

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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tion to Intervenor" S. P. 763 L. D. 2071

In Senate April 6, 1984 the Majority Ought to Pass in New Draft under same title (S. P. 904) (L. D. 2424) Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Comes from the House the Minority Ought to Pass as Amended Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-370) AND HOUSE AMENDMENT "A" (H-683) in NON-CONCURRENCE.

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

SENATOR BALDACCI: Thank you, Mr. President, Members of the Senate. Very briefly, I want to go over this particular Bill with you. It was a very controversial Bill that dealt with the Commissions funding of intervenors in front of the Commission for particular rate cases for the contributions they made.

The amendment, I'm going to move to Recede and Concur with the House and I just wanted, very briefly, to tell you that the first Amendment that comes with this particular report is just clarifying the wording, corrects a technical error in the Bill from Constitution to Chapter.

The second amendment is transitional language for the existing N.E.T. cases, an N.E.T. case, that went on, that the P.U.C. had granted intervenor funding to a Dr. Melody for a presentation, and that's already been granted in the way the bill was structured. It didn't provide that transitional language.

Other than that, they will not allow intervenor funding in other non-purpa issues.

On motion by Senator BALDACCI of Penobscot, the Senate RECEDED and CONCURRED with the House.

ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

AN ACT to Clarify and Make Corrections in the Inland Fisheries and Wildlife Laws. S. P. 908 L. D. 2446 (S. "A" S-404)

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

Emergency

AN ACT Relating to Municipal Cost Components for Fiscal Year 1984-85 and Providing for a Study of the Unorganized Territory. H. P. 1857 L. D. 2458 (H. "A" H-702; H. "B" H-703; H. "C" H-705; S. "A" S-414)

On motion by Senator NAJARIAN of Cumberland Placed on the SPECIAL APPROPRIATION TABLE pending ENACTMENT.

There being no objections all matters previously acted upon were sent forthwith.

The President requested that the Sergeant-at-Arms to escort the Senator from Knox, Senator Collins, to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins, to the Rostrum where he served as President Pro-Tem.

The President then retired from the Senate Chamber.

Out of order and under suspension of the rules the Senate voted to consider the following:

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on PUBLIC UTILITIES on Bill "An Act to Fairly Apportion the Cost of Canceled Electric Generating Facilities" H. P. 1826 L. D. 2421

Reported that the same Ought to Pass as Amended by Committee Amendment "A"

(H-675).

Signed:

Senators:

BALDACCI of Penobscot
EMERSON of Penobscot

Representatives:

VOSE of Eastport
MCGOWAN of Pittsfield
RIDLEY of Shapleigh
PARADIS of Old Town
RODERICK of Oxford
ROBINSON of Auburn
WEYMOUTH of West Gardiner

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

Signed:

Senator:

KANY of Kennebec

Representatives:

BOST of Orono
BAKER of Portland
MATTHEWS of Winslow

Comes from the House the Majority Ought to Pass as Amended Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-675) AND HOUSE AMENDMENT "B" (H-719).

Which Reports were READ.

On motion by Senator BALDACCI the Majority OUGHT TO PASS as Amended Report was ACCEPTED in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-675) was READ and ADOPTED, in concurrence.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

There is objection.

The Chair recognizes the Senator from Kennebec, Senator Kany.

SENATOR KANY: Thank you, Mr. President. I noticed that our Calendar shows that House Amendment "B" with a filing number of H-719, was accepted in the other Body, and I'm wondering exactly what the status of that amendment is now.

THE PRESIDENT PRO-TEM: The Chair thanks the Senator from Kennebec, the Chair is in error. The Chair now calls for the Secretary to read House Amendment "B".

House Amendment "B" (H-719) was READ.

THE PRESIDENT PRO-TEM: The Chair recognizes the Senator from Kennebec, Senator Kany.

SENATOR KANY: Thank you, Mr. President and Members of the Senate.

I had had intended until this afternoon to spend quite awhile debating this issue and, fortunately, mercifully as the time is late, I'll be very brief.

First of all, I would like to say that I do intend to go along with the Ought to Pass as Amended Report because of the amendment which was attached in the House. That particular amendment would require that the P.U.C. shall not permit the utility to recover, in rates, any cost incurred imprudently in relation to an investment in a canceled or abandoned electric generating facility, and that is most important.

Our present public utility law does not contain that language, and, we certainly should make certain that the imprudent further purchases and investments in Seabrook, particularly, so recently by two of our three major utilities, are not recoverable by the ratepayers, by the utilities from the ratepayers. It just doesn't seem fair when both Bangor Hydro and Central Maine Power just decided to more than double their investments in Seabrook in 1979, finally approved with a cursory financial glance by the N.R.C. in 1980. It just doesn't seem fair, after Three Mile Island, and when it was obvious that demand had diminished and we, in Maine, did not need to go along with that. In my opinion, that was a bail-out, and I cer-

tainly hope that we would all be intervening so that the people we represent would not have to pay these hundreds of millions of dollars, both for the cancelled Seabrook II, and for Seabrook I, if it is indeed cancelled, too.

I could go on at length on this topic, but I won't. I just want to say that I'm pleased that the House Amendment was put on this Bill and it certainly does strengthen it, and naturally, Moody's did down-grade those securities and with reason, because of those huge investments and literally, a billion dollars that would have called for if our three utilities had retained their 10% interest in both Seabrook I and II.

So, let this Bill go on its way and I certainly hope that the rules are suspended to send it on in its present form.

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

SENATOR BALDACCI: Thank you very much, Mr. President, Members of the Senate.

This Bill has received a lot of attention and I think it's very important, as Members of the Senate, to draw a very clear distinction of exactly what we're doing here with this particular Bill.

This Bill is providing a vehicle, a structure, for the P.U.C. to review the prudent or imprudent cost-attributed with cancelled generating facility and determine how to fairly apportion those costs. It allows for \$75,000 to be used to investigate, through the assessment fund, to investigate, hire consultants, spend time, do the research, and resources, to really dig into this issue and to make sure that the consumers of the State are very well protected.

The amendment that's been offered in the House by the Honorable Representative from Eagle Lake, is one in which, it already is part of P.U.C. policies, these court cases involving the P.U.C., and all their doing is taking the policy that's been well established by the P.U.C. and placing it into a statute. So, now I have no problem doing that. I just want the Senate to realize exactly what this amendment does. Thank you, Mr. President.

House Amendment "B" (H-719) was ADOPTED, in concurrence.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Out of order and under suspension of the rules the Senate voted to consider the following:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) S. P. 911 L. D. 2462

In Senate April 12, 1984 PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "B" (H-721) AND "A" (H-711) in NON-CONCURRENCE.

THE PRESIDENT PRO-TEM: The Chair recognizes the Senator from Aroostook, Senator Violette.

SENATOR VIOLETTE: Mr. President, I'd like to pose a question to the Chairman of the Committee on Judiciary.

THE PRESIDENT PRO-TEM: The Senator from Aroostook, Senator Violette, poses a question through the Chair. The Senator may state his question.

SENATOR VIOLETTE: I ask the good Senator from Androscoggin, Senator Trafton, if he might explain House Amendment "A" to the Errors and Inconsistencies Bill.

THE PRESIDENT PRO-TEM: The Senator

from Aroostook, Senator Violette, poses a question through the Chair to any Senator who may answer if he so desires.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

SENATOR TRAFTON: Thank you, Mr. President. It is my understanding, Mr. President, Members of the Senate, that there were two amendments placed on the Errors and Inconsistencies Bill in the other Body.

It is my understanding that House Amendment "A", with a filing number H-711, adds an assistant to the Commissioner to the Department of Mental Health, it does nothing more. Apparently, I understand from the sponsor of this amendment, that there was an error in an earlier piece of legislation, and that this position was omitted and that the only addition is the last line on the second page of the amendment, Assistant to the Commissioner, added to those positions within the Department of Mental Health.

THE PRESIDENT PRO-TEM: The Chair recognizes the Senator from Aroostook, Senator Violette.

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate. Perhaps the good Senator from Androscoggin has information that the Senator of the State Government Committee is unaware of, or some other individual is, or the sponsor of this particular amendment.

If they are, perhaps they might enlighten me, but this section, this creation of a new position was deleted from a bill that went to the Committee on State Government, three new positions were requested to be created, and the Committee on State Government unanimously voted to delete the creation of two new Assistant to the Commissioner's position, and, some other position in another Department. At that time a question was posed to the representative of the Department of Personal as to whether or not any of, there was contemplated that there was somebody for any of these positions, and the answer was no, and perhaps someone could enlighten myself and the members of my Committee at this time if there has been some change, if that position has been budgeted for in the Appropriations Committee, and perhaps, somebody could answer those questions for me.

THE PRESIDENT PRO-TEM: The Senator from Aroostook, Senator Violette, has posed a question through the Chair to any Senator who may answer if he so desires.

On motion by Senator PRAY of Penobscot, TABLED until later in today's session, pending FURTHER CONSIDERATION.

On motion by Senator PRAY of Penobscot, RECESSED until the sound of the Bell.

RECESS

AFTER RECESS

The Senate called to order by the President.

THE PRESIDENT: The Chair wishes to express its thanks to the Senator from Knox, Senator Collins, for the fine job he did not only today but also Wednesday of this week performing his duties as Senate President Pro-TEM. (Applause, the Members rising.)

On motion by Senator PRAY of Penobscot, the Senate voted to remove from the Table:

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) S. P. 911 L. D. 2462

Tabled—April 12, 1984 on motion by Senator PRAY of Penobscot.

Pending FURTHER CONSIDERATION.

(In Senate April 12, 1984 PASSED TO BE ENGROSSED)

(Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-721) AND "A" (H-711), in NON-CONCURRENCE)

THE PRESIDENT: The Chair recognizes the

Senator from Aroostook, Senator Violette.

SENATOR VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. After some discussion with the good Senator from Androscoggin, Senator Trafton, and others I have no objections to this amendment being added at this time. I would simply state that, for myself and the members of my Committee, that I would have appreciated that the various administrative branches of government that are interested in this particular position being added, that they would have, at least, had the courtesy to have advised me that when they told the Committee on State Government that they did not desire this position, that they had changed their mind and, in fact, budgeted for the position, and desired it. So, I would hope that in the future they would do so. Otherwise this Senator will object in the future. Thank you.

THE PRESIDENT: Is it the pleasure of the Senate to RECEDE and CONCUR with the House?

It is a vote.

Sent forthwith to the Engrossing Department.

On motion by Senator PRAY of Penobscot, the Senate voted to remove from the Table:

Bill "An Act to Amend Certain Motor Vehicle Laws" (Emergency) H. P. 1820 L. D. 2412

Tabled—April 12, 1984 on motion by Senator PRAY of Penobscot.

Pending FURTHER CONSIDERATION.

(In Senate April 11, 1984 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-685) AND SENATE AMENDMENT "C" (H-411) in NON-CONCURRENCE)

(Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-685) AS AMENDED BY HOUSE AMENDMENT "B" (H-725) thereto and HOUSE AMENDMENT "D" (H-722) in NON-CONCURRENCE.

THE PRESIDENT: Is it the pleasure of the Senate to RECEDE and CONCUR with the House?

It is a vote.

Sent forthwith to the Engrossing Department.

On motion by Senator PRAY of Penobscot, ADJOURNED until 9:30 tomorrow morning.