

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

*1st Special Session*

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal  
Augusta, Maine

**SENATE**

Wednesday, January 23, 1974

Senate called to order by the President.

Prayer by the Rev. Shane D. Estes of Winthrop.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Use of Name of the State by Nonprofit Corporations." (S. P. 803) (L. D. 2297)

In the Senate January 16, 1974, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-645), in non-concurrence.

On motion by Mr. Joly of Kennebec, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act to Incorporate the Atlantic Sea Run Salmon Commission into the Department of Inland Fisheries and Game." (H. P. 1868) (L. D. 2367)

In the House January 16, 1974, referred to the Committee on Fisheries and Wildlife and Ordered Printed.

In the Senate January 18, 1974, referred to the Committee on State Government and Ordered Printed, in non-concurrence.

Comes from the House, that body having Insisted.

Mr. Anderson then moved that the Senate Recede and Concur.

On motion by Mr. Speers of Kennebec, tabled until later in today's session, pending the motion by Mr. Anderson of Hancock to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act Relating to Liability of Natural Gas Distributors." (S. P. 710) (L. D. 2122)

In the Senate January 18, 1974, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-646), in non-concurrence.

On motion by Mr. Clifford of Androscoggin, the Senate then voted to recede from its previous action whereby the Bill

was Passed to be Engrossed. The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-325, was Read and Adopted. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

**Joint Order**

WHEREAS, the 106th Legislature in its continuing concern for the life of the unborn child; and

WHEREAS, the Helms Amendment prohibiting the use of foreign aid funds for abortion was signed into law on December 17, 1973 by the President of the United States; and

WHEREAS, January 22, 1974 marks the first anniversary of the Supreme Court Decision on abortion; and

WHEREAS, the Pro-life Education Association of Maine is continuing its efforts to promote a Human Life Amendment to the United States Constitution; and

WHEREAS, today marks the first Interfaith Vigil in Portland, Maine to stress the importance of the individual right to life; and

WHEREAS, this vigil will also serve notice on the Euthanasia Movement that any attempt by this group to implement its philosophy will be vigorously resisted; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives of the 106th Legislature of the State of Maine, take this opportunity while assembled in special session to commend the leaders of the Pro-life Education Association for their efforts to promote the sanctity of human life; and be it further

ORDERED, that suitable copies of this Order be prepared and presented to Mr. Anthony Soychak of Gorham, Maine, President of the Pro-life Education Association, in appreciation of such efforts. (H. P. 1897)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. BERRY: Mr. President, I had felt that this was an issue that I would like to have read to the Senate in its entirety, but I am sure this brief debate will attract the attention of the Senate to this resolution. I also had toyed with the idea of going through the usual motions and having the reading omitted and having the Senate adopt it, and then move reconsideration, to underscore my concern with what we do here frequently.

While I am talking, I would ask you to look at the resolution and ask yourself if you can answer the questions that I am sure will rise in your mind on it. I would ask you, are you familiar with the Supreme Court decision of January 22, 1973? Are you familiar with the Helms Amendment? Are you familiar with the background of the organization mentioned in here? And are you willing to put the legislature of the State of Maine on record as endorsing all these principles?

Mr. President, I move this item lay on the table one legislative day.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Item 1-4, House Paper 1897, be tabled one legislative day, pending passage. Is this the pleasure of the Senate?

The motion prevailed.

State of Maine  
Department of Transportation  
State Office Building  
Augusta, Maine 04330  
January 23, 1974

To: Governor Kenneth M. Curtis  
and Members of  
the 106th Legislature  
Gentlemen:

In accordance with the provisions of Chapter 97 Private and Special Laws 1973, I am pleased to submit a report concerning the availability of funds to be used for the purpose of making permanent repairs to Seawalls in the Towns of York and Kennebunk.

Respectfully,  
ROGER L. MALLAR  
Commissioner  
(S. P. 869)

Which was Read and with accompanying papers Ordered Placed on File.

Sent down for concurrence.

**Senate Papers**  
**Appropriations and Financial Affairs**

Mr. MacLeod of Penobscot presented, Bill, "An Act to Expand the Line Budget in the Department of Mental Health and Corrections." (S. P. 846)

The same Senator presented, Bill, "An Act to Adjust Certain Salary Provisions of the State Officers and Officials." (S. P. 847)

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

### **Education**

Mr. Katz of Kennebec (by request) presented, Bill, "An Act Transferring Responsibility for Post-Secondary Vocational Education from the Board of Education to the University of Maine and Modifying Membership of the Board of Trustees." (S. P. 848)

The same Senator (by request) presented, Bill, "An Act Abolishing the 4-year Degree Granting Program at the Machias, Fort Kent and Presque Isle Campuses of the University of Maine." (S. P. 849)

(See action later in today's session.)

The same Senator (by request) presented, Bill, "An Act Discontinuing Operation of Schooling for Children in the Unorganized Territory Schools." (S. P. 850)

Which were referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

### **Human Resources**

Mr. MacLeod of Penobscot presented, Bill, "An Act Repealing the Law Relating to Youth Community Activities." (S. P. 851)

Which was referred to the Committee on Human Resources and ordered Printed.

Sent down for concurrence.

### **Legal Affairs**

Mr. Cox of Penobscot presented, Bill, "An Act to Eliminate Collection of Delinquent Accounts by the Treasurer of State." (S. P. 852)

Mr. Joly of Kennebec presented, Bill, "An Act Relating to Municipal Reports and Audits." (S. P. 854)

Which were referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

### Liquor Control

Mr. MacLeod of Penobscot presented, Bill, "An Act Relating to Licensing under the Liquor Law of Managers, Bartenders, Clerks, Servants or Agents Employed by Licensees." (S. P. 855)

Which was referred to the Committee on Liquor Control and Ordered Printed.

Sent down for concurrence.

### State Government

Mr. Clifford of Androscoggin presented, Bill, "An Act Amending the Responsibility of the State Planning Office." (S. P. 856)

Mr. Katz of Kennebec (by request) presented, Bill, "An Act Creating a Cultural Commission to Act in an Advisory Capacity to the Commissioner of Educational and Cultural Services." (S. P. 857)

The same Senator (by request) presented, Bill, "An Act Abolishing the Maine State Commission on the Arts and Humanities." (S. P. 858)

The same Senator presented, Bill, "An Act Repealing Legislation Stipulating Departmental Organization of the Department of Educational and Cultural Services." (S. P. 859)

The same Senator (by request) presented, Bill, "An Act Dispersing the General Loan and Reference Collection of the Maine State Library to Public and University Libraries." (S. P. 860)

The same Senator (by request) presented, Bill, "An Act Delegating Program Approval and Policy Setting Authority for Operations of the State Museum and Arts and Humanities Bureaus to Commissioner of Educational and Cultural Services." (S. P. 861)

Mr. Olfene of Androscoggin (by request) presented, Bill, "An Act Abolishing the State Museum Commission." (S. P. 862)

Mr. MacLeod of Penobscot presented, Bill, "An Act to Consolidate the State Harness Racing Commission and the State Running Horse Racing Commission." (S. P. 864)

The same Senator (by request) presented, Bill, "An Act Abolishing the Maine State Archives and Redistributing its Functions." (S. P. 866)

Which were referred to the Committee

on State Government and Ordered Printed.

Sent down for concurrence.

Mr. MacLeod of Penobscot presented, Bill, "An Act to Transfer the Registration of Aircraft to the Motor Vehicle Division." (S. P. 865)

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: As you know, this is one of the bills initiated by the Maine Management Cost Survey Team. This gets into the Title 6 laws, and at the last regular session I worked with the department trying to rewrite the whole Title 6 bill. There are lots of problems with it and they get very detailed. We didn't find the time to complete the rewriting of Title 6. Now, there is a committee being formed to rewrite the whole of the Title 6 laws. There are no present problems with the existing law. When Title 6 is rewritten, this will be very much a part of the new law, and I think it would just be a confusing and time-wasting effort to run this bill through so, therefore, I move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now moves that Bill, "An Act to Transfer the Registration of Aircraft to the Motor Vehicle Division," Senate Paper 865, be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

### Education

Mr. Olfene of Androscoggin presented, Bill, "An Act Abolishing the State Board of Education and Creating an Advisory Board." (S. P. 863)

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

Mr. KATZ: Mr. President and Members of the Senate: I want to thank the members of the Senate for permitting me to have the honor to sponsor so many significant pieces of legislation this morning, and I was really warmed by the mad rush of my colleagues to help sponsor some of this legislation. I

particularly want to thank Senator Olfene for picking up two of these.

With respect to 3-17, 3-17 is one of the bills that ties in with the governance of education. It is the intention of the Committee on Education to put out a single study on all these bills prior to any public hearing, so I would therefore move that 3-17 be referred to the Committee on Education.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Item 3-17 be referred to the Committee on Education, ordered printed and sent down for concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Mr. MacLeod of Penobscot presented, Bill, "An Act Relating to Airport Inspection Fees." (S. P. 867)

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

Mr. CIANCHETTE: Mr. President, for the same reasoning that I just described on Item 3-19, I now move that Item 3-21 be indefinitely postponed.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now moves that Bill, "An Act Relating to Airport Inspection Fees", Senate Paper 867, be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

Mr. Richardson of Cumberland (by request) presented, Bill, "An Act to Establish the First Day of a Calendar Month as a Uniform Retirement Date and to Make Retirement at Age 65 Mandatory." (S. P. 868)

Which was referred to the Committee on Veterans and Retirement and Ordered Printed.

Sent down for concurrence.

### **Committee Reports House Leave to Withdraw**

The Committee on Transportation on, Bill, "An Act to Provide Funds for Snow Removal Reimbursements at Publicly Owned Airports." (H. P. 1756) (L. D. 2215)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

### **Ought to Pass**

The Committee on Legal Affairs on, Bill, "An Act Relating to Safety Glazing." (H. P. 1705) (L. D. 2098)

Reported that the same Ought to Pass.

The Committee on Marine Resources on, Bill, "An Act to Clarify the Law Relating to Fishery Inspection." (H. P. 1747) (L. D. 2206)

Reported that the same Ought to Pass.

The Committee on Marine Resources on, Bill, "An Act to Provide Inspection Fees for Certain Herring Products." (H. P. 1763) (L. D. 2231)

Reported that the same Ought to Pass.

Come from the House, the Bills Passed to be Engrossed.

Which reports were Read and Accepted, the Bills Read Once and Tomorrow Assigned for Second Reading.

### **Ought to Pass-As Amended**

The Committee on Legal Affairs on, Bill, "An Act Relating to the Regulation and Control of Dogs." (H. P. 1771) (L. D. 2243)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-644).

The Committee on Health and Institutional Services on, Bill, "An Act Clarifying Sprinkler System Requirements in Boarding Homes." (H. P. 1695) (L. D. 2088)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-643).

Come from the House, the Bills Passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, Tomorrow Assigned for Second Reading.

### **Senate**

The following **Ought Not to Pass** reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Providing Funds for

Members of the State Police for Expenses Incurred as such Members." (S. P. 764) (L. D. 2195)

Resolve, in Favor of Edmundston Regional Hospital, Edmundston, New Brunswick and Dr. Rino Fournier of Madawaska. (S. P. 724) (L. D. 2136)

Bill, "An Act to Appropriate Funds for Dental Care Programs in Rural Sections of Cumberland and York Counties." (S. P. 755) (L. D. 2165)

#### **Ought to Pass**

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to Time of Referendum for Ratification of 'An Act to Authorize Creation of the Maine Inland Fisheries and Game Acquisition Fund and Financing Thereof.'" (S. P. 853) (L. D. 2405)

Reported pursuant to Joint Order (S. P. 806) that the same Ought to Pass.

Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### **Ought to pass-As Amended**

Mr. Roberts for the Committee on County Government on, Bill, "An Act to Authorize County Commissioner of Oxford County to use 1974 Federal Revenue Sharing Funds for Operating Expenses for Oxford County Regional Airport." (S. P. 742) (L. D. 2154)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-322).

Mr. Graffam for the Committee on Agriculture on, Bill, "An Act Relating to Cruelty of Animals." (S. P. 704) (L. D. 2116)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-323).

Mr. Joly for the Committee on Legal Affairs on, Bill, "An Act to Regulate Municipal Debt." (S. P. 727) (L. D. 2139)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-324).

Which reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as Amended, Tomorrow Assigned for Second Reading.

#### **Second Readers**

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

##### **House**

Bill, "An Act Permitting Northern Maine General Hospital of Eagle Lake to Maintain a Nursing Home." (H. P. 1668) (L. D. 2061)

Resolve, to Reimburse Erlon Ricker of Litchfield for Loss of Poultry Due to Activities of the State Police. (H. P. 1784) (L. D. 2256)

Bill, "An Act Relating to the Weights and Measures Law." (H. P. 1657) (L. D. 2050)

Bill, "An Act Relating to Definition of Nursery Stock under Nursery Law." (H. P. 1682) (L. D. 2075)

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

##### **House-As Amended**

Bill, "An Act Relating to Absentee Voting by Persons Serving Sentences in Jails and Penal Institutions." (H. P. 1781) (L. D. 2253)

Which was Read a Second Time and Passed to be Engrossed, as Amended, in non-concurrence.

Sent down for concurrence.

##### **Enactors**

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

An Act Relating to Equitable Relief after Period of Redemption in Real Estate Sales or Liens. (S. P. 732) (L. D. 2144)

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

An Act to Authorize County Commissioners of Oxford County to Use 1974 Federal Revenue Sharing Funds to Support Oxford County Extension Service. (S. P. 743) (L. D. 2155)

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

Mr. HENLEY: Mr. President and Members of the Senate: Just briefly, I would like to give you the history of this particular bill. I was asked to present this bill before the County Government Committee by the county com-

missioners. I did not put my request on the bill because at the time I insisted my mind was open on it.

What this bill does is to reinstate an additional sum of money in the appropriation of the county commissioners or allow them to use revenue sharing funds to reinstate to the amount of \$6,400 added to their budget, the purpose being to replace the new position of home demo. agent, which has been vacant now for up towards a year because of the retirement of the previous home demonstration agent.

This situation occurred or started to occur several sessions ago when the Extension Service of the county asked for an additional sum of money, about this amount, purportedly to meet rising costs, etc., of salaries and so on within the County Extension Service. At that time the county commissioners and the then legislative delegation decided in their deliberations, because they couldn't seem to find sufficient warranties to the additional money, to turn it down. They did turn it down and the legislature went along with them.

It seems in later years that the University of Maine in their funding somehow managed to carry this as a deficit up until last year, when the home demonstration agent at that time retired. Then the University of Maine insisted that they would not carry it any more, that in order to get a reinstatement or to employ a new home demonstration agent, that the county would need to produce the additional \$6,400.

After several meetings with the county commissioners and requests to members of the delegation, I stated that I would put in this bill to allow the use of revenue sharing funds, but I still had misgivings with its support. The county, because of other parallel lines of endeavor along the various assistance to agricultural people in the rural areas, it was felt by a lot of the local leaders that they did not need to replace the home demonstration agent. I said that I would put in the bill, and I stated before the committee that I would not push for the bill, that I would let the ensuing support or non-support make the decision for me.

Since that time, personally I have received no urging whatsoever from

anyone to support this bill. The group that was at the hearing, the people that were down that worked for the Extension Service, appeared before the hearing and they were told by one of the delegation, or requested, that they search their areas and get some support for this bill. As far as I know, from polling the delegation, nothing has happened. There has been no particular urge for us to support the bill, and in polling the delegation I find that they are pretty lukewarm on it. In fact, some of the members of the delegations had just as soon the bill did not go through. So, without further taking up the time of the Senate, I will move for indefinite postponement of this bill.

The PRESIDENT: The Senator from Oxford, Senator Henley, now moves that Bill, An Act to Authorize County Commissioners of Oxford County to Use 1974 Federal Revenue Sharing Funds to Support Oxford County Extension Service, be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

Resolve, Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Land in the Unorganized Territory. (H. P. 1717) (L. D. 2110)

Which was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

### Emergencies

An Act Relating to Property Tax Appeals. (H. P. 1797) (L. D. 2277)

An Act Relating to Number of Directors of Hospital Administrative District No. 4 in Piscataquis, Somerset and Penobscot Counties. (H. P. 1735) (L. D. 2181)

These being emergency measures and having received the affirmative votes of 28 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

### Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution to Eliminate the



Three-month Voting Residence Requirement Following a Change of Residence Within the State. (S. P. 709) (L. D. 2121)

This being a Constitutional Amendment and having received the affirmative votes of 29 members of the Senate was Finally Passed and, having been signed by the President, was by the Secretary presented to the Secretary of State.

#### Reconsidered Matter

On motion by Mr. Wyman of Washington the Senate voted to reconsider its action whereby Bill, "An Act Abolishing the 4-year Degree Granting Program at the Machias, Fort Kent and Presque Isle Campuses of the University of Maine, (S. P. 849), was referred to the Committee on Education and Ordered Printed.

The PRESIDENT: The Senator has the floor.

Mr. WYMAN: Mr. President and Members of the Senate: I move the indefinite postponement of this bill. Although it may not go anywhere, it has been tried several times. We have had long hearings on it in Machias. I am sure they have had long hearings on it in Aroostook. With the bill before the legislature, I am sure the people in Aroostook County and Washington County will be greatly disturbed. I think, in the interest of moving this legislature along much faster in getting rid of this bill, rather than exciting the people in these two areas, that the best thing we can do is to indefinitely postpone it at this particular time, because it has been heard and discussed, and a new building is already under construction in Machias. I therefore make that motion and hope the Senate will support me.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves that Bill, "An Act Abolishing the 4-year Degree Granting Program at the Machias, Fort Kent and Presque Isle Campuses of the University of Maine", be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: The Senator from Washington, Senator Wyman, is correct. I guess those of us who have been here since the 103rd Legislature have heard

this question debated, we have seen study committees take a look at it, we have seen business people take a look at it, and the answer always comes out to be the same. The basic question of policy in front of us is whether or not Maine is to remain a state with sixteen counties or fourteen counties, because I can assure you that, having visited these campuses, Washington County and Aroostook County are really uptight, and any meddling with their schools will result in Washington County saving itself off from the eastern part of Maine and floating out to sea. So I think that the Senator is absolutely correct in his evaluation of how this will upset the people in Washington County and Aroostook.

During the interim, my committee went up to the St. John Valley, we went up to Fort Kent, and we spent a long day in Presque Isle and a very long and interesting day in Machias. This is probably the first and last time I have ever spoken about these campuses, and I would like to get a few remarks in the record of a brief nature.

These three schools for many years were starved to death. They were part of the Department of Education. They didn't get very much money. Their principal and only mission actually was preparation of teachers. Since the university system was formed, they have expanded their mission. In most cases they have reduced their single-minded devotion to teacher education, and now they are looking at needs of the community.

The impression you get on the campus is far different than what you get on the Portland-Gorham Campus or the Orono Campus. They are small schools. The relationship between the student and the faculty is extraordinarily close. The nature of the student bodies are different. When you ask a group of students, "How many of you come from families in which neither the mother or father has ever been beyond high school", almost everybody raises their own hand. These are youngsters who are blazing new trails.

When you take a look at the statistics, some forty percent of the youngsters on the Presque Isle Campus come from families where total family income is less than \$5,000 and you know there is an enormous amount of sacrifice being

made by the youngsters. Insofar as the communities are concerned, you can really sense the feeling of deep pride and the proprietary interest that these communities have in their college. In the Bangor area there is no comparable feeling, of course, because it is a big city and Orono is there and everybody takes it for granted that there really isn't the enormous sense of proprietorship that you sense in these three campuses.

I think that the missions of the campus are going to change. I have made it very clear that I personally would be opposed to reduction of their four-year courses. I think that all three of these campuses have an enormous potential to become exciting institutions from the viewpoint of identifying community needs and filling community needs far beyond the four-year baccalaureate program. But it is a very clear too that the four-year program is an important part of the mission. So if there were a vote today as to whether or not we reduce the mission, I certainly with a very clear conscience would vote against reducing the mission and killing off a four-year program.

The question of tactics is involved here. This is one of the bills that came out of the Management Cost Survey, and there was a clear agreement between the Governor's office and between the Management Cost Survey people, which I kind of inherited when I noticed I sponsored the bill by request, that these bills would be printed, that they would be available for people to see, and this was one of the bills that the Governor recommended be put out for further study. This was my intent when I sponsored the legislation. If Senator Wyman wishes to calm the people of these two counties down, people who have said to me face to face, "For God's sake why don't you leave us alone and let us go about the business that we really want to, that of running school and educating people," I think from a practical point of view his decision is correct. It will prevent disruption.

I imagine that there will be an interim commission that will look on the whole broad scope of post-secondary education. As a matter of fact, I am sure there will be, and perhaps this vehicle is not needed to do the job that will be done. And if in any way it contributes to the

peace of mind of the people in the areas of the state served by these communities — and I speak as a non-candidate — I never, never have had such memorable experiences in my life as when I visited these campuses. The people just overwhelmed me with their seriousness, with their dedication, and I came away with a feeling of deep respect for them and a feeling of really compassion for what they are trying to do. So despite the fact that this motion of Senator Wyman's runs in the face of the posture that I agreed to take, I say that God is on his side and I wish him well.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I just want to thank the good Senator from Kennebec, Senator Katz, because he has expressed my thinking and the thinking of the people of Aroostook County so much better than I could that I am just very grateful for his kind expressions.

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

Mr. BERRY: Mr. President and Members of the Senate: I think this is perhaps the time to take a broader view of the problem than just this matter of the institutions mentioned in the L.D.

We have all followed the progress of the Cost Management Survey from its inception, its early consideration here on the third floor, through the legislative process that implemented it, and the formation of the business community and its contributions both in time and money. I think that these people deserve a great deal of consideration at our hands. I am sure that all of us who have been in politics too long may have viewed some of their conclusions from a politician's viewpoint. And these people are quite lucky, they don't have the politician's viewpoint; they have a rather fresh outlook on what is wrong with the state and how it may be corrected. Let me say here parenthetically that I totally support Senator Wyman's viewpoint and, as a politician, my mind is made up and ultimately I shall vote with Senator Wyman, whether it be today or a week or two weeks from now. However, I am very anxious that in this process of the consideration of the reports of the

committees which have all been implemented, many of them by request, that the legislature not throw cold water on the efforts of our citizens to look at state government from a dispassionate viewpoint. I think that is the question.

I think that we should not discourage people from applying businesslike and efficient methods to the operation of state government. At the regular session we passed a program review measure, which is cost control. These people have brought expertise in their chosen fields into their analyses of state government. The one thing they have lacked, as I said, is a political consideration, and there probably is no more glaring an example of where less political consideration had been given than this particular situation right here. As politicians, we know it is explosive. As politicians, we are reluctant to handle it. However, as representatives of the state, I wonder. I am a little bit inclined to think that perhaps — and I was toying with the idea sitting here — that maybe there are other measures which should be treated the same way. We would save time, effort, and everything else if, in our political sagacity, we said "To hell with them, we are going to vote them down; we know they will never get through." But I think this other consideration ought to be in our minds as we vote.

As I say, I share the sentiments of Senator Wyman 100 percent. My concrete political viewpoint is that the measure is dead and should be. But I don't want to discourage the people of the State of Maine from engaging in public affairs. I think this is an overriding issue. So on this particular question I am going to vote against the motion.

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

MR. CYR: Mr. President and Members of the Senate: I think possibly, coming from this area, maybe I should express my sentiments in regards to this matter. First of all, I would like to congratulate Senator Katz for the way he expressed the problem, and certainly he brought out some very fine facts in this regard.

More or less in answer to Senator Berry's remarks, I don't believe this is a

political matter, or it shouldn't be considered as a political matter. However, the Cost Management Study was built up as a business approach. Now, in the approach they used in this case, the first task force spent about two hours on the Fort Kent campus. The second time, when Mr. Longley himself was up on the Fort Kent Campus, he spent half an hour there and even refused to see the President, to interview the President. The results of their survey were that they recommended that the four-year degree should be abolished and it should revert to a two-year school. I am talking about Fort Kent but, of course, the same thing applies to Presque Isle.

Is this a proper business approach? I have been a businessman all my life, and certainly I wouldn't make a hasty decision after half an hour on a campus, or a task force of two hours, on such an important decision.

When the University of Maine system was first established, it was sold to the legislature and to the people of the State of Maine as being a new system of delivering education to the people, bringing the approach to the people themselves. Now, are you going to eliminate the third and fourth year from the Fort Kent Campus, and these same students will have to travel down to the University of Maine at Orono Campus, 200 miles? Is this keeping up with the intention of the people that sold us the University of Maine delivery system?

These people want to make the University of Maine system a two-year course with the exception of two campuses, Orono and Portland-Gorham, where people in my own area, for instance, would have to travel 200 or 350 miles. What you would be doing is eliminating a college degree from at least 50 percent of the students that are getting their college degree today. Is this a proper business approach?

The savings to the State of Maine, according to the report, would be in the neighborhood of \$114,000, \$114,000 that they would save on the University of Maine campus at Fort Kent, and yet the students that they would send down to the campus at Orono or Portland would have to have new housing, new dorms, and new classrooms. Now, where would the savings be? I think possibly — in

fact, when this was first introduced I had a good feeling, a good mind, to get up and send this to the Legislative Committee on Agriculture because I always understood that Agriculture deals with manure, and this is just about the classification that this would be. So I am going to support Senator Wyman's motion.

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

Mr. SCHULTEN: Mr. President and Members of the Senate: I had not intended to say anything on this, but I think that the discussions we have had so far bring out some very basic decisions that we have got to make, and I refer to the talk that was given by the Majority Floor Leader. After all, it was in September, 1973 that the Cost Management Survey team, which was comprised, as I remember, of volunteer businessmen throughout the state, leaders considered within our state, who through their efforts raised something like \$150,000 and had people devote twelve weeks of intensive effort to try to find out some of the problems that the State of Maine is confronted with. We have as a result the Maine Management and Cost Survey, which everyone has, and I am sure everyone has read more than once.

There are many things in this survey that I am not in agreement with or don't feel are realistic however, I don't think that we can just sit here as statesmen perhaps, rather than politicians, and just arbitrarily dismiss the dedicated effort on the part of the people who are so vitally interested in trying to help, to try to point out ways of helping the State of Maine operate more efficiently. I am perfectly willing to admit that these gentlemen, as brilliant and as dedicated as they are, don't know all of the answers any more perhaps than we do, but I think we ignore it at our peril to take such decisive action without at least the courtesy of a committee hearing. To me, this is lacking in courtesy, this is lacking in confidence of the people who have done so much to try to help.

I would just like to read a little bit of their introduction that they sent to the Governor back in 1973 because I think it appertains to what we are talking about, and that is a paragraph pretty near the

end it starts out: "There has been over the last decade an erosion of confidence in government at all levels. It arises in part from the increasing number and complexities of the areas in which we expect government to research, plan and then act. We have in this study effort been concerned not with convincing government to adopt different goals, but rather with forming a partnership that will make available to the government the experience and technical expertise of business. Our recommendations are offered not in a critical sense, but in the spirit of mutual cooperation aimed at improving the institutions through which we govern ourselves."

I think this is really basic to all of us. I personally would hate to see us close down the schools, the four-year degree granting program at Machias, Fort Kent, and Presque Isle. This is not what I am talking about at all. I do think it is critically important though that the legislature which is in special session take the time to have hearings, to completely study the problem that has been presented to us, that we gratefully accepted when it was presented, and I think it is absolute lacking in courtesy, good management, and good government if we don't do so. For that reason, and that reason only, I would vote against the motion of the Senator from Washington, Senator Wyman, only because I think his timing is poor. I think we need to go through the motions of exhausting every possible means of finding out just what the true answer is to these many problems that have been raised by the Cost Survey team, and then, whether we agree with them or don't agree with them, at least we will be able to keep our heads high and say that in our evaluation, in our judgment, this is best for the State of Maine, that we appreciate what you have done, you have given us a broader insight to our own problems, but this is the way we feel it should be. For that reason, I shall oppose the motion of the Senator from Washington, Senator Wyman.

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

Mr. KATZ: Mr. President and Members of the Senate: I think I would like to calm down the emotions this morning

and point out that it really isn't that much of a confrontation taking place here this morning.

This is one of the bills the Governor clearly indicated he felt legislative action would be inappropriate on. So it is not a case of ducking out on something we should be facing. There will be several bills which the Governor has recommended study on which will be the subject of study by an interim commission involving, I would hope, a broad and representative cross section of the political, educational and lay community of the state. And as they take a look of the whole question of governance of post-secondary education, there is no question in my mind that tangentially they are going to be asking themselves about campus missions. So, even if Senator Wyman's motion prevails this morning, I don't feel that the extraordinarily hard work of the Management and Cost Survey people is going to be overlooked.

I will say that they did work very, very hard, and some of us can take exception to some of their conclusions, but perhaps we have got to be very careful we do not sour them on the concept of business people getting involved in state government.

So I would say that there is no real confrontation here this morning. The implementation of the commission will be dealt with in some other way. There is really no thought of a public hearing on this particular question because under no circumstances, as chairman of the committee, would I bring hundreds and hundreds of people down from all over Washington County and all over the St. John Valley, and they would come, in the face of an energy crisis, to a hearing that had no particular finality to it because we are going to put it out to study anyway. So, I really would urge you not to think about this as a refutation of the Longley Commission, or a ducking of our responsibility, but just a question of procedure. On that basis, I think our vote is not that terribly significant.

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

Mr. JOLY: Mr. President and Members of the Senate: I would appreciate it if someone could answer a question for me. It has been intimated that should

this be killed there is still going to be a study made. I would like to be assured of that, and what process this would take. It seems to me that if we don't have the bill before a committee who can then refer it to a study committee that it won't be referred. If I can be assured that it will be referred to a study committee, I will vote in favor of Senator Wyman's motion.

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

Mr. KATZ: Mr. President and Members of the Senate: Replying to the query of the Senator from Kennebec, Senator Joly, I refer to Item 3-3, which is going to involve taking a look at the whole relationship between institutions, all post-secondary institutions in the state. Not on the calendar today is another bill that will set up a whole new system of governance. I don't know where it is but it is coming along. There is no question in my mind that the interrelationships between these bills is going to cause us to take a look, a very broad look, at everything that we are doing in post-secondary education and how we are governing it, and there are some very basic questions involved here. I don't understand vaguely how we can look at post-secondary education without looking at the institutions that make it up.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I would ask this be taken by a division.

The PRESIDENT: A division has been requested. The pending motion before the Senate is the motion of the Senator from Washington, Senator Wyman that Bill, "An Act Abolishing the 4-year Degree Granting Program at the Machias, Fort Kent and Presque Isle Campuses of the University of Maine", be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone this bill will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 22 Senators having voted in the affirmative, and four Senators having voted in the negative,

the Bill was Indefinitely Postponed.

Sent down for concurrence.

### Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter:

Joint Order — Relative to Public Utilities Commission evaluating water and water-related lands for generating electricity. (H. P. 1892)

Tabled—January 22, 1974 by Senator Berry of Cumberland.

Pending—Passage.

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

Mr. BERRY: Mr. President and Members of the Senate: I discussed this order with the sponsor, Representative Dyar, and called to his attention that the Public Utilities Commission under the date of January 4 has circularized all electric utilities in the state, requesting them to proceed as indicated in Representative Dyar's order and evaluate the present and potential hydro-electric feasibilities. Representative Dyar was not acquainted with this action on the part of the Commission, and he says that his order is a duplication so he has agreed that he would go along with a motion to indefinitely postpone this order.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that this Joint Order be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

Thereupon, the Joint Order was indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the second tabled and specially assigned matter:

Bill, "An Act to Clarify the Mining Laws." (H. P. 1889) (L. D. 2399)

Tabled—January 22, 1974 by Senator Cummings of Penobscot.

Pending—Reference.

On motion by Mrs. Cummings of Penobscot, the Bill was referred to the Committee on Natural Resources and Order Printed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate

the matter tabled earlier in today's session by Mr. Speers of Kennebec:

Bill, "An Act to Incorporate the Atlantic Sea Run Salmon Commission into the Department of Inland Fisheries and Game." (H. P. 1868) (L. D. 2367)

Pending — the motion by Mr. Anderson of Hancock to Recede and Concur.

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

Mr. SPEERS: Mr. President and Members of the Senate: It is with a good deal of reluctance that I stand to speak on this motion at all. I really do not rise to particularly oppose it, but I do not rise to support it either. This particular matter having to do with the placing of the Atlantic Sea Run Salmon Commission was considered last year in the Committee on State Government in connection with the bill creating the Department of Marine Resources, and that particular bill had the Atlantic Sea Run Commission within that overall department. It was the feeling of the Committee on State Government that we did not wish to have the commission placed in the Department of Marine Resources, and we actually did consider precisely what this bill intends to do. Because of the press of time, because of the principal issue being the creation of the Department of Marine Resources, we never actually did create or report out a bill which would put the Sea Run Salmon Commission within the Department of Inland Fisheries and Game, although I do think it is the opinion of the committee that that is where it should belong.

My feeling on speaking to this issue is simply not to oppose my very good friend the good Senator from Hancock, Senator Anderson, but to leave it up to this body as to what we should do with this bill, because I really feel it is a State Government matter, that this is a change in the structure of state government and probably should be heard by the State Government Committee. I do realize that the Committee on Inland Fisheries and Game does wish to hear this bill, however, and I will simply leave it up to this body as to what it wishes to do.

The PRESIDENT: The Chair

recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: This bill was originally referred by the Committee on Reference to the Fisheries and Wildlife Committee. The Fisheries and Wildlife Department would like to see it heard in my committee. The sponsor of the bill feels it should be in my committee. The House Chairman and members of the committee feel that it should be in my committee. Now, I am not a lawyer, but I feel that I can give this fair and impartial hearing in the Fisheries and Wildlife Committee, just as fair and impartial as the Senator from Kennebec, Senator Speers, can give it in his committee. I urge you to go along with my motion to recede and concur.

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

Mr. CONLEY: Mr. President and Members of the Senate: Is the good Senator from Hancock, Senator Anderson, inferring that the good Senator from Kennebec, Senator Speers, being an attorney, could not give it an impartial hearing?

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Hancock, Senator An-

derson, that the Senate recede and concur.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President, I request a division.

The PRESIDENT: A division has been requested. The pending motion is the motion of the Senator from Hancock, Senator Anderson, that the Senate recede and concur with the House on Bill, "An Act to Incorporate the Atlantic Sea Run Salmon Commission into the Department of Inland Fisheries and Game". A division has been requested. As many Senators as are in favor of the motion to recede and concur will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 23 Senators having voted in the affirmative, and four Senators having voted in the negative, the motion to Recede and Concur prevailed.

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(Off Record Remarks)

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On motion by Mr. Sewall of Penobscot,  
Adjourned until 10 o'clock tomorrow morning.