

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Fifth  
Legislature***

**OF THE**

**STATE OF MAINE**

**Volume III**

**June 16, 1971 to June 24, 1971**

**Index**

**1st Special Session**

**January 24, 1972 to March 10, 1972**

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**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**SENATE**

Friday, March 10, 1972

Senate called to order by the President.

Prayer by the Rev. Fr. Leonard E. Leclair of Augusta.

Reading of the Journal of yesterday.

**Papers from the House  
Non-concurrent Matter**

**Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Implementing the Reorganization of the Department of Human Services." (H. P. 1551) (L. D. 2012) ask leave to report: that the House recede from its action whereby Report "A" reporting refer to 106th Legislature, Report "B" reporting a new draft (H. P. 1609) (L. D. 2060), Report "C" reporting a new draft (H. P. 1610) (L. D. 2061) and the Bill were indefinitely postponed; and refer all Reports and the Bill to the 106th Legislature; that the Senate recede and concur with the House.

On the part of the House:

DOYLE of Bangor  
WHITE of Guilford  
HODGDON of Kittery

On the part of the Senate:

JOHNSON of Somerset  
HARDING of Aroostook

Comes from the House, the report Read and Accepted and the Reports and Bill Referred to the 106th Legislature, in non-concurrence.

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

Mrs. CARSWELL of Cumberland: Mr. President, I move that the Committee of Conference Report be accepted.

The PRESIDENT: The Senator from Cumberland, Senator Carswell, moves that the Senate accept the report of the Committee of Conference in concurrence.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: It is with great reluctance that I will agree to accepting the Committee of Conference Report.

I would have hoped that something could have been worked out with regard to the reorganization of this department.

I say this without pointing at anyone or wishing to make any remarks that would offend anyone in any way, shape or manner. Of course, there is still another reorganization bill pending, and we don't know what will happen to that one, but it may well be that the only two reorganization bills which may not be enacted by this legislature will be the one which I sponsored which, of course, went to a rapid death, and this one. What I want to point out is that they are also the two bills where the highest degree and the largest amounts of present savings and future savings, to say nothing of the benefits of reorganization, could have been effected. It is not that it is one of my bills on reorganization that did not pass. I have learned to recognize that you don't win them all. All I would say is that yesterday we passed an order authorizing the committee to continue to pursue the work on reorganization, which committee has done excellent work to date, and I would hope that they would continue to search for ways of trying to effect these parts of our government that we have not yet reorganized and where, in a positive manner, the greatest potential for benefits in the executive branch of our government can be realized. I hope that that will be the work that committee will devote its efforts to from now until the next regular session.

I would join and agree with the motion of the Senator from Cumberland, Senator Carswell, to accept the Committee of Conference Report, with reluctance and with the hope that perhaps some of these differences can be reconciled and that by the next session we will have worked things out so we can effect a full reorganization.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I would also like to congratulate the committee for

the tremendous amount of time they spent on the reorganization bills. At the same time, I would like to say that, while I was critical of the bill that came out of the committee, I did offer constructive criticism and presented a redraft. I feel that with this legislation going to the 106th Legislature there will now be a greater amount of citizen input into this measure. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate to accept the report of the Committee of Conference in concurrence?

The motion prevailed.

Thereupon, the Senate voted to Recede and Concur with the House.

#### Joint Order

ORDERED, the Senate concurring, that there is created a House Apportionment Commission to consist of the Speaker of the House of Representatives who shall act as chairman pro tem until a permanent chairman is elected by members of the commission; 2 members of the House appointed by the Speaker; one member of the House appointed by the Minority Floor Leader; 2 members of the Senate, one of whom shall be appointed by the President of the Senate and the other member appointed by the Minority Floor Leader, the chairman of each of the major political parties in the State or his representative, the head of the Political Science Department of the University of Maine at Orono and one member of the history or political science department of one other Maine college, to be appointed by the Speaker of the House, and a member of the League of Women Voters to be selected by that body; and be it further

ORDERED, that the commission shall meet as often as necessary at such times and places as the chairman shall direct and any 6 members shall constitute a quorum; and be it further

ORDERED, that the commission may hire such staff members and consultants, within the limits of its appropriation, as it may deem necessary to accomplish its duties; and be it further

ORDERED, that the members of the commission shall serve without

compensation, but shall be reimbursed for actual expenses incurred in the performance of their duties; and be it further

ORDERED, that the commission shall submit to the Clerk of the House prior to the date of convening of the 106th Legislature a plan and proposal for apportioning the Maine House of Representatives; and be it further

ORDERED, that the commission shall continue in existence until the Legislature has enacted into law an apportionment of the House of Representatives; and be it further

ORDERED, that there is appropriated from the Legislative Account to the commission the sum of \$6,000 to carry out the purposes of this Order and that such sum shall not lapse but shall remain a continuing carrying account until the purposes of this Order have been accomplished. (H. P. 1618)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Orders of the Day

The President laid before the Senate the following specially assigned matter:

An Act to Appropriate Moneys for the Expenditures of State Government and Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973. (S. P. 768) (L. D. 2047)

Tabled — March 9, 1972 by Senator Sewall of Penobscot.

Pending — Enactment.

Mr. Sewall of Penobscot then moved the pending question.

Thereupon, this being an emergency measure and having received the affirmative votes of 27 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. TANOUS of Penobscot: Mr. President, having voted on the prevailing side, I move that this matter be reconsidered, and I urge all of you to vote against me, please.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate reconsider its action whereby Legislative Document 2047 was passed to be enacted. As many Senators as are in favor of the motion to reconsider will please say Yes; those opposed, No.

A viva voce vote being taken, the motion to reconsider did not prevail.

### Order

Out of order and under suspension of the rules, on motion by Mr. Tanous of Penobscot,

ORDERED, that the following subordinate officers and employees of the Senate who were appointed to serve for the present biennium, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Postmaster, Doorkeeper, two Pages, Reporter, Assistant Reporter, Secretary to Majority Leader, Secretary to Minority Leader, as well as all of the Committee Clerks, be granted retirement benefits for the biennium or to the date of a resignation or separation for any reason; and be it further

ORDERED, that the appropriate appointing authority is authorized to accept resignations and fill any vacancies of said personnel during the biennium.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President, I would like to inquire if this is something new, or are these people already under the retirement system? I would pose that question to the Senator from Penobscot.

The PRESIDENT: The Senator from Oxford, Senator Dunn, has posed a question through the Chair which the Senator from Penobscot, Senator Tanous, may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I don't think it is anything new, in answer to the question of the Senator from Oxford, Senator Dunn. I think it was merely an oversight in that when the retire-

ments benefits were originally granted there were some people left out as far as time was concerned. I checked this out with the Chairman of the Retirement Committee, and he was in full agreement that we ought to put an order in on this matter.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President, I am not sure I understood the answer. Apparently, as I understood it, this is a new group that is being placed under the retirement system. Have they paid in on these things, and so forth? I don't think I got quite the answer that I really wanted. I wonder if the Senator would further elucidate on that?

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Passage.

### Order

Out of order and under suspension of the rules, on motion by Mr. Harding of Aroostook,

ORDERED, that the 105th Legislature present to the President of the Senate the Annotated Revised Statutes from his office.

Which was Read.

The PRESIDENT: Is it the pleasure of the Senate that this order receive passage?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I certainly concur wholeheartedly with the order. The only thing is that before accepting it the President of the Senate should consider whether or not he might get classified with that powerful group of awful attorneys, you know, that read law books and try to influence people in these halls. He might want to give it some thought before accepting it.

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

Mr. BERRY of Cumberland: Mr. President, I request a division, and

I hope everybody will stand up and acclaim the passage of this order.

Thereupon, on motion by Mr. Berry of Cumberland, a division was had. All members of the Senate present voting in the affirmative, the Order received Passage, amid the applause of the Senate, the members rising.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the Senate Order Re: Subordinate Officers and Retirement, tabled earlier in the session by that same Senator.

Thereupon, the Order received Passage.

On motion by Mr. Hoffses of Knox,  
recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

Out of order and under suspension of the rules, the Senate voted to take up the following:

#### Communications

STATE OF MAINE  
Office of the Governor  
Augusta, Maine  
04330

March 10, 1972

To the Honorable Members of the Senate and House of Representatives of the 105th Maine State Legislature:

I am returning Senate Paper 774, Legislative Document 2055, An Act Relating to Full-time Prosecuting Attorneys, to the Legislature without my signature of approval.

This legislation is nearly identical to Senate Paper 240, L. D. 701 that was passed at the regular session of this Legislature. On January 26, 1972, I vetoed this approach and stated in my message several objective and compelling reasons. My message pointed out a number of technical problems and the lack of sufficient funding. These technical objections seem to have been corrected in L. D. 2055.

But, more fundamentally, I objected to the proposed replacement of our present system of elected county attorneys by State appointed prosecutors and pointed out that we would be practically

the only State so concentrating the important power of criminal prosecution.

In my veto message I clearly stated that this drastic proposal to centralize the prosecution system would sacrifice the values of democratic control and responsiveness which are inherent in the present elective system. I expressed my continued support for full-time prosecutors within an elective framework and hoped the Legislature would support reform on this basis.

By adopting L. D. 2055, a Legislative Report signed by only four members of the thirteen member Committee on State Government, the Legislature has enacted the same controversial proposal that I vetoed a few weeks ago.

In conclusion, as no successful attempt has been made to meet my substantive objections to changing our prosecuting system along the lines incorporated in L. D. 2055, I have decided to return the measure unsigned.

Respectfully,  
Kenneth M. Curtis

Which communication was Read.

The PRESIDENT: The question now before the Senate is: shall this bill become a law notwithstanding the objections of the Governor.

According to the Constitution, the vote will be taken by the Yeas and Nays.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Certainly not a word of partisan politics on this, but I do want to mention we did make an attempt to compromise a full time prosecutor bill, we certainly have put in many hours of time and work in attempting to bring to the people, I think, a crying need. I am sure you will all agree that we have done real well in the reorganization of State Government area, of reform in this area. Unfortunately, we have not been able to accomplish a reform in our judicial system or our prosecutorial system. Perhaps some of us can go home and at least tell our constituents that we have tried, we worked at it, we put in many hours, but we

were unable to resolve the question, we were unable to arrive at an agreeable compromise. And it is unfortunate we weren't able to. I suppose that some of us will go back and perhaps hang our head in shame, feeling that we haven't been able to accomplish something in this area. I am hopeful, there will be another session next time, and maybe we can at the next session of the legislature come up with a full time prosecutor bill. Thank you.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is: shall this bill become a law notwithstanding the objections of the Governor? A Yes vote will be in favor of the bill; a No vote will be in favor of sustaining the veto of the Governor.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Greeley, Hichens, Hoffses, Johnson, Moore, Peabody, Quinn, Sewall, Tanous, Wyman, and President MacLeod.

NAYS: Senators Bernard, Carswell, Clifford, Conley, Danton, Graham, Harding, Kellam, Marcotte, Martin, Minkowsky, and Violette.

ABSENT: Senators Fortier, Katz, Levine, Schulten and Shute.

A roll call was had. Fifteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, with five Senators absent, and fifteen being less than two-thirds of those Senators present and voting, the veto of the Governor was sustained.

#### Order

Out of order and under suspension of the rules, on motion by Mr. Wyman of Washington,

ORDERED, that the desk, chair and equipment in the office of the President of the Senate, together with the remainder of such supplies as were required to carry out the duties of the office, be presented to the President of the Senate and delivered to his address.

Which was Read and Passed.

Mr. Berry of Cumberland was granted unanimous consent to address the Senate.

Mr. BERRY: Mr. President and Members of the Senate: As we draw to the close of this session, I think it only fitting that we take cognizance of the very good work that the press corps has done for us.

These people have worked perhaps harder than we have here in the legislature. Their reporting perhaps from time to time, depending on your viewpoint, doesn't receive our full support, but it is hard to see behind the scenes and analyze the motives of the individual legislators and perhaps even at times groups of legislators, such as the parties involved. I am sure I express the opinions of all of us in the chamber when we do say to the members of the press corps and the news media that we appreciate very much the good job they have done.

On motion by Mr. Hoffses of Knox, recessed, pending the sound of the bell.

(After Recess)

Called to order by the President.

#### Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

#### Joint Order

ORDERED, the Senate concurring, that the State Board of Education be given authority to establish approved vocational education programs in any region of the State designated in the feasibility study of secondary and adult vocational education programs that was presented to the 105th Legislature in Special Session, provided that facilities exist and federal funds are available. (H. P. 1620)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think this is one of the orders that frequently we are faced with in the closing minutes of a

session when we are asked to make decisions that have been debated partially during the regular session.

It seems to me there is an impetus that is planned here. We have approved the planning program for this area. We have very definitely said we are not prepared to go ahead with the actual implementation of these programs. We are putting the cart, to that extent, before the horse. I feel there may be a lot of worthwhile content to this, but it is not the time now to do it, and I hope we would not pass this order.

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

Mr. Graham of Cumberland then moved that the Order be tabled until later in today's session, pending Passage.

On motion by Mr. Berry of Cumberland, a division was had. Ten Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the tabling motion did not prevail.

Mr. Berry of Cumberland then requested a division on Passage of the Order.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I hate to take issue with the Senator from Cumberland, Senator Berry, on this order. I think there is a continuous and great need for the continuance of vocational education programs, and I am sure that many Senators here, as well as many other legislators, attended the hearing which was held some time ago regarding the tremendous needs for the continuance of vocational education in our high schools and also of adult vocational education.

I know my own school district has tried to move forward with the very limited funds and very limited means that it has, and I know the frustration of so many educators who feel the growing need for moving forward in the area of vocational education.

I don't want to make a long discussion here, but I know that the people in the education field

are more and more recognizing how vitally important it is that we try in every way and manner possible to move forward and do a little more of what we have been doing in this area because, I think, it is so vitally needed. We have so many of our young people today in our secondary schools who sit on their hands and are really not part of the educational process, but who should be in vocational education programs, where we have no place for them; we don't have the programs and we don't have the facilities.

Now, this does not do very much. First of all, it does not provide for any additional facilities that are not now in being. I think there are one or two school districts in the state that do now have the facilities, so there is no money involved on the part of the state to move forward in the building of new vocational education institutions. I think we effected a moratorium on that some time ago; I know I was one of those who voted for it. But I think the time has come when we have got to make some moves forward.

Now, this order, all it does is, where there are facilities already existing, and where there are funds available at the federal level to fund these programs, make it possible for them to move forward and take advantage of it. This does not involve any state money at all. It does not involve new facilities that the state has to invest and pay for, nor does it involve any state monies for the operation of the program. But if there are funds available, there is at least one school district in this state, and there may be more, that through presently existing federal programs can secure funding to move forward on the vocational education level. This is what this will allow, and no more.

I would hope that we would at least allow this small step forward, without involving any state funds at all, without making any commitments on the part of the state that it invest money there, as much as I think the state has to start investing money in the vocational education programs, not only for our high school students but also



for our adults. This is all this does. It allows, if there are presently existing facilities, and if federal funds are available to run the program, that they can take advantage of it. I hope that we would at least allow that to take place, and I hope that this order would receive passage.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: As I sit here listening to Senator Violette I can't, of course, disagree with a single word that he says when he is talking about the need for vocational training and the answer that it will pose to many of our problems for young people today who perhaps are lacking direction and the means to start out in life with the proper education and training. I agree with him 100 per cent on that, but I am interested in the specifics of this particular order here.

We already have vocational training under way in the State of Maine. We have passed earlier in this session provisions for increasing the planning program here. We specifically did not commit the state to spending money for facilities. I would point out to you that this is just the way many of the programs in the state that some of us don't agree with start out. We have the federal camel put his nose under the tent and then we are off and running in a direction that we don't want to go.

No one has argued that vocational training is not very, very important. It is probably the most important issue we are facing in the future in education, and the Maine Legislature is doing something about. So, to this extent, we are all in agreement. But this order, passed in the waning moments of the 105th, is not the way to counteract the decision that this Legislature did make in calmer moments. I hope you will vote against its passage.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the

Senate: I would add, incidentally, that the plea I am making for the one or two districts that could now take advantage of this funding, and who do have the facilities existing, are not in my own district. They do not have the facilities, and they will have to wait until the state removes the moratorium before they in my own district can move forward. It is not my district though; I am just pleading here for some other areas that could take advantage of this program.

The PRESIDENT: As many as are in favor of passage of this order in concurrence will please stand and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Nineteen Senators having voted in the affirmative, and eight Senators having voted in the negative, the Joint Order received Passage in concurrence.

#### **Joint Order**

WHEREAS, the operation of our state university has drawn serious criticism for several years by both legislators and the general public; and

WHEREAS, no significant study has been made by any outside group regarding the university's operations which could alleviate such criticism if warranted; and

WHEREAS, the Legislature has appropriated general fund revenues in excess of \$55,000,000 in the present biennium to help support the operation of this higher educational system; and

WHEREAS, a study of this type would benefit both the Legislature as well as the university, particularly at this time, since the university will be requesting additional appropriations from the next regular session of the Legislature; and

WHEREAS, citizens and legislators alike feel that every effort should be made to fully restore our state university to the prestigious position that it once held; now, therefore, be it

ORDERED, the Senate concurring, that the Governmental Operations Committee of the Legislative Research Committee is

directed to study in detail the operation of the University of Maine, such study including but not limited to administrative costs, housing, use of automobiles, personnel, both classified and unclassified, and their workloads; and be it further

ORDERED, that the Governmental Operations Committee shall report their findings to the next regular session of the Legislature; and be it further

ORDERED, that the Chancellor and all persons employed by the University of Maine through its various campuses and facilities are respectfully requested to assist the Governmental Operations Committee to carry out the purposes of this Order; and be it further

ORDERED, that each department and agency of State Government be directed to render such assistance as the Committee requests pursuant to the inquiry hereunder. (H. P. 1619)

Comes from the House, Read and Passed.

Which was Read.

Mrs. Carswell of Cumberland then moved that the Joint Order be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: As I read this order it states "Whereas, the university has drawn serious criticism", I think that not only has the university, but all of us from time to time, the total bureaucracy, the legislature, and everybody has drawn serious criticism, either justified or unjustified, and if we can't stand the heat we can get out of the kitchen.

Further down, in Paragraph 5, it states "Whereas, citizens and legislators alike feel that every effort should be made to fully restore our state university to the prestigious position that it once held", yet I don't see anything in the way of proof that states anything specific in this order against the university.

I think, as I said before, this should be indefinitely postponed.

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

Mr. Johnson of Somerset requested a division.

Mrs. Carswell of Cumberland then requested a roll call.

The PRESIDENT: 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 the motion of the Senator from Cumberland, Senator Carswell, that Joint Order 1619 be indefinitely postponed. A Yes vote will be in favor of indefinite postponement; a No vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Berry, Carswell, Chick, Conley, Danton, Dunn, Graham, Greeley, Harding, Hichens, Hoffses, Kellam, Marcotte, Martin, Minkowsky, Moore, Peabody, Quinn, Shute, Tanous, and President MacLeod.

NAYS: Senators Bernard, Clifford, Johnson, Schulten, Sewall, and Wyman.

ABSENT: Senators Fortier, Katz, Levine, and Violette.

A roll call was had. Twenty-two Senators having voted in the affirmative, and six Senators having voted in the negative, with four Senators absent, the Joint Order was Indefinitely Postponed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

#### Communications

STATE OF MAINE  
House of Representatives  
Office of the Clerk  
Augusta, Maine 04330

March 10, 1972

Hon. Harry N. Starbranch  
Secretary of the Senate  
105th Legislature  
Special Session  
Sir:

The House today voted to adhere to its former action on Bill "An Act Implementing the Reorganiza-

tion of the Department of Business Regulation" (S. P. 729) (L. D. 2011) whereby it had indefinitely postponed Reports and Bill in non-concurrence.

Respectfully,  
BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

#### Enactors

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

An Act Relating to Inherent Managerial Functions Under the Municipal Employees Labor Relations Law. (H. P. 1531) (L. D. 1974)

Mr. Tanous of Penobscot then moved that the Bill and all accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I know that we are all tired, we want to adjourn and we want to get home, but there is only one point that I want to bring out relative to this particular bill as a final argument.

Traditionally, on bills that have such a wide effect upon our entire state we have had public hearings for both parties to appear and be heard, for the pros and cons to be presented to a committee. I submit to you that the Committee of Conference Report is in no way whatever familiar with or even like L. D. 1974. It has had no public hearing. So, I would think, in the tradition of this Legislature, where we have always given public hearings, especially on matters that have such a wide effect upon our people in the state, that at least this ought to have a public hearing. For this reason, I ask that you join me in my motion for indefinite postponement, and I ask for a division when the vote is taken.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I think I would have to disagree with the Senator from Penobscot, Senator Tanous. This does include,

I believe, the same provisions that were in the original L. D. 1974. It is a milder bill, it doesn't go as far as L. D. 1974 did originally, so to that extent I think it has had a hearing. I hope you will not go along with indefinite postponement, and I ask you to support the committee report.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: When I came to the Senate Chambers this morning I was really troubled in my mind, troubled about this particular bill, because I had been voting one way with a rather deep belief in the way I was voting. However, I do feel I gained quite a lot of strength when the Reverend made his particularly beautiful invocation this morning. Among other things, he pointed out to us the courage that is necessary for people in the position we are in to make decisions that are not always the way we want to make them. I think this resolved the questions that were in my mind, and I am deeply grateful that the Senate does have this opening of the session each morning with an invocation or prayer by someone of a religious belief. Certainly it has helped me.

Now, it should never be misunderstood about how I feel on policy as relates to management and labor. I think this should be a very clearly defined area whereby management has certain prerogatives that relate to policy, and these should not be infringed upon. However, I do find in reading this bill, particularly the amendments here, that there is nothing really clear in the whole presentation. So I am left with the thought that we are making an attempt, in our haste, and our frustration over a local issue, to legislate on matters that will have an effect on the entire State of Maine. I think this is very poor legislative procedure.

In addition, I understand that the intent of the amendment we are voting on and the bill we are voting on is so completely vague that the Maine Supreme Judicial Court has agreed to hear this matter, and

it is on their April calendar. Now, I find it a little difficult to believe that a matter of such importance could blow up so quickly and have such an adverse effect on the State of Maine that a little calm reason and judgment on the part of both management and labor, so-called, can't be resolved until the Supreme Court of the State of Maine has had an opportunity to make its decision and hand down its decision. Within eight months, as it has been pointed out to us, the 106th Legislature will be in session, and I personally can't conceive that anything deleterious will take place that will harm the best interests of all of us concerned.

While I am taking this opportunity to change my vote this morning, and urge you to go along with Senator Tanous on his motion to indefinitely postpone, I can assure you that if the people in District 18, which will be District 20, if they see fit to send me back to this body, as I have indicated I would like to be sent back, and the Supreme Court has laid down its decision that will tell us what is the right course to pursue, then, as a State Senator representing these people, I will have no qualms about how I vote; it will then be very clear. At the moment I don't think the clarification is here and, for that reason, I shall vote for indefinite postponement.

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

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I would urge you to vote against Senator Tanous's motion to indefinitely postpone this bill. I would support Senator Dunn's position that we enact this bill at this stage of the game, and I would like to remind you, as I said yesterday, that the intent of this act that was passed by the 104th Legislature in 1969, the act dealing with Municipal Public Employees Labor Relations Law, the intent was to let teachers negotiate in the areas of wages, hours, working conditions, and contract grievances, but not in the field of educational policy. They were given the opportunity to meet

and consult in this field, but not to negotiate.

Now, all this bill does is further define the term "educational policy", so that when both sides sit down to negotiate a teachers contract they will know how far they can go. Once again, I would urge you to vote against the motion of the Senator from Penobscot, Senator Tanous, to indefinitely postpone.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: It is unusual for this body to see two attorneys disagree on a bill, but that is what makes a case. I refer to my good friend, Senator Clifford from Androscoggin, as attempting to define educational policies, and I would charge anyone on the floor of this Senate to stand up this morning and give me a clear description of the words that are utilized in attempting to describe educational policies. I submit to you my argument of yesterday, that we are going to create problems; not solve any. Thank you.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Tanous, that Bill, An Act Relating to Inherent Managerial Functions of Municipal Employees Labor Relations Law, be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Eleven Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

### Emergency

An Act to Provide Funds to Assist County Attorneys in the Administration of the Court System. (H. P. 1613) (L. D. 2062)

This being an emergency measure and having received the

affirmative votes of 26 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

### **Emergency**

An Act to Correct Errors and Inconsistencies in the Public Laws. (S. P. 715) (L. D. 2004)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

### **Joint Order**

Out of order and under suspension of the rules, on motion by Mr. Berry of Cumberland:

WHEREAS, the United States Department of Commerce has completed a study dated June 30, 1969 of Maine Sugar Industries, Inc.; and

WHEREAS, the study indicated that Maine Sugar Industries may have unjustifiably paid excessive fees or diverted assets to Vahlsing, Inc. and to other corporations owned or controlled by Fred A. Vahlsing, Jr.; and

WHEREAS, the taxpayers of the State of Maine now have the legal duty as guarantors of the debts of MSI to pay a sum amounting to \$3,293,000 as of April 1, 1972 in principal and interest; and

WHEREAS, the Maine Industrial Building Authority as the lending authority of the State has a fiduciary duty to all the taxpayers of Maine to recover any money or assets of MSI which may have been unjustifiably paid or diverted to the benefit of corporations owned or controlled by Fred A. Vahlsing, Jr.; now, therefore, be it

ORDERED, the House concurring, that the Maine Industrial Building Authority review the report of the United States Department of Commerce and conduct a further investigation to determine whether it or the taxpayers of the State of Maine have a cause of action against Vahlsing, Inc., Fred A. Vahlsing, Jr., or any other corporation owned or controlled by

Fred A. Vahlsing Jr. directly or indirectly to recover any money or property which may have been illegally paid or diverted from MSI; and be it further

ORDERED, that the Maine Industrial Building Authority report to the 106th Legislature no later than January 15, 1973 and proceed to bring any legal action deemed appropriate by the Maine Industrial Building Authority or its legal counsel before said date. (S. P. 792)

Mr. Berry of Cumberland moved that reading of the Joint Order be dispensed with.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, the order is not before us and, for some of us that would be curious to know what it said, if we could have it read, we would appreciate it.

The PRESIDENT: Does the Senator from Cumberland, Senator Berry, care to withdraw his motion?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I would just say that it was printed in yesterday's calendar. I would withdraw my motion, however.

The PRESIDENT: The Secretary will read the order.

Thereupon, the Joint Order was read in its entirety by the Secretary.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: There appeared in last Sunday's issue of the Maine Sunday Telegram a half-page analysis by Bill Caldwell on a report that was made to, and at the request of, the federal government on this subject of financing, default and other aspects of the Maine Sugar Industries. This was a report which the Legislative Study Committee had been unable, in spite of repeated attempts to get in its presentation and findings in its report to the legislature, and Senator Sewall at the beginning of the session explained this.

The report is public knowledge now, and it appears that there are unanswered questions. The MIBA as stipulated in the order, has a fiduciary position in this matter and, rather than have a Joint Legislative Committee or any other ad hoc group analyze the situation, it seems quite in order that the MIBA itself look into the matter. They have the expertise and the resources necessary to do it.

I don't believe that there are any further points I would need to bring up at this point. I think the order speaks for itself. I intended, of course, in no way to slip anything through here because it had been presented yesterday, and I didn't want to get into the matter in any detail, and I still don't. I think that we have the duty to take cognizance of the report, now that it is available, and we are merely telling the MIBA perhaps you should look into this matter. I would hope that this order would pass.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I do object to the suspension of the rules for the acceptance of this order, and as to that motion I would ask for a division.

I think that this is pretty late in the day, with all due respect to the Senator from Cumberland, Senator Berry. This matter could have been debated when the order first appeared on the calendar, and as he himself said on another order which related to vocational schools, it is some hazard to put these orders in at the last remaining moment.

Whatever authorities that Maine Industrial Building Authority now has are by statute. This will not give them any additional authority. We have kicked this thing around on the MSI, it has been investigated, we have had reports back, and I think this is somewhat of a continuation of the same old thing. I am sure the Maine Industrial Building Authority will exercise their statutory duties and do what needs to be done.

I hope that we would get out of here sometime today. I can just

imagine this thing going to the other body and the debate and the wrangle that will occur down there. If some of you would like to get out by four, five, six, seven, or eight o'clock tonight, a good way might be to keep the rules from being suspended and let this thing fall by the wayside. So, I hope that you will vote with me and against the suspension of the rules.

The PRESIDENT: The Chair would inform the Senator from Aroostook, Senator Harding, that the Chair rules that when the Senator from Cumberland, Senator Berry, presented the order, under suspension of the rules, there was no objection made by any member of the Senate before the Secretary started to read the order. The request for a division on suspension of the rules is out of order. The rules have been suspended for the purpose of presenting the order.

Is the Senate ready for the question? Is it now the pleasure of the Senate that this order receive passage and, under suspension of the rules, be sent forthwith for concurrence?

Thereupon, the Joint Order received Passage.

Under suspension of the rules, sent down forthwith for concurrence.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, I would ask for reconsideration of that motion, and ask for a division on it. I thought that I had asked for a division. I would move that we reconsider our action and ask for a division.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that the Senate reconsider its action whereby this order received passage, the rules suspended and it sent forthwith to the House. As many Senators as are in favor of reconsideration will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Eleven Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion did not prevail.

Mr. Sewall of Penobscot was granted unanimous consent to address the Senate:

Mr. SEWALL: Mr. President and Members of the Senate: Earlier in today's session, the budget document, the supplemental appropriations act, went through this body under the hammer, and I would simply like to call attention to the tremendous amount of cooperation the Majority Party has enjoyed with the Minority Party during this session. I lay this in large part to the efforts of the good Senator from Aroostook, Senator Violette, who, I understand, is not returning. There is a rumor around that he is seeking higher office, and I simply would like to go on record as thanking him for his tremendous help during the wintertime and the great pleasure that I, as Chairman of the Appropriations Committee, had working with him and I would wish him well. Thank you.

Mr. Violette of Aroostook was granted unanimous consent to address the Senate:

Mr. VIOLETTE: Mr. President and Members of the Senate: I guess that I will not be returning to this body. In the final analysis, I will probably be returning to the practice of law in Van Buren; that remains to be seen.

Seriously, I do want to say how much I have enjoyed serving in this body and the associations with the members of the Senate. I guess serving in this body to some extent created somewhat of a shambles of my law practice. It was a strain on my family, having to leave my wife with a house full of young growing boys to manage; the burden was placed on her, and I suppose that my future endeavors will not make it that much easier for them. But I do want to express my very, very sincere appreciation, first of all, my appreciation and gratitude to the presiding officer of this body for the integrity and the fairness with which he has dispatched the work while I have been a member of this Senate and during my relationship with him as a leader of my party. I want to express that, and I mean every word of it.

I also want to express my appreciation to every member of this body for the courtesies they have extended me and my pleasure at having served with them. I know that my service here, for whatever purpose it has served the state, has certainly been a rewarding one to me. It has been a rewarding one, first of all, in efforts, along with the cooperation of other members of this body, to perhaps make our state a little better place for more of our people to live in. It has personally also been rewarding in the experience that I have had, in the enlightenment, hopefully, that it has brought to my own life in knowing more and more about my people and knowing more and more about the problems of my state and trying to work with them. I bring from my participation in this body really not more than very pleasant memories of association with all of you, and I wish all of you well in your future endeavors.

The PRESIDENT: The Chair thanks the Senator very much for his kind remarks.

Mr. Hichens of York was granted unanimous consent to address the Senate:

Mr. HICHENS: Mr. President and Members of the Senate: I hesitate to rise and make the statements that I am going to, following the kind words that the Senator from Cumberland made this morning regarding the Press and the way that they have treated us. I, too, go along with his idea that the press have treated us quite well during the session. They treated me very well, up until this morning.

I refer to an editorial in the Portland Press Herald this morning which disturbs me, not only as an individual, but it disturbs me as a member of the State Senate of Maine and a member of the State Legislature. I would like to read portions of this editorial because perhaps many of you have not seen it. It is entitled "Produce Some Evidence." It goes on to say "The public confidence in the Department of Mental Health and Corrections is being eroded by a steady stream of legislative criticism."

In an answer to Senator Hichens and his Committee in charges against Dr. Anderson, Director of Mental Retardation, "William F. Kearns Jr., Commissioner of Mental Health and Corrections, called the action 'a clear and dangerous intrusion of the legislative branch of government into the management of the executive branch.'

"He said the Senator was calling for 'legislative dismissal of a classified service employee' and said that it would be 'incomprehensible' to so ignore the rules of classified service."

I would draw to your attention this morning that last spring Commissioner Kearns called for the resignation of Dr. Patterson at the Augusta State Hospital, who was also a classified employee. There was nothing said at that time, and Dr. Patterson resigned without going to the courts or making any issue about it.

Further in this editorial it states "Commissioner Kearns defended Dr. Anderson's work and the Senator's complaint lacked specifics. But that is nothing new in legislative criticism or efforts to dictate departmental functions. Frustrated in attempts to get at Dr. Peter W. Bowman, legislators eventually changed the law so they could remove him as head of Pine-land Hospital and Training Center, a position he held for many years. No specifics ever were listed in his situation either.

"No one in state service should be discharged simply because he will not be intimidated by legislators. That may not be the situation. If it is not, the conclusion is no worse than to place a man, particularly a professional man, under a cloud of suspicion without any factual evidence."

Again, I would state that the Legislature had nothing to do with the dismissal of Dr. Bowman. It was only after that law was passed that the Commissioner of Mental Health and Retardation used this new ruling as an implement in getting rid of the man whom he and the Director of Mental Retardation disliked immensely because they could not boss him.

Further on in this editorial we read "The manner in which Dr. Bowman was removed reflected no credit upon the legislators. He has yet to be confronted with charges and given an opportunity to reply publicly to them. The new assault on Dr. Anderson is of the same pattern."

Again, I would reiterate that the assault on Dr. Anderson, if it is an assault, is not unlike his own on Dr. Bowman last spring.

Finally the editorial goes on "If something is wrong in the department, it should be corrected. But if no one knows what is wrong no one can know whether replacement of Dr. Bowman or Dr. Anderson corrects it."

I would end my statement this morning by saying that if the press does not know the reason for the Committee's request, then it is just too bad. Publication of the interchange of letters between the Commissioner and the Committee was printed without their knowledge or without their consent. Freedom of the press is one thing, but the right to make requests without spreading it all over everywhere is a personal prerogative.

Mr. Hoffses of Knox was granted unanimous consent to address the Senate.

MR. HOFFSES: Mr. President and Members of the Senate: This seems to be the hour for swan songs, and I might as well join the group.

As the senior member of this august body and, I hasten to add, not in point of years, nor am I the youngest in point of years, but I am the oldest in point of continuous service, it has been my privilege to see many of the faces here today come and go and return again. I have enjoyed the privilege of serving in this body when the party that I represent was in an overwhelming majority, and in the very next session to see the tables completely reversed and I served in the minority in the same proportionate number.

I might say that I have enjoyed and suffered many enjoyable and frustrating moments but, nevertheless, they are moments which I shall long cherish. It has been



rumored and reported that I shall seek some other office, and that I do not deny; it is public knowledge. But I do want to express my appreciation to the members of this, the 105th Legislature, and all of those with whom I have had the privilege of serving back through and including the 101st Legislature. I do appreciate all that has been said and accomplished, and I wish for all of you the very best in the years ahead. (Applause)

On motion by Mr. Berry of Cumberland,  
recessed until 2 o'clock this afternoon.

(After Recess)

Called to order by the President.

#### **Papers from the House**

Out of order and under suspension of the rules, the Senate voted to take up the following:

#### **Non-concurrent Matter**

Joint Order (S. P. 783) Relative to Leadership being provided with legislative assistance prior to convening of the 106th Legislature.

In the Senate March 3, 1972, Read and Passed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

#### **Joint Order**

ORDERED, the Senate concurring, that in addition to free telephone service authorized for the remainder of the biennium following adjournment of the Legislature under Senate Paper 655, each member of the Senate and House of Representatives who represents a district large enough for inter-district toll calls shall be entitled to 20 additional calls of reasonable duration from any 2 points within his district. (H. P. 1617)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### **Joint Order**

WHEREAS, upon his retirement in June, 1971, Mr. Theodore S. Johnson had completed 24 years

as submaster of Portland High School; and

WHEREAS, his public career as teacher, coach and administrator has gained him the respect and admiration of countless numbers in the field of education; and

WHEREAS, his civic endeavors and service to public education mark him as a man of exceptional character and qualities of mind and heart; and

WHEREAS, his service constitutes a great contribution to the City of Portland and the State of Maine; now, therefore, be it

ORDERED, that we, the members of the 105th Legislature assembled in our First Special Session, pause to express, upon his retirement, our sincere appreciation for the life's work of Theodore S. Johnson; and be it further

ORDERED, that a duly attested copy of this Order be presented to Theodore S. Johnson as a token of our esteem for his contribution to public education. (H. P. 1622)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### **Joint Order**

WHEREAS, upon his retirement in June, 1972, Mr. Howard C. Reiche will have completed 25 years as Principal of Portland High School; and

WHEREAS, his public career as teacher, coach and administrator has spanned nearly one-half century; and

WHEREAS, his thoughtful leadership, gentle manner and friendly courteous spirit have been an inspiration to countless students and faculty alike; and

WHEREAS, his service to public education has been a great contribution to the City of Portland and the State of Maine; now, therefore, be it

ORDERED, that we, the members of the 105th Legislature assembled in our First Special Session, pause to express our sincere appreciation for the life's work of Howard C. Reiche; and be it further

ORDERED, that a duly attested copy of this Order be presented to Howard C. Reiche as a token

of our esteem for his contribution to public education. (H. P. 1621)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

On motion by Mr. Hoffses of Knox,

recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

#### Order

Out of order and under suspension of the rules, Mr. Anderson of Hancock, presented the following Order and moved its Passage:

ORDERED, that a message be sent to the House of Representatives informing that body that the Senate has transacted all the business which has come before it and is ready to adjourn without day.

Which was Read and Passed.

The President appointed the Secretary of the Senate to deliver the message.

Subsequently, the Secretary of the Senate returned and reported that he had delivered the message with which he was charged.

A message was received from the House of Representatives through Mr. Susi, Majority Floor Leader in the House, that the House had transacted all business before it and was ready to adjourn without day.

#### Joint Order

Out of order and under suspension of the rules, Mr. Greeley of Waldo presented the following Order and moved its Passage:

ORDERED, the House concurring, that a committee of three on the part of the Senate with such as the House may join, be appointed to wait upon His Excellency, the Governor, and inform him that both branches of the Legislature have acted on all matters before them and are ready to receive any further communications he may be pleased to make. (S. P. 794)

Which was Read and Passed.

The President appointed as Senate members of such committee Senator Wyman of Washington,

Senator Sewall of Penobscot, and Senator Carswell of Cumberland.

Under suspension of the rules, sent down forthwith for concurrence.

Subsequently, the Order was returned from the House, Read and Passed, in concurrence.

Subsequently, the committee returned and reported that the committee had attended to the duties assigned to it and that the Governor would directly attend the session.

At this time the Honorable Kenneth M. Curtis, Governor of Maine, entered the Senate Chamber and the Governor addressed the Senate as follows:

GOVERNOR CURTIS: Mr. President and Members of the Senate: After five years of regular legislative sessions and special sessions, I hesitate to continue the tradition of prolonging the session by coming in to say good-bye to all of you, but I think I would really be remiss as Governor if I didn't do that, if I didn't come in to thank all of you for the service that you have rendered in behalf of the people of the State.

I expect this session, like a lot of the others, and probably like all legislative sessions, might have turned out to be just a little longer than anyone intended, but I think that we do have a record at this special session that justifies certainly the time spent by all.

We did appropriate the funds necessary to continue our Health and Welfare Programs throughout this biennium. We did increase availability of funds to our nursing homes. Certainly the Department of Mental Health and the University of Maine, and other departments, have appropriations that they would not have had, had we not held this special session. In the Environmental area we adopted the important Air Quality Standards. We passed Eighteen-Year-Old Adult Rights, which is certainly a far-reaching piece of legislation. Ten out of thirteen of the Governmental Reorganization measures were also enacted. I think many of us are disappointed that the whole job couldn't have

been done, but I think a large enough number have been enacted so that it should be possible at the next regular session of the legislature to work these bills out and to complete them so that we can, hopefully, realize the savings that we see and to do the job that we had hoped to for the people.

I certainly would be very remiss in this body if I did not compliment the Chairman of the Special Government Reorganization Committee, Senator Johnson, and committee members here, who worked so hard throughout the summer months on this particular type of legislation. (Applause)

So, I guess, as in all legislative sessions, regardless of how you feel at the close, regardless of whether all of your own views have been upheld, I think you can all take great pride in the fact that you have participated, that meaningful legislation has been passed, and that the democratic principles by which we live have been upheld in a fine tradition.

I know that some of you probably will not return to the next regular session of the legislature and that some of you will be here, but,

regardless of what your plans are, I hope you will accept my thanks for the opportunity to work with you and my best wishes for success in whatever it is you attempt come January of next year. Thank you very much.

Thereupon, Governor Curtis retiring from the Senate Chambers amid the applause of the Senate, the members rising.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: Again, God bless and keep every one of you until we meet again.

Mr. President, I now move we adjourn sine die.

The PRESIDENT: The Senator from Hancock, Senator Anderson, now moves that the Senate stand adjourned sine die. Is this the pleasure of the Senate?

Thereupon, at 3:03 p.m. on Friday, March 10, 1972 the Honorable Kenneth P. MacLeod, President of the Senate, declared the Senate of the 105th Legislature adjourned sine die.