

# MAINE STATE LEGISLATURE

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



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

**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and 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 Legislature  
Second Regular Session  
JOURNAL OF THE SENATE

February 28, 1980

Senate called to order by the President.

Prayer by Chaplain Robert Harris from the Veterans Administration Center at Togus.

Chaplain HARRIS: May we pray! Creator, Father, from you our life began. You allow us to be for whatever purpose we were born, it was not to kill ourselves, in the attainment of paper values, or paper relationships. Rather, it was to earmark each day and each person in their very unique and special way.

Bless these elect, who are the leaders that serve. More clearly, let them see what ought to be done, what can be done, and how to do it. Amen.

Reading of the Journal of yesterday.

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

On Motion by Senator Pierce of Kennebec, Recessed until the sound of the bell.

**Recess**

**After Recess**

The Senate called to Order by the President.

**Papers from the House  
Joint Orders**

Expressions of Legislative Sentiment recognizing:

The Mt. View High School "Mustangs", 1979-80 Eastern Maine Girls' Class "B" Basketball runner-up. (H. P. 1877)

Comes from the House, Read and Passed.

Which was Read.

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

The Eastern High School "Bears", 1979-80 Eastern Maine boys' Class "D" boys' basketball champions. (H. P. 1878)

The Dirigo High School "Cougars" winners of the 1979-80 Western Maine Class C girls' basketball championship. (H. P. 1880)

The United States Olympic Team medal winners, for outstanding performances at the XIII Winter Olympic Games, held at Lake Placid, New York. (H. P. 1874)

Herbert N. Aldrich, a long-standing community leader, who is the recipient of the Caribou Chamber of Commerce Citizenship Award for 1979. (H. P. 1875)

Schenck High School Boys' Basketball team, 1980 Eastern Maine Class B champions. (H. P. 1876)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

**Joint Resolution**

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Polydor Komianos of Alna, a beloved teacher and concert violinist. (H. P. 1881)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

**House Papers**

Bill, "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine." (H. P. 1879) (L. D. 1962)

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

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

**Orders**

An Expression of Legislative Sentiment recognizing:

The Bangor Christian Patriots, 1979-80 Eastern Maine Girls Class D basketball champions, (S. P. 771) is presented by Senator Trotzky of Penobscot, (Cosponsors: Senator Devoe of Penobscot and Representative Kelleher of Bangor).

Which was Read.

On Motion by Senator Trotzky, Tabled until later in today's session, pending Passage.

On Motion by Senator Trotzky of Penobscot, In Senate February 28, 1980

WHEREAS, the Office of Energy Resources was established and funded by the Maine Legislature in 1974 to provide emergency and long-range planning, management and development of energy resources of this State; and

WHEREAS, since 1976 this office has increased from 7 positions and a budget of \$65,000 to 47 positions including 8 new field assistants and a budget of \$1,730,000; and

WHEREAS, the Office of Energy Resources is now being funded by over 90% of federal funds; and

WHEREAS, the taxpayers of the State of Maine pay both Federal and State taxes; and WHEREAS, this office is presently seeking to enlarge its quarters and to further enlarge its staff with taxpayers' dollars from the Federal or State government; and

WHEREAS, conservation comes from the market place and economic conditions and not through added bureaucracy; and

WHEREAS, the citizens of Maine are installing insulation, woodstoves, water savers and alternative sources of energy despite this bureaucracy; now, therefore, be it

ORDERED, that a freeze be imposed on any further hiring or expansion of the Office of Energy Resources until Legislative oversight is exercised as provided in this Order; and be it further

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Audit and Program Review shall study the operation and proposed expansion of the Office of Energy Resources; and be it further.

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the First Regular Session of the 110th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee. (S. P. 772)

Which was Read.

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

Senator TROTZKY: Mr. President and Members of the Senate: The other day I noticed in the newspaper an article that came from the Office of Energy Resources, that the Energy Office is going to add 8 new Field Helpers. This immediately caught my attention.

I served on behalf of the Maine Senate on the National Council of State Legislators and was Vice-chairman of the Energy Committee. We have a bureaucracy in Washington and throughout the country in the Department of

Energy of 20,000 people which is a huge bureaucracy. Because of the Energy crisis that's facing us now, a lot of dollars are now coming from Washington, and coming to the states.

I sometimes ask myself what is that great DOE, that giant bureaucracy in Washington done for me. I guess the thing that stands in my mind the most is that I received from Washington a little plastic device here, called an Energy Flow Regulator. I wonder how many people it took and what great bureaucracy it took to send me this plastic Energy Flow Regulator. I had a hard time getting it into the shower because my wife likes a good hot shower with a lot of water, but I won and got it in. I've been sent one before, by the way, by the Central Maine Power Company so I have 2 of them, only one shower in the house.

Anyway, this article, 8 new field helpers for our local Office of Energy Resources. I'd like to go back a little way, back to 1974 or '73 when this Legislature established the Office of Energy Resources. At that time, I believe there was 1 person, then it became 3 people working for it.

In 1976, which is not too many years ago, the Office of Energy Resources had 7 positions and a budget of \$65,000. They turned out some good work. They turned out an energy plan for the State. There was material turned out showing where our needs were in the State, the energy mix in the State and the energy predictions of the future.

Today, that Energy Office has about 47 positions, including the 8 new field assistants that are going to be hired, and a budget of \$1.7 million, gone from \$65,000 to \$1.7 million. Over 90% of that office now is funded by the Federal Government. So what started off as a State Energy Office has now become the Federal Energy Office. O.K.

Who paid the taxes to support the Office? You know we say it's federal money that's coming. Well, the people of the State of Maine pay both federal taxes and they pay state taxes. So they are paying for that energy office.

The energy office now wants to enlarge its quarters. So bids have gone out to find a new place to expand, new quarters. Also for new employees.

I ask the Senate to take a look at conservation. First, let's look at the Energy Office. I feel in the past, they've been anti-nuclear. Now they appear to be anti-coal. They're doing what they can to stop a coal-fired plant being built, so let's talk about conservation. That's the main effort now being used to save energy. What's determining conservation in the State of Maine. Is it a bureaucracy of 47 people? Is it a bureaucracy in Washington, around the country of 20,000 people that's causing conservation?

No, what's causing conservation in the State of Maine is first and foremost the high price of oil, and gas. People can't afford it anymore! So we have insulation companies springing up all about, new stove companies. We don't need tax credits for wood stoves. People are going into wood stoves anyway. So the incentive is not needed. People are insulating their homes all around the State of Maine. They are putting on storm windows. They are caulking their homes, and so on. Do we need all this huge bureaucracy that the taxpayers have to pay for?

What I'm suggesting in this order is that freeze be put on the hiring staff for the Office of Energy Resources in Maine, until there is some Legislative oversight.

The law specifies that the Office of Energy Resources is supposed to send to this Legislature an Annual Report. Well, what the committee was told is that this is their annual report, a few pages that come in that huge budget document. That huge budget document goes to one committee, which is a human committee like every other committee, the great Appropriations Committee. They have to look over the budget of every single department of

this State.

I asked Mr. Joseph outside a hearing room, do you think the Appropriations Committee really understands your budget? His answer to me was, probably not, because they have so much else to do and because you can't just look at a few numbers on a couple of pages and understand what's going on at that office, and where the people of this State are getting the biggest bang for the buck that they are paying to that office.

So the next thing that comes up is a bill that's been coming into this Legislature. It's in the Legislature now, and it's coming out of Committee, it's a Governor's bill. It asks for \$200,000 more, L. D. 1819. They want to add to the \$1.7 million another \$200,000 to that office.

I went over to that office for an hour, took the time to go over to try and find out what is going on. Here's a sheet handed to me. Now it's been handed to one of the committees, a large number of people being hired at present, all kinds of computer programmers, research associates, data entry operators, energy audit engineers, load management specialists, ride share coordinators, resource economists, renewable resource planners, planner II peak program, facility sighting expert, publicity representative.

Publicity representative, all of a sudden in our State of Maine, all our departments have to have public relations experts. What about the other people in the department. Can't the head man of the Office of Energy Resources write a press release. Do we have to have public relations officers, to sell these departments to the people. That's what we're getting now.

Information specialists of all kinds. Of course you have to have backup staff, Clerk Steno III, Clerk typists II, Clerk typist II, on and on and on and on.

Is there a waste in the Energy Office? In the short time I was there, I spoke with Mr. Josephs. Take a look at one thing, they have a utility load management program. Now let's look at the taxpayers', dollars. CMP does a Utility Load Management Study but no one can trust CMP because that's a private utility company, and supposedly people think, the legislature sometimes feels, are ripping off the people. So you can't trust them. So what do we do? We go the PUC. The PUC using taxpayer dollars goes ahead and hires the Arthur D. Little Company and does their own load management study. The PUC is supposed to represent the consumers. So there we get taxpayer dollars. Well, I think our people are supporting CMP but here we support the PUC with taxpayer dollars. Assume their Load Management Study was looked at from the consumer's viewpoint. Then we get a third one from the Office of Energy Resources. Again, taxpayer dollars!

What I'm saying here. I'm not saying this office shouldn't have a budget of \$5 million. I'm not saying what budget they should have. I'm just saying that there has got to be some Legislative oversight. We are the representatives of the people. The people back home keep complaining, higher and higher taxes.

Here's a bureaucracy expanded from 7 back in '76 already to over 40, about 47 or so. It's going to expand even further. Whose keeping an eye on it? Is Washington keeping any eye on this or are they just sending money? Money is leaking all over the place.

I would hope that this Senate would pass this order and that we would get some Legislative oversight of this office.

On Motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending Passage.

(Off Record Remarks)

#### Committee Reports House

The following Ought Not to Pass report shall be placed in the Legislative Files without further action pursuant to Rule 22 of the Joint

Rules:

Bill, "An Act to Exempt any Tree Growth, within 250 feet from Oceans, Lakes, Rivers or Streams in Organized Municipalities, from the Tree Growth Law." (H. P. 1666) (L. D. 1775)

#### Senate

##### Ought to Pass — As Amended

Senator Sutton for the Committee on State Government on, Bill, "An Act to Adjust the Administration of the Abandoned Property Law." (S. P. 735) (L. D. 1914)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 424)

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

##### Ought to Pass — In New Draft

Senator Trafton for the Committee on Judiciary on, Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 660) (L. D. 1703)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 770) (L. D. 1964)

Which Report was Read.  
The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President this is the major Errors and Inconsistencies Bill of the Session. It may or may not be a very small last minute bill.

If any members of the Senate know of any serious technical items that have not been addressed in this bill, they ought to be checking the bill and seeing about floor amendments. We hope there does not have to be any floor amendments, but if there are I would remind the Senate that under the new rule that we adopted last year, those amendments have to be printed 24 hours before they are offered from the floor.

It is my intention to ask that the Senate accept the report today, which would bring it to your Second Reading tomorrow at which time I would move to table for a day, so that there would be an over the weekend opportunity to prepare floor amendments if they should be needed.

If they are needed it would be very helpful to the Judiciary Committee members who keep an eye on this bill, if you would let us know so that if further time is needed it could be arranged

I would like to call the Senate's attention to one particular section of the bill, which is Section 15. This might fairly be said to have some substance in it. It is brought about because of the Constitutional Amendment that causes the terms that we are now serving to be a little bit less than 2 years, in duration, because the next Legislature that comes in will be coming in early in December of this year.

That posed a legal difficulty and question about whether we get credit for a full year, with respect to our status in the Maine State Retirement System. So this particular section of the Bill addresses that question and causes the members of the Legislature to be treated as if they had completed the full year, although in fact, they will be several days short of the full year in calendar days.

Members of the committee would be very glad to hear your questions, particularly between sessions if you have matters that you would like to have further explained and we would be glad to bring staff to assist us if needed. Thank you, Mr. President.

Which Report was Accepted, and the Bill, in New Draft, Read Once, and Tomorrow Assigned for Second Reading.

#### Second Readers

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

#### House — As Amended

Bill, "An Act to Allow Counties to Participate in the Solid Waste Management Subsidy." (H. P. 1735) (L. D. 1853)

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

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

#### Enactors

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

An Act to Establish Time Limitations for Applications for Attendance at Certain Approved Secondary Schools under the Education Laws. (H. P. 1662) (L. D. 1771)

An Act to Amend the Lobbyist Disclosure Law. (H. P. 1855) (L. D. 1955)

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

An Act Relating to Maine Educational Advisory Organizations. (H. P. 1646) (L. D. 1756)

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

Senator MINKOWSKY: Mr. President and Members of the Senate: Even though the Committee Report from the Education Committee showed a unanimous Ought to Pass Report, I just want the Record to show that I was absent at the time, because of a commitment in Audit and Program Review, when this Bill was put out of committee so it should have been really, a minority report on there also.

If we look at the bill in general, I guess that it doesn't appear to be too many hang ups with it. As you start evaluating and analyzing the scope and magnitude of what we are doing in this piece of Legislation it leaves a great deal to be desired.

I would call the Senate's attention to the Statement of Fact under L. D. 1756, which states: 1. Provide for Educational Advisory Organizations to promote and further public education and public schools in the State. We do not need anybody else to promote education or any aspects more than has already been advertised or promoted by the State Department of Education or the Maine Legislature, or other organizations that do not have a legal status that these people want.

2. Designate the Maine School Management Association and the Maine School Boards Association as the Educational Advisory Organizations.

3. Declare the Maine School Management Association and the Maine School Boards Association as instrumentalities of their member school administrative units. Thereby extending the same instrumentality status to such association as provided to the Maine Municipal Association by Title 30, Section 5102, sub-section 8.

Many of us agree that back in 1924 when Maine Municipal got that legal status it was not right, but I was not around at the time to debate that point. Certainly I do not want to start taking lobbying organization and giving them legal status here in the State of Maine, as is requested in L. D. 1756. They are basically a lobbying organization.

If there are problems in municipalities then I think the Legislative delegations or the members of those delegations of those municipalities should address them with the school boards or the SAD's whichever it may be without having a full fledged lobbying organization doing the job for us.

What this bill purports to do and of course I also disagree with the fact that they presently come under the Maine State Retirement System. Since their dues are collected from both Municipal and State Appropriations and now these people already have the accessibility to the Maine State Retirement. This bill here purports to do away eventually with the liability

ty which I look upon it as being of them paying social security.

I feel that even though this only represents 7 to 9 people they should assume the same responsibility as any of us in the private sectors of business by paying our fair share to the Social Security Program. I do not feel that they should fluff this particular matter off, and eventually when they retire under the Maine State Retirement System, go back and earn their 40 quarters under Social Security and get two benefits, it is just double dipping as far as I am concerned. It is a dangerous precedent that we are establishing under this particular bill.

If you look at the dues that these people are assessing the municipalities in the State of Maine they are relatively high. In checking my own municipality they have put this off for years and they are not part nor parcel to the Maine School Management Association although they receive a great deal of material from them.

When you look at it further it is another erosion of our Maine State Retirement System. In fact if we are taking this particular route, we should actually go to the point of taking on the Pine Tree Legal Assistance Group and say, since you are lobbying up here constantly for the interests of your constituents, that you might as well come under the Maine State Retirement System also. We have eroded away that Maine State Retirement System so far that the end result is costing the taxpayers of the State of Maine too much money. I think that it is about time that we start changing our priorities and start looking out for the interests of the people of the State of Maine.

As I told the lobbyists it is an awful thing when the tax dollars for the State of Maine and its people have to be further spent by these assessments at a local basis, coupled with state dollars, to have these people up here to promote their particular vested interests and still give them the benefits of the Maine State Retirement System.

In my estimation it has been an atrocious gimmick perpetrated against the people of the State of Maine, I think that it is about time that we do away with it. One way that we can make a good solid start is by the Indefinite Postponement of this Bill and all of its accompanying papers.

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

Senator COLLINS: Mr. President I have a little familiarity with this topic because of my previous service on the Committee on Veterans and Retirement in the 107th and 108th Legislatures, when we received organizations such as this vis-a-vis their entry into the Maine State Retirement System.

I would suggest to the Senate that the attack made by the good Senator from Androscoggin, Senator Minkowsky on this particular Association is unwarranted. If he doesn't want lobbying groups to come to the Maine Legislature it seems to me that he is challenging the traditional freedom of association and free speech, we have always upheld and supported in Maine and the Nation.

What this particular bill does is it opens some doors to this particular lobbying group as to how it shall orient internally its own relationships vis-a-vis retirement, it can continue with Social Security if it wishes or it can seek to enter the Maine State Retirement System. There is no guarantee in this bill, that I can see, that says that it can enter the Maine State Retirement System, just because we pass this Bill.

There is one thing in the bill that I think is important and it makes this organization consistent with another lobbying group that we know very well the Maine Municipal Association. It recognizes that the status of this group is as quote "instrumentality of their member school administrative units, municipal and quasi-municipal corporations. Their assets

upon their dissolution, to be delivered to the Secretary of State to be held in custody for the municipalities of the State.

This group of course has a tax free status under Federal Internal Revenue Law under certain provisions of Section 501 and this particular Enactment would clarify which Section of 501 this organization would fall under.

I really do not see any harm in Enacting this bill, I think that we ought to support the recommendation of the Committee on Education and permit this bill to be enacted. I hope that you will vote no on the motion to Indefinitely Postpone.

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

Senator MINKOWSKY: I thank the good Senator from Knox, Senator Collins for his evaluation of this particular bill. Certainly I do not want to have it misconstrued by the members of the Senate that I am opposed to lobbying organizations. I think they do serve a vital and a necessary part in so far as part-time citizens legislature is concerned.

My bone of contention lies in the fact that this lobbying organization must have a legal status in the State of Maine. That it is supported by tax dollars where other organizations are proved from other sources of revenue other than taxpayers. That is the major hangup that I have with this particular piece of Legislation. I have no objections to the people from the Maine School Management lobbying in the interests of the School Boards, but I do have a hangup where they get all the benefits as provided for from municipal participation in a school program, as well as state participation. It just is not a correct way to run a ship of state.

I would hope that the Senate would support me in the Indefinite Postponement of this particular bill and all of its accompanying papers. Mr. President I would simply ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion by Senator Minkowsky of Androscoggin, that L. D. 1756 be Indefinitely Postpone, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

8 Senators having voted in the affirmative and 13 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

The Bill was Passed to be Enacted.

(See Action Later Today)

#### Emergency

An Act to Allow School Districts to Account for Federally-subsidized Pupils as Residents of the District and not of the Municipality in which they Reside. (S. P. 720) (L. D. 1870)

This being an emergency measure and having received the affirmative votes of 24 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.

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

Senator CONLEY: Mr. President I would call the Senate's attention to L. D. 1756, "An Act Relating to Maine Educational Advisory Organizations" which was just Enacted by the Senate. I would move Reconsideration, whereby the Senate Enacted that bill. I would pose a question on the motion.

The PRESIDENT: The Senator from Cumberland, Senator Conley moves the Senate Reconsider its action whereby Bill, "An Act Relating to Maine Educational Advisory Organizations" (L. D. 1756) was Passed to be Enacted.

The Chair recognizes the Senator from An-

droscoggin, Senator Minkowsky.

Senator MINKOWSKY: Relevant to Reconsideration I would ask for a Division.

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

Senator COLLINS: Mr. President, I would inquire of the Senator from Cumberland, Senator Conley, his reasons for asking reconsideration?

The PRESIDENT: The Senator from Knox, Senator Collins has posed a question through the Chair?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President I have a question with respect to L. D. 1756 and my question is: If this organization is going to be allowed to participate in the Maine State Retirement System, my question would be through the Chair, is to whether or not there should be a Fiscal Note on this particular bill?

On Motion by Senator Collins of Knox, Tabled 1 Legislative Day, pending the Motion by Senator Conley of Cumberland.

#### Orders of the Day

The Chair laid before the Senate:

An Expression of Legislative Sentiment recognizing, the Bangor Christian Patriots, 1979-80 Eastern Maine Girls Class D basketball champions (S. P. 771) tabled earlier in today's session, by Senator Trotzky of Penobscot, pending Passage.

Which was Passed.

Sent down for concurrence.

#### (Off Record Remarks)

The Chair laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act to Increase the Fees for the Driver Education Evaluation Program." (H. P. 1691) (L. D. 1801)

Tabled—February 26, 1980 by Senator Pierce of Kennebec.

Pending—Enactment.

On Motion by Senator Pierce of Kennebec. Retabled.

The Chair laid before the Senate the second tabled and specially assigned matter:

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

Tabled—February 27, 1980 by Senator Katz of Kennebec.

Pending—Reference.

On Motion by Senator Devoe of Penobscot, Referred to the Committee on Public Utilities, and Ordered Printed, in non-concurrence.

Sent down for concurrence.

The Chair laid before the Senate the third tabled and specially assigned matter:

Bill, "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)

Tabled—February 27, 1980 by Senator Katz of Kennebec.

Pending—Enactment.

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

The Chair laid before the Senate the fourth 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 27, 1980 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

Which was Passed to be Engrossed, in concurrence.

The Chair laid before the Senate the fifth tabled and specially assigned matter:

JOINT RESOLUTION Requesting the Attorney General to Examine the Price Increases in Petroleum Products. (H. P. 1857)

Tabled—February 27, 1980 by Senator Pierce of Kennebec.

Pending—Motion of Senator O'Leary of Oxford to Recede and Concur.

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

Senator O'LEARY: At this time, Mr. President, I would like to withdraw my motion to Recede and Concur.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, requests Leave of the Senate, to withdraw his motion to Recede and Concur.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The Senator has the floor.

Senator O'LEARY: Mr. President, for the purpose of amending this Resolution, I move that the Senate Recede.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that the Senate Recede.

Is this the pleasure of the Senate?

It is a vote.

Senator O'LEARY: Mr. President, I now offer Senate Amendment "A" under filing Number S-425, and move its adoption.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now offers Senate Amendment "A" to H. P. 1857 and moves its adoption.

Senate Amendment "A" (S-425) Read.

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

Senator KATZ: Mr. President, I see that the Senate has accomplished a little something in attempting to move us toward the rational solution to our concerns about possible gouging from the oil companies. We've now taken the word 'major' out of it. I want to have a feeling of great satisfaction that I have accomplished something. I move this amendment be Indefinitely Postponed.

Mr. President, I presume my motion to Indefinitely Postpone the Resolution is not yet in order?

The PRESIDENT: The Chair would answer in the affirmative.

Senator KATZ: There is a fury here to do something. The cost of energy has gone up. Next year at this time we'll be referring to these as the good ole days, because it's going to go up more. We want to be absolutely certain that there isn't any price gouging. I respect the drive of those supporting this Resolution to protect Maine people to whatever extent we can.

What has happened already. The Attorney General has been meeting with Maine Oil Dealers, with representatives from the entire industry. They've put down some pretty good guidelines. Wherever possible, the Attorney General has already stayed on top of what's happening to Maine Oil Dealers.

The thrust of this amendment still has to be, if it's to accomplish anything at all, is to be directed to where the real money is, the Major Oil Companies. The Major Oil Companies, who are multi-national corporations, and who are all over the world, who have the best legal talents in the world, who have resources beyond end at their disposal.

What has happened so far since this issue came up? Yesterday you may have noticed the Attorney General has written to the President of the United States, expressing the deep concern of the people of the State of Maine as to actions of the Major Oil companies, which may indeed be gouging Maine people in prices.

He has pointed out in his letter the overriding authority and the overriding responsibility of the Federal Government to protect us and to protect indeed people all over the United States from gouging. He has sent copies of the letter to the President, to each Member of the Maine Congressional Delegation. He has written to the Governor of the State, expressing a desire

to work with the Governor along any lines the Governor may feel might be profitable for the people of the State of Maine, the Governor being a former Attorney General of the State.

The direction that the sponsor of this Resolution would have us pursue was pursued by the State of Connecticut. This is not the first time we have had price gouging. The State of Connecticut was also blessed to have a compassionate Legislator down there to steer the State into a thicket of dealing with oil companies. I think that before the Maine Senate today votes on this the experience of our neighbors in Connecticut might possibly be of interest.

When the Arab Oil Embargo took place in 1973, the State of Connecticut moved, along with 5 other states, against 10 major oil companies. In July of 1973 they filed a suit, against the Major Oil Companies. They went into partnership with California, Oregon, Washington, Florida, and Arizona, 6 states did exactly what you're asking us to do here today.

To date the State of California has spent approximately a half a million dollars. They have employed 9 new staff attorneys, several economic experts, 1 full time pari-legal, and 1 full time investigator. They have done that. They have had the advantage of a number of volunteer students who worked on a part time basis.

Today 6½ years later, 6½ years later, the case remains in the initial discovery stages. Not one page of deposition has yet been taken. In the words of the Attorney General who was handling the case for the State of Connecticut, the real expense, the real cost to the people, the taxpayers of the State of Connecticut is ahead of them, because it's at a preliminary point to the case.

These expenses represent only Connecticut's part of the litigation. The bulk of the preparation of expert witnesses has been handled by the State of California. The State of California is bigger than most countries on the face of this world. Again in the words of the person who is handling the case, in Connecticut, Connecticut has already got several thousand pages of briefs, over 500 court docket entries, and a half a million dollars in the case. The Assistant Attorney General said remember, we're just the little guys in this.

The State of Florida had a feeling of compassion for their people, and the Legislature, wisely or otherwise passed an open ended carte blanche appropriations bill permitting the expenditure of any amount of money necessary to help their Attorney General in litigation.

For reasons which escape me this has become a partisan measure. I would ask those who have been supporting this Resolution out of a feeling of compassion for their constituents, compassion that I have, and every Member of this Senate has, whether the course of action you have been recommending to us makes any sense in the face of the experiences of other States.

The Attorney General is already in the job with respect to in-state oil companies. You see what's happened to the well-meaning people of other states. You've got a budgetary crunch and it is unclear to me what you want to accomplish.

If you want to accomplish relief for Maine people, the appropriate route is through the Federal Government. The only direction that really, really has a potential to accomplish anything. If you are sincere in your motivations, and I am confident that Members of the Senate are sincere in their motivations, any sense of fairness will indicate that the course of action taken by Connecticut has brought them nothing but bills, nothing but expectations that haven't been realized and they're still years away from anything happening.

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

Senator PRAY: Mr. President and Members of the Senate: I'm happy this morning to see

that there has been some movement taking place in reference to this Joint Order. I would hate to think what would happen if we had Receded and Concurred a few days ago under the hammer as the Senator from Kennebec, Senator Katz, had suggested that we do. Perhaps some of the movement that has taken place never would have occurred.

I think we have come a long way from point 1 of total opposition of calling it a political hoax. To quote the good Senator from Kennebec, Senator Katz, that any Legislator who would pass this, God Bless You!

Nowhere last week was there any movement that I saw from the AG's Office, referring to the letter. I wish I could get on his mailing list, and have received a copy of that letter, either yesterday when he mailed it out or today when the good Senator from Kennebec, Senator Katz, whenever he got his letter I could have seen it also, because I haven't been talking on this issue for a few days.

I cannot help to believe, as I pointed out yesterday, to the expense of the legal researchers that we have in the AG's Office, that there is not some young intelligent, energetic, man or woman in this State that wouldn't have the expertise and would love this opportunity at a very low cost to the State to start the investigation that we are asking for.

I want to address 2 issues, the original issue raised by the sponsor of this Resolution. Second, the original concerns raised by the Senator from Kennebec, Senator Katz.

The issue itself talks in reference to fuel profiteering and price gouging. I have spent some of my spare time in the last few days of gathering information and statistics and checking on fuel prices, the flow of fuel, that we have coming in and out of this State.

I basically have been informed that the fuel dealers and the Major Oil Companies who have storage tanks in this State cannot keep up to allocation, because of the warm weather, because of the number of Mainers who have gone to coal, gone to wood heat, gone to alternative sources. So those fuel tanks still are very full with that low price oil that was purchased last year, perhaps in some instances I was informed to almost 18 months ago.

There are 2 basic theories in business as to how you establish a price. One of those is you take your last item in and you establish your price on that. If you are doing it in a situation where you have a low flow such as fuel, then you are making some pretty good profits. I think this is a situation that has happened, and why the sponsor of the bill had pointed out Title 10, in reference to price gouging and profiteering. Because I don't think anybody here doubts that fuel oil is not a necessity for those of us who live in the State of Maine.

The second issue that I would like to bring up is a concern of the Senator from Kennebec, Senator Katz, as to the inability of the Attorney General's Office to handle this case. He complimented the Senator from Oxford, Senator O'Leary, to take the word, 'major' out, in reference to oil companies.

I think, as I pointed out earlier, that all of us understand the scope of the Attorney General's authority, though I am not a lawyer, I would expect that any individual with legal knowledge and training, and education would tell you in reference to business transactions, when those transactions take place within our State. When the major oil companies transport that product into this State, because they still own it, and they are selling it within this State, they become subject to Maine laws. Again, I go back to Title 10 in reference to this situation.

I think that if we are going to address, that, in reference to the Attorney General addressing his ability or inability to go after a major company, that we ought to look at last week's newspaper, in a report in the Bangor Daily News, which headlines are "Attorney General Depressed Maine Suit Against Ford." That



happens to be a major auto company in the United States. The Federal Trade Commission has settled with the complaints. They are happy with the actions that Ford Motor Company has taken, but the Attorney General is going to press the case, anyway, to go on with it.

The Maine case and I would like to quote so that you understand what we are talking about is to whether the expertise in the Attorney General's Office exists or doesn't exist, the Maine case involves many of the defects in Ford cars, built between 1974 and 1977, principally engine blocks, cracking, pistons scuffing, and camshaft, and rockerarm defects. A major auto company, the Attorney General's Office is investigating that type of defect in automobiles made over a 3 year period, and we're saying that he cannot look at oil.

I think we pointed out earlier where we think the priority ought to lie. I think that perhaps there has been a lot of national attention by consumer agencies and what not on the auto industry, or else we would never be aware of these many defects.

More important to the people of the State of Maine is not this issue of auto manufacturing, but it is the cost of oil. Why is it we can hold a double standard? Why is it the Attorney General's Office can hold a double standard that we can go after a major auto industry but we can't go after a major oil industry?

I think that the Governor has also stated his position on this Joint Resolution that he thinks it's a good idea. Again as the Senator from Kennebec, Senator Katz, stated, he's a former Attorney General also. He thinks that it should have debate, and should receive a lot of consideration. I think that we should pass it on down to the Attorney General's Office and establish our priorities, as to whether or not we want to go after Ford or to whether or not we want to go after Mobile, or somebody who is making exorbitant profits off a necessity of life in this State.

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

**Senator O'LEARY:** Mr. President and Members of the Senate: My amendment accomplishes two things, I would ask for a Roll Call on the motion to Indefinitely Postpone.

I did take the word "Major" oil companies out of the original Resolution. I did insert "whereas the Legislature deems such an investigation to be of a high priority". I think that's what we are establishing here. I think it's a direction that the people of the State of Maine would appreciate we would take.

Along with my fellow Senator from Penobscot, Senator Pray, I feel that there is expertise enough down there in that office so that they could accomplish in a relatively short time, within the limits of the law, what we are aiming to do here.

I think if they wanted to go after a small automobile dealer in my area, where they might find a couple hundred thousand dollar discrepancy in their own mind, hire a couple of CPA's put one of their attorneys on it, spend about \$200,000 looking at bank records and everything else. For what? The most they could recoup would be perhaps \$10,000, in the courts if that person was found guilty of a booking error.

Mr. President, I think this has a certain value to the people of the State of Maine. I think if we adopt this that maybe our Members of Congress will take a look at how, exactly we feel here in the State of Maine and it might spur them into action.

I agree that we finally got a little bit of action out of the Attorney General's Office but it's not in the direction I would like to take. I ask for a Roll Call, Mr. President.

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

**Senator CLARK:** Mr. President and Men and Women of the Senate: Despite the gentle suggestions that this Resolution has become a partisan measure, I would remind my colleagues

in this Chamber, that I have consistently voted against Passage of this Resolution; not because I am insensitive to the intent of the sponsor of this Resolution, not because I do not embrace the sentiments expressed by the Assistant Minority Floorleader, and the good gentleman from Oxford, Senator O'Leary, but because there isn't enough money and it's not a high priority on my list.

The citizens of Maine, indeed, the entire Maine society, have been conditioned, yes, even lulled into embracing petroleum products as an essential in our lives. I have faith in the independence and the ingenuity of good ole Maine Yankees that we will no longer embrace petroleum products as a necessity in our lives. In fact, we are proving daily that we can get along and survive nicely without petroleum products. We may have to change our way of living. We may have to alter the construction of our homes, and reconstruct our current housing, but we shall survive and nicely.

There are hoards of items on the Special Appropriations Table in this Chamber. There are requests for cost-of-living increases for Maine's Retired Citizens, who are members of the Maine State Retirement System. There are issues like, drugs, an expansion of programs for Maine's Elderly, in the area of arthritic drugs, there are issues of Congregate Housing, we all know those issues.

While I think the intent of the Resolution is positive and sincere, I'm placing my vote in a priority position. This is not a major priority. I don't wish the Office of the Attorney General to use its expertise and its personnel and its budgetary allocation exclusively to investigate the charge of oil gouging and price gouging in this State.

My sentiments don't exactly rest with the poor businessman pumping fuel into the homes and tanks of Maine's citizens. I think you all know that. As a matter of fact I would submit that maybe there is indeed some price gouging occurring in the State of Maine. But I believe that Maine citizens and consumers and the Office of the Attorney General, Consumer Fraud Division, will positively address that allegation. So, with a little bit of trepidation, I would continue to vote against this Resolution, and thus, support the motion of Indefinite Postponement.

**THE PRESIDENT:** Is the Senate ready for the question?

A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call, it requires the affirmative votes of one-fifth of those members present and voting.

Will all those Senators in favor of ordering a Roll Call please rise in their places to be counted.

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

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that Senate Amendment "A" (S-425) be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement of Senate Amendment "A".

A No vote will be opposed.

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

#### ROLL CALL

**YEA** — Ault, Clark, Collins, Cote, Devoe, Gill, Hichens, Huber, Katz, Lovell, McBreairey, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotzky.

**NAY** — Carpenter, Conley, Danton, Farley, Martin, Minkowsky, Najarian, O'Leary, Pray, Silverman, Trafton, Usher.

**ABSENT** — Chapman, Emerson.

18 Senators having voted in the affirmative, and 12 Senators in the negative, with 2 Senators being absent, the Motion to Indefinitely Postpone Senate Amendment "A" (S-425) does prevail.

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

**Senator KATZ:** I move this Joint Resolution be Indefinitely Postponed.

**THE PRESIDENT:** The Senator from Kennebec, Senator Katz, moves that this Joint Resolution, H. P. 1857 be Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

**Senator PRAY:** Thank you Mr. President, and Members of the Senate. Not to belabor the issue, but if we look at the fuel, kerosene, heating fuel and diesel fuel for home heating purposes that came into the State of Maine as of December 1979, and we added the approximate profit or the rate of price increases, that have been going up on a weekly average of somewhere between 2 to 3 cents to be conservative, we'll use the figure 3¢. It's gone up in some periods 4¢ and 5¢, but we'll use an average of 3¢, the fuel alone that came in in December on that price increase, on a weekly basis, using it just for one week would be a profit of \$2,920,000. to the oil industry. I think that's an exorbitant price, when we're only going through roughly 40% of what's coming in on a monthly basis.

If we quickly did 60% of that, we'd come up with \$1.3 million bucks, profits are going up on an inventory which isn't being sold but the profit is being increased on those lower priced items.

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

**Senator CARPENTER:** 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 votes of one-fifth of those members present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise in their places to be counted.

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

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that H. P. 1857 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

**YEA** — Ault, Clark, Collins, Devoe, Gill, Hichens, Huber, Katz, Lovell, McBreairey, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotzky.

**NAY** — Carpenter, Conley, Cote, Danton, Farley, Martin, Minkowsky, Najarian, O'Leary, Pray, Silverman, Trafton, Usher.

**ABSENT** — Chapman, Emerson.

17 Senators having voted in the affirmative and 13 Senators in the negative, with 2 Senators being absent, the Motion to Indefinitely Postpone in non-concurrence does prevail.

The Chair laid before the Senate the sixth tabled and specially assigned matter:

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

Tabled—February 27, 1980 by Senator Pierce of Kennebec.

Pending—Enactment.

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

On Motion by Senator Perkins of Hancock the Senate voted to remove from the Unassigned Table:

Bill, "An Act Requiring Public Utilities Commission Approval for the Purchase of Portions of Electrical Generating Facilities by Electrical Companies." (H. P. 1741) (L. D. 1859)

Tabled—January 24, 1980 by Senator Perkins of Hancock.

Pending—Reference.

On Motion by Senator Perkins of Hancock referred to the Committee on Public Utilities and Ordered Printed, in concurrence.

On Motion by Senator Pierce of Kennebec, adjourned until 12 o'clock noon tomorrow.