

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**First Regular Session**

May 7, 1979 to June 15, 1979

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**First Confirmation Session**

August 3, 1979

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October 4-5, 1979

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**Second Confirmation Session**

December 7, 1979

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

9 Senators having voted in the affirmative and 11 Senators in the negative, the Motion to Table until later, does not prevail.

Senate Amendment "C" Adopted. Committee Amendment "A", as amended, adopted in non-concurrence.

On Motion by Senator Katz of Kennebec, tabled until later in today's session, pending Passage to be Engrossed.

Under Suspension of the Rules, there being no objections, all items previously acted upon were sent forthwith.

#### Orders of the Day

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

Bill, "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 581) (L. D. 1639)

Tabled—May 31, 1979 by Senator Collins of Knox.

Pending—Passage to be Engrossed.

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

Senator COLLINS: Mr. President, the Judiciary Committee has been working on this bill rather steadily, and has a full evening scheduled for tonight and hopefully we'll wrap it up. We, by Committee vote closed the bill at 5 p.m. yesterday. I would remind the Senate that if there are to be any floor amendments, we hope there won't be any, but if there are to be any, you have to get them printed 24 hours in advance under the rules. I would hope that this bill, therefore, might be tabled for 1 or 2 Legislative Days. Hopefully, we'll have the full wrap-up for you shortly.

On motion by Senator Katz of Kennebec, retabled for 2 Legislative Days.

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

SENATE REPORTS — from the Committee on Health and Institutional Services — Bill, "An Act to Place an Annual Limit on Capital Expenditures Approved in Accordance with the Provisions of the Maine Certificate of Need Act of 1978." (S. P. 477) (L. D. 1474) Majority Report — Ought to Pass as amended by Committee Amendment "A" (S-290); Minority Report — Ought Not to Pass

Tabled—June 4, 1979 by Senator Pierce of Kennebec.

Pending—Acceptance of either Report.

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

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

SENATE REPORTS — from the Committee on Health & Institutional Services — Bill, "An Act Relating to Dental Health." (S. P. 330) (L. D. 964) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (S-291) Minority Report — Ought Not to Pass

Tabled—June 4, 1979 by Senator Pierce of Kennebec.

Pending—Acceptance of Either Report.

On Motion by Senator Katz of Kennebec, Re-tabled for 1 Legislative Day.

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

Bill, "An Act to Require Premium Impact Statements for Certain Workers' Compensation Legislation." (H. P. 956) (L. D. 1222)

Tabled—June 4, 1979 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.

The Chair laid before the Senate the Fifth

Tabled and specially assigned matter:

Bill, "An Act Establishing the Municipal Cost Component for the Unorganized Territories." (H. P. 1465) (L. D. 1656)

Tabled—June 4, 1979 by Senator Teague of Somerset.

Pending—Enactment.

This being an emergency measure and having received the affirmative votes of 24 members of the Senate, was passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Bill, "An Act to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children and a State Office for Children and Families." (H. P. 1254) (L. D. 1554)

Tabled—June 4, 1979 by Senator Gill of Cumberland.

Pending—Passage to be Engrossed.

On Motion by Senator Gill of Cumberland, retabled for 1 Legislative Day.

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

Bill, "An Act to Ensure the Prompt Decision of Cases Before the Workers' Compensation Commission." (H. P. 1380) (L. D. 1605)

Tabled—June 4, 1979 by Senator Katz of Kennebec.

Pending—Enactment.

On Motion by Senator Katz of Kennebec, retabled until later in today's session.

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

Bill, "An Act to Establish Energy Efficiency Building Performance Standards for the State of Maine." (H. P. 522) (L. D. 666)

Tabled—June 4, 1979 by Senator Katz of Kennebec.

Pending—Adoption of Senate Amendments "A" (S-278) and "B" (S-280) to Committee Amendment "A" (H-536)

Senate Amendment "A" Adopted.

Senate Amendment "B" Adopted.

On Motion by Senator McBreairty of Aroostook, the Senate voted to reconsider its action whereby it adopted Senate Amendment "B".

On Motion by Senator McBreairty of Aroostook, Senate Amendment "B" Indefinitely Postponed.

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

Senator McBREAIRTY: Mr. President, I offer Senate Amendment "C" to Committee Amendment "A" under Filing Number S-299 and move for its Adoption.

The PRESIDENT: The Senator from Aroostook, Senator McBreairty, now offers Senate Amendment "C" to Committee Amendment "A" and moves its adoption.

Senate Amendment "C" (S-299) Read.

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

Senator TRAFTON: Mr. President, I'd like to ask the good gentleman, Senator McBreairty, to please explain this amendment. I can't find it.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton has posed a question through the Chair.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President and Members of the Senate: I'm about as confused as everyone else. I was told that the amendment that I offered yesterday had some mistakes in it and was asked to offer this amendment to correct the mistakes in the former amendment.

Senate Amendment "C" Adopted. Commit-

tee Amendment "A", as amended, adopted in non-concurrence.

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

Senator O'LEARY: Mr. President, I never had too much faith in this bill. I think I signed it Ought Not to Pass, so at this time I'd move the Indefinite Postponement of this bill and all its accompanying papers.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that L. D. 666 be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to Indefinitely Postpone, please rise in their places to be counted.

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

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: 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 Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

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

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate: I fear in the face of the Division that maybe words are fruitless at this point, but I think that the amendments that have been presented and adopted today take care of many of your objections. I would hope that you would look more closely at the bill. I think that it represents a major commitment of this Legislature toward Energy Conservation in Maine, and this is a commitment that has been made in 39 other states with similar kinds of Legislation.

Yesterday I had distributed on your desks an editorial from the Maine Sunday Telegram, which I think brings to light several points that we should be considering today. Basically that is what happens to our State if we don't make this commitment to Energy Conservation. Of course it's going to mean, not only higher rates that we'll pay in our electrical bill, but it also means that we continue to shorten the already limited supply of oil that we have available to us.

I would just call to your attention one particular devastating fact that I learned, that is, if we continue to increase our demand for oil and energy that we're going to demand that new facilities be built, and right now the CMP's net worth, as of December 31, 1978, is approximately \$634,000,000. If we can't curb our taste for energy, we're going to insure that the Sears Island Plant will be built, which will cost \$640,000,000—that's CMP's share, and if we figure the 9½% currently allowed by the PUC as a return on the investment, that means that just the CMP customers will have to pay \$60,000,000 every year just to pay the profit on that plant.

I think this bill before us, as I said, is a commitment to Energy Conservation. It presents some reasonable steps that we can take. It affects construction both non-residential and residential, however it has a standard that applies in different ways. There are incentives built into the bill so that individuals will seek to construct energy efficient buildings. One fact that should be brought to light is that if we fail to enact this passage today, we're potentially putting ourselves under the federal government's control because they will have standards which we will have to meet.