

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**1978**

**Second Regular Session**

January 4, 1978 — April 6, 1978

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**Senate Confirmation Session**

June 14, 1978

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**First Special Session**

September 6, 1978 — September 15, 1978

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**Second Special Session**

October 18, 1978

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**Third Special Session**

December 6, 1978

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APPENDIX

the items statue and relationships to title 12 subsection 2054. If the intent of the previous speaker and the Senator from Penobscot, Senator Trotzky, was to, as I understood their statements to do away with this permit, then it would be better to keep this Bill alive and then offer an amendment which would repeal section 2054 that we now have because it basically does what the Senator from Penobscot, Senator Cummings, has just stated. We now have a permit program where an individual sends \$5 to Augusta, receives that permit under no qualifications, presently, an individual who sends their child to summer camp in Maine may say you know what type of qualifications do you people have and they say we have gone through the State through the Department of Fisheries and Wildlife to receive a permit for Camp Trip Leaders. Now if the parent is negligent in his duty or responsibility and does not follow up and say what does that program include just saying well if the State issues a permit there must be some type of qualifications and not to show my ignorance and you know asking or continuing the conversation further along this avenue, I just accept the fact that since the State has issued some type of permit, they must have some type of qualifications for it. The present statute has none, except for a \$5 bill.

The PRESIDENT: Is the Senate ready for the question?

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

Mr. O'LEARY: I think that it was pretty clearly stated by the good Senator from Penobscot, Senator Cummings, about a parents concern on this application and it was pretty well answered by the Senator from Penobscot, Senator Pray. But there are still some people that think that this applies to the YMCA, the YWCA, to fathers who take out the neighbors children, to someone who wants to go duck hunting in the marshes. It does not apply to them in any way. It applies only to those camps that belong to the Maine Camp Directors Association, and the others that are registered with the Department of Human Services here in the State of Maine. They endorse this. This is their proposal and the Committee on Fish and Game has gone over it very carefully and this is a good item for the Maine Camp Owners when they do their advertising. It is well received by the people in Connecticut and the people in Connecticut have a very stiff requirement and I do not imagine here in the State of Maine that we would try to meet the qualifications that are needed or are necessary in Connecticut.

I know for a fact that I have one man in my area that was concerned. He takes a group of boys along with him down what is called the Ellis River. There is no White Water, he cannot swim, but he wears a life preserver and he asks the others to do it. I have all the confidence in the world that this man is not covered under this Bill, I am not covered under this bill, my boy who is 18 if he and another group of about seven or eight want to go there is nothing in here to inhibit them in any way. The Bill would be good for the Maine Camp Directors Owners Association and I think that it is a step forward and I just hope that you will vote not to indefinitely postpone this bill.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: Mr. President and Members of the Senate: Being the Chairman of one Fisheries and Wildlife Committee, I cannot sit here and let this Bill die as it seems that it is the direction that it has taken at the present time without making a few comments.

We have heard this Bill thoroughly. The entire Committee has burned oil and spent many hours debating it. The major issue was always one that we should avoid loading our Camp owners with too much red tape and the kids going to camp with too many requirements. I think that we have overcome that. I

cannot see any reason why we want to do away with this piece of Legislation. If there are any questions in your minds regarding this Bill, I wish that you would feel free to ask any of the Members of the Committee on Fisheries and Wildlife. We would be glad to answer them. In the meantime I wish that you vote not to indefinitely postpone this Bill.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I would like to ask a question of Members of the Committee. In order for an inexperienced person to get a permit to lead camp trips they should have to take a camp trip leaders safety course, what I would like to know what is, what is the course, how long it is, what is it going to cost the camp to send someone there? These questions which have never been answered.

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

Mr. SPEERS: Mr. President, I would like to pose a question through the Chair. What is the cost?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the chair to any knowledgeable Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: The way the Bill was written it establishes a Board, or it expands the Board that we presently have, we have a Junior Guide Board which consist presently of five Members. Committee Amendment "B" left it at five, Committee Amendment "A" changed it to four which included one of the Maine Camp Directors Association on it. And it allowed this Board to set up regulations or to accept curriculum that present camps operate on at this time calling around to a number of camps in the State of Maine, we found out the most of these camps offered first aid programs, they offered water safety programs, and this Board, could look at the curriculum already being offered by these summer camps and either approve or reject but instead of the Legislature spelling it out we gave the authority to the Board, to evaluate these situations because these individuals in the Department of Human Services, who presently license summer camps and have regulations relating to them, the Department of Fisheries and Wildlife which is being asked to enforce it and presently being asked to enforce it and the Maine Camp Directors Association, those individuals who have an interest at this time in it and we also asked for one member from the general public that these individuals would sit down and make those decisions.

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

Mr. CONLEY: Mr. President and Members of the Senate: The cost of this Bill may be far more than anything weighed in dollars and cents, it may very well be the cost of some lives of some youngsters in our State vacationing. And I look upon this Bill as a very serious Bill and one that I think is reasonable enough to become into Law. I think that Senator Redmond from Franklin County, the good Senators from Penobscot who have spoken on this Bill, the Sponsor of the Bill, Senator O'Leary, who brought this Bill to us back in December, and had one thing in mind and that is the safety of youngsters who are going to come to Maine to enjoy our lovely vacationland. And I think that we should look a little bit more serious on this measure than to just give it the deep six.

The PRESIDENT: Is the Senate ready for the Question?

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Trotzky that L. D. 1989 and all its accompanying papers be indefinitely postponed.

A yea vote will be in favor of indefinite post-

ponement.

A nay vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEA — Chapman, Collins, D.; Collins, S.; Cummings, Danton, Greeley, Hewes, Hichens, Katz, Lovell, McNally, Morrell, Pierce, Snowe, Trotzky, Wyman

NAY — Carpenter, Conley, Farley, Levine, Martin, Minkowsky, O'Leary, Pray, Redmond, Speers

ABSENT — Curtis, Huber, Jackson, Mangan, Merrill, Usher

16 Senators having voted in the affirmative, and 10 Senators in the negative, with 6 Senators being absent, the Motion to Indefinitely Postpone does prevail.

Sent down for concurrence.

See action later today.

The President laid before the Senate:

House Report — From the Committee on Natural Resources — Bill "An Act to Clarify the Investigation Powers of the Department of Environmental Protection under the Oil Conveyance Program." (H. P. 1959) (L. D. 2041) Ought to Pass as Amended by Committee Amendment "A" (H-1070)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Acceptance of Report

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

Mr. TROTZKY: Is it in order to move indefinitely postponement at this moment?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. TROTZKY: I move that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves that (L. D. 2041) and its accompanying papers be indefinitely postponed. Is it the pleasure of the Senate. It is a vote.

Sent down for concurrence.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, I would move reconsideration on (L. D. 1989) and hope that the Senate will vote against me.

The PRESIDENT: The Senator from York Senator Lovell, having voted on the prevailing side, now moves that the Senate reconsider its actions whereby it indefinitely postponed (L. D. 1989). Will all those Senators in favor of reconsideration please say yes.

Will all those opposed please say no.

The motion to reconsider a Viva Voce Vote being had does not prevail.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President, is the Senate in possession of Bill, "An Act to Revise the Administration and Toll System of the Maine Turnpike." (H. P. 2132) (L. D. 2157)

The PRESIDENT: The Chair would answer the Senator in the affirmative. The Bill having been held at his request.

Mr. DANTON: Mr. President, I move the Senate reconsider its action where this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from York, Senator Danton, now moves that the Senate reconsider its action whereby L. D. 2157 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

Mr. DANTON: Mr. President, I now offer Senate Amendment "B" to L. D. 2157 S-507.

The PRESIDENT: The Senator from York, Senator Danton, now offers Senate Amendment "B" to L. D. 2157 and moves its adoption. The Secretary will Read Senate Amendment "B".

Senate Amendment "B" (S-507) Read.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate: I am looking at the Senate Amendment "B" that has just been submitted and the sentence that it removes and as I see it, the big difference is that the Senate Amendment "B" would have the Legislature authorize in January prior to the revision of a toll rates act on the Commissioners the recommended toll rates and I question of the good Senator, what if the Legislature is unable to agree upon the toll rates in January prior to the revision, what will then happen? The Amendment does not indicate whereas the L. D. as it stands, L. D. 2157, as it came out of Committee, it just has the review by the Legislature. It does not state when. And I would ask the Senator if he would explain what would happen, if the Senate could not agree.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: What this Amendment does as you may know that the Bill when it first came out, we had to act within 40 days, and we took that whole section out. That was on the toll barriers that the Legislature would have to take and vote where the toll barriers would go. And what this does is puts what the amount of the tolls at the different barriers will be will also be reviewed by the Legislature. And that will be in January, right without any time period. It is 100 days that we are in Session and if we do not act on that, it will be like the rest of the Bill the Commissioner will make the determination.

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

Mr. HEWES: Mr. President in reply to the Senators comments as I read his Amendment it says, that it is subject to approval of the Legislature during the January prior to the revision so I interpret the Amendment to amend that the Legislature would have to act in January and not during the rest of the Session thereafter.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: Members of the Transportation Committee have discussed this particular amendment with Senator Danton and we did not find any serious objection with it since all he is really asking is that you have Legislature approval prior to the change in the rates.

But I would like to point out to the Senate at the present time that all this Bill does is actually study up until 1980 the Legislature can do anything that it wants between now and 1980 with this piece of Legislation. There is nothing binding on the part of anybody, and I do not see any deleterious, any serious impact with this particular Amendment now being offered by Senator Danton.

I would address myself to other Amendments as they come forth, but this one here only asks that like many other sections of that particular Bill, that it have Legislative approval prior to various changes, and I do not think the way things have worked out that it is very serious insofar as the Department of Transportation justifying to the Legislature, what the rates on the turnpike should be after the conversion date and that might not be until really 1982 or 1983.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Are we discussing Senate Amendment "A"?

The PRESIDENT: The Chair would advise that we are discussing Senate Amendment "B" (S-507).

Mr. LOVELL: My personal feeling is, Mr. President and Members of the Senate, if we can take in \$13,000,000 clear on the turnpike and it costs \$5,000,000 to maintain it and we are going to make \$8,000,000 a year. We ought to

pay the Government back \$10,000,000 so we can pay the government back in two years at \$4,000,000 a year and have all that extra money to spend on roads in Aroostook County and all over the rest of the State. I would like to see the turnpike stay just the way it is now and I will pay my toll and very happy, because over half, almost half the tolls come from out of state people now I do not know just what part of this Bill is, this particular Amendment, but I will listen.

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

Mr. KATZ: Mr. President, I am not as upset about that about Aroostook County not that they do not deserve our help but the Bill as it is written very clearly defines what the purpose of the tolls is and it is very restrictive. The Bill says that the tolls shall be fixed and adjusted so as to provide a fund sufficient for the cost and it enumerates just what those costs are. So I think that there is great stricture on the Commissioner as to how much he would suggest.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I am quite sure that I can alleviate the fears of the good Senator from York that under the setup that we have proposed, that all those monies will be used exclusively for the turnpike and the turnpike only and will not be used for any other portions of the State of Maine. This is why we set up a separate Turnpike Division of the Department of Transportation and it is going to be a self-sufficient Division. And that money cannot be used anywhere else.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, I would like to ask now if we are going to have three barriers one in York, one in Lewiston, and one in Augusta, the majority of the traffic on the Maine Turnpike and I have used the Maine Turnpike ever since it was built, the majority of the traffic runs from York to Portland and we are only going to have one barrier so that is going to lower the amount of money that the Maine Turnpike takes in so we are not even going to have enough to maybe support the turnpike, because when you get up around Lewiston and Augusta there is not that many persons.

The PRESIDENT: For what reasons does the Senator rise?

Mr. DANTON: Point of order Mr. President, Because I think that the good Senator from York, Senator Lovell, is discussing the merits or demerits of Senate Amendment "A" that has not been offered yet. Mine is Senate Amendment "B" it is just a little clean up language on the Bill that some Members from the other Body and the Committee and I agreed to, that I offered in this Body. That is all that my Amendment does is to have Legislative review of what the tolls will be after the Commissioner recommends them to us. That is all my Amendment does.

The PRESIDENT: The Chair thanks the Senator

Senate Amendment "B" Adopted.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: I now offer Senate Amendment "A" S-506 to L. D. 2157 and move its adoption.

The PRESIDENT: The Senator from York, Senator Farley, now offers Senate Amendment "A" to L. D. 2157 and moves its adoption.

Senate Amendment "A" S-506 Read.

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, I move Indefinite Postponement of this Amendment.

The PRESIDENT: The Senator from York, Senator Lovell, now moves that the Senate Indefinitely Postpone Senate Amendment "A".

On Motion of Mr. Minkowsky of Androscog-

gin, Tabled for One Legislative Day, pending the Motion to Indefinitely Postpone.

On Motion of Mr. Speers of Kennebec,  
Adjourned until 10:00 in the morning, Thursday, March 2, 1978.