

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

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SECOND CONFIRMATION SESSION

July 16, 1982

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gone busted making paper. Then they could form the district and cut the entrails right out of the existing electric utility, by taking over its distribution line easements.

There is a carefully written section in this Bill, under eminent domain, which on the surface of it sounds as though existing electric utilities weren't to be disturbed, but the whole thing reminds me of the plot in the Merchant of Venice. You'll remember there was a promise there that the heart of a particular character would be delivered under certain circumstances, and those circumstances came to pass. Then the judge had to rule. Well, that judge was wise enough to be able to rule, yes, you can have the heart, but if you take any blood or flesh, then you're doomed.

Well, the heart of an electric utility, seems to me, is its transmission lines. It's all important, but it certainly has to have transmission lines. In order to have those lines, it has to have easements. An easement, of course, is a right of way, a right to cross someone else's land with your poles and wires and conduits and so on.

So, I'm very much troubled by the award of eminent domain here, because it seems to me that it would permit a town or a group of towns to band together and really put the pressure on the existing electric utility, skim off the very best part of that utility's business, and the less attractive parts would be left hanging to shift for themselves.

We can't really operate an electric utility business that way. And so, I really have some concerns about the public policy of this Bill.

My more technical question, and perhaps a member of the Committee would speak to this is that in the Committee Amendment that is on the Bill, in the section on eminent domain, it was carefully rewritten. It says, "except easements for rights of way for the construction of transmission lines". This is the part that troubles me, because if the easements or rights of way for construction of transmission lines, which are the arteries of the whole system, if those can be condemned by this public power body, and taken away, then it seems to me that the existence of the electric utility, the privately owned electric utility, is in jeopardy.

I would not like that language to pass. In fact, I think the whole Bill has its problems. I would like to hear comments from members of the Committee.

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

Senator TRAFTON: Thank you, Mr. President. Men and Women of the Senate, unfortunately, until this moment, I did not know what the concerns of the good Senator from Knox were, and I've done a little bit of investigation on them, but would like to have a little more time to respond to his comments about the eminent domain section.

I have some answers that I think, on the surface, seem accurate, but would like to have a chance to go back into the statutes. So I would ask that this be Tabled until later in today's session, and feel that, I would ask someone to Table it until later in today's session, and feel that we could adequately take care of the Senator's comments.

On motion by Senator Pray of Penobscot, Retabled until later in today's session.

(Senate At Ease)

The Senate called to order by the President Pro-Tem.

The President Pro-Tem requested the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall, to the rostrum to assume his duties as President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Sewall, to the rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Oxford, Senator Sutton, to his seat on the floor of the Senate.

The PRESIDENT: The Chair thanks the Senator from Oxford, Senator Sutton.

(Senate at Ease)

The Senate called to order by the President.

Senator Sutton of Oxford was granted unanimous consent to address the Senate, On the Record.

Senator SUTTON: Thank you, Mr. President. This seems like an appropriate time to put on the record something I should have put on a few days ago, when we passed a Bill called L. D. 2068. With your permission, I'd like to read into the record statements in that regard.

Ladies and Gentlemen, I would like to take a moment to clarify one point in regard to L. D. 2068. The reference in Sub-paragraph "C" to Charter Restrictions which prevent commercial harvesting of trees or require a primary use of the land other than commercial harvesting is intended to apply to water districts. Many water utilities own large tracts of forest land which act as a watershed to their source of water. However, some water utilities, such as the Bethel and Rumford Water District, have recently experience problems with their eligibility under the Tree Growth Tax Law because of restrictions in the use which they may make of the forest land which they own. Generally, the charters of water utilities only allow them to use their property for the purpose of supplying water to the inhabitants of the communities which they serve. L. D. 2068 makes it clear that water utilities which own forest land may continue to keep their land under tree growth and receive the tax benefits of that program.

Thank you, Mr. President.

Senator Hichens of York was granted unanimous consent to address the Senate, On the Record.

Senator HICHENS: Thank you, Mr. President.

There are always those who feel just a little bit neglected on the other hand, may feel that they have been rejected when a Birthday poem on their behalf—they're not privileged to hear because their Birthday didn't occur the first half of the year; or like the Portland Senator before we e'en convened observed his birthday January 3rd—and felt demeaned because in other sessions he was the very first to receive glad Birthday wishes—for better or for worse. So I stand before you all today and bring to your attention those who had birthdays from June on that I would like to mention; and I'd ask you to remember that the hot month of July no one observed a birthday as the days went fleeting by but on the 13th day of August in the year when F.D.R. became our U. S. President and the G.O.P. did Jar, the fair Senator from Portland—Najarian by name, was born and started on her way to the Maine Senate fame, two days after she observes her birthday—Charlie Pray begins another year of life—the 15th, so they say.

And on the 28th the Senator from district five pats his bald pate and thanks the Lord that he is still alive; and with a cheery greeting takes another year in stride that he's approaching 55 he doesn't try to hide. September finds four of our men with birthdays to remember with the Senator from District 33 on the agenda as celebrating his birthday, on September 3rd followed by the Senator from Rockland—so I've heard, who on the 17th will pass another milestone, and on the 28th Ron Usher finds that he is not alone for he must share birthday wishes with another in our league, the Senator from District 23 namely Tom Teague, just one October birthday is on record that I see. The Senator from Rumford by the name of O'Leary, who like the Sen-

ator from District 5 says he's not coming back, I'll miss both of them behind me trying to keep me on the track. November 5th, just three days after National Election the Senator from District 26—is our selection to wish a Happy Birthday too, and in case you do not know I'm referring to Judiciary chairman Dana Devoe. The day after, Senator Kerry hopes he will spend his day in a new abode in Washington after voters have their say; and I'm sure that you'll agree with me that it will be just fine as on November 6th for the first time he's thirty-nine. While on November 28th our sweet young Charlotte Sewall takes the day to celebrate another year's renewal. December finds the final three Senators in line to observe another birthday and we hope their day is fine. On the 17th the Senate President will gain another year and going in his sixties—will not slow down—don't fear. December 20th the day Emerson will celebrate while Redmond is not far behind—the 21st the date; and thus the year of '82 will draw unto its close, with memories of days gone by—we all can thus repose, and hope that we will meet again as we go on life's way to wish for each and all of us—another Happy Day.

The PRESIDENT: The Chair thanks the poet laureate of the Senate.

On motion by Senator Collins of Knox, there being no objections all items previously acted upon were sent forthwith.

(Off Record Remarks)

On motion by Senator Collins of Knox, Referred until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

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

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: AN ACT to Provide that Corporate Reorganizations Affecting Public Utilities be Subject to Approval by the Public Utilities Commission. (H. P. 2267) (L. D. 2114)

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

Senator COLLINS: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Thank you, Mr. President. Mr. President and Men and Women of the Senate, from discussions with our Public Advocate, I would like to make some statements about the legislative intent with regard to this Bill.

I think it is important to note in the language that, through passage of this Bill, that it is our intent that the PUC be able to deal with the current telephone company divestiture case pending.

The Bill will ensure that the PUC retains its existing authority to review developments in telephone regulations. It specifically prevents the PUC from interfering with the federal court's jurisdiction over the current AT&T anti-trust case. At the same time, the Bill does not narrow the PUC's existing powers to review under Sub-paragraph 1C of Section 104, or any other section, any transaction which divides facilities and equipment between AT&T and the telephone company that will provide local service to Maine customers. Thank you.

The PRESIDENT: Will all those Senators in favor of Enactment of LD 2114, please rise in