

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, February 27, 1974

Senate called to order by the President.

Prayer by the Rev. Desmond Parker of Gardiner:

O God our Father, you have given to these people the privilege of being Senators. Give to them a vision of what they can accomplish if only they will dedicate themselves to the knowing and carrying out of your will. Grant that they may not be swayed by fear or by the hope of gain, by personal ambition or the longing for prestige. Save them from petty arguments that cannot result in anything and help them to realize what things are important and what things are not. You know the pressures and tensions that they so often work under. Help them now to relax and be calm so they may think clearly and act decisively, in the name of Christ our Lord. Amen.

Reading of the Journal of yesterday.

Papers From the House
Non-concurrent Matter

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) (L. D. 2417)

In the Senate February 25, 1974, Leave to Withdraw. Covered by Other Legislation report, Read and Accepted.

Comes from the House, Recommended to the Committee on Education, in non-concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to Adhere.

Non-concurrent Matter

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)

In the Senate February 12, 1974, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House

Amendments "B" (H-705) and "C" (H-709), in non-concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to Recede from its prior action whereby the Bill was Passed to be Engrossed.

House Amendment "B" was Read and Adopted in concurrence and House Amendment "C" was Read.

Mr. Berry of Cumberland then moved that House Amendment "C" be Indefinitely Postponed.

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

Mr. BRENNAN: Mr. President and Members of the Senate: What House Amendment "C" does is make it no longer illegal to hitchhike. I know we debated that issue at the regular session and I know it was defeated by the Maine Senate. At that time it was said by those who favored repeal of that law that a great deal of selective enforcement was used. It often depended upon the length of your hair or the style of your clothes as to whether or not you were arrested, deprived of your liberty, brought to jail, printed, booked and mugged, and all the other indignities that are visited upon a person. If someone were out on the highway then with their forty-nine dollar suit and their well-combed hair they wouldn't be arrested, but if their hair was long and their clothes were old army fatigues or something of that sort, they were very apt to be arrested. I think it is things like this that take respect away from the law.

However, the issue here this morning is dealing with the energy crisis, and the purpose of this amendment was to try to help during the energy crisis. If it is adopted, it would only last for the period that the energy crisis is in effect. As I understand it, with the amendment that we adopted earlier, once the President, the Congress, or the Federal Government says the energy crisis no longer exists, this would be repealed automatically. So, in a sense, there is a gas shortage now. We see gas station after gas station saying "No Gas". People still have to get around, and there still is not any great mass transportation in this state, so one way of getting around now is hitchhiking. And frankly,

it is a voluntary type situation; no one has to pick up anybody. I think it is an amendment that makes a great deal of sense, so I hope you would vote not to indefinitely postpone House Amendment "B".

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

Mr. CONLEY: Mr. President and members of the Senate: I certainly think that the amendment is one that should be adopted. It is strange that only this morning when I left my hotel room I found I was having problems with my car and had to hitchhike down here to the State House. You know, I am probably one of the members of the Senate who is fair game for our local police department. Apparently they haven't agreed with many of the statements I have made recently. But two of them went by me without picking me up, and I figured I must have been absolved somewhere along the line.

It was interesting to read in last week's paper too that my seatmate on my left, probably better known to most of us as Lamont Cranston, hitchhiked a ride down from Presque Isle, I think it was, with a potato farmer last week, and I see that he apparently enjoyed the same liberty as I did this morning by not being arrested.

What this thing all boils down to is a lot of foolishness of selective law enforcement, and I think that at least this is a good opportunity to have a trial period on hitchhiking to see just what does happen. It is only enabling; no one has to stop and pick anyone up. If we are really concerned about the energy crisis and if we are really concerned about getting people across the state, and particularly in the northern areas of our state where we have little or no mass transit, I think it is a good opportunity.

Secondly, I think we might be concerned about the fact that the Appropriations Committee itself has, I think, one more bill left for public hearing, and that is on the million dollars for mass transit. This is at least one way of letting our kids get back and forth across the state and into other states. I think it is a lot of foolishness and just ridiculous to kill this amendment.

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

Mr. BERRY: Mr. President, the very informative rhetoric of the two Senators from Cumberland County refreshes my memory, of course, and it prompts me to look into our joint rules. I wonder if under the guise of an amendment we are not trying to circumvent Joint Rule 21, and I would question the Chair as to the germaneness of the amendment.

The PRESIDENT: The Chair would answer the Senator by referring to Senate Rule 11, in the first instance: "No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; nor shall an amendment proposing to ingraft a general provision of law upon a private bill be in order; nor any amendment beyond the second degree."

The Chair would rule that under Senate Rule 11 the amendment under consideration, House Amendment "C", is not germane.

The Chair would also call the Senate's attention to Joint Rule 21, Rejection of Bills: "When any measure shall be finally rejected, it shall not be revived except by reconsideration; and no measure containing the same subject matter shall be introduced during the session unless three days' notice is given to the house of which the mover is a member. No measure shall be recalled from the legislative files except by joint order approved by a vote of two-thirds of both houses."

House Amendment "C" is not before the Senate.

Is it now the pleasure of the Senate that Legislative Document 2350 be passed to be engrossed in non-concurrence?

Thereupon the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Joint Order

WHEREAS, the Honorable Mary W. Payson of Falmouth was the principal architect of the Maine Management and Cost Survey; and

WHEREAS, it was Representative

Payson who persistently persuaded passage of House Paper 1564 at the special session of the 105th Legislature, thus enabling the survey; and

WHEREAS, it is indeed appropriate and unquestionably desirable that such foresight and achievement not pass unnoticed by Members of the 106th Legislature; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature in recognition of the importance of her invaluable contribution extend to our friend and former colleague, the Honorable Mary W. Payson, our sincere thanks for her distinguished accomplishment which has served so well as she had anticipated as the foundation for numerous recommendations calculated to improve the process of government; and be it further

ORDERED, that an appropriate copy of this Order be transmitted forthwith to Mrs. Payson conveying the gratitude expressed herein. (H. P. 1986)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Senate Papers

Mr. Greeley of Waldo presented the following Joint Resolution and moved its adoption:

State of Maine

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND SEVENTY-FOUR

In Memoriam

WHEREAS, a great sadness fills our chambers with the untimely passing of Col. Parker F. Hennessey who devoted his life to serving his State in a most honorable way; and

WHEREAS, Col. Hennessey was Chief of the Maine State Police, Commissioner of Public Safety and above all a proud cop whose 38-year tenure in law enforcement will remain immortal in the minds of vast numbers; and

WHEREAS, he was a towering figure in his profession, widely recognized

expert in polygraph and an able administrator who always dispatched his responsibilities with appropriate humor and in the best interests of his command; and

WHEREAS, the noble profession of law enforcement has been greatly enhanced by his distinguished career and the Maine Criminal Justice Academy, now offering state-wide professional police training, is a fitting monument to his character and achievement; now, therefore, be it

RESOLVED: That we, the Members of the One Hundred and Sixth Legislature of the State of Maine, now assembled in special legislative session, join in this hour of grief to record a moment of silent tribute to the life and career of Col. Parker F. Hennessey, and each in his own way to extend our deepest sympathy to his bereaved family and countless others who must share in this great loss; and be it further

RESOLVED: That a suitable copy of this Resolution be prepared and presented to his dear wife and family in token of our lasting esteem and when both Houses of the Legislature adjourn this day that it be done out of respect to his memory. (S. P. 919)

Which was Read.

The PRESIDENT: The Chair would ask the Senators' willingness to adopt this resolution by please rising.

Thereupon, the Resolution was Adopted; the members of the Senate rising for a moment of silence.

Sent down forthwith for concurrence.

Orders

On motion by Mr. Clifford of Androscoggin,

WHEREAS, the telecommunications services used by state departments and agencies are expanding and are of major importance and expense to the State; and

WHEREAS, the Maine Management and Cost Survey has noted the need for effective centralized management, for the development of policies and guidelines and for continued evaluation and study of the state's telecommunications activities; now, therefore, be it

ORDERED, the House concurring,

that the Legislative Council investigate the establishment of a centralized organization to provide for the management and integration of the state's telecommunications activities; and be it further.

ORDERED, that the Council's study consider the need for and the best method of providing for consolidation of facilities and for continued planning and evaluation of systems in order to maximize cost effectiveness and to provide for the orderly development of statewide telecommunications; and be it further

ORDERED, that the Legislative Council report its findings, together with any proposed legislation, to the next regular session of the Legislature; and be it further

ORDERED, that the Department of Finance and Administration, along with those state agencies represented on the Maine Advisory Committee on Telecommunications and such other agencies as necessary, be respectfully directed to cooperate with the Council and provide such technical and other assistance as the Council deems necessary; and be it further

ORDERED, that upon passage of this Order, in concurrence, copies of this Order be sent forthwith to said agencies as notice of the pending study. (S. P. 918)

Which was Read.

On motion by Mr. Berry of Cumberland, tabled pending Passage.

Committee Reports House

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 to Provide Continuance of Private Post-Secondary Institutions Serving Significant Public Functions." (H. P. 1841) (L. D. 2333)

Bill, "An Act Providing Professional Immunity to Red Cross First Aid Personnel in Emergency Cases." (H. P. 1951) (L. D. 2497)

Refer to Another Committee

The Committee on Judiciary on, Bill, "An Act Relating to Damages for Violating the Bulldozing of Rivers,

Streams and Brooks Law." (H. P. 1820) (L. D. 2307)

Reported that the same be referred to the Committee on Natural Resources.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Labor on, Bill, "An Act to Repeal Fee to Ex-Officio Member of Industrial Accident Commission." (H. P. 1882) (L. D. 2392)

Reported that the same Ought to Pass.

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

Which report was Read and Accepted in concurrence, the Bill 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 Powers of Hospital Administrative District No. 1 in Penobscot County." (H. P. 1940) (L. D. 2477)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-704).

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.

Ought to Pass in New Draft

The Committee on Education on, Bill, "An Act Relating to Conferring Degrees by Thomas College." (H. P. 1661) (L. D. 2054)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1979) (L. D. 2522).

The Committee on Taxation on, Bill, "An Act to Collect Telephone and Telegraph Taxes on a Monthly Basis." (H. P. 1911) (L. D. 2447)

Reported that the same Ought to Pass in New Draft under New Title: "AN ACT to Advance Collection of Telephone and

Telegraph Taxes.” (H. P. 1980) (L. D. 2523)

Come from the House, the Bills in New Draft Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Election Laws on, Bill, “An Act Relating to Application for Absentee Ballots.” (H. P. 1663) (L. D. 2056)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin

JOLY of Kennebec

Representatives:

HOFFSES of Camden

ROSS of Bath

HANCOCK of Casco

KELLEY of Machias

KAUFFMAN of Kittery

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. 1981) (L. D. 2524)

Signed:

Senator:

CIANCHETTE of Somerset

Representatives:

BOUDREAU of Portland

BINETTE of Old Town

SNOWE of Auburn

Comes from the House, the Minority report Read and Accepted and the Bill in New Draft Passed to be Engrossed.

Which reports were Read.

Mr. Shute of Franklin then moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. SHUTE: Mr. President and Members of the Senate: This bill originated in the other body and originally carried a provision that applications for absentee ballots be of a different color each election year. During the hearing it was agreed that to adopt this type of measure would perhaps be too expensive, and it was suggested that the Secretary of State find some other measure.

To be very frank with you, this is one of those measures that is about as effective as a horsefly with a horse on a summer day. It really doesn't do much. It may bother those people who like to stockpile applications election after election, and I think this is the reason for the bill, because there has been some abuse in this area by certain people, and this new measure would provide that the Secretary of State could simply put the year of the election — for instance, this year the application for absentee ballots would carry the year 1974, and so it would be with any special election in 1975, and so on.

This really doesn't amount to much, and I don't have a strong feeling one way or the other, but it does mean an extra expense for the taxpayers, and the reason the majority gave this an Ought Not to Pass was based on the additional expense, and nothing other than that.

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

Mr. CLIFFORD: Mr. President, the reason for the bill was because of certain abuses in the absentee ballot process, and that is that some people apparently, especially in nursing homes, would gather applications for absentee ballots for five and six and seven elections in the future. This would prevent that because the absentee ballot application would have the year of the election on it and this, of course, would prohibit that kind of practice from going on.

In view of the fact that they have solved the expense problem, and now they have done it by putting on the year as opposed to a different color ballot, it seems to me that they have solved the problem of the bill and the purpose of the bill still remains valid, that is, to prevent an abuse of our absentee ballot process. I think it is good and it is proper that the absentee ballot process should be simple so that people would be encouraged to vote by absentee ballot, but it seems to me that if there is an abuse of it, and it can be corrected, I think it is incumbent upon the legislature to correct it. I think this bill does that, or at least goes some way toward correcting those abuses which have occurred in the past, and I hope you would reject the Majority

Ought Not to Pass Report and follow the lead of the other body and accept the Minority Ought to Pass Report. Thank you, Mr. President.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I look upon this really as an infinitesimal appropriation in addition to the expense to the taxpayers to put through this particular safeguard. I really believe, as Senator Clifford has said, that it will prevent many unethical political practices which have emanated by a few pernicious politicians in the State of Maine. I hope very definitely that you would adopt the Minority Ought to Pass in New Draft Report.

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

Mr. HENLEY: Mr. President and Members of the Senate: I see no particular reason why we should not pass this bill or accept the Minority Ought to Pass Report. It might cost a little bit more, but I think it is rather sensible to have the date on the application because we do know that there have been, in some cases, gross violations of stockpiling. And it seems to me that if the year was printed in bold type right on the top of the form that you could not very well stockpile it. The print dates on other forms that are applicable, including our income tax forms, and I don't know why they shouldn't on this. It is a very important form. So I shall vote to oppose the motion to accept the Ought Not to Pass Report and then we can vote on the Ought to Pass Report.

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

Mr. CIANCHETTE: Mr. President, I would just like to clarify one thing. Testimony in the Committee hearing showed that this particular so-called abuse knows no party affiliation.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Franklin, Senator Shute, that the Senate accept the Majority Ought Not to Pass Report of the Committee in non-concurrence. The

Chair will order a division. As many Senators as are in favor of accepting the Majority Ought Not to Pass Report will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 10 Senators having voted in the affirmative, and 18 Senators having voted in the negative, the motion did not prevail.

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

Senate Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act Relating to Effective Date of Retirement Benefits for Retirees under the State Retirement System." (S. P. 723) (L. D. 2135)

Reported that the same Ought Not to Pass.

Signed:

Senator:

HENLEY of Oxford

Representatives:

PRATT of Parsonsfield

KELLEY of Machias

THERIAULT of Rumford

TWITCHELL of Norway

LYNCH of Livermore Falls

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senators:

RICHARDSON of Cumberland

DANTON of York

Representatives:

BERRY of Buxton

GAHAGAN of Caribou

Which reports were Read.

Thereupon, on motion by Mr. Henley of Oxford, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

Second Readers

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

House

Resolve, to Reimburse A. D. Soucy Co.

of Fort Kent for Redemption of Cigarette Stamps. (H. P. 1922) (L. D. 2460)

Resolve, to Reimburse Reid's Confectionery Company of Houlton for Redemption of Cigarette Stamps. (H. P. 1923) (L. D. 2461)

Resolve, Designating a Certain Man-made Lake in Berwick as "Lake Hatfield". (H. P. 1924) (L. D. 2457)

Resolve, Reimbursing the Town of Wade for Welfare Expenditures in Behalf of a Nonsettled State Case. (H. P. 1932) (L. D. 2465)

Bill, "An Act Establishing a State Register of Critical Areas." (H. P. 1977) (L. D. 2518)

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

House - As Amended

Bill, "An Act to Provide Financial Assistance to Nonprofit Nursing Homes." (H. P. 1766) (L. D. 2234)

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

Senate

Bill, "An Act to Clarify Certain Election Laws." (S. P. 914) (L. D. 2526)

(On motion by Mr. Shute of Franklin, tabled and Tomorrow Assigned, pending Passage to be Engrossed.)

Bill, "An Act to Transfer the Chief Medical Examiner to the Department of the Attorney General." (S. P. 917) (L. D. 2529)

Bill, "An Act Relating to Dams and Reservoirs." (S. P. 916) (L. D. 2527)

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 Establishing the Office of Energy Resources." (S. P. 832) (L. D. 2375)

Which was Read a Second Time.

(On motion by Mr. Speers of Kennebec, tabled and specially assigned for March 1, 1974, pending Passage to be Engrossed.

Bill, "An Act Amending the Responsibility of the State Planning Office." (S. P. 856) (L. D. 2425)

Which was 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:

An Act Relating to Transporting School Children to Other than Public Schools. (S. P. 880) (L. D. 2466)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Relating to the Installation of a Uniform Crime-reporting System. (H. P. 1971) (L. D. 2511)

Which 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 Appropriating Funds to Provide for Secretarial Assistance to the Members of the Legislature. (H. P. 1927) (L. D. 2462)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Emergency

An Act Relating to the Statute, "The Maine Lobsterman." (H. P. 1969) (L. D. 2509)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Orders of the Day

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

Bill, "An Act Repealing Certain Laws Relating to Games of Chance." (S. P. 911) (L. D. 2521)

Tabled—February 25, 1974 by Senator Joly of Kennebec.

Pending—Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act Relating to School Buses," (S. P. 722) (L. D. 2134)

Tabled—February 26, 1974 by Senator Berry of Cumberland.

Pending—Passage to be Engrossed.

Mr. Berry of Cumberland then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B" was Read.

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

Mr. HICHENS: Mr. President, I rise and ask for a division on this amendment. This amendment ignores the whole purpose of this school bus bill, mainly the safety of the children in the State of Maine.

The bill was a composite of three individual bills which were presented by me in the regular session and is in conformance with federal regulations. It was worked on by members of the Public Safety Division, Education and Transportation, and then came out as one bill in the last session. It was passed by both bodies and then died because of lack of funding on the last day of the session.

It was reintroduced with the permission of the Reference of Bills Committee, brought out in this session, heard in committee, and it came out with a unanimous report by the committee. After it was put on your desks and went through the first reading, it suddenly got a lot of opposition from the people in Portland regarding this amendment which you have on your desks this morning. The officials of the City of Portland represent the only city in Maine which has complained on this bill, to my knowledge. Why is it so bad for them and not for the other large cities throughout the state?

These requirements have to be complied with by 1977, which gives plenty of time for changes. I have also been informed that the exclusion of the transit vehicles would seriously affect the chance of receiving highway safety funds to supplement costs needed to carry out the purposes of this bill. So, with those thoughts in mind, this morning I ask you to vote against adoption of this amendment.

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

Mr. BERRY: Mr. President and Members of the Senate: There are two points that Senator Hichens of York brought out that I would elaborate. The federal law, I would read, "Does not include vehicles that only carry school children along with other passengers as part of the operations of a common carrier," so this amendment is in compliance with the federal statute. There is a significant portion of this bill that becomes effective forthwith, and that is the one with the yellow lights. On the matter of painting all public buses yellow, the Senator is correct, this would have to happen before 1977.

I debated this the other day on a portion of it, and I am going to read one thing only further to you. It does apply to all mass transit systems in the state. It would be extremely unfortunate for the sponsor of the school bus bill, the basic bill, no matter how well motivated toward the protection of children, not to recognize that the public transit buses have a safer record than yellow school buses, and that the requirements that were placed in this bill, if we don't put the amendment on, it might result in a serious curtailment of public transportation. The amendment has been very carefully researched with the State Police Department and is in accordance with their suggestions, and will certainly continue to practice good safe school bus operations if adopted. I would urge you to support this amendment.

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

Mr. HICHENS: Mr. President and Members of the Senate: In answer to the remarks that have just been made about the State Police Department working along with this, I have talked with Captain Jones this morning, and he said he believes that in his capacity he has to work on bills whether he likes them or not, but he is certainly not in conformance with this amendment this morning.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: In this day and age, with the energy crisis and our attempts to encourage mass transit systems, it seems that it would be important for those cities such as my own, the City of Lewiston, which has a mass transit system — and that mass transit system in Lewiston, the bus system, does transport high school children to school — it seems to me that it is important to vote for the amendment so that they could continue to transport high school children to school.

It would be a tremendous expense if the amendment were defeated and the bill went through. The City of Lewiston, if it decided to transport secondary or high school students, they would have to buy a whole new fleet of buses. Now they do it whereby the student pays a reduced rate. He travels on the mass transit system, and it helps out the student and it helps out the mass transit system in the city.

I think it makes eminent sense to vote for the amendment to allow the transit systems to continue to transport children, especially where their safety record is superior to the school bus safety record. It seems to me that that is a very important point which can't be overlooked. They are professional bus drivers fulltime; often times the school bus drivers are amateurs, and their safety record is far superior. So it seems to me that it is important for two reasons: safety and confusion of the public, and a third reason is the expense to the larger cities. Thank you.

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

Mr. ANDERSON: Mr. President and Members of the Senate: In my opinion, this is one of the most regressive pieces of legislation to come into this session. These transit buses have been doing a wonderful job and have an enviable safety record. And, aside from the needless expense of yellow paint and flashing lights, I firmly believe that it is going to create a safety hazard and certainly will have untold confusion in traffic. I move indefinite postponement of this bill and all of its accompanying papers.

The PRESIDENT: The Senator from Hancock, Senator Anderson, now moves that Bill, "An Act Relating to School Buses," be indefinitely postponed. Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I would ask for a division on that motion.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Hancock, Senator Anderson, that Bill, "An Act Relating to School Buses", be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Two Senators having voted in the affirmative, and 23 Senators having voted in the negative, the motion did not prevail.

The PRESIDENT: The pending question before the Senate is the Adoption of Senate Amendment "B", and a division has been requested. As many Senators as are in favor of the adoption of Senate Amendment "B" will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 19 Senators having voted in the affirmative, and six Senators having voted in the negative, Senate Amendment "B" was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

Mr. CYR: Mr. President and Members of the Senate: Last Saturday morning in the Bangor Daily there appeared an article which was an attack on me. To my surprise, I was the subject of a news interview by the Bangor Daily staff writer, Mark Woodward, with business men James Longley, Chairman of the Maine Management Study Report. Why I was singled out is somewhat of a mystery to me. I am not a gubernatorial candidate. I am not running for a leadership post the next session. In fact, I am not even sure if I am running for my Senate seat again. So I am not news.

But I would like to answer the accusation in this report here for two reasons. First of all, I feel that my integrity has been attacked, and if the integrity of one member of this body is attacked I feel it is an attack on the whole body. Also I feel that the 106th Legislature is under fire for not implementing more of the study commission recommendations.

This article appeared in the Bangor Daily, and I am not sure whether it appeared in any of the other newspapers, so probably many of you Senators have not read the article. So I will read to you a few of the excerpts in the article, and then I shall proceed to defend my integrity, which I cherish very much.

"Auburn businessman, James B. Longley", first of all, he is not in Auburn he is in Lewiston, "said Friday night that distortions which may have been 'deliberate and calculated' have been responsible for the failure of the 106th Legislature to implement any of the more than 800 governmental cost — saving recommendations made by the study commission which he heads." Now I will come back to this and defend the legislature on their record on this.

"In a News interview, Longley took specific issue with statements by Senator Edward Cyr, D-Madawaska, in which Cyr maintained that Longley had spent just 15 minutes touring the University of Maine at Fort Kent Campus at the request of Governor Kenneth M. Curtis." Now he is down to 15 minutes. If he should have another interview, probably he is going to deny that he was ever at the Fort Kent Campus at all. But this is in reference to the debate that we had of January 23, in which I mentioned that the second task force, with Mr. Longley himself, was up at the Fort Kent Campus and he spent half an hour there and even refused to see the President. I shall come back to that later.

"Cyr also charged that Longley had failed to contact the campus president while he was on the campus." I shall come back to that too.

"The Statements were made by Cyr earlier this week when the Senate was considering legislation recommended by

Longley's task force which would have reduced the Fort Kent, Presque Isle and Machias campus to the status of two-year colleges." Now either Mr. Longley was misquoted by Mr. Woodward or somebody is trying to take liberties trying to prove their point because this debate occurred on January 23 and this article here appeared last Saturday.

"Longley said his group spent three to four hours on the Fort Kent Campus and made repeated attempts to contact the campus president at Fort Kent." I shall come back to that too.

"Longley said that he faced Cyr outside the Senate after Cyr made the remark but Cyr refused to retract the statement and 'when I told him it wasn't honest he dismissed it as unimportant'." This is what I am challenging. This is why I feel that my integrity is at stake because either I was lying to you here on the floor of the Senate or else Mr. Longley misinterpreted. These are the record.

First of all, let me tell you exactly what happened. After the session last Thursday afternoon, I walked over to the House to see if any of the Aroostook members were still present. On my way back I bumped into Mr. Longley in the rotunda. I recognized him. I had never met the man before, but I recognized him and I turned back and caught up with him. I asked him if he was Mr. Longley and he said, "Yes". Then I introduced myself, and when I said "Senator Cyr" the whole sky fell on me. He started accusing me. "What you said on the floor of the Senate was not the truth; it was dishonest." I said, "Well, all I did was repeat what the President of the University of Maine at Fort Kent Campus had told me on three different occasions." His reply was, "He lied, he lied." So we went on from there.

The funny part of it is that I was trying to find out some information in regard to L.D. 2441, which I am sponsoring for the Management Study Report, which had been heard the week before, and Senator Cummings can testify to that because she had the same experience. At the hearing we had no one to support the legislation and we were left in the embarrassing situation of trying to

defend something that we didn't know anything about because nobody had given us backup information. So, the irony of the whole thing is that this is the reason why I stopped Mr. Longley. I wanted to try to get some information in regard to L.D. 2441. Instead of that, he launched into an attack in regard to what I said on the floor of the Senate when that bill came up.

As far as I was concerned, that was the end of it, and I was trying to cut short the interview that we had. I think I did say that I dismissed it as unimportant because at that time I was pretty sorry that I had ever stopped him, but I never thought that this would reach the newspapers. But when I read this in the newspaper, this takes on a different flavor. My integrity has been attacked publicly, and we have seen enough of these attacks on public officials that I think it is time that some of us got up on our feet to defend ourselves, and this is what I am doing.

I also felt that Dr. Spatz's credibility was attacked. So Monday I put in a call to Dr. Spatz, who was on vacation. I finally rang up the gentleman that took the party around, and this is what I found: Mr. Philip Bouchard, Director of the physical plant in Fort Kent, is the one that came down to the Frenchville Airport to pick up a party of four, made up of Mr. Longley, Mr. Lionel Kelley, Mr. Patrick Lyden, and Jim Longley Jr. He met them at the plane in Frenchville at 11:30 and took them up to Fort Kent. They visited five buildings and the armory, had lunch, and they had to be back to the plane in Frenchville for 1:30. So that is a span of two hours. It takes about half an hour to go from Frenchville Airport to Fort Kent, so back and forth is an hour. Figure out how much time that they spent at lunch, five people, and it doesn't leave too much time that they spent at the university. Mr. Bouchard told me, he said, "I don't know, I didn't log every minute of it." But he told me that, at the most, they spent one hour on the campus, and at no time during their visit did Mr. Longley ever inquire or offer to see Dr. Spatz or telephone him to get in touch with him, at no time, and yet in his article here he says, "We made repeated

attempts to contact the campus president at Fort Kent". Now somewhere along the line somebody is not telling the whole truth.

The remarks of Dr. Spatz were told to me in a private interview that I had after the newspaper report came out on closing Fort Kent or making that a two-year college. I had a private interview with Dr. Spatz to get the information, the facts and statistics, and Dr. Spatz told me at that time again that he was there for just a short time and he had never inquired to see him. Dr. Spatz repeated the same thing again at the ground-breaking for the new gymnasium on October 14th, if I remember right, and he repeated the same remarks again before the Committee on Education chaired by our Senator Katz.

Now, all of this it seems to be a very trivial matter, a matter of timing, how long were they there and all that. Well, it is an important matter to me because, as I say, I was told that I said a lie here on the floor of the Senate, that I was dishonest in my remarks, and I am trying to disprove that. I am also trying to prove that Dr. Spatz didn't lie to us. But Mr. Longley misses the point completely that I was trying to make. What we are saying, in essence, is that such an important recommendation should have been studied much more thoroughly before making such an important decision which would affect the economics and the livelihood of that part of the country, that part of the State of Maine, a business block, with just a casual inspection of the outside.

Now, in regard to his remarks of the distortions which have been deliberate and calculated by the 106th Legislature: Contrary to Mr. Longley's statement that distortions which have been deliberate and calculated have been responsible for the failure of his recommendations, many legislators have been placed in the same embarrassing situation that I have. They have been asked to sponsor legislation with no back-up information. At the hearing they find themselves unprepared to make an intelligent presentation and nobody else to support the recommendations. You have to face

opposition without the proper argumentation to defend your own position. So what happens? You end up with no one to carry the ball.

It is unfortunate that Mr. Longley feels the way he does. I read the report three times, and certainly the business task force should be complimented for attempting to bring economy into government, but they should complete their mission now and help the legislature to implement the report, if only to protect their investment, and not continue this criticism of the legislature and trying to find a scapegoat. Certainly Mr. Longley and his task force should not expect the legislature to adopt their recommendations without proving that they would constitute a saving or more efficiency.

The legislature should be complimented rather than chastised for not buying a pig in a poke. All we have been asking Mr. Longley is to give us back-up information to implement his recommendations. Is this asking too much? Thank you.

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

MR. BERRY: Mr. President and Members of the Senate: I can't take too much umbrage with Mr. Longley's reaction to Senator Cyr of Aroostook's comments throughout this matter when Mr. Longley, as Chairman of the Commission, and the members of his Commission received the following comment from Senator Cyr in concluding his remarks, which he quoted in part, the record of the 23rd, Senator Cyr talking: "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." I don't consider those proper remarks to address to a committee headed up by Mr., Longley and composed of citizens of this state working for the welfare of the state. I think this comment should be included in the record too.

(Off Record Remarks)

Papers From the House

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

Committee Reports

The Committee on Education on, Bill, "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 51." (H. P. 1978) (L. D. 2520)

Reports that the same Ought to Pass.

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

Which report was Read, the Ought to Pass Report of the Committee Accepted in concurrence and the Bill Read Once. Under suspension of the rules, the Bill was then given its Second Reading and Passed to be Engrossed in concurrence.

Thereupon, under further suspension of the rules, sent forthwith to the Engrossing Department.

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