

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Ninth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

STATE OF MAINE
One Hundred and Ninth Legislation
Second Regular Session
JOURNAL OF THE SENATE

February 27, 1980

Senate called to order by the President.

Prayer by Father William Bartoul of St. Joseph's Maronite Church of Waterville.

Father BARTOUL: Heavenly Father, creator of all things, it is you and you alone who knows the very hearts of men. You alone have been by our side in times of rest and harmony; in times of conflict and debate; in times of decision and in times of silence.

Gathered here before your ever watchful presence are men and women dedicated to serving your people. These Senators give of their time and energy so that the people are served. Here present are the guardians over your households. Stretch forth your ever powerful right hand and touch the hearts of these Senators. Enlighten their minds and move their consciences to be ever mindful of their role and to whom they are accountable.

Bless these Senators O'Lord, for their influence affects the lifestyle of your sons and daughters. Their decisions can move a trend. Their actions will, no doubt, reflect their personal interests, their self-awareness, and their seriousness to help meet the needs of the very people who elected them.

Guard them O'Lord for with you all things are possible. Make of each of them a Good Samaritan, the one who cares and unselfishly gives, the one whose words are not hollow and whose actions are equally filled with meaning and purpose, according to the laws of justice and fairness, honesty and truth.

Grant them your wisdom so that they may deal more effectively with the turmoil at hand. Let them see that what lies between a problem and it's solution is the better interest of the people at home. How the people are considered will be reflected in the solution to the problem, for these Senators are here to help people live harmoniously with neighbor and nature.

Heavenly Father, these Senators gather day after day, experiencing session after session, committee after committee, and volumes of printed material to be scanned, perused, or digested, season after season. There's a great temptation to lose contact with the relevance of the issues being presented, to the point where problems seem to be nothing more than a paper reality, black and white characters on paper easily scrapped. Hold this temptation behind these honorable men and women, save them from the horror of taking responsibilities for granted. For when they fail to function in truth and sincerity, many of us suffer for mediated time.

Guard these Senators O'Lord. Allow their talents to be multiplied, and their peace to be strengthened. For today unlike any other day, is a time at hand, a time not to be wasted, and truly the forerunner of tomorrow. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Senator Danton of York was granted unanimous consent to address the Senate, Off the Record.

Papers from the House
Joint Orders

Expressions of Legislative Sentiment recognizing:

The South Portland High School cross-country team, coached by W. Paul Brogan, Jr., 1979 state champions. (H. P. 1872)

Mike Eruzione, Olympic Gold Medalist, captain of the U. S. Olympic Hockey team and a graduate of Berwick Academy, South Berwick, class of 1973. (H. P. 1873)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

House Paper

Bill, "An Act to Adopt the Maine Municipal and Rural Electrification Cooperative Agency Act." (H. P. 1871) (L. D. 1961)

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

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Reference.

Orders

Expressions of Legislative Sentiment recognizing:

Hodgdon High School "Hawks", 1979-80 Eastern Maine Class C girls' basketball champions. (S. P. 768) is presented by Senator Carpenter of Aroostook (Cosponsor: Representative Lougee of Island Falls).

Stearns High School Girls' Basketball team, 1980 Eastern Maine Class B champions. (S. P. 769) is presented by Senator Pray of Penobscot (Cosponsors: Representative Birt of East Millinocket and Representative Marshall of Millinocket).

Which was Read and Passed.
Sent down for concurrence.

Committee Reports
House

Leave to Withdraw

The Committee on State Government on, Bill, "An Act to Require Disclosure of Types of Assets and Future Rights by Legislators." (H. P. 1772) (L. D. 1875)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Require Financial Disclosure by Justices and Judges." (H. P. 1773) (L. D. 1876)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Energy and Natural Resources on, Bill, "An Act to Allow Counties to Participate in the Solid Waste Management Subsidy." (H. P. 1735) (L. D. 1853)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-801).

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. House Amendment "A" was Read and Adopted, in concurrence, and the Bill as amended, Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Election Laws on, Bill, "An Act Amending the Requirement of Announcing Political Disclaimers." (Emergency) (H. P. 1647) (L. D. 1757)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-800).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

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

Second Readers

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

House — As Amended

Bill, "An Act Combining the Offices of Justice of the Peace and Notary Public and to Establish their Appointment by the Secretary of State." (H. P. 1718) (L. D. 1829)

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

Enactors

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

An Act Authorizing the Bureau of Consumer Protection to Inform and Advise the Public and to Investigate and Prosecute Complaints Under the Fair Credit Reporting Act. (H. P. 1814) (L. D. 1926)

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Enactment.

An Act to Clarify Provisions for Fish Weirs in Unorganized Territories. (H. P. 1716) (L. D. 1822)

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

An Act Pertaining to the Abandonment of Public Ways. (H. P. 1738) (L. D. 1856)

An Act Concerning Mobile Barber Shops. (H. P. 1658) (L. D. 1767)

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

Orders of the Day

The Chair laid before the Senate the first tabled and specially assigned matter: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Bring into Conformance the Year in which the House and Senate shall be Apportioned. (H. P. 1720) (L. D. 1824)

Tabled—February 25, 1980 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

On Motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

The Chair laid before the Senate the second tabled and specially assigned matter: JOINT RESOLUTION Requesting the Attorney General to Examine the Price Increases in Petroleum Products. (H. P. 1857)

Tabled—February 26, 1980 by Senator O'Leary of Oxford.

Pending—Motion of the Same Senator to Recede and Concur.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I did not go down to the Attorney General's Office yesterday afternoon, but I think that some other member of this body perhaps has got the answers to some of them questions that were raised about the appropriations and what would happen.

I made a phone call to a person I know that works for an Oil Dealer, to get some facts and figures. I would like to present them to you this morning.

I asked how many deliveries a day that one oil man would make, because this is a year that the weather hasn't been all that bad, they average about 35 deliveries a day. Last winter it was between 45 and 50. These people are set up on what they call a watchdog service. I asked what's the average delivery at each stop? The answer was 140 to 160 gallons.

This dealer was making at the first part of the season, 23¢ per gallon. Now he is making 20¢. If you figure out an average of 140 to 160 gallons for each stop, that means each consumer is paying anywhere from \$28 to \$32 for that one stop. This is to the oil dealer. I asked how many trucks these dealers usually have, anywhere from 3 to 5 would be the average. The busiest months of January, February, March

and December are pretty close.

You've got to remember that each one of these drivers earn between \$4 and \$5 an hour. So when you figure up the number of gallons, like yesterday this one truck delivered to the customers 4,700 gallons, at 20¢ a gallon, that's \$940. that oil dealers made on just that one driver for that day.

I asked about the storage tanks. You drive down towards Hallowell here, there's a nice group of them, anywhere from 4 to 6 tanks. Those tanks down there hold a half a million gallons. Now when you're talking about a half a million gallons in each one of them tanks, you must remember them tanks were filled at last year's cheap price, and sold at the high price this year.

This morning the first thing that truck operators had to do was set the meters to reflect another 2¢ hike in the price of oil and some of them, I understand, went as much as 4¢.

So when you're talking about a half a million gallons, in one tank down there, that's another \$10,000 that's been added right to the value of that one tank, if its 4¢ it's \$20,000.

Most of these dealers buy, on the coldest days, because oil does swell. About 80% of the tanks in the State of Maine are full at the present time.

Mr. President, and Members of the Senate, I believe that we have an Attorney General's Office downstairs, fully funded. They are people that are in fraud, they harass a lot of the small businesses.

Mr. President, I think that it behooves us to reflect the will of the people we represent and tell the Attorney General that this is our highest priority and for him to get on with the job.

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

Senator PRAY: Thank you, Mr. President. Mr. President, and Members of the Senate, we started off this session this morning with a prayer, in which the words of the individual speaking said that we are the guardians of the households of the State of Maine, and our actions serve to help the needs of the people.

The Resolution that we are debating today, I think, hits those 2 points right on the head, as to the concerns of the people of this State.

Yesterday the Senator from Kennebec, Senator Katz, expressed many concerns to this Joint Resolution. His major concern was the ability or the inability of the AG's Office to be able to carry out the intentions of this Resolution.

The Resolution pointed out that there is present Maine Statutes and I point out under Title 10, Sub-section 1107 which states: investigation by the Attorney General's Office, that the Attorney General upon his own initiative shall investigate any violations of Sections under Title 10, which relate to profiteering on those items which are considered to be items of necessity, and under that of course is heating fuel.

As I expressed yesterday the concern of a number of people that I have met with as to the situation at hand and what is happening to them as spiraling inflation increases, and the cost of those items of necessities, are what scares them the most.

The AG's Office is a \$1.8 million budget, I believe. In the Consumer Fraud Department they have 14 people. I asked yesterday after the end of the session, I asked the Senator of Kennebec, Senator Katz, exactly what he thought that the Consumer Fraud Division does. He told me they harass Small Businesses. Well if that's his response then I think that we ought to seriously direct the AG's Consumer Fraud Division to those items with more importance to the people of Maine than harassing Small Businesses on other issues, that Consumer Fraud is involving its time in. Of those 14 people, there are 6 lawyers. There are 4 secretaries, and 3 legal assistants, or 3 legal researchers who basically do the investigation for the AG's Office.

There was some concern yesterday that per-

haps we ought to put an appropriation on this. Give the AG the ability to handle this Joint Resolution.

If my figures are correct which I received from the Attorney General's Office, such a Resolution would cost us somewhere between \$11,294.40 to \$13,707.20 for whichever investigator or whatever type of pay scale you might want to put him into.

Under the sections of law, which we're talking about, anybody who violates that section would be subject to \$1,000 penalty, but more important is the needs of the people of this State, and their concerns, the matters which we deal with daily.

An alternative to this action which we may take directing to the Attorney General's Office is also clearly spelled out in the statutes. Which says that the Attorney General upon a petition of 50 or more citizens of this State shall investigate. If you want to defeat this Resolution today, it won't be a petition of 50 signatures, it won't be a petition perhaps of 5,000 but probably around 50,000 people, when you start talking about heating fuel.

We can talk about the political positions, the right course to take. We can talk about meaningful Resolutions, and we can talk about the abilities of the people of this State to understand these issues. They do understand the pocketbook issues. They do know what is happening to them, when they have to pay for that heating oil.

I think that if a petition process which I have already mentioned, which I have already been told if this fails will be taken, that the number of 50 signatures is not going to be too hard to get. As a matter of fact, all we would have to do is check the vote in the other body, and we would find that more than 50 people voted for it down there. So the signatures would be easily obtainable.

I think the only question that we are faced with today on supporting this Resolution is to whether or not we want to direct the Attorney General's direction on the Consumer Fraud.

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

Senator KATZ: Mr. President, we have a Democratic Governor down on the second floor who has responsibilities that extend to protect the 1,000,000 people of the State.

If you want to make a political ploy out of this, fine! If there is an ability within the second floor it extends all the way from the Attorney General's Office down to the Office of the Governor.

But I want to read to you the words of the Resolution, we're talking about. I've listened with great interest to the plea of your constituents and my constituents share the same problems. It's going to get worse next year. The major oil companies are not being controlled, but it has very little to do with the poor guy who is losing 25% of his oil business in your community this year because of conservation and probably will be going out of business along with a lot of other Maine Oil Dealers.

What does the Resolution say? If I have ever heard such phony bologna political talk in all my life, it's on this Resolution. Let me tell you what the Resolution says, that's going to save Maine people, going to save my constituents, from all the fury and the jeopardy of an uncontrolled inflation, I might say, aided and abetted by a Democratic Administration in Washington. What does this say? It says: "Whereas it appears that the citizens of Maine, during the past year have been overcharged by Major Oil Companies," and you're talking about people in Aberdeen, you're talking about people in London, you're talking about people in Amsterdam, Major Oil Companies! Doesn't say anything about the poor little businessman pumping fuel oil into your tanks.

Later on in this Resolution it says, "take appropriate action against the Major Oil Companies." Doesn't say anything about distributors.

It doesn't say anything about heating oil dealers! It says Major Oil Companies!

Now if there is an idiot. Excuse me, Mr. President, that's intemperate, and I apologize. If there is anybody here, who feels that you are going to accomplish anything, anything, by passing this, and telling the Assistant Attorney General to go after the big oil companies, God bless you, you march to a different drum than I do! If you're really serious about doing something for your constituents, let's join together.

I'll suggest a couple of ways to join together. The fellow in Washington named Civiletti. He's the Attorney General of the United States. There's a guy in Washington named, and he is in Washington, I know, because I never see him anywhere else, President Carter. There are all kinds of alternatives where if you Democrat Members of this Chamber are serious in doing something for your constituencies, let's table this one more day. I'll meet with anybody at any time, and let's decide what we can properly do.

If the Senator from Penobscot wants to start a petition campaign, God Bless him, it's a free country and he can do it, but it won't accomplish what I hope that this Senate might possibly get together an attack.

On Motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day.

The Chair laid before the Senate: An Act to Clarify Provisions for Fish Weirs in Unorganized Territories (H. P. 1716) (L. D. 1822), tabled earlier in today's session, on Motion by Senator Pierce of Kennebec, pending Enactment.

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day.

(Senate at Ease)

The Senate called to order by the President.

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

Enactor

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

Emergency

An Act to Amend the Emergency Home Heating Act of 1979. (H. P. 1866) (L. D. 1956)

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

Senator Usher of Cumberland, was granted unanimous consent to address the Senate, Off the Record.

Senator Conley of Cumberland, was granted unanimous consent to address the Senate, Off the Record.

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

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

On Motion by Senator Pierce of Kennebec, adjourned until 10 o'clock tomorrow morning.