cents since December 1. Wholesale, futures and spot prices have increased as well. For example, the New York Harbor spot price for heating oil has risen 22% or 17 cents per gallon since the beginning of December. Last year, the average retail price as of February 1 was \$1.143 cents per gallon. However, last year we saw prices fall rapidly during the winter.

For the week ending January 20, 1984, Energy Information Administration statistics show that primary inventories of heating oil have dropped to 124.4 million barrels, a decrease of 23% or 37.6 million barrels since the beginning of December, an unusually large drawdown. Distillate stocks are 29% or 50.5 million barrels below January 1983 levels. Primary storage in New England has decreased 27% and is 31% less than last year. As of January 2, 1984, primary storage in Maine was 1.166 million barrels and has grown 3% since the beginning of December. However, Maine inventories are 19% or 275,500 barrels below last year's levels."

I won't go into any more detail, I just wanted to assure you that our Office of Energy Resources is doing its job and I would like to commend the Director, John Kerry, for doing an outstanding job and for petitioning the Federal Government to do its job to investigate this serious situation.

(Off Record Remarks)

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

SENATOR BUSTIN: Thank you, Mr. President. Men and Women of the Senate, I rise to defend the Resolution, I did not put it in without doing some checking on this, in fact, I did check with Mr. Kerry and he said "that would be very nice, Beverly, because I would like to have that kind of support from the Legislature for what I am doing and what I would like to do further."

Part of the Resolution, you will notice, calls for a report to the Legislature and even though we'd already had that put on, there are some other reasons I'd like to have Mr. Kerry delve into this further.

Some history that you should know from me and I hesitate to say this because one of the good Senators in this Body said "Everytime you get up to speak, Beverly, I always have to listen to your family problems." But in any case, I want to let you know that some years ago, I did work as the executive secretary of the Maine Oil and Heating Equipment Dealers Association, so I am not unaware of what's in the Resolution or what I'm asking for, I am painfully aware of what has happened and this has happened historically. It's because of the high price of heating oil, in general, that I submit this Resolution and because we can't afford those jumps in fuel oil prices in the heavy heating season. I would rather see a more flat demand curve, if you will, in fuel oil. Even though I can't call the economic curve on any kind of a product, it seems to me that we need to do something to answer the high price that people have to pay for their fuel oil in the cold weather and it is historical. Any time you have a cold snap you're going to have a rise in fuel prices. Now are you really telling me that that means we don't have that storage there? I don't believe it.

I spoke to two people who buy oil and resell it last night. One of whom told me that he had, the supplies were low from his supplier and that he was restricted to 3,000 gallons even though he could have delivered something like 12,000. I'm not sure that I totally believe all of

that because then I heard from another dealer who his supplier, he said his supplier had plenty of oil, he never had a problem with supply.

So it is because of that that I would like to have it investigated further and one of the things that perhaps should have been done here was to do as the Governor in New Jersey has done and that is to let other states know how we are fairing and what's going on. I'm glad that they are getting together as a Northeastern Delegation and trying to do something about it and I think that only points out the problem and I would hope that you could support this Resolution. Thank you.

Which was ADOPTED.

Sent down for concurrence.

#### COMMITTEE REPORTS

##### House

##### Leave to Withdraw

The following LEAVE TO WITHDRAW report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill, "An Act Relating to Camps on Leasehold Land Owned by the State" H. P. 976 L. D. 1277

##### Ought to Pass

The Committee on STATE GOVERNMENT on Bill, "An Act to Include the Chief Executive Officer of the Finance Authority of Maine as an Ex Officio Corporator of the Maine Development Foundation" (Emergency) H. P. 1497 L. D. 1972

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-470).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-470) was READ and ADOPTED in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

##### Ought to Pass As Amended

The Committee on LOCAL AND COUNTY GOVERNMENT on Bill, "An Act to Enable Communities to Establish Town Forest Reserve Accounts" H. P. 1435 L. D. 1880

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-469).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-469).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-469) READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

##### Senate

##### Leave to Withdraw

The following LEAVE TO WITHDRAW report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill, "An Act to Clarify Authority and Limit Liability Issues in Community Service Work Programs" S. P. 694 L. D. 1926

##### Ought to Pass—As Amended

Senator DUTREMBLE for the Committee on LABOR on Bill, "An Act to Clarify the Procedures to Appeal a Decision of the Workers' Compensation Division" S. P. 661 L. D. 1851

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-289).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-289) was READ and ADOPTED.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

#### SECOND READERS

The Committee on BILLS IN THE SECOND READING reported the following:

##### House

Bill, "An Act to Remove the Retirement Age Restriction for Trustees of the University of Maine" (Emergency) H. P. 1538 L. D. 2023

Bill, "An Act Relating to Conferring Degrees by Thomas College" (Emergency) H. P. 1393 L. D. 1816

Resolve, Adopting a Permanent Plan for Federal Surplus Property. (Emergency) H. P. 1455 L. D. 1907

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

##### House—As Amended

Bill, "An Act to Clarify That Notaries Public who do not Maintain a Seal of Office may Take Acknowledgments" H. P. 1395 L. D. 1818 (H. "A" H-467)

Bill, "An Act to Require the State of Maine to Pay Late Fees on Overdue Payments" H. P. 1411 L. D. 1833 (C. "A" H-468)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

(Off Record Remarks)

On motion by Senator CARPENTER of Aroostook, Adjourned until 9:30 tomorrow morning.