

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME I

SECOND REGULAR SESSION

January 8 - April 2, 1986

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
March 4, 1986

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

Senator PERKINS of Hancock was granted unanimous consent to address the Senate Off the Record.

On motion by Senator USHER of Cumberland RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Senate called to Order by the President.

Prayer by Father Joseph Holland of the Augusta Mental Health Institute in Augusta.

FATHER HOLLAND: Lord God of the human race in the quiet of this Senate Chamber we speak out our prayers. Let our minds shutout all extraneous sounds and thoughts which could interfere with the serious work at hand today. Our socially legal responsibilities require that our minds be clear, that our reasoning be accurate, that our articulation of the issues be forceful. Therefore, Lord God, help us to be alert to what others are saying. Help us to discern the right thing to say and what not to say. Help us be patient with the tedious task of listening while others are talking. These are the three attributes that we pray for today. Alertness, discernment, patience. Often by ourselves we usually fall short. We need You. Be with us Lord in this Chamber to guide us, to direct us, and to enlighten our every effort. We ask in this through Your love. Amen.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Protect Individual Retirement Accounts from Attachment and Execution" H.P. 1475 L.D. 2077

In House, February 27, 1986, referred to the Committee on BUSINESS AND COMMERCE and ORDERED PRINTED.

In Senate, February 28, 1986, referred to the Committee on JUDICIARY and ORDERED PRINTED, in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

The Senate RECEDED and CONCURRED.

Reading of the Journal of Yesterday.

Non-concurrent Matter

Off Record Remarks

Resolve, Creating a Maine Commission to Commemorate the Bicentennial of the United States Constitution (Emergency)

S.P. 813 L.D. 2045

In Senate, February 26, 1986, referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED.

Comes from the House, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

The Senate ADHERED in NON-CONCURRENCE.

Sent down for concurrence.

Non-concurrent Matter

Bill "An Act Pertaining to Local Registration of Watercraft"

H.P. 1216 L.D. 1724
(C "A" H-522)

In Senate, February 27, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522) AS AMENDED BY HOUSE AMENDMENT "B" (H-545), thereto in NON-CONCURRENCE.

The Senate ADHERED in NON-CONCURRENCE.

Sent down for concurrence.

House Papers

Bill "An Act to Establish the Maine State Parks Development Fund"

H.P. 1483 L.D. 2095

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in NON-CONCURRENCE.

(See Action Later Today)

Bill "An Act to Amend the Maine Osteopathic Student Loan Program"

H.P. 1497 L.D. 2110

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 Concerning Expungement of Certain Criminal Records"

H.P. 1498 L.D. 2111

Bill "An Act Concerning Private Adoptions"
H.P. 1499 L.D. 2112

(See Action Later Today)

Come from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which were referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning Medical Malpractice Insurance"

H.P. 1496 L.D. 2109

Committee on BUSINESS AND COMMERCE suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which was referred to the Committee on BUSINESS AND COMMERCE and ORDERED PRINTED, in NON-CONCURRENCE.

(See Action Later Today)

Bill "An Act Regarding Family Housing"
H.P. 1500 L.D. 2113

Bill "An Act to Strengthen the Rent Profiteering Law"
H.P. 1501 L.D. 2114

Come 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, in concurrence.

On motion by Senator VIOLETTE of Aroostook, the Senate RECONSIDERED its action whereby it referred to the Committee on JUDICIARY:

Bill "An Act Concerning Private Adoptions"
H.P. 1499 L.D. 2112

(In House March, 3, 1986, referred to the Committee on JUDICIARY and ORDERED PRINTED.)

On further motion by same Senator referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator PEARSON of Penobscot, the Senate RECONSIDERED its action whereby it referred to the Committee on ENERGY AND NATURAL RESOURCES:

Bill "An Act to Establish the Maine State Parks Development Fund"
H.P. 1483 L.D. 2095

(Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.)

(In House March 4, 1986, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.)

On further motion by same Senator referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Study Report

Committee on JUDICIARY

Report of the Committee on JUDICIARY to which was referred by the Legislative Council the Study Relative to the Insanity Defense and Related Statutes and Procedures have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Insanity Defense and Certain Procedures Relating to Committed Insanity Acquittees"

H.P. 1494 L.D. 2108

Be referred to the Joint Standing Committee on JUDICIARY 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 JUDICIARY and ORDERED PRINTED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

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

Senator PEARSON: Mr. President, Men and Women of the Senate. With reference to the Joint Resolution in memoriam of Kingdon "King" Harvey, former owner, editor and publisher of the Fort Fairfield Review, I would like to say a few words.

King Harvey's wife was my first cousin. Because of that family relationship, I had on occasion, frequently, to be in Fort Fairfield and have some kind of acquaintance with the family.

King Harvey was always considered to be forthright and sometimes irritated people, no question about it. He wrote an article called "Tom E. Rott", and his wife, before she died, wrote an article called "Soap Suds Soliloquies".

He was always a good father, always a good husband and always a good relative. My family, as I'm sure the people of that area, will miss him.

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

Senator CARPENTER: Mr. President Ladies and Gentlemen of the Senate. I just wanted to add my remarks to those that the good Senator of Penobscot, Senator Pearson. Probably over the years there has been no one that King Harvey, or later his son, Tom, had anymore fun with, than myself.

Half of the weekly columns, in some editions, have been critical of myself, but King Harvey was a good friend, he was a good newspaper editor, he was certainly somebody who kept the pot boiling. And in terms of his remarks over the years, relative to politicians of both political parties, he certainly was one whose scrutiny kept local politicians and state politicians on their toes. The cutting edge of his words, and of his newspaper, of his column, will be sorely missed.

On motion by the Chair the Senate RECONSIDERED its action whereby it referred to Committee on BUSINESS AND COMMERCE:

Bill "An Act Concerning Medical Malpractice Insurance"
H.P. 1496 L.D. 2109

(Committee on BUSINESS AND COMMERCE suggested and ORDERED PRINTED.)

(In House March 4, 1986, referred to the Committee on JUDICIARY and ORDERED PRINTED.)

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication:

CUMBERLAND COUNTY
TRAINING RESOURCE CENTER
107 ELM STREET
P.O. BOX 8048
PORTLAND, MAINE 04104-8048

February 28, 1986

Honorable Charles P. Pray
President of the Senate
State House
Augusta, Maine 04333

Dear Mr. Pray:

Pursuant to Section 105(a) 1, a, b & c of the Jobs Training Partnership Act (JTPA) and State Planning Instructions please find attached a copy of the Cumberland County Service Delivery Area (SDA) Draft Job Training Plan for Program Years 1986 & 1987. This is being forwarded to you for review and comment by members of the Maine Legislature.

As required under JTPA the review period will end on April 8, 1986. Any comments or questions should be directed towards Jim McGowan, Training & Planning Coordinator for the Training Resource Center by that date.

Sincerely,

S/John Fitzsimmons
Executive Director

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Provide Community Education and Family Health Services"
S.P. 835 L.D. 2124

Presented by President PRAY of Penobscot
Cosponsored by: Senator GILL of Cumberland,
Representative NADEAU of Lewiston, Representative
CAHILL of Woolwich
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Clarify and Effectuate Legislative Intent Regarding the Separation of Insurance and Banking"

S.P. 836 L.D. 2125

Presented by Senator VIOLETTE of Aroostook
Cosponsored by: Representative DIAMOND of Bangor, Representative ROLDE of York, Senator SEWALL of Lincoln
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Which was referred to the Committee on BUSINESS AND COMMERCE and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Provide for the Effective Enforcement and Collection of Fines Imposed for Civil Violations, Traffic Infractions and Criminal Offenses and to Increase the Sanctions for Failure to Appear"

S.P. 841 L.D. 2133

Presented by Senator CARPENTER of Aroostook
Cosponsored by: Representative KANE of South Portland, Representative FOSTER of Ellsworth, Representative CARTER of Winslow)

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Relating to the Issuance of Taxable Bonds and the Refunding of Certain Bonds" (Emergency)

S.P. 837 L.D. 2126

Presented by Senator USHER of Cumberland
Cosponsored by: Representative HIGGINS of Scarborough
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Which was referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Limit the Public Advocate to Active Rate Cases"

S.P. 838 L.D. 2127

Presented by Senator VIOLETTE of Aroostook
Cosponsored by: Representative MURPHY of Kennebunk, Representative VOSE of Eastport, Representative PARADIS of Old Town
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Bill "An Act Relating to the Maine Public Utilities Commission's Regulation of Cable Television Companies"

S.P. 839 L.D. 2128

Presented by Senator VIOLETTE of Aroostook
Cosponsored by: Representative PARADIS of Augusta
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Which were referred to the Committee on UTILITIES and ORDERED PRINTED.

Sent down for concurrence.

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

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

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator GILL of Cumberland RECESSED until 4 o'clock in the afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on EDUCATION on Bill "An Act to Clarify the Education Funding Laws Relating to Reduction of State Aid to School Districts Based on the Receipt of Certain Federal Funds"

H. P. 1366 L.D. 1930

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-539).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-539).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-539) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Clarify and Make Corrections in the Election Laws" H.P. 1284 L.D. 1801

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-537).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537) AND HOUSE AMENDMENT "A" (H-542).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-537) READ.

On motion by Senator VIOLETTE of Aroostook, Tabled 2 Legislative Days, pending ADOPTION of Committee Amendment "A" (H-542).

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Clarify the Application of Water Quality Standards to Hydroelectric Projects"

H.P. 1440 L.D. 2032

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1495 L.D. 2107

Signed:

Senators: USHER of Cumberland EMERSON of Penobscot

Representatives: MICHAUD of Medway JACQUES of Waterville RIDLEY of Shapleigh HOG LUND of Portland BROWN of Livermore Falls HOLLOWAY of Edgecomb LAW of Dover-Foxcroft DEXTER of Kingfield

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-541).

Signed:

Senator: KANY of Kennebec

Representatives: MITCHELL of Freeport COLES of Harpswell

Comes from the House with the Majority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Reports were READ.

The Chair moved ACCEPTANCE of the Majority OUGHT TO PASS IN NEW DRAFT Report.

On motion by Senator VIOLETTE of Aroostook, Tabled until in Later Today's Session, pending the motion of the Chair to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report.

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Concerning State Contributions to Pollution Abatement"

H.P. 1280 L.D. 1797

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1469 L.D. 2071

Signed:

Senators: USHER of Cumberland
KANY of Kennebec
EMERSON of Penobscot

Representatives: MICHAUD of Medway
JACQUES of Waterville
MITCHELL of Freeport
RIDLEY of Shapleigh
COLES of Harpswell
HOGLUND of Portland
DEXTER of Kingfield
BROWN of Livermore Falls
HOLLOWAY of Edgecomb

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

Signed:

Representative: LAW of Dover-Foxcroft

Comes from the House with the Majority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-540).

Which Reports were READ.

The Majority OUGHT TO PASS IN NEW DRAFT Report was ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "A" (H-540) READ and ADOPTED, in concurrence.

The Bill in NEW DRAFT, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Expand and Continue Alcoholism Treatment, Education, Prevention and Research Programs"

H.P. 951 L.D. 1370

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-532).

Signed:

Senators: DIAMOND of Cumberland
TWITCHELL of Oxford
EMERSON of Penobscot

Representatives: ZIRNKILTON of Mount Desert
SWAZEY of Bucksport
CASHMAN of Old Town
MAYO of Thomaston
DIAMOND of Bangor
NELSON of Portland

The Minority of the same Committee on the same subject reported that the same Ought to Pass in New Draft under same title.

H.P. 1464 L.D. 2066

Signed:

Representatives: INGRAHAM of Houlton
WEBSTER of Cape Elizabeth
JACKSON of Harrison
MCCOLLISTER of Canton

Comes from the House with the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-541).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-532) READ.

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative day, pending, ADOPTION of Committee Amendment "A" (H-532).

House As Amended

Bill "An Act Concerning the Open Time for Polls on Election Day"

H.P. 1326 L.D. 1861
(C "A" H-536)

Bill "An Act Concerning the Court Appointed Special Advocate Program and the Conduct of Court Appointed Special Advocates"

H.P. 1349 L.D. 1885
(C "A" H-538)

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

Senate

Ought to Pass in New Draft

Senator BUSTIN for the Committee on BUSINESS AND COMMERCE on Bill "An Act Concerning the Regulation of Itinerant Vendors"

S.P. 744 L.D. 1908

Reported that the same Ought to Pass in New Draft under same title.

S.P. 840 L.D. 2129

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

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

Bill "An Act to Promote Intensive Spruce-fir Management"

H.P. 1468 L.D. 2070

Tabled - March 3, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 3, 1986, READ SECOND TIME.)

(In House, February 27, 1986, PASSED TO BE ENGROSSED.)

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED.

SECOND READERS

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

House

Bill "An Act to Remove Barriers to the Appropriate Disclosure of Mental Health Information"

H.P. 1363 L.D. 1917

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

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Conserve Striped Bass"
H.P. 1448 L.D. 2041

In Senate, February 27, 1986, PASSED TO BE
ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENT "A" (H-549) in
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Concerning Access to Adoption
Records"
S.P. 826 L.D. 2086

Committee on JUDICIARY suggested and ORDERED
PRINTED.

In Senate, February 28, 1986, referred to the
Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Comes from the House, RULED NOT PROPERLY BEFORE
THE BODY being in violation of Joint Rule 37 in
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act Regarding Mussel Dragging"
H.P. 1510 L.D. 2130

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 Improve Compliance with Maine Tax
Laws"
H.P. 1511 L.D. 2131

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 Making Allocations from the Highway
Fund and Other Funds for the Expenditures of State
Government and Changing Certain Provisions of the Law
Necessary to the Proper Operations of State
Government for the Fiscal Years Ending June 30, 1986,
and June 30, 1987" (Emergency)
H.P. 1512 L.D. 2132

Comes from the House referred to the Committee on
TRANSPORTATION and ORDERED PRINTED.

Which was referred to the Committee on
TRANSPORTATION and ORDERED PRINTED, in
concurrence.

Reported Pursuant to Private and
Special Laws of 1985

Commission to Study Family Matters in Court

Report of the COMMISSION TO STUDY FAMILY MATTERS
IN COURT, pursuant to Private and Special Law 1985,
Chapter 65 ask leave to submit its findings and to
report that the accompanying Bill "An Act to Create
the Family Division of the District Court and to
Establish Full-time, Appointed Probate Judges"
H.P. 1504 L.D. 2119

Be referred to the Joint Standing Committee on
JUDICIARY for Public Hearing and printed pursuant
to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

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 Recruitment and Retention of State Employees as Related to Compensation Problems and Job Pay Ranges have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish the Office of Human Resources"

H.P. 1505 L.D. 2120

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.

Which Report was READ and ACCEPTED, in concurrence.

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

Reported Pursuant to the Statutes

Committee on FISHERIES AND WILDLIFE

Report of the Committee on FISHERIES AND WILDLIFE pursuant to the Maine Revised Statutes Annotated, Title 12, section 7095, subsection 4, paragraph B ask leave to submit its findings and to report that the accompanying Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations"

H.P. 1507 L.D. 2121

Be referred to the Joint Standing Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Study Report

Committee on TRANSPORTATION

Report of the Committee on TRANSPORTATION to which was referred by the Legislative Council the Study Relative to Review of Statutes Related to Railroads and Identification of Outdated Provisions have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Modernize Laws Related to Railroads"

H.P. 1509 L.D. 2123

Be referred to the Joint Standing Committee on TRANSPORTATION 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 TRANSPORTATION and ORDERED PRINTED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on TRANSPORTATION and ORDERED PRINTED, in concurrence.

Joint Orders

The following Joint Order: H.P. 1506

ORDERED, the Senate concurring, that "Resolution, Proposing an Amendment to the Constitution of Maine Relating to Salaries Received by Judges Who have been Relieved of Their Duties," H.P. 899, L.D. 1294, be recalled from the legislative files to the House.

Comes from the House READ and PASSED.

Which was READ.

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

Senator CARPENTER: I request a Division.

THE PRESIDENT: A Division has been requested.

Pursuant to Joint Rule 15, this Order requires a two-thirds vote of the Members present and voting for Passage.

Will all those Senators in favor of Passage, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

2 Senators having voted having voted in the affirmative and 29 Senators having voted in the negative, and 2 being less than two-thirds of the Membership present and voting the Joint Order FAILED OF PASSAGE, in NON-CONCURRENCE.

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 Establish a Research Program on the Agricultural Utilization of Industrial Waste Products"

H.P. 1217 L.D. 1725

Bill "An Act to Clarify the Applicability of Tax Base Sharing to Plantations"

H.P. 1290 L.D. 1807

Bill "An Act to Extend Certain Reporting Dates Established by Law" (Emergency)

H.P. 1369 L.D. 1933

Change of Reference

The Committee on TAXATION on Bill "An Act to Repeal the Sardine Inspection Tax"

H.P. 1453 L.D. 2050

Reported that the same be REFERRED to the Committee on MARINE RESOURCES.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on MARINE RESOURCES.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on MARINE RESOURCES, in concurrence.

Ought to Pass in New Draft

The Committee on EDUCATION on Bill "An Act to Strengthen Provisions Relating to the Delivery of the Publications of State Agencies to the Maine State Library for Reliable Public Access"

H.P. 1247 L.D. 1757

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1502 L.D. 2117

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

The Committee on EDUCATION on Bill "An Act to Reapportion the Wells-Ogunquit Community School District" (Emergency)

H.P. 1345 L.D. 1882

Reported that the same Ought to Pass in New Draft under same title (Emergency).

H.P. 1503 L.D. 2118

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LABOR on Bill "An Act to Improve Retraining Opportunities for Dislocated Workers" (Emergency)

H.P. 1427 L.D. 2017

Reported that the same Ought to Pass in New Draft under same title (Emergency).

H.P. 1508 L.D. 2122

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Senate

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 Relating to Structures Located in Proposed Ways"

S.P. 265 L.D. 708

Bill "An Act Concerning Child Abuse"

S.P. 621 L.D. 1633

Ought to Pass

Senator CARPENTER for the Committee on JUDICIARY on Bill "An Act Transferring Legislative Jurisdiction over Acadia National Park, St. Croix Island International Historic Site, Portsmouth Naval Shipyard, Veterans Administration Center at Togus and the Soldiers' Lots at the Mount Pleasant Cemetery"

S.P. 761 L.D. 1925

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

ENACTORS

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

An Act to Improve Whitewater Rafting
H.P. 1292 L.D. 1809
(C "A" H-526)

An Act to Equalize the State Tipping Minimum Wage and the Federal Tipping Minimum Wage
H.P. 1376 L.D. 1939
(C "A" H-531)

An Act to Permit Mobile Banking in Rural Maine
H.P. 1458 L.D. 2055

An Act Requiring Study of the Leasing of Submerged Public Lands for Aquaculture Operations
H.P. 1465 L.D. 2067

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

An Act to Amend and Clarify the Statutes Governing Control of Hazardous Air Pollutants
H.P. 1473 L.D. 2072

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

An Act to Adjust and Allocate Various Dedicated Revenue Accounts of the Department of Environmental Protection for Fiscal Years Ending June 30, 1986, and June 30, 1987

H.P. 1240 L.D. 1750
(C "A" H-535)

On motion by Senator PEARSON of Penobscot, Tabled 1 Legislative Day, pending ENACTMENT.

Emergency

An Act to Authorize the Portland School of Art to Confer Associate Degrees

H.P. 1296 L.D. 1812
(C "A" H-533)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, the Senate considered the following matters inclusively:

Emergency

An Act to Validate Proceedings Authorizing the Issuance of Bonds to Remodel the Waldo County Court Building

H.P. 1461 L.D. 2058

Emergency

An Act to Validate Proceedings Authorizing the Issuance of Bonds for a Cooperative Extension Service Facility in Waldo County

H.P. 1462 L.D. 2059

These being Emergency Measures and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Amending the Reporting Date of the Joint Select Committee for Learning Disabled Children
S.P. 741 L.D. 1894
(C "A" S-382)

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending FINAL PASSAGE.

Emergency Resolve

Resolve, to Extend the Reporting Deadlines for the Joint Select Committee on Nursing Care Needs and the Special Commission to Study the Utilization of Vacant Buildings at Pineland Center"
H.P. 1484 L.D. 2096

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending FINAL PASSAGE.

Out of order and under suspension of the Rules, the Senate considered the following:

SENATE PAPERS

Bill "An Act to Clarify the Duties of Notaries Public and Notarial Officers" S.P. 843

Presented by Senator MAYBURY of Penobscot Cosponsored by: Senator CARPENTER of Aroostook, Representative PARADIS of Augusta, Representative STETSON of Damariscotta Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

COMMITTEE REPORTS

Senate

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 an Ombudsman for Home Care for Older Citizens" S.P. 710 L.D. 1835

Bill "An Act to Create a Partnership Program for Technological Development and Innovation" S.P. 728 L.D. 1851

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator EMERSON for the Committee on TAXATION on Bill "An Act to Correct Some Inconsistencies in the Law Relating to the Financing of Services in the Unorganized Territory" (Emergency) S.P. 713 L.D. 1838

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-385).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-385) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATION

The Following Communication: S.P. 844

STATE OF MAINE
112th LEGISLATURE
AUGUSTA, MAINE 04333

March 4, 1986

Senator Michael E. Carpenter
Representative Edward J. Kane
Chairpersons
Joint Committee on Judiciary
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Jack O. Smith of Ellsworth for appointment as Justice of the Maine Superior Court.

Pursuant to Title 7 M.R.S.A Section 1, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was READ and Referred to the Committee on JUDICIARY

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

Senate at Ease

Senate called to order by the President

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today assigned matter:

HOUSE REPORTS - from the Committee on ENERGY AND NATURAL RESOURCES on Bill, "An Act to Clarify the Application of Water Quality Standards to Hydroelectric Projects"

H.P. 1440 L.D. 2032

Majority Report - OUGHT TO PASS IN NEW DRAFT under same title

H. P. 1495 L.D. 2107

Minority Report - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-541)

Tabled - March 4, 1986, by Senator VIOLETTE of Aroostook.

Pending - Motion of the Chair to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report of the Committee.

(In Senate March 4, 1986, Reports READ.)

(In House March 3, 1986, The Majority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.)

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

Senator PEARSON: Mr. President, this issue before us has risen a lot of passions and intense lobbying by persons who represent various positions on both sides. I am sorry to say, that apparently, some have become less than desirable in their tactics and stooped very, very low. Some have quoted me in saying things that I did not say, nor did I think.

I want to remind the various lobbyist, who are in this building, that you are in the same situation that I am in and that it is that your most important asset is your credibility. Some sleeze has attributed to me remarks that I did not make and did not think, with regards to the actions to the other Members of this Body, and I want it stopped.

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

Senator DIAMOND: 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 in favor of ordering a Roll Call, please rise and remain standing in their places until counted.

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

The pending question before the Senate is the motion of the Chair to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report.

The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator DIAMOND: Thank you Mr. President, Men and Women of the Senate. We have not yet heard the reason for the Majority Report to be Accepted, I expect that will be coming forthwith. But, I rise with a great deal of concern and worry about the direction we are heading in with this Majority Report.

It is not a debate on the "Big A", I wish it were. I wish it was that simple. I wish that we were able to confine our remarks to that one area, but it is much bigger than that. It is much bigger than the "Big A" debate and I would like to be able to discuss the positive points and negative points of that issue, but that is really not before us.

This Majority Report is much, much bigger than that issue. We are about to make a decision that will have a wide ranging impact on all of State Government as we know it today. The Majority Report crumples up and discards this entire issue of due process. The Majority Report violates in the most blatant and heinous way our Regulatory System and the Majority Report makes a mockery of our checks and balances procedure. Which is the very fiber of our representative society.

The 1983 Rivers Bill, was designed to have one stop shopping and I support that. It should not be the intent of Government to stand in the way be cumbersome to those individuals, or to those small companies, or to those large companies that may wish or need to come to our State Government for State application. We need to have that State Government of ours there to help, not hinder. There is obviously an error in the process we have before us right at this moment.

The BEP, the Board of Environmental Protection, found themselves in a dilemma, a conflict of true concern. One law telling them to do one thing, another law telling them to do something else. Our own State Water Quality Laws, which we have passed to meet, in fact, EPA approval and the Federal Clean Water Act, was a part of that conflict. They studied that conflict well. They did what they thought they had to do. We clearly had and have an ambiguity between our own State laws and between the State law and the Federal law. The Governor's Bill was presented to correct that, to rectify the Water Quality language. It said that the impoundments, in fact, would be able to draw below required D.O. levels. Practically speaking, I think that was necessary. After all, we would not be able to build a dam on any of our rivers if we did not make that change. I think the D.O. level, Dissolve Washington level, needed to be dealt with, as did the one stop permitting.

Hydro power is clean, hydro power is productive, and hydro power is effective. But each new dam needs to be looked at on its merits, through our Due Process. Yes, through our repaired due process. Our one stop permitting needs to continue and needs to be corrected. This Majority Report destroys that Due Process, by mandating automatic water certification by the Commissioner of DEP. We are going to the let the Commissioner of DEP, no we are going to mandate that the Commissioner of DEP, confirm that Water Quality is fine.

Ladies and Gentlemen, the regulatory system made up of citizen boards, boards that the Governor has appointed, boards that the Committee on Energy and Natural Resources has scrutinizes, boards that this Body have confirmed. Those people make up those boards and this legislation, this Majority Report, would in run that.

Now the clincher, the clincher that talks about retroactivity. The Majority Report mandates retroactivity, this retroactivity destroys what the Governor was attempting to do, this retroactivity mutilates our system and this retroactivity makes a mockery of every effort of our Government to be a Government of the people.

Every major newspaper, in this State, has come out with pronounced astonished and opposition to this Majority Report. Our deed is clear, our path is obvious and we as temporary tenants of this very prestigious Body know what we have to do. We cannot allow our system to be dissolved to a mere puppetry. We have a much bigger responsibility at stake. A responsibility to our colleagues, a responsibility to our constituents, and most of all, a responsibility to ourselves.

The Majority Report goes beyond the boundaries of repairing the wrong and rebuilding legislative intent. It reveals some anger and some disappointment and frustration and I think I understand part of that, but as Members of this Body, we must refrain from losing sight of our course of action and above all else, we must protect at all costs our State Government system. A system that is built on due process, a system that is built on our Regulatory System and a system that is built on checks and balances in that procedure.

I don't know if I have ever seen an issue, in my talks around the State in the past week or two, that have grated the very nerve and fiber of our people in this State. We must look at this Majority Report, Ladies and Gentlemen, in the light of day. We must not let an isolated case of frustration and anger to distort, destroy and dissolve all we have done to create this, our Governmental System, which we are so proud of. No, this is not a referendum on the "Big A". This is a referendum on the preservation of our Government, as we know it today. I urge you to reject the Majority Report, to think loud and clear about what we are doing. It is much bigger than any one issue, I think the Minority Report, obviously, corrects the error we need to have corrected. I would ask you to look at that very carefully and not let us go off in directions that we really should not be going off in. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Mr. President and Members of the Senate. The battle over the proposed "Big A" Dam has aroused violent passions and has produced a big that, in my opinion, would railroad the Dam into existence. It would do so in such a way as to under cut, in my opinion, citizens participation in a regulatory process.

While the construction of the "Big A" Dam may be justified, it is impossible for me to support a Bill that would overturn the Board of Environmental Protection's decision. Without even bothering to address the legitimate problem with the State Water Quality Law.

The BEP, last month, denied Great Northern Paper Company a Water Quality certificate for the proposed dam. Governor Brennan who favors the dam has responded with a bill that would consider water behind dams to be lakes rather than rivers. That would make it possible for Great Northern Paper to apply for a new permit without going through the entire regulatory process. Unfortunately, the Energy and Natural Resources Committee would make the Bill retroactive to apply to the "Big A" dam. And, effectively, require that the DEP Commissioner to certify that the State and the Federal Water Quality standards are met, whether they are or not.

The one that the Governor is considering vetoing this Bill. There may be a far better solution available. One that doesn't involve the meddling of the law that has served us well over the years. Continuing to require this water behind dams maintain existing quality standards, might solve the basic technical problems, created by the controversy in the first place.

That kind of approach makes more sense to me than does this legislation which I feel runs counter to the public good and rough shod over regulatory boards and demeans the efforts of those who have served so well.

I received a letter and would like to read it to you. It is from somebody who I respect very much. Dear Governor Brennan, We were shocked to read in today's Maine Sunday Telegram, that the House has passed a Bill nullifying the BEP's decision to deny Great Northern Paper a Water Quality certificate for the "Big A" dam. We trust that the Senate will not pass the Bill and urge you to veto it, in the event that it does. Opposition to the Bill here, in this district you hope to represent is wide indeed. We can appreciate the importance of Great Northern indeed for all paper companies to the economy of Maine. But, building the "Big A" Dam, as Great Northern itself admits, will not guarantee more jobs. It will, however, do irrefutable damage to the Penobscot. Better to try to work to Maine, as you did so successfully during your first term. More industries, like Pratt and Whitney, in North Berwick.

Surely, you do not want your administration to be remembered for sanctioning the construction of Maine's last stretch of wild river. Rather like your predecessor, Governor Percival Baxter, you will wish to be remembered for keeping another portion of Maine forever wild and free. A precious legacy to our children, and our grand children.

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

Senator MCBREAIRTY: Mr. President and Honorable Members of the Senate. I served on the Natural Resource Committee when the Rivers Bill was passed. I did not vote for the Bill because I considered the Bill only an excuse to zone all the valuable shore land in eastern and northern Maine for primitive remote recreation to benefit all the people of Maine.

At a great expense to the people who owned the land, in both eastern and northern Maine, that already has been done and done to a great extent. I predicted when the Bill passed that once the people who favored the Bill got control of our valuable shore lands in eastern and northern Maine they would then oppose anything dealing with rivers, but would benefit us. I predicted that any Hydro project that would benefit eastern and northern Maine would be opposed by the same people who told us we were streamlining the Hydro permit process.

The past few months we have seen a perfect example of tail wagging the dogs. I have been as close to, and I believe understand, the intent of Maine's environmental laws that have been passed during the past twelve years, as anyone in the Maine Legislature. Eight years of the twelve years that I have been here, I served on the Natural Resource Committee. I believe both work and DEP has gone against the intent of the Maine Legislature while dealing with the "Big A" and shore land zoning in eastern and northern Maine.

They went far beyond in their zoning in northern and eastern Maine than any organized town would allow. There would be a revolution if they had done the same. The intent of the Rivers Bill was to protect Maine rivers in some areas and at the same time streamline the permit process on rivers in other areas.

This morning, I went down to the library and I spent a little while going over the original Rivers Bill, the Majority Report, and the Minority Report. As Larry Keisman and I had come out a Minority Report that nobody showed any interest in that would have predicted the rivers much more than what we passed. The statement of fact, section 631 states that section 631 of the Bill is a declaration of the Legislatures purposed in enacting this sub-article. Section 631, in the Rivers Bill states findings, "the Legislature finds and declares that the surface waters of the State constitute a valuable ingenious, development utilizing these waters is unique and its benefit and impact to the natural environment and makes a significant contribution to the general welfare of the citizens of the State for the following reasons:

Hydro power is the States only economically, feasible, large scale energy resource which does not rely on combustion of a fuel, thereby, avoiding air pollution, solid waste disposal problems, and hazards to the human health from admissions, waste and by-products. Hydro power can be developed at many sights, with minimal environmental impact, especially at sights with existing dams or where current type turbans can be used.

Like all energy generating facilities, Hydro power can have adverse affects in contrast with other energy sources. They may also have positive environmental effects. For example, hydro dams can control floods argument down stream flow to improve fish and wildlife habitat. Water Quality and recreation opportunities." I'll add to that without Hydro dams white water rafting would be non existent in the State of Maine.

Hydro power is presently the State's most significant, indigenus resource that can be used to free our citizens from their extreme dependents on foreign oil for peaking power, policy and purpose. The Legislature declares that Hydro power justifies singular treatment. The Legislature further declares that is a policy of the State to support and encourage the development of hydro power projects by simplifying and clarifying requirements for permits, while assuring reasonable protection of natural resources and the public interest in the use of waters in the State. It is the purpose of the sub-article to require a single application and permit for the construction of all hydro power projects and for the reconstruction or structural alteration of certain projects, including water storage projects.

The permit application process shall be administered by the Department of Environmental Protection, except that for hydro power projects within the jurisdiction of the Maine land regulation commission, the commission shall administer the permit application process under this sub-article. That seemed very clear as to what the legislature intended when we passed the Rivers Bill.

Since I have been here, I have found that when we pass a law that was in conflict with a former law, the latter law took preference. I think it should in this case. During the time that I have been here, I have voted for Bath Iron Works, Pratt and Whitney, Keyes Fiber, Bangor Airport, Bar Harbor Airlines, and many other Bills to help provide jobs for Maine people. This Bill will, no doubt, help protect jobs in northern Maine. I would urge you to vote for this Bill. Thank you.

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

Senator BALDACCI: Mr. President, and Members of the Senate. I think it is important to concentrate on this particular issue being whether or not we are going to rough shod over the process that we have established in the Legislature, to conduct the regulatory review of projects and policies. That is what is disturbing here. We are setting that precedent.

That in the future, if some individual or corporation felt that they were not treated fairly that they could always come to the Legislature because we did it today.

That is also the danger with trying to correct the intent of before. I think an important point here in dealing with the process, is that in establishing these boards and commissions and appointing private citizens to serve at very little benefit to them, other than time and coming down here and pouring into these particular issues, is is that these people believe and have taken an oath to uphold the laws of the State of Maine. There were given an Attorney General's opinion at that hearing, it is my understanding, that said there was conflict. They believed what they were doing was right under the law, they believed that.

Maybe we did have a gap in the law, maybe when we passed the Rivers Bill we didn't classify the west branch of the Penobscot that we knew that there would be different circumstances surrounding that debate, and maybe we intended that it wouldn't be conducted as we passed the Maine Rivers Policy Act, to be one stop shopping. You could go on, and on, and on, nobody in this Legislature has the ability to stand up and say what we intended to do. Because that is not what I intended to do, it was not included in the Rivers Policy, it was not classified in the Rivers Policy, because of that debate.

I was told that if we did not accept the retroactivity of this particular Bill, that it would jeopardize the Federal Energy Regulatory proceedings in Washington. They needed a positive sign in regards to this project and it would have been left with a negative sign.

I am not standing up here and trying to defeat the "Big A", I am up here trying to protect the process that we have established with our commission and boards, in delegated responsibilities to those boards and commissions, we have empowered them.

The Gentlemen from the Federal Energy Regulatory Commission, his name Alan Mitchnick, when I explained to him the particular situation here, in the State of Maine, dealing with changing the Rules, so that it would be dealt with as an impoundment, rather than a running river, allowing a much easier process for an applicant to go in front of that particular board and have it heard.

I explained to him the problems I had with retroactivity. Mr. Mitchnick said that the only concern that FERC had was that this thing was moving ahead, that there was progress. Would I be jeopardizing the project if I singled out the process and procedure and tried to protect that, while changing the rules of the game? No, as long as it has shown some progress from the State of Maine.

That was what Mr. Mitchnick said and I've talked with Senator Cohen's office and I've also talked with Senator Mitchell's office, in regards to the matter and awaiting the action by this Body as to inform them officially and encouraging them to talk with those people.

That was a concern that I had and a genuine concern not to jeopardize or act negatively in the best interest of northern and eastern Maine, which has been alluded to here today. It is not a question of geography, it is much more a question of equity, something that we stand for in this Senate.

This Senate stood up when the House, the Lower Body decided they didn't want Martin Luther King. This Body wiped out racism and discrimination. This Body overturned a Committee's Report that felt that because an individual was qualified that that should be reason only to confirm them as an Agriculture Commissioner. This Body, and I'm proud to be a part of this Body, has given me some great moments to know that we really represent the best interest in equity for all of our citizens and that is what I am protecting today.

Not because some individuals in our Legislature, would like to flex their muscles regardless of the results, I am not standing for that. I am standing for the process and that is what I am submitting to you, today, is the question that is before us.

It is not a debate on northern and eastern Maine or whether that dam should be built or not. We are talking about the process and that is what we have to go back to and explain to people why one individual and one corporation would be able to have a situation where they can have the legislature take care of their problems, but as far as their concerned, well they are just going to have to pay the dues, because that is the law.

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

Senator USHER: Thank you Mr. President, Mr. President and Men and Women of the Senate. With response to the good Senator from Penobscot, Senator Baldacci, FERC has stopped process in Great Northern's application. I realize that he has talked to a staff person. This staff person has no authority to speak for the clerk commissioners. I am sure he did not have time to speak to the clerk commissioners if the phone call was made this afternoon.

With the DEP denial, and without sanction from this Legislature, they dismissed the whole application, all twenty-four volumes at the end of this week, if the results were at the end of this week. The only other case that has come before FERC arising out of a certificate denial, in Maine FERC dismissed the application, and that was the East Machias project.

We as a Committee, had this brought before us and was explained what the intent was and there were Members of our Committee, still on the Committee from the previous Legislature, and they explained the intent, the former Committee Members, and I believe, and we all believe, that this is a clarification of the law. They were very strong on this and they were Members then and they are still Members now. And we all operate with former Committee Members to see what other Legislation goes on and on, because there are a lot of repeats up here.

We have to rely on their information, and it was good information. There was some confusion this morning that certain people wondered why they didn't go to DEP, they are in unorganized territory. If another industry wants to build a dam in the Waterville area that will be put before the BEP.

This Company follows the proper process. All the standards were agreed by and they passed all of them until the final step. Until the Water Standards were changed a little bit at the end. I believe that they followed everything and they should be granted this. We should clarify this and they shouldn't have to go through the process again.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Thank you Mr. President. I know Senator McBreairty spoke and read the legislative intent, but as everybody around here knows, the legislative intent does not become part of the law and when the Board of Environmental Protection is trying to determine what the Legislature wants, it has to look at the statutes and abide by the statutes.

Even the retroactivity clause, it seems to me, might not be such a problem if decisions by this board had not already been made under that act. But they have and if this amounts to a Legislative veto of an agency decision, I think that is clearly not going to pass Constitutional muster. I don't think knowing that, that we ought to go ahead and do it. With the Majority Report, even if we put an emergency measure or the Minority Report and we can change and put clearly in the law the intent for the future that, that would be the proper way to go.

We create this Board of Environmental Protection to take it out of the political arena, so that they can make these decisions on the law and on merits. That is why we do it, that is why we have collective bargaining, we were up here lobbied several years ago, by both sides and we were all ripped apart so we took it out and we gave it in collective bargaining.

We have a certificate of need process so that the Legislature won't be so calm to powerful lobby groups and make decisions that probably aren't in the best interest of the State. I notice we have Bills in here now to exempt the preferred group from going through a certificate of need process. It starts a trend and we ought not to do it.

I would like to say, particularly, some words about the Board of Environmental Protection, because I know three or four of them very well. I think they have been accused and abused undeservedly. Nancy Masterson, for example, is a personification of good Government, that is the whole reason for existing in her adult life. She was on the League of Women Voters for years before she served up here four terms in the State Legislature. I lived with her, I served two terms with her on the Appropriations Committee and I know that Nancy would walk over a cliff following legislative intent.

Evelyn Jepson, a fine, fine woman, and Kim Matthews whom I know very well and if three out of three I know very well, would not thumb their noses at legislative intent than I assume that the other Members of that Board would not either.

That is primarily all I have to say, I hope that we will reject the Majority Report, because I think we can accomplish what everybody wants for "Big A" without destroying our Environmental laws down the road with the Minority Report.

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

Senator MCBREAIRTY: Mr. President and Honorable Members of the Senate. I would like to clear up what might be a misunderstanding. I did not read from the statement of fact, I read from the law itself.

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

Senator TRAFTON: Thank you Mr. President, Mr. President, you may know, I think you do, that I was a guide on the Allagash River and the west branch is the Penobscot River. Back in the early 60's and that was a time when there was no Allagash waterway, that area was managed by Great Northern Paper Co. and International Paper. I was during that period and still am, impressed by the management abilities of those paper companies as the resources in northern Maine. I continue to enjoy that part of Maine, the

West Branch and the Allagash, as a matter of fact, Mr. President, you'll recall you helped ferry my car around from Telos Lake to St. John on a family canoe trip that I took in the last few years. I appreciated that. At that time, again, I was impressed by Great Northern's ability to manage their resource well.

I also have little concern about their ability to manage impounded river. I've been on Chesuncook Lake many times, I've paddled that twenty-one mile Lake in the middle of the night, by moonlight, it is a beautiful place, I am not an opponent to the "Big A", I did not vote to extend the look review period as was put before us last year in the first regular session.

In short, although I consider myself an environmentalist and a conservationist, I am not an anti "Big A", I am not anti Great Northern Paper. I don't think those are the issues that we are confronted with here today. I rise in opposition of the Majority Report for two basic reasons.

First, I rise as a lawyer, considering legal issues that confront us, and there are three basic legal issues which to me clearly indicate that the Majority Report is simply unconstitutional and wrong. First, the retroactive application, is directly contrary to State law. If you look at Title 1, section 302, the law is very clear. It says that "Actions and Proceedings pending at the time of passage or repeal of an Act, are not effective, thereby," That is the current status of law dealing with retroactivity.

There have been cases cited throughout this building during the week, suggesting that this particular section of the law does not apply, well it does.

The Maine Supreme Court, in two cases, in 1982 and 1985, basically upheld that particular section of Maine law. Even if we were to enact this particular Majority Report the courts would throw it out.

Are we helping Great Northern Paper Co. by throwing this back in the courts to have them overrule our actions here today? A second legal reason why this particular Majority Report is wrong. This Majority Report violates article 3, section 2, of the Maine Constitution, dealing with the distribution of powers. That section we all know, basically, says that no person, one branch, can exercise the powers of another branch. Well I suggest that by enacting the Majority Report, or accepting the Majority Report today, we, in fact, are stepping on the toes of the Executive Branch, the Board of Environmental Protection's decision on this particular application.

And, in fact, the United States Supreme Court, in a 1983 case, parallel to this, basically agreed with that position. There in the case called the

Immigration and Naturalization Service vs. Chadha they struck down a congressional act that was a simple act to overturn an agency decision and in that case they simply said, the Legislative Branch once it delegates power to the Executive Branch, it must abide by the decision of that Executive Branch. That directly applies to this situation, so then again, this Majority Report would be found unconstitutional under that particular section of the constitution. Are we helping Great Northern Paper Co. by sending this back to the court to have it overturned in court as unconstitutional?

Third, this particular Majority Report violates the supremacy clause, the United States constitution. There in that particular clause of the constitution it says, "laws of the United States shall be the Supreme law of the land." Section 401 of the Federal Clean Water Act is directly in conflict with this particular Majority Report. I am suggesting that if we pass this, it is very easy for anyone to go to court and this particular statute thrown out as being in direct conflict of a Federal law.

The United States supremacy clause controls here. We are not helping Great Northern Paper Co. this Majority Report is clearly unconstitutional. The Minority Report on the other hand permits Great Northern Paper Co. to proceed. They can re-apply, they can use the same information, evidence, transcripts, testimony that they used in the prior proceedings. The Minority Report doesn't stop Great Northern Paper Co., in fact, it provides an alternative approach.

That is a summary of the legal issues that I think are directly relevant to the Majority Report, which I cannot support for those reasons, but there is a bigger reason why I can't support the Majority Report. It is a reason that I am going to label legislative due process. I feel that when we, as a legislature, consider Bills, we have an obligation, under the constitution, to deal fairly, and openly with that legislation.

Regardless of who we are, regardless of what Committee we are, we have an obligation to our citizens. It is my understanding that the work session on this particular Bill, L.D. 2032, was not held in that way. Let me tell you what my understanding of that process, the legislative procedure, was on this Bill. I understand that on February 25, 1986, a work session was scheduled for 9:00 a.m. and after dealing with a couple other Bills, the Committee on Energy and Natural Resources, divided itself into two sub-committees. One of those sub-committees was assigned to deal with the hazardous waste Bill, interestingly enough, it included those Members of the Energy and Natural Resources Committee that were not, particularly, supportive of the Majority Report, of L.D. 2032.

The Second committee, was made up of Senator Usher, and four Representatives. That committee refused to indicate in public, where they were going to discuss this particular Bill. The sub-committee Members scattered, it was then discovered later in the day that, that sub-committee was, in fact, meeting in the Speaker's office. At least one Representative was denied access to that meeting. Great Northern Paper officials were in that meeting. There was no public comment taken in that work session. Later in that day, a second secret sub-committee was held in the Speaker's office and when that second work session was convened, a completely revised Report, similar to the Majority Report, L.D. 2032, appeared. Interestingly enough, Great Northern Paper Co.'s lobbyists had copies of that particular report, nobody else did. In fact, other interested parties were denied access to that report.

Is that the kind of legislative process we want to encourage? Is that legislative due process? Do we want to be associated with that kind of legislation? Let me tell you one more thing that happened. The next day, February 26, 1986, there was a hearing before the Board of Environmental Protection. That hearing was on Great Northern Paper Companies petition for reconsideration and that is the step after the permit has been denied by the Board of Environmental Protection. This is an opportunity for the petitioner to ask for reconsideration by the same board, it is a preliminary hearing to an appeal.

Legislative leadership, Members of the Committee on Energy and Natural Resources, appeared before that committee criticizing the Board of Environmental Protection. Basically, holding over the Majority Report of the Energy and Natural Resources Committee.

The same Majority Report that you see here today, saying unless you consider reconsideration were going to take legislative action. The threat of the big hand on the third floor overriding this Executive Branch. Is that how we handle legislation in Augusta these days? That concerns me probably more than anything else.

Back in the early 70's, there was a Harvard economist who wrote a document, called The Maine Manifest. It also had a title called the Paper Plantation. That Harvard economist happens to be our current State Planning Office Director, but the threat of that particular paper was who was and who has been controlling legislation in Augusta? Was it the paper companies? There were instances after instances pointed out in the Maine Manifest that showed that the paper companies have had inordinate control over legislation passed. Is that the appearance we want to provide for the public? I don't think so. In fact, I am a firm believer that the Majority Report moves Great Northern Paper Co. further away from the goal that it seeks. By enacting or accepting the Majority Report we are

simply encouraging further litigation in the Federal Courts on the Supremacy issue, and the State Courts on the other legal issues. Are we helping Great Northern Paper Co? I suggest that we aren't by accepting the Majority Report and I encourage you to vote against the pending motion and accept the Minority Report.

The President requested the Sergeant-At-Arms to escort the Senator from Aroostook, Senator VIOLETTE, to the Rostrum where he assumed the duties as President Pro Tem.

The President then took a seat on the floor of the Senate.

Senate called to order by the President Pro Tem

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

Senator BROWN: Thank you Mr. President and Men and Women of the Senate. As it has already been stated in this Chamber that we are not here today to debate the issue of hydro development or Great Northern's possibility of building "Big A". As a matter of fact, I happen to believe in "Big A" and I hope in time that Great Northern is able to build it.

What we are here for today is looking at a situation where the due process that is involved in our establishing and setting up commissions and boards to govern various functions of Government is at stake.

One of the things, I am proud to be a Senator in the State of Maine, and I am proud that whenever I am speaking to a group of school kids or my own children, who sometimes ask me what I would do as a State Senator. You talk about protecting the health and welfare and safety of Maine's citizens. You talk about conservation of a resources, trying to create a decent business climate.

I am proud of the role that we serve, that I serve in this Body, and the people that I serve with. One of the things I always try to ask myself is what effect is the action I am taking today, when I vote on an issue, going to have twenty-five years down the road, or ten years down the road. Am I adding anything to the welfare and the well-being of this State by the action that is being taken. The issue that is before us right now, this Majority Report, is a shameful and disgraceful action that we have before us. It is a disgrace, it is surrounded by disgraceful acts which you heard described.

Over the last twenty years, the State of Maine has spent a neighborhood of Six hundred and fifty million dollars, to protect the environment and to clean up the environment. It takes approximately ten times as much to clean up the environment as it does to pollute it. Here we are today, with an issue that is going to mandate that the Commissioner of the Department of Environmental Protection take an illegal act. It is getting to where that if a certain group is not satisfied with the actions that a board or a commission has taken, they come to the legislature for a fix. I happen not to believe in an issue that we had recently before us, dealing with Local Measured Service. I philosophically had some difficulties with that. We had a commission that was established, we had a public advocate that examined and looked at that very carefully, and I went ahead and supported the recommendation that came from that group because I think they had looked at it far more than I had had the opportunity and we had them set up for a very specific purpose.

I guess the question we have to ask now is what are we doing to the integrity of a process that is established and has worked well for a number of years in this State. The questions we could ask about what are the long term implications of calling a body of water, a lake, or a great pond. What does it mean to establish a precedent where people come to the legislature for a quick fix, whenever they are not satisfied by a board or commission rather than taking it to court. I would urge you to support the Minority position. Thank you.

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

Senator USHER: Thank you Mr. President, Mr. President and Members of the Senate. The good Senator from Androscoggin; Senator Trafton, has questioned the integrity of my committee and I sort of resent it.

My committee worked very, very hard last week, we handled sixteen different Bills. We had a work shop every single morning and we held hearings on three or four other Bills. We were very busy. We have been every since we have been here in January. There are some major bills before us, not only the "Big A" issue, a lot of interesting bills, sand dunes and others.

To speed up the process, because we are being pushed by leadership and we only have a few days left and they want all bills out, we have always used this process in my twelve years here, establishing sub-committees, three or four people, to go and discuss the issue and see if you can compromise. That is part of being a politician, compromise. So we established these different sub-committees there was more than one sub-committee set that day. That was not the only one. We were scheduling a meeting, before we even got out of the room, the Senator from

Kennebec, Senator Kany, who was not in the room because she was busy with the other committee, and I understand that, called and asked if she could be a Member of the committee, and I said yes. So she was included too.

I said as soon as we find out what time we can get everyone together, and that is a major problem in this legislature is getting everyone together, especially when you have a heavy workload. We went to the third floor and were planning to meet in the Speaker's office, the Members of the Committee, and I told Senator Kany that I would get back to her when we find out where we are going to meet. There were two people shy at that meeting, who we could not find, so we discussed that we get back here at two o'clock and would have a meeting. Senator Kany was informed and an additional member from the other Body who asked to be on the committee was also informed of the meeting.

At two o'clock we attended the meeting, with a proposal we discussed. Senator Kany did not attend. Again, I understand because she has been very active in her other committee, she was informed, she was not denied. The meeting was very brief, my House Chairman was continuing on with our workshop in the afternoon, we reported back down to the session which was already in progress, already working on a bill, and we had to wait until the bill came there. As far as the meeting over to BEP on Wednesday, no Member of my committee attended, unless they did it on their own, because I did not attend, I did not attend one of their meetings through this whole process. I have my duties over here, they have their duties over there. So I hope the good Senator, and I know his profession, does his research a little bit better the next time, because I know what happened to my committee.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator PRAY of Penobscot to ACCEPT of the Majority OUGHT TO PASS IN NEW DRAFT Report.

A vote of Yes will be in favor of Acceptance of the Majority Report.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator HICHENS of York who would have voted Yea requested and received permission to pair his vote with Senator KANY of Kennebec who would have voted Nay.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, BERUBE, BLACK, BUSTIN, CARPENTER, DOW, DUTREMBLE, EMERSON, ERWIN, GILL, MATTHEWS, MCBREAIRTY, PERKINS, PRAY, SHUTE, USHER, WEBSTER, THE PRESIDENT PRO TEM - PAUL E. VIOLETTE

NAYS: Senators, ANDREWS, BALDACCI, BROWN, CHALMERS, CLARK, DIAMOND, GAUVREAU, KERRY, MAYBURY, NAJARIAN, PEARSON, SEWALL, STOVER, TRAFTON, TUTTLE, TWITCHELL

ABSENT: Senators None

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators having paired their votes and No Senators being absent, the motion by Senator PRAY of Penobscot to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report PREVAILS, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

The President Pro Tem requested the Sergeant-At-Arms to escort the Senator from Penobscot, Senator PRAY to the Rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Aroostook, Senator VIOLETTE to his seat on the Senate floor.

Senate called to order by the President.

The Chair laid before the Senate the Tabled and Later Today assigned matter:

Bill "An Act to Promote Intensive Spruce-fir Management"

H.P. 1468 L.D. 2070

Tabled - March 4, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate March 3, 1986, READ A SECOND TIME.)

(In House February 27, 1986, PASSED TO BE ENGROSSED.)

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby it ADOPTED Committee Amendment "A" (S-382).

On further motion by same Senator, Senate Amendment "A" (S-387) to Committee Amendment "A" (S-382) READ and ADOPTED.

Committee Amendment "A" (S-382) as Amended by Senate Amendment "A" (S-387) thereto ADOPTED in NON-CONCURRENCE.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Later Today assigned matter:

Emergency Resolve

Resolve, Amending the Reporting Date of the Joint Select Committee for Learning Disabled Children
S.P. 741 L.D. 1894
(C "A" S-382)

Tabled - March 4, 1986, by Senator VIOLETTE of Aroostook.

Pending - FINAL PASSAGE

(In House march 3, 1986, FINALLY PASSED.)

(In Senate February 27, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-382).)

The Chair laid before the Senate the Tabled and Later Today assigned matter:

Emergency Resolve

Resolve, to Extend the Reporting Deadlines for Joint Select Committee on Nursing Care Needs and the Special Commission to Study the Utilization of Vacant Buildings at Pineland Center"
H.P. 1484 L.D. 2096

Tabled - March 4, 1986, by Senator VIOLETTE of Aroostook.

Pending - FINAL PASSAGE

(In House March 4, 1986, FINALLY PASSED.)

(In Senate March 3, 1986, PASSED TO BE ENGROSSED, in concurrence.)

Senate at Ease

Senate called to order by the President

On motion by Senator VIOLETTE of Aroostook, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by the same Senator, Senate Amendment "A" (S-386) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator VIOLETTE of Aroostook, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate SUSPENDED THE RULES.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

ORDERS

Joint Resolution

On motion by President PRAY of Penobscot (Cosponsored by: Speaker MARTIN of Eagle Lake, Senator VIOLETTE of Aroostook, Representative DIAMOND of Bangor) (Approved for Introduction by the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:

S.P. 845

JOINT RESOLUTION MEMORIALIZING THE HONORABLE RONALD W. REAGAN, PRESIDENT OF THE UNITED STATES, AND MEMBERS OF THE UNITED STATES CONGRESS TO OPPOSE TAXES ON IMPORTED OIL

WE, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Twelfth Legislature, now assembled in Second Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, imported oil represents 2/3 of the energy consumed in New England and a tax on imported oil would dramatically increase heating costs in the State of Maine; and

WHEREAS, an import tax on oil would have a severe negative impact on consumers and businesses in the State, particularly low-income and middle-income citizens, the State's elderly citizens and on energy-intensive industries dependent upon oil as an energy source; and

WHEREAS, an import tax on oil would disproportionately and unfairly hurt oil-consuming states; and

WHEREAS, the current glut in the world oil supply has lowered the price of oil and made an import tax attractive. We do not believe that the current glut will last. Prices are due to rise again soon, thus making an import tax even more harmful to consumers and industries; now, therefore, be it

RESOLVED: That We, your Memorialists, concur with the Federal Reserve Board Chairman, Paul Volcker, that this is an unsound and unwise method of deficit reduction and in expressing our opposition to any plan which would bail out the energy producing states at the expense of the New England states, we hereby respectfully urge the Honorable Ronald W. Reagan President of the United States and Members of the United States Congress to oppose taxation on imported oil; and be it further

RESOLVED: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Honorable Ronald W. Reagan, President of the United States and to the United States Congress and each Member of the Maine Congressional Delegation.

Which was READ and PASSED.

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication:

MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
MAINE STATE COMPENSATION COMMISSION

Orchard Street
Augusta, Maine 04330

March 4, 1986

Honorable Charles P. Pray
President of the Senate
112th Maine Legislature
State House
Augusta, Maine

Dear President Pray:

I am pleased to submit the Interim Report of the Maine State Compensation Commission pursuant to 3 MRSA § 2-A, subsection 2. The report contains recommendations regarding the Compensation of the Governor, legislators, and the members of the Public Utilities and Workers' Compensation Commissions.

The members of the Commission appreciate the privilege of serving and particularly appreciate the sustained interest of the Legislative Council in our work.

We would be happy to discuss the report with you and members of the Legislature.

Sincerely,

S/Stephen R. Crockett
Chairman

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

On motion by Senator CLARK of Cumberland
ADJOURNED until Wednesday, March 5, 1986, at 8:30
in the morning.