

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

amount is over and above the original recommended figure of the Governor. In addition, the total budget has been realigned to fit the needs of the department more realistically according to the recommendation of the new Commissioner.

H. P. 1674 passed in the House June 5, 1975 and in the Senate June 6, 1975 directs the Committee on Appropriations and Financial Affairs to report out a bill to take action to enable the Department of Mental Health and Corrections to fill staff vacancies resulting from the "freeze on hiring" that have caused hardships at state institutions. It is the unanimous feeling of the Committee that this should be an administrative decision of the Commissioner as to whether this need exists and if there is a high priority set on this matter, funds are available in the current services budget by use of the Contingent account. Until all administrative possibilities have been exhausted, the Committee feels there is no need to report out a bill as directed by the Joint Order.

Signed:

Sincerely,

DAVID G. HUBER
Senate Chairman
DOUGLAS M. SMITH
House Chairman

Which was Read.

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

Mr. BERRY: Mr. President, I would like to invite the attention of the Senate to this document. I think it is an extremely able presentation of a problem that could become emotional and partisan and everything else. I note with interest that it is signed by a member of each party, and I think that the Appropriations Committee deserves a great deal of credit for solving this problem this way.

The PRESIDENT: Is it now the pleasure of the Senate that this communication be placed on file?

Thereupon, the Communication was placed on file.

Mr. Conley of Cumberland was granted unanimous consent to address the Senate.

Mr. CONLEY: Mr. President and Members of the Senate: It seems strange to me that today two items such as those that appeared on our calendar a short time ago, and I make reference to An Act Creating the Maine Criminal Code and, secondly, An Act to Revise the Laws Relating to Financial Institutions, both were passed in this chamber under the swift gavel as executed by the President of the Senate. I just personally would like to commend both the Chairman of the Judiciary Committee, Senator Clifford and Senator Merrill, and also Senator Thomas, the Chairman of the Business Legislation Committee, along with his very able assistants, Senator Johnston and Senator Reeves.

It has been obvious to us that these have been two of the most lengthy and controversial bills that were perhaps handled during this legislative session. We know that they came into the session very early in January, that the Committees have been struggling with them off and on ever since the convening of this legislature, and it just seems strange this afternoon, knowing all the debate that has taken place at the other end of the corridor relative to both of these matters, that the wisdom of the Senate would allow these to become law without any person here attacking the intent of these two fine pieces

of legislation. Again, I just want to offer my congratulations to all members of both those committees.

Committee Reports Senate

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Appropriating Funds for Emergency Repair of the Dam at Annabessacook Lake in Kennebec County." (S. P. 553) (L. D. 1922)

Leave to Withdraw

Mr. Wyman for the Committee on Taxation on, Bill, "An Act Exempting Residential Uses of Water, Gas and Electricity from the Sales Tax." (S. P. 478) (L. D. 1611)

Reports that the same be granted Leave to Withdraw.

Which report was Read and Accepted.
Sent down for concurrence.

The President laid before the Senate the following tabled and Specially Assigned matter:

Bill, "An Act to Provide for the Maintenance of Neglected Dams and Existing Water Levels in Lakes Impounded by Dams." (H. P. 1459) (L. D. 1797)

Tabled — earlier in today's session by Senator Collins of Knox.

Pending — Passage to be Engrossed.

Mr. Collins of Knox then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-323, was Read.

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

Mr. CYR: Mr. President and Members of the Senate: The good Senator from Knox, Senator Collins, has assured me that this amendment will protect us from two things, two dangers, that I brought to the attention of the Senate in past debates: one is that we do not want to create another bureaucracy to take care of dams in the State of Maine. For the past three years there has been some forces unleashed in the State of Maine to do such a thing, to create a bureaucracy in the State of Maine to take care of these dams. Secondly, if these dams become the property of the State of Maine, and the State of Maine is financially responsible for the repair and the reconstruction of these dams, it is going to make 1994 blush.

I have full confidence in the integrity of the good Senator from Knox, he has a very high credibility in my book, and I noticed in his amendment he goes back to colonial times, so I am pretty sure that he has researched this quite thoroughly and that it is now constitutional and that we are going to be protected from those two dangers. For that reason, I am in favor of the adoption of this amendment.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: There is a third danger that this amendment does nothing to alleviate, and that is over on the second page it says that any person owning or operating a dam shall annually register. Well, I think this is too much. I think that the Soil and Water Conservation Commission will find that if they have to take all these registrations of all the dams through the State of Maine every year that they will then have to have more space and more clerks and more filing cabinets, and it will have the effect of creating another

and much larger section of the state bureaucracy, which is big enough. If they want to register, wouldn't once be enough? Yes, the dams can change, but if these forms, which we know not what they are going to be like nor how much information the Soil and Water Conservation Commission is going to ask to have on them, if they are going to ask for them on every change that has been made, either by nature or man, intentionally or unintentionally, it could get into quite a program.

I am not fearful of this amendment, and I am not going to make a motion at the moment, but I don't think it is a very good amendment.

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

Mr. BERRY: Mr. President, it is a pleasure to march shoulder to shoulder with my assistant majority floor leader on this particular one, and I just invite the attention of Senator Cyr of Aroostook to the fact that the tremendous forces have been unleashed and they certainly are running rampant right here.

As the good Senator Cummings from Penobscot pointed out, why in the world do we need to register annually with the commission on forms provided for the commission, and how many dams is it we have in the state — 600-odd dams?

Senator Collins' historical research leaves me a little bewildered. He says here that the legislature declares that it is desirable for littoral proprietors and the public to have water levels in bodies of water impounded in dams maintained at the level which such bodies have traditionally maintained. Now, I ask you, let's just take Wyman Dam, the dam that gives us the juice we have got right here now, that goes up and down. What is the level that is maintained there traditionally? What is the level that is maintained traditionally behind any dam? First, what time of the year? Does it have flashboards? At what stage is the drawdown? This very definitely is not a thing that we should be putting on the books of the State of Maine. I am very disappointed. In my opinion, this goes even further to obfuscate the problem.

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

Mr. COLLINS: Mr. President, I suggest that the fears of the good Senator from Cumberland, Senator Berry, are not founded in fact. This bill is really directed at what we call the neglected dam. It is not directed at Wyman Dam. In fact there are specific exceptions for all dams where there is active beneficial function going on. Some of those functions are specifically described, such as the function in the generation of hydroelectric power or similar power, uses for downstream sluicing, movement of sewage, and this sort of thing. Every commercial dam would be excepted.

A careful inventory of all of Maine's dams was done in 1974. There were just over 1,000 dams. The number that we are pointing at here is, I believe, 52. These dams are ones that are badly neglected, and they are mostly in areas where there is either no commercial development and no recreational development, or there are in 22 cases active cottage developments around these lakes. The original economic purpose of the dams, usually to impound water for the turning of the wheels of saw mills or grist mills or to impound a water supply for drinking or perhaps an industrial use, has since passed along.