

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Thursday, February 7, 1974

Senate called to order by the President.

Prayer by the Honorable Bennett D. Katz of Augusta:

Let us pray. In times of adversity, sometimes it is called to us very clearly what is important in life, and today with the beautiful snow falling silently outside let us give thanks for today and let us realize that our time in this world is finite, and let us resolve ourselves to make today not only beautiful but important and productive.

Reading of the Journal of yesterday.

Senate Papers

Health and Institutional Services

Mr. Conley of Cumberland presented, Bill, "An Act Establishing a Full-time Administrative Assistant for the State Parole Board." (S. P. 892)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Labor

Mr. Marcotte of York presented, Bill, "An Act to Eliminate the Advisory Council of the Employment Security Commission." (S. P. 893)

Which was referred to the Committee on Labor and Ordered Printed.

Sent down for concurrence.

Taxation

Mr. Sewall of Penobscot presented, Bill, "An Act Relating to Property Tax Exemption of Health Care Institutions." (S. P. 894)

Which was referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

Orders

On motion by Mr. Katz of Kennebec,

WHEREAS, the Maine Management and Cost Survey has recommended that the schools in the unorganized territory be closed; and

WHEREAS, the survey further recommends that the 425 presently enrolled pupils be transported and

tuitioned to schools in organized units; and

WHEREAS, the Governor of Maine has recommended further study of this proposal; now, therefore, be it

ORDERED, the House concurring, that the Maine Education Council is hereby directed to review the advisability and implications of such an action and to make recommendations on this subject to the 107th Legislature; and be it further

ORDERED, that a copy of this order be transmitted forthwith to said Council following passage in concurrence. (S. P. 896)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President, may I direct the attention of the Senate to Item 6-15 on today's advance journal. This is a Management Cost Survey Bill which we are withdrawing from consideration and putting out to study.

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

Thereupon, the Order received Passage.

Sent down for concurrence.

On motion by Mr. Katz of Kennebec,

WHEREAS, the metric system is a decimal system of weights and measures based on the meter and the kilogram which is widely used throughout the world; and

WHEREAS, it is the public policy of this Nation to make a gradual change to the metric system; and

WHEREAS, Maine's public schools will perform an important function in educating present and future generations to learn to live with this new system; now, therefore, be it

ORDERED, the House concurring, that the Maine Education Council is requested to review on-going programs of instruction in the metric system presently in use in Maine schools and report to the 107th Legislature the adequacy of current instructional programs in light of our national metric goals; and be it further

ORDERED, that a copy of this order be transmitted forthwith to said Council

following passage in concurrence. (S. P. 897)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Katz of Kennebec,
WHEREAS, tax support for Maine students attending the University of Vermont Medical School and Tufts Dental School has reached substantial proportions; and

WHEREAS, the Legislature has authorized a small loan program for the training of osteopaths; and

WHEREAS, the purpose of these programs was primarily to improve the delivery of medical and dental services to Maine people; and

WHEREAS, the Massachusetts College of Optometry, following the lead of other institutions, may soon refuse to admit students from states without a contractual relationship with the institution, effectively barring Maine students from this professional opportunity; now, therefore, be it

ORDERED, the House concurring, that the Maine Delegation to the New England Board of Higher Education is directed to review ongoing programs and to make recommendations to the 107th Legislature concerning any changes or additions to these programs which might seem to make maximum utilization of Maine tax dollars while giving the best possible prospects for improving health services; and be it further

ORDERED, that a copy of this Order be transmitted forthwith to said Maine Delegation as notice of this directive. (S. P. 898)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Richardson of Cumberland,

WHEREAS, mass transit has the unique potential of reducing energy consumption, environmental pollutants, traffic congestion and the number of lives lost and injuries received in private automobiles; and

WHEREAS, capital resources are urgently needed which can be met on a matching basis to reverse what has been a declining role in Maine's mass transportation system; and

WHEREAS, a safe, reliable and inexpensive means of mass land transportation is considered essential for the welfare of the citizens of this State and for the developing of its resources, commerce and industry; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs of the First Special Session of the One Hundred and Sixth Legislature report out a bill to establish a Maine Public Transit Fund for the purpose of creating a partnership which permits the local community, through state financial assistance, to exercise the initiative necessary to establish efficient, safe and convenient mass transit services. (S. P. 889)

The PRESIDENT: The Senator has the floor.

Mr. RICHARDSON: Mr. President and Members of the Senate: This is an order that was on the Senate Journal yesterday and it has been distributed and handed out again today.

There are many Maine people who are really without effective means of transportation and I think, as the discussion yesterday concerning the legislation which had been introduced by Senator Morrell of Cumberland, and which precipitated, I think, a very enlightening discussion of the question of transportation in Maine, particularly Senator Joly of Kennebec reading to us from Walter Hickel's book, I think it is very clear that we have got to try to reorder our transportation priorities.

This order would request the Appropriations Committee to report out legislation establishing a mass transit fund for Maine. With about \$950,000 in state and local money, we can generate approximately \$10 million in federal funds for planning, facilities construction, and acquisition of new rolling stock. Now, obviously the Committee is simply being asked to report out a bill. I have forwarded them a memorandum concerning this proposal, and I have also forwarded a copy of that memorandum to the leadership.

I call to your attention, if I may, an editorial in support of the concept of mass transit which appeared on WGAN.

Radio and Television's radio stations. Basically, I think that the time has come for us to turn our attention to mass transit, and I hope that the Appropriations Committee could look at this and report out effective legislation and that we could debate it at that time on whether or not to accept the concept. Frankly, I think it makes a great deal of sense not only for the more urban areas but also for rural areas, including particularly areas in Aroostook County and elsewhere. Thank you very much.

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

Mr. MINKOWSKY: Mr. President, I would like to pose a question through the Chair to the good Senator from Cumberland, Senator Richardson. In the bill that he is proposing through the Appropriations Committee, is there a provision in there that takes care of existing private carriers here in the State of Maine?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President, in answer to the question, I have met with management and drivers of the Hudson Bus Company. I think that the bill that is ultimately reported out should give to local municipalities the option to contract with private carriers if in their judgment they think that private carrier can do a good job. And the legislation, as I have forwarded it to the Appropriations Committee, would provide for that alternative.

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

Mr. BERRY: Mr. President and Members of the Senate: I am in complete agreement with the thrust of this resolution, but I am in disagreement with the mechanics involved here.

First, I think that this is a major matter of concern to the state and that the philosophy here should have been embodied in a bill presented to the legislature in the due course of events, the way most bills were presented at this session.

We are all very concerned with mass

transit. Here in Maine we are primarily a rural state, and yet certain areas suffer from lack of available public transportation. The possibility of railroad rehabilitation and reuse is a tempting philosophy for us to embrace. We have problems of people in rural areas with absolutely no way of getting food, who are totally isolated in this area of what most of us have, free transportation, free ability to come and go.

Whether bussing can be instituted in new areas, whether present bussing can be augmented, whether the railroads should come from Boston to Portland, Boston to Waterville, or Boston to Bangor or Aroostook, are questions that are really both economic and technical and social in the problems they pose for solution.

It is because of this last concern that I am somewhat questioning the advisability of directing that a bill be reported out and that the matter be referred for consideration to a committee known both for its ability, its acumen, its intelligence, its fortitude, and its ability to cope with every conceivable situation which faces the legislature. I think perhaps it might be referred to a committee, however, that has more expertise in the particular area involved here, and that would be the Transportation Committee. The Transportation Committee now is involved with that area in the state's economy and the social obligations that the legislature has to the people of the State of Maine. I think it has the overview necessary to study the problem. I am perfectly willing to subordinate the problem of the bill having perhaps not been introduced earlier in regular legislative document form because of the importance of the subject and the concern everybody has on it. Consequently, unless the Senator from Cumberland has any objections, I would suggest that this be referred to the Committee on Transportation and I so move.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that this joint order be referred to the Committee on Transportation.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President, three points, if I may: The reason why this legislation was not introduced in the normal course of events was because, quite frankly, it has taken several months to get all the necessary data, and the federal program that will generate the monies is a very new program, one that I was not able to keep up with or not aware of until after the time had passed within which this type of legislation could be prepared and put through the regular channels. I would urge you, Members of the Senate, that there are a limited amount of federal dollars available for this kind of program. If we don't get cracking on it, we are going to miss the bus, if you will pardon the pun.

The second point is that I have no objection whatever to this matter being referred to the Committee on Transportation. I will forward to that Committee copies of the memorandum that I have prepared for the Appropriations Committee.

Finally, I would hope that the Committee would hold a public hearing or certainly advise interested people in the industry of this proposal so that it can receive a public hearing.

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

Mr. CIANCHETTE: Mr. President, I hope I am not being redundant of yesterday on this same subject but, if I understand this right, we are talking about a study for the transportation needs of Maine people.

I don't think that the Maine people ought to be given any false hopes about a beautiful mass transit system for the State of Maine, and I don't think that this Senate ought to be leading the people of Maine down the primrose path into thinking that they are going to have a great mass transit system here in Maine. I think it is sort of a pie in the sky idea, and I think a more practical way to go about this whole problem of transportation for Maine people would be by the method of the task force that is mentioned in L. D. 2286.

This task force has had a lot of thought already, and let me read to you who would be members of this task force if it is passed: The membership of the task force shall consist of eleven persons. The

members of the task force shall include two members from the Senate appointed by the President of the Senate, two members of the House of Representatives appointed by the Speaker of the House, the Commissioner of the Maine Department of Transportation, and six persons appointed by the Governor as follows: one member representing the trucking industry, one member representing the Maine Good Roads Association, one member representing the Maine State Grange, and three members representing the general public.

These same funds that the Senator from Cumberland, Senator Richardson, speaks about, I believe, will be available to this task force, and I really believe that the task force is the method that we should pursue to study our transportation problems in Maine. And if a motion would be in order to indefinitely postpone this order, I would so move.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now moves that this joint order be indefinitely postponed.

The Chair would inform the Senate that the motion made by the Senator from Cumberland, Senator Berry, was out of order. The joint order itself specifically directs the Appropriations Committee to report out a bill, and it would take an amendment to the order substituting the Transportation Committee for the Appropriations Committee.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: In all deference to my good friend, Senator Cianchette, I must say that I think he has missed the point of the order. This is not calling for another study. If we stand around and study this thing, we are going to lose \$10 million in federal monies that are available right now for planning, facilities construction and rolling stock acquisition, not only for existing mass transit systems in Maine but also for the other areas that don't have it.

For example, at the present time we have five mass transit systems, or a total of five bus-type operations, in operation in Maine. Every one of those, Members of the Senate, are facing

serious economic problems. The buses are old, they are often dilapidated, and the bus services have got to be improved if we are going to get people to use them. As a general standard, the average age of buses ought to be about ten years, but some of ours are 26 years, for example in Biddeford.

This is not a study, Members of the Senate. This is to take advantage of existing federal legislation to generate \$10 million of federal monies. I am supporting the concept of another task force because I think it is a swell idea to do another study, but this is not talking about a study. I am talking about a mass transit bill and, in view of the attitude of Senator Cianchette about this, I think I would like to ask you, Members of the Senate, to send the bill to the Appropriations Committee, unless we can be assured that the Transportation Committee is going to report out mass transit legislation to take advantage of the available federal monies. Again, if we don't get moving now, they are going to be gone, if we sit here and study while Rome burns.

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

Mr. MORRELL: Mr. President, as a member of the Appropriations Committee, I suspect it is probably inappropriate for me to solicit this work, and far be it from us to want additional work at this point. However, I do think it points up the problem that we tried to put before you yesterday, and that is this: that the Transportation Committee has jurisdiction over the things that are funded through the dedicated highway funds, and the Appropriations Committee over those general fund items. And if this is to actually get off the ground, it will have to be with general funds and not with dedicated funds.

Again, I am certainly not soliciting on the part of the Appropriations Committee any additional work, but it would appear to me that somewhere along the line the Appropriations Committee should very definitely be involved, as perhaps as Senator Richardson suggests in his original order.

The PRESIDENT: The Chair

recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, so we may have time to study and further understand this a little better, I would appreciate it if someone would table this for a day.

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

Thereupon, on motion by Mr. Morrell of Cumberland, tabled and Specially Assigned for February 11, 1974, pending the motion by Mr. Cianchette of Somerset that the Joint Order be Indefinitely Postponed.

Committee Reports

House

Ought to Pass

The Committee on Transportation on, Bill, "An Act to Clarify the Power of the Commissioner of Maine Department of Transportation and the Chief of the Maine State Police to Lower Speed Limits in Order to Provide Energy Conservation." (H. P. 1857) (L. D. 2350)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

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

Ought to Pass -

As amended

The Committee on State Government on, Bill, "An Act Correcting Ambiguities in the Statutes Relating to the Maine Guarantee Authority." (H. P. 1787) (L. D. 2259)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-665).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Increase Salaries of County Attorneys

and Assistant County Attorneys." (H. P. 1848) (L. D. 2341)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-666).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read.

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

Mr. MINKOWSKY: Mr. President, I would like to also pose a question through the Chair to any member of the Appropriations Committee as to the necessity of increasing the salaries of county attorneys and assistant county attorneys for a balance of ten months when their offices will cease operations. I just cannot see the necessity at the present time of giving them additional monies. I would appreciate an explanation from somebody on the Appropriations Committee as to how they arrived at this decision to fund these people for only ten months.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair which any member of the Committee may answer if he desires.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President, could this be deferred until later in today's session?

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 Acceptance of the Committee Report.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Transfer the Pesticides Control Board to the Department of Environmental Protection." (H. P. 1871) (L. D. 2370)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Transfer the Pesticides Control Board to the Department of Agriculture" (H. P. 1946) (L. D. 2480)

Signed:

Senators:

SPEERS of Kennebec
WYMAN of Washington
CLIFFORD of Androscoggin

Representatives:

BUSTIN of Augusta
FARNHAM of Hampden
COONEY of Sabattus
CURTIS of Orono
SILVERMAN of Calais
GAHAGAN of Caribou
STILLINGS of Berwick

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title (H. P. 1947) (L. D. 2481)

Signed:

Representatives:

GOODWIN of Bath
NAJARIAN of Portland
CROMMETT of Millinocket

Comes from the House, the Majority report Read and Accepted and the Bill in New Draft (H. P. 1946) (L. D. 2480), Passed to be Engrossed.

Which reports were Read and the Majority Ought to Pass in New Draft Report of the Committee Accepted in concurrence.

Thereupon, the Bill in New Draft was Read Once and 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:

(On motion by Mr. Berry of Cumberland, reading of the Bill titles was dispensed with.)

Bill, "An Act Abolishing the Maine State Commission on the Arts and Humanities." (S. P. 858) (L. D. 2427)

Bill, "An Act Repealing Legislation Stipulating Departmental Organization of the Department of Educational and Cultural Services." (S. P. 859) (L. D. 2428)

Bill, "An Act Abolishing the Maine State Archives and Redistributing its Functions." (S. P. 866) (L. D. 2434)

Bill, "An Act Combining the Maine Historic Commission and the State Museum Bureau." (S. P. 876) (L. D. 2439)

Bill, "An Act Abolishing the State

Museum Commission." (S. P. 862) (L. D. 2431)

Bill, "An Act to Repeal the Statute Allowing Contractors to Substitute Securities for Cash Retainers." (S. P. 837) (L. D. 2378)

Bill, "An Act Creating a Cultural Commission to Act in an Advisory Capacity to the Commissioner of Educational and Cultural Services." (S. P. 857) (L. D. 2426)

Bill, "An Act Dispersing the General Loan and Reference Collection of the Maine State Library to Public and University Libraries." (S. P. 860) (L. D. 2429)

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) (L. D. 2430)

Mr. Speers of Kennebec was granted unanimous consent to address the Senate.

MR. SPEERS: Mr. President and Members of the Senate: The bills, the titles of which we just dispensed with reading, are all, eight of them at least, bills reported out of the Committee on State Government. Every one of these is a recommendation that was introduced into this legislature pursuant to the Cost Management Survey. They all have to do with the Department of Educational and Cultural Services. They all have to do with the delivery of such services to the people of the State of Maine.

I would like to take this opportunity to comment on a few of these bills because the legislature has been under some questioning as to the seriousness with which they have studied these bills and have looked into the costs that are allegedly there for the people of the state.

The first bill I would like to comment on is the first bill, Item 6-5, "An Act Abolishing the Maine State Commission on the Arts and Humanities." We have held a hearing on every single one of these bills. We have invited the public to come before the Committee and express their feelings on these particular bills both for and against. Now, the Commission on Arts and Humanities is a

citizen group of about 15 individuals who serve on that Commission and collect expenses but, if you look at the individuals on that Commission, you will realize that they are very highly paid individuals in their own businesses and their own professions. They are offering to the people of the State of Maine their services which, if you really add up what they are worth, it could come to hundreds of thousands of dollars a year.

Now, this Commission meets and decides on the awarding of grants of state monies and of federal monies to other groups around the state for the promulgation of art and cultural activities throughout the state. Should that Commission be abolished and should the functions of that Commission be transferred into the Department of Educational and Cultural Services? The question immediately arises, and the question was asked at our Committee hearing: what becomes of those functions? Who performs those functions? The question, of course, was unanswered. There was no one there to answer it. But I think it is obvious to everyone in this room that the next session of the legislature would be approached with a bill to provide for additional personnel in the Department of Educational and Cultural Services and the accompanying appropriations therefor to perform these functions, and at what cost to the worth of these functions to the people of the State of Maine? How well could one or two or three, or how many bureaucrats sitting in the Department of Educational and Cultural Services, how well could they perform these same functions that are being performed and are being donated to the people of the State of Maine by citizens of the people of this state? The question, of course, was unanswered.

Another bill that appears here as a unanimous Ought Not to Pass Committee report is the bill to abolish the Maine State Archives and redistribute its functions. One of the functions of the Maine State Archives is the Records Management Law, whereby the records of the various towns of the state are brought to the Maine State Archives, are winnowed through to determine what is important and what

can be disregarded, and then the important papers kept for posterity.

Before we had this function, these records of the towns and municipalities of the State of Maine were kept by the various selectmen of the state, and we had testimony that of course the towns really have no place to keep these records so the records usually were kept under the bed of one of the selectmen, perhaps the chairman. And when you had an election and the town government changed hands, well the records, of course, had to be transferred, and some of these records, which admittedly were important records because only the important records should be kept, some of these important records were lost because no one knows whose bed they were under.

So what is to become of this function? The recommendation in the bill is to abolish the function of the Maine State Archives in collecting these records and the municipalities are to be responsible for keeping these records. I don't believe that the people of the State of Maine want that kind of shoddy and shabby governmental service.

Another one of these bills would abolish the legislative stipulations as to the organizational structure of the Department of Educational and Cultural Services. Well, if there is anything that we in this legislature and previous legislatures, and I hope in subsequent legislatures, want, it is to have a firm, total control over the bureaucracy of this state. It is difficult enough to have such control at the present time without giving the commissioner of any one of our departments a carte blanche to organize their departments in any way they see fit. It may very well be a more efficient method of controlling government, of operating government, but I think it is ignoring the whole constitutional obligation of a separation of powers. We have three branches of government, and the legislature is one of them. The legislature is representing the people, and the people should have control over the method and the operational functions of the executive branch of government.

Many of the other bills go hand in hand with some of the recommendations having to do with the Department of

Educational and Cultural Services, and many of them don't make sense to pass alone. It all comes into one package and if one of them is passed, or if one of them is not passed, it doesn't really make that much sense to pass the others.

I would like to call your attention to one more specific bill that we heard yesterday, the Bill, "An Act Dispersing the General Loan and Reference Collection of the Maine State Library to Public and University Libraries." I would like to read that bill and read some of the testimony that was presented to our Committee, if the Senate will bear with me. The Bill reads as follows:

"The State Librarian, with approval of the Commissioner of Educational and Cultural Services, is authorized to disperse the general loan and references collections of the Maine State Library to public and university libraries under rules and regulations designed to maximize utilization and safeguard the materials against loss or damage."

We are going to send our books from the Maine State Library to other libraries throughout the state. The testimony by the State Librarian, Mr. Nichols, is as follows - and I would like to read some of this because we have been asked in the press publicly to give specific reasons and specific problems with these particular bills that are before this legislature. The State Librarian testified as follows:

"In opposition to L.D. 2429, I would like to submit the following statements on the negative aspects of dispersing the state's major resource collection: The Maine State Library's general loan and reference collection provides books not likely to be found in local libraries or in communities without libraries. Dispersement of this collection would mean that over 100 schools and 220 public libraries would no longer have access to these resources. There would be no longer direct mail service which has guaranteed books to rural residents without libraries. The collection contains indispensable research on Maine's history, government, ecology, commerce and maritime affairs, boundary disputes, public lands, family history, and many other subjects. This collection scattered throughout the state

would mean time-consuming searches among public or academic libraries containing parts of this material."

Can you just imagine some individual trying to prepare some research and going from one library to another throughout the state perhaps from Fort Kent all the way down to Kittery?

"The time required to contact other libraries holding parts of the collection would seriously diminish the quality of reference service in Maine.

"3. The elimination of the collection would have serious effects on the Maine State Law Library. Book purchasing policies through the years have resulted in many books in the general collection which are of vital importance to law and legislative reference service.

"4. Dispersement of the collection would mean state agencies would no longer have immediate access to materials necessary for their function. There is no better place than at the seat of state government operations to provide strong resources for its 12,000 employees in government, finance, management, state history or education.

"5. Our state-wide bookmobile program would no longer have a central backup reference collection to meet the special needs of rural residents.

"6. The State Library would no longer be able to serve as the central area reference and resource center as called for in Public Law 626, passed in this last regular session."

The State Librarian continues, "I also draw your attention to the fact that the recommendation leading to this legislation is filled with contradictions and ambiguities. It is contradictory because:

"1. It recommends elimination of the collection, yet recommends extension of hours of services for general loan and reference.

"2. It proposes to offer additional state office space freed by elimination of the collection, but fails to point out that in order to use that space for non-library purposes \$350,000 would have to be refunded from the state funds to the federal government." This is so because of the fact that the library was designed to accommodate a library and the federal government contributed these funds for that specific purpose, and it is specified

that if that space is ever to be used for anything but library purposes that money is to be refunded to the federal government.

There are several other points that I won't go into, but the point of the matter is this: that these certainly are questions which the State Government Committee would like to have answers to. And the overriding question is whether or not those making these recommendations really believe that we should bring these results about. Is this what they want for the people of the State of Maine?

I understand the difficulties that they are faced with as far as testifying before the various committees is concerned, but I asked the State Librarian whether or not he pointed out to those doing the study of the State Library that \$350,000 would have to be returned to the federal government. He said no, he hadn't pointed that out because the individuals doing the study, when they talked with him, gave no indication that this was the kind of recommendation they were coming up with. They had no contemplation that this would be the recommendation and so, of course, they made no comment on that particular aspect of the recommendations.

Now, the Survey has been mentioned as not having a very good batting average. I would simply say that it is very difficult to have any kind of a batting average when you never never come to the plate. We have had public hearings on all of these bills. We are being asked to be accountable to the people of the State of Maine for this survey. I think we are being accountable to the people of the State of Maine when we have a public hearing on this bill and we have the room full to overflowing, in fact people spilling out into the hallway, and we ask for proponents - I am thinking specifically of this bill on the Commission on Arts and Humanities - we ask for proponents and not a single person stands up. There are one or two there that aren't really proponents but would introduce the bill and explain a little bit about what it does, and then you ask for opponents and every single individual in the room stands and wishes to speak on that bill. I think we are being accountable to the people of the State of Maine when we ask questions about

these recommendations, as to the effect on the services that are being provided to the people that these recommendations would have if they were to be passed.

If we did not ask these questions, if we did not come to our own independent judgment as to the worth of the recommendations and the desirability of retaining the services that many of them would abolish, then I would submit that we are abrogating our responsibilities here as representatives of the people of the state.

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

Mr. BERRY: Mr. President and Members of the Senate: I want to congratulate Senator Speers on his excellent presentation. I spent all of one afternoon and part of another at the hearings on these bills, and I share with him and all of you the sense of responsibility that we bear to the members of the Commission for the work they did. I think both Senator Speers and myself by our talks here this morning are underscoring our sense of responsibility in our earnest attempt to convey to both the members of the Commission and the people of the state the seriousness with which we have viewed this work of the Cost Management Study Committee.

Many of us were instrumental in the formation of this group from just an idea to what is now the consideration of the fruits of their study. Many of us have been concerned, I would say all of us have been concerned, with reports that the legislature is dealing summarily and lightheadedly with the conclusions of the Cost Management Survey. I am sure all of us in the legislature know that this is not the case, but I think all of us should seize every opportunity, particularly outside the State House to convey to the people of the State of Maine the attention and the seriousness of the problem and our discharge of our responsibilities in the manner that we would treat every bill. Every one of the 90 bills of the Survey is receiving a hearing and careful study, just as if it were an independent bill standing on its own.

I would point out that on the calendar

of the other body today there are three ought to pass reports dealing with the Cost Management Survey. So, this is proof that we are carefully considering each bill on its merits.

There is one particular point, I think, that may have been missed by all of us. It appears that some of the original recommendations of the Cost Management Survey when they reach L.D. form are not the same as those recommendations of the Cost Management Survey Commission. I think that this is a very important point. It may or may not be the concern of the legislature as to why the bills were changed from the Cost Management Survey recommendation. And as an example of what I am talking about, I would cite a bill on our calendar today dealing with the Pesticides Board. This is on page 48 of the Management Cost Survey Report, and they recommend the elimination of the Pesticides Control Board and the transfer of all of its responsibilities and all control to the Commissioner of the Department of Environmental Protection. When the bill came out, all it did was transfer the Board itself intact, with its existing responsibilities and so forth, to the Department of Environmental Protection and, as a result of the action by Senator Speers' Committee, the bill was redrafted and changed so that the responsibilities of the Board and the Board itself were transferred to the Department of Agriculture.

I cite this as an example that I think we should pay a great deal of attention to, and that is watching bills that have been changed from the original reports and recommendations in this volume to the LD's before you. So some of the conclusions of the legislature are reached in LDs that are not the recommendations of the Cost Management Survey, and there should be no blame attached to the legislature for its dealing in this respect. Once again, I would like to emphasize that the legislature is dealing in a very responsible manner with all these items and appreciates very much the tremendous effort that was put into it by all concerned.

Mr. Conley of Cumberland was

granted unanimous consent to address the Senate:

Mr. CONLEY: Mr. President and Members of the Senate: I too would add my compliments to the good Senator from Kennebec, Senator Speers, for his kind remarks given this morning relative to the Cost Management Survey. In fact, earlier this week the Appropriations Committee was also faced with several of the Commission's bills and, as the good Senator from Kennebec has stated, the room was overfilled and flowing into the hallways, and I am sure the Chairman of the Appropriations Committee at one time almost felt that he might have to guarantee safe passage of the sponsor of the legislation to get him safely back to his desk because of the overwhelming opposition before the committee.

I think it is unfortunate that the Commission, in its tax status under the IRS, it is unfortunate that they are not able to be before the committees to give a full explanation as to why the recommendations have been sent forth to the legislature.

Mr. President, I have one question relative to one of the items that appears on the journal that was covered, and that was 6-14. It concerns me in the manner that it is being reported on the calendar. I noticed it is covered by other legislation, but when I read Rule 17A, what concerns me is the fact that this document does go into the legislative file and it would take an order by both branches of the Legislature to bring it forward. If the bill is covered by other legislation, I have no problems with it, but when I see it being brought forward on the calendar under Rule 17A there is a question in my mind as to whether or not any bill during the session can be amended by an amendment that would encompass the legislation that has already been put in the file for the termination of this session.

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

Mr. BERRY: Mr. President, I think my motion was or should have been that the Secretary dispense with the reading of Item 6-5 through 6-13. I hope the record would so indicate.

The PRESIDENT: The Senator from Cumberland, Senator Berry, wishes the record to show that his motion to dispense with reading of the Ought Not to Pass Reports be from 6-5 to 6-13. The Chair would inform the Senator from Cumberland, Senator Conley, that this was an error; that the Ought Not to Pass as Covered by Other Legislation Report should have been handled separately.

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Bill, "An Act Relating to the Advertising of Drug Prices." (Covered by Other Legislation) (S. P. 739) (L. D. 2151)

Leave to Withdraw

Mr. Katz for the Committee on Education on, Bill, "An Act Discontinuing Operation of Schooling for Children in the Unorganized Territory Schools." (S. P. 850) (L. D. 2418)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.
Sent down for concurrence.

Refer to 107th Legislature

Mr. Cianchette for the Committee on Transportation on, Resolve, to Fund the Work Measurement Study for the Motor Vehicle Division. (S. P. 843) (L. D. 2384)

Reported that the same be referred to the 107th Legislature.

Which report was Read and Accepted.
Sent down for concurrence.

Ought to Pass

Mr. Marcotte for the Committee on Business Legislation on, Bill, "An Act Relating to Fees for Inspection of Elevators." (S. P. 836) (L. D. 2377)

Reported 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 in New Draft

Mr. Katz for the Committee on Education on, Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 788) (L. D. 2268)

Reported that the same Ought to Pass

in New Draft under Same Title (S. P. 895) (L. D. 2488)

Which report was Read.

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

Mr. KATZ: Mr. President and Members of the Senate: Normally an errors and inconsistency bill, when it reaches the calendar, goes on the table and stays on the table for a matter of weeks. This time though, because of problems in Presque Isle where they need some legislation in order to meet their payrolls after the 15th of this month, it is essential that this legislation be enacted by the end of next week. May I invite any member of the Senate who has specific questions on this bill to approach me outside the session, or discuss it within the session if they wish, and I would be glad to answer them.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act Increasing Indebtedness of the Jackman Water District." (H. P. 1863) (L. D. 2357)

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

Senate

Bill, "An Act to Eliminate Collection of Delinquent Accounts by the Treasurer of State." (S. P. 852) (L. D. 2420)

Bill, "An Act to Authorize the City of Lewiston to Issue \$500,000 Bonds for the Construction, Original Equipping and Furnishing of a District Courthouse and to Authorize the City to Lease such Courthouse to the District Court of the State." (S. P. 888) (L. D. 2484)

(On motion by Mr. Minkowsky of Androscoggin, tabled and Specially Assigned for February 11, 1974, pending Passage to be Engrossed.)

Bill, "An Act to Clarify the Real Estate Subdivision Law. (S. P. 890) (L. D. 2485)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Clarify Election Procedure Respecting Jury Trials in Misdemeanor Proceedings." (S. P. 751) (L. D. 2161)

Bill, "An Act to Repeal Certain Due Process of Law Provisions by Governmental Agencies." (S. P. 717) (L. D. 2129)

Bill, "An Act Lowering the Maximum Age of Juvenile Offenders." (S. P. 713) (L. D. 2125)

Which were Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

Enactors

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

Resolve, Authorizing the Commissioner of Mental Health and Corrections to Lease Land in Windham to the Maine State Society for the Protection of Animals. (H. P. 1906) (L. D. 2414)

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

Emergency

An Act Relating to a State-wide Food Stamp Program. (H. P. 1774) (L. D. 2246)

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 Clarify Certain Municipal Laws. (H. P. 1920) (L. D. 2452)

On motion by Mr. Conley of Cumberland, and under suspension of the rules, the Senate voted to reconsider its 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-343, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CONLEY: Mr. President and Members of the Senate: The purpose of this amendment is to allow that any person who is applying for public assistance be given a period of seven days for a fair hearing. Under the present law, as it now reads, anyone who is on public assistance and is going to be terminated has a 30-day period to be given a fair hearing. What this does primarily is allow anyone who is applying for public assistance for the first time to be given a fair hearing within seven days. In talking with members of the Maine Municipal Association, they feel that this is a fair amendment to the bill.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Orders of the Day

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

Bill, "An Act Providing Emergency Funds for Staffing a Fuel Allocation Office Within the Bureau of Civil Defense for the Fiscal Year Ending June 30, 1974." (S. P. 834) (L. D. 2366)

Tabled — February 6, 1974 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Sewall of Penobscot, and under suspension of the rules, the Senate voted to reconsider its 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-344, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SEWALL: Mr. President and Members of the Senate: This

amendment will reduce the price or the cost of this appropriation by approximately \$8,000, which represents, in my mind, a matter worth mentioning to the Senate this morning.

We were concerned, several of us, that there would be some areas within this Department of Transportation which might be a little socked as far as the workload was concerned because of the cut-back in monies available for road maintenance, construction and design. So that whereas this item called for staffing the Civil Defense Department with certain people to work on the energy crisis, we felt that possibly, where much of this work was concerned with fuel and roads, that possibly it might be worth discussing with Mr. Mallar and Mr. Wilson the merit of possibly moving some people from the Department of Transportation over to the office of Civil Defense to work on this project. Consequently, Senator Berry and myself met with Mr. Wilson and Mr. Mallar, and I think it is worthy of note that there was significant cooperation here between these two departments in that for the first time, at least that Senator Berry and I are aware, one department has agreed to assign personnel from its department to another department of state government to work on an emergency situation.

We were able to get assurances from Mr. Mallar that he would send two or three people from his department over to this emergency office, and Mr. Wilson cooperated to the extent he felt that this would be a workable solution, so we were able to reduce the personal services appropriation by the amount of \$8,000. We hope that this might be a forerunner of things to come, if workload is decreased in one department and increased in another department, that this spirit of cooperation will prevail. Thank you.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: In previous debate it was my understanding the purpose of this bill originally was to fund either six or nine people who come under EEA funds. Now if they are transferring three people from the Department of

Transportation to Civil Defense, what happens to these people we were so concerned with originally when they asked for the \$45,000 appropriation? I would like to pose that as a question.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair which any Senator may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: The seven bodies which are now in the Civil Defense Department will stay there, and this money which is appropriated, hopefully, in this bill will pay for their salaries. The two people from the Transportation Department are on a loan basis and the cost and monies for them is still in the Transportation Department and will stay there.

I just have to add my word to Senator Sewall's that I think this is a momentous breakthrough. In my long, long service up here, this is the first time in my memory that a problem involving personnel has not been solved by providing more money. For the first time we are taking people from one department where they may be spared and putting them into another department where they are needed. I think this is a tremendous occasion and worthy of considerable happiness on our part.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Berry of Cumberland:

Bill, "An Act to Increase Salaries of County Attorneys and Assistant County Attorneys." (H. P. 1848) (L. D. 2341)

Pending — Acceptance of the Committee Report.

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

Mr. MINKOWSKY: Mr. President and

Members of the Senate: I still come forth with the same original question I had as to the necessity of accepting this particular document for the small amount of time that is left at which point the county attorney system in the State of Maine will be phased out entirely.

I did speak to the good Senator from Cumberland, Senator Morrell, and his explanation was that it was only about a \$500 increase every six months or for the balance of this year. But still if we had not been in special session, they still could handle their workload until they phased out in December, 1974. I think a more valid explanation should come forth. Otherwise, Mr. President, I would move the indefinite postponement of this item.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that Bill, "An Act to Increase Salaries of County Attorneys and Assistant County Attorneys", be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: The original bill called for very substantial increases, which we didn't feel were justified. We certainly recognize the county attorney system is being phased out shortly, but it didn't prevent us from feeling that because there have been no increases in their salaries for a good many years that, even for the balance of the existence of the system, some adjustment seemed to be warranted in light of the terrifically increased caseload they are all handling. It seemed to us that it did make some sense and it seemed to be reasonable to suggest to you the adjustments that are in the amendment, and for that reason the Appropriations Committee took the action that it did.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: My biggest concern throughout many of these pieces of legislation has been the proliferation of the cost of state government, with these what I refer to as minor inconsiderable bills at times, but still, when you add them all together at the

end of the session when they are on the Appropriation Table, they amount to a significant amount of money. I believe during this particular segment of time, where the conditions are as such in the State of Maine, the people of the State of Maine are really requesting us to tighten our belts and to hold back. I think this would be one very good area in which the legislature can show its true feelings to the people of the State of Maine by indefinitely postponing this particular item.

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

Mr. BERRY: Mr. President and Members of the Senate: I must reluctantly oppose the motion of my good friend, Senator Minkowsky from Androscoggin. I would plead guilty, along with several other people, that last session we rather summarily dismissed the present county attorneys' pay bill. I think we had the thought that they are going to be supplanted next January with a new prosecution system, and that they ran for the office and got the jobs under the present pay scale and, therefore, we could forget about them for a year. I don't think that this is right.

The salaries are low, and I speak with the authority of somebody who is no lover of county government, but the salaries are low and I think, more importantly perhaps, we are going to see a continuity, hopefully, of some of these people who are now county attorneys and assistant county attorneys being in office after next January under the new setup. It doesn't seem to me fair that we ask them to continue under what, as Senator Minkowsky himself has said, are low salaries just for the reason that there is going to be a new change. We need continuity and I think that this will be a small modicum of fairness to give them the thousand dollar raise for the whole year. It doesn't amount to much, but I think it would mean a lot.

I know some of the county attorneys and their staffs feel that they have been kicked around by the legislature and some of the people in Augusta. I think that perhaps we have been a little bit unfair in the past, and I think this is a small way to give them a little pat on the back and keep them going and,

hopefully, many of them will stay in public office after next January under the new setup.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: In essence, the way the argument has been proposed by Senator Berry, it is very, very appealing. But, gentlemen, you have to bear in mind that these people have got a legal practice on the side and are not devoting all their time to their duties as county attorneys or assistant county attorneys, that this short span of time between February and December 1974 is not going to hamper them one iota. That is why I would stick with my motion, Mr. President, that this bill be indefinitely postponed. I ask for a division.

The PRESIDENT: A division has been requested. The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: I guess I was impressed as we listened to the testimony that at least several of the county attorneys have almost no time other than devoting it entirely to their official duties. I was impressed by their discussion of the problem, the caliber of the men that appeared there, and the fact that the workloads have increased substantially. I would just like to reiterate my support for the comments the Senator from Cumberland, Senator Berry, made in his opposition to the motion on the floor.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that Bill, "An Act to Increase Salaries of County Attorneys and Assistant County Attorneys," 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. Seven Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriation Table: Bill, An Act to Authorize Satellite Centers for Vocational Education, H.P. 1757, L. D. 2216.

The PRESIDENT: The Senator has the floor.

Mr. SEWALL: Mr. President and Members of the Senate: As it has been determined that there is no cost associated with this L. D., I now move the pending question.

The PRESIDENT: Is the Senate ready for the 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.

Mr. Cianchette of Somerset was granted unanimous consent to address the Senate:

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would just like to say I guess I would like to bare my soul here and plead ignorance of the system and the way legislation is introduced to the legislature. My

objection, I think really, to the order which we spoke about here today is the manner in which it was presented. Perhaps I need more education but I would almost bet the majority of the Senators in this room need the same kind of education.

Here is what I consider a rather unorthodox method of introducing legislation. If this is in fact an emergency measure that we need to take action on, then why isn't it introduced as a bill, why doesn't it have a public hearing like bills should have, and why am I asked to vote for something like this — it probably is a very important document, very important to the people in Maine — and why am I asked, with no background, no understanding of the thing, to support a measure to go to a committee, report it out of a committee without a public hearing and so forth? I believe that this is my real objection because I don't know what this is all about. I come in here and this is on my desk. You don't have time to study it or understand it, and you are asked to support something like this. I think this is my real objection. Of course, we are going to be talking about this in the meantime and I hope we can get this thing resolved tomorrow, but I did want to explain my real opposition to this particular legislation.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot, Adjourned until 9:30 tomorrow morning.