

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

this State.

I asked Mr. Joseph outside a hearing room, do you think the Appropriations Committee really understands your budget? His answer to me was, probably not, because they have so much else to do and because you can't just look at a few numbers on a couple of pages and understand what's going on at that office, and where the people of this State are getting the biggest bang for the buck that they are paying to that office.

So the next thing that comes up is a bill that's been coming into this Legislature. It's in the Legislature now, and it's coming out of Committee, it's a Governor's bill. It asks for \$200,000 more, L. D. 1819. They want to add to the \$1.7 million another \$200,000 to that office.

I went over to that office for an hour, took the time to go over to try and find out what is going on. Here's a sheet handed to me. Now it's been handed to one of the committees, a large number of people being hired at present, all kinds of computer programmers, research associates, data entry operators, energy audit engineers, load management specialists, ride share coordinators, resource economists, renewable resource planners, planner II peak program, facility sighting expert, publicity representative.

Publicity representative, all of a sudden in our State of Maine, all our departments have to have public relations experts. What about the other people in the department. Can't the head man of the Office of Energy Resources write a press release. Do we have to have public relations officers, to sell these departments to the people. That's what we're getting now.

Information specialists of all kinds. Of course you have to have backup staff, Clerk Steno III, Clerk typists II, Clerk typist II, on and on and on and on.

Is there a waste in the Energy Office? In the short time I was there, I spoke with Mr. Josephs. Take a look at one thing, they have a utility load management program. Now let's look at the taxpayers', dollars. CMP does a Utility Load Management Study but no one can trust CMP because that's a private utility company, and supposedly people think, the legislature sometimes feels, are ripping off the people. So you can't trust them. So what do we do? We go the PUC. The PUC using taxpayer dollars goes ahead and hires the Arthur D. Little Company and does their own load management study. The PUC is supposed to represent the consumers. So there we get taxpayer dollars. Well, I think our people are supporting CMP but here we support the PUC with taxpayer dollars. Assume their Load Management Study was looked at from the consumer's viewpoint. Then we get a third one from the Office of Energy Resources. Again, taxpayer dollars!

What I'm saying here. I'm not saying this office shouldn't have a budget of \$5 million. I'm not saying what budget they should have. I'm just saying that there has got to be some Legislative oversight. We are the representatives of the people. The people back home keep complaining, higher and higher taxes.

Here's a bureaucracy expanded from 7 back in '76 already to over 40, about 47 or so. It's going to expand even further. Whose keeping an eye on it? Is Washington keeping any eye on this or are they just sending money? Money is leaking all over the place.

I would hope that this Senate would pass this order and that we would get some Legislative oversight of this office.

On Motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending Passage.

(Off Record Remarks)

Committee Reports House

The following Ought Not to Pass report shall be placed in the Legislative Files without further action pursuant to Rule 22 of the Joint

Rules:

Bill, "An Act to Exempt any Tree Growth, within 250 feet from Oceans, Lakes, Rivers or Streams in Organized Municipalities, from the Tree Growth Law." (H. P. 1666) (L. D. 1775)

Senate

Ought to Pass — As Amended

Senator Sutton for the Committee on State Government on, Bill, "An Act to Adjust the Administration of the Abandoned Property Law." (S. P. 735) (L. D. 1914)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-424)

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass — In New Draft

Senator Trafton for the Committee on Judiciary on, Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 660) (L. D. 1703)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 770) (L. D. 1964)

Which Report was Read.
The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President this is the major Errors and Inconsistencies Bill of the Session. It may or may not be a very small last minute bill.

If any members of the Senate know of any serious technical items that have not been addressed in this bill, they ought to be checking the bill and seeing about floor amendments. We hope there does not have to be any floor amendments, but if there are I would remind the Senate that under the new rule that we adopted last year, those amendments have to be printed 24 hours before they are offered from the floor.

It is my intention to ask that the Senate accept the report today, which would bring it to your Second Reading tomorrow at which time I would move to table for a day, so that there would be an over the weekend opportunity to prepare floor amendments if they should be needed.

If they are needed it would be very helpful to the Judiciary Committee members who keep an eye on this bill, if you would let us know so that if further time is needed it could be arranged

I would like to call the Senate's attention to one particular section of the bill, which is Section 15. This might fairly be said to have some substance in it. It is brought about because of the Constitutional Amendment that causes the terms that we are now serving to be a little bit less than 2 years, in duration, because the next Legislature that comes in will be coming in early in December of this year.

That posed a legal difficulty and question about whether we get credit for a full year, with respect to our status in the Maine State Retirement System. So this particular section of the Bill addresses that question and causes the members of the Legislature to be treated as if they had completed the full year, although in fact, they will be several days short of the full year in calendar days.

Members of the committee would be very glad to hear your questions, particularly between sessions if you have matters that you would like to have further explained and we would be glad to bring staff to assist us if needed. Thank you, Mr. President.

Which Report was Accepted, and the Bill, in New Draft, Read Once, and Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House — As Amended

Bill, "An Act to Allow Counties to Participate in the Solid Waste Management Subsidy." (H. P. 1735) (L. D. 1853)

Bill, "An Act Amending the Requirement of Announcing Political Disclaimers." (Emergency) (H. P. 1647) (L. D. 1757)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Establish Time Limitations for Applications for Attendance at Certain Approved Secondary Schools under the Education Laws. (H. P. 1662) (L. D. 1771)

An Act to Amend the Lobbyist Disclosure Law. (H. P. 1855) (L. D. 1955)

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

An Act Relating to Maine Educational Advisory Organizations. (H. P. 1646) (L. D. 1756)

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

Senator MINKOWSKY: Mr. President and Members of the Senate: Even though the Committee Report from the Education Committee showed a unanimous Ought to Pass Report, I just want the Record to show that I was absent at the time, because of a commitment in Audit and Program Review, when this Bill was put out of committee so it should have been really, a minority report on there also.

If we look at the bill in general, I guess that it doesn't appear to be too many hang ups with it. As you start evaluating and analyzing the scope and magnitude of what we are doing in this piece of Legislation it leaves a great deal to be desired.

I would call the Senate's attention to the Statement of Fact under L. D. 1756, which states: 1. Provide for Educational Advisory Organizations to promote and further public education and public schools in the State. We do not need anybody else to promote education or any aspects more than has already been advertised or promoted by the State Department of Education or the Maine Legislature, or other organizations that do not have a legal status that these people want.

2. Designate the Maine School Management Association and the Maine School Boards Association as the Educational Advisory Organizations.

3. Declare the Maine School Management Association and the Maine School Boards Association as instrumentalities of their member school administrative units. Thereby extending the same instrumentality status to such association as provided to the Maine Municipal Association by Title 30, Section 5102, sub-section 8.

Many of us agree that back in 1924 when Maine Municipal got that legal status it was not right, but I was not around at the time to debate that point. Certainly I do not want to start taking lobbying organization and giving them legal status here in the State of Maine, as is requested in L. D. 1756. They are basically a lobbying organization.

If there are problems in municipalities then I think the Legislative delegations or the members of those delegations of those municipalities should address them with the school boards or the SAD's whichever it may be without having a full fledged lobbying organization doing the job for us.

What this bill purports to do and of course I also disagree with the fact that they presently come under the Maine State Retirement System. Since their dues are collected from both Municipal and State Appropriations and now these people already have the accessibility to the Maine State Retirement. This bill here purports to do away eventually with the liability