

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

STATE OF MAINE

***Volume II***

**FIRST REGULAR SESSION**

**MAY 4, 1981 to JUNE 19, 1981**

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AN ACT to Create a Department of Corrections. (S. P. 376) (L. D. 1134)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Continue the Maine Turnpike Authority. (S. P. 650) (L. D. 1676)

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton. Senator TRAFTON: On Enactment, I would ask for the Yeas and Nays.

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

Senator MINKOWSKY: Thank you very much, Mr. President. Mr. President and Members of the Senate, I don't know if I concur with the rationale insofar as having a Roll Call vote on the Turnpike issue, but I certainly want to express to the Senate this afternoon my thanks to them in allowing me to address my genuine concerns relevant to this issue.

I hope that the Chief Executive of this State, in his wisdom, really analyzes exactly the direction this particular Bill has gone in, and that it would be resolved before 1985.

Of significant value, I think, for the Record to show, is in discussing this measure with several members of the Legislature, I have been convinced that the message delivered by members of the Androscoggin County delegation, in debate, was listened to attentively by the Legislature. I am fully cognizant of the fact that dollars are of paramount importance at the present time, and the rationale and the vote that had been given for this so-called compromise amendment was done primarily because of the fate of the Department of Transportation and other circumstances since this has been a very, very complex issue.

I would also want to state this afternoon, even though a vote will be taken through the Yeas and Nays, that under the present circumstances, I am going to vote for the Enactment of this particular Bill.

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 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 pending question before the Senate is Enactment of LD 1676.

A Yes vote will be in favor of Enactment of LD 1676.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—Ault, Bustin, Carpenter, Charette, Clark, Collins, Conley, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood.

NAY—Brown.

ABSENT—Devoe.

Senator Brown of Washington was granted permission to change his vote from Nay to Yea. A Roll Call was had.

31 Senators having voted in the affirmative and No Senators in the negative, with 1 Senator being absent, LD 1676 was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

AN ACT to Establish a Hazardous Waste Response Fund and to Facilitate the Development of Needed Waste Facilities. (S. P. 661) (L. D. 1685)

AN ACT Relating to Burial Expenses for Veterans. (H. P. 1104) (L. D. 1309)

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

#### Emergency

AN ACT to Restructure the Public Utilities Commission. (S. P. 637) (L. D. 1652)

Comes from the House, Recommended to the Committee on Public Utilities.

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

Senator TROTZKY: Mr. President, I move that LD 1652 be Indefinitely Postponed and would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate, there is concern that this Bill might be interpreted as a competing measure. Therefore, in the wisdom of the Committee on Public Utilities, we feel this Bill should now be Indefinitely Postponed.

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

Senator CONLEY: Mr. President, is there an error on the Supplement with respect to this Bill being Recommended?

The PRESIDENT: The Chair would answer the Senator in the affirmative. There is an error.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, I'd like to respond to that question. It was moved in the other Body that it be Recommended. Again, because of the concern that even if this were back in Committee that somehow it could arise as a competing measure due to the Amendment that was originally proposed by the Senator from Kennebec, which no longer made it an emergency, a valid emergency.

The Committee, I think, unanimously feels that to put everyone's fears to rest, that we would like to Indefinitely Postpone it. I would concur with the remarks of the Senator from Penobscot.

The PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I'm just a little bit confused on this issue and wondered if we might have a little thought from the Committee. I noted that the Public Advocate Bill, which was a similar measure, there was an Amendment put on it, from the Attorney General saying that it wouldn't be a competing measure. That took care of that.

This measure, we took care of the problem I had with it. Everybody still thought it was a good Bill, so that we would restructure it. Why wasn't a similar Amendment put on this Bill if it was such a good one, that everybody agreed with at the time, so that we could do the same thing with this and have what everybody thought was an excellent idea?

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

Senator COLLINS: If I may answer that, because I did the legal research over the weekend. The fact that the terms were all going to be grandfathered took away any emergency quality and left it open to challenge under a particular court case, as not being bona fide emergency, and therefore, being treated as ordinary legislation, which would have made it a competing measure. With all that technicality having been digested, it seemed best to treat it this way.

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

Senator TROTZKY: Mr. President and Members of the Senate, the Committee would hope that Legislative Leadership would allow this Bill in during the next Session of the Legislature, because we do feel that the Bill has merits. Because of that concern that it could be interpreted as a competing measure, at this time we feel that to play it safe it be Indefinitely Postponed.

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

Senator PIERCE: Mr. President, I don't want to belabor the issue, but I've had some continuing concern over these PUC bills and the things that I perceive happening with them. I still would like the basic question answered. Why the Amendment was put on one bill that clearly said that it wouldn't be a competing measure, why it couldn't have been put on this Bill similarly, and it obviously wouldn't have been a competing measure, unless there are some ulterior motives.

On motion by Senator Trotzky of Penobscot, LD 1652 Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

#### Emergency

RESOLVE. Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law. (H. P. 1387) (L. D. 1564)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Final Passage.

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

#### Orders

Expressions of Legislative Sentiment recognizing:

The Scarborough Police and Fire Departments, and the Old Orchard Beach fire and Rescue Departments, for their efforts in the rescue of 5 individuals from the frigid waters off Pine Point on May 30, 1981. (S. P. 687) presented by Senator KERRY of York (Cosponsors: Senator DUTREMBLE of York, Representative HIGGINS of Scarborough and Representative McSWEENEY of Old Orchard Beach).

Howard Cutler, Richard Rice, David Gogins, Robert Mitchell, Michael Dickson and Joe Lothrop for their heroic efforts in assisting in the rescue of 5 individuals from the frigid