

# 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

**Volume II**

MARCH 7, 1974 TO MARCH 29, 1974

**Index**

**Legislative Ethics Committee Report**

Kennebec Journal  
Augusta, Maine

**SENATE**

Friday, March 15, 1974

Senate called to order by the President.

Prayer by Rev. Canon Roger S. Smith of Augusta:

Almighty God, we humbly thank you for the good land which you have given us for our inheritance. We pray that we may always prove a people mindful of your favor and glad to do your will. Bless this state with honest labor, clear thinking and mutual regard. Save us from violence, discord and confusion, from pride and arrogance and from every evil way. Fill with wisdom those to whom we entrust the authority of government, that they may seek justice and peace. In time of prosperity fill our hearts with thankfulness and in this time of crisis do not allow our trust in you to fail. We offer thanks for those persons who have answered your call to serve in this legislature. Guide the deliberations of this Senate today that they may serve the people of Maine well. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act to Provide a Maine Homestead Property Tax Exemption Law." (H. P. 1680) (L. D. 2073)

In the House March 13, 1974, the Minority report Read and Accepted and the Bill, in New Draft, (H. P. 2027) (L. D. 2568) Passed to be Engrossed.

In the Senate March 13, 1974, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Wyman of Washington, tabled until later in today's session, pending Consideration.

**Non-concurrent Matter**

Bill, "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities." (S. P. 737) (L. D. 2149)

In the Senate March 14, 1974, Passed to be Engrossed as Amended by House Amendment "A" (H-753), in non-concurrence.

Comes from the House, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

On motion by Mr. Shute of Franklin, tabled and Specially Assigned for March 19, 1974, pending Consideration.

**Non-concurrent Matter**

Bill, "An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expense." (H. P. 1991) (L. D. 2535)

In the Senate March 13, 1974, Passed to be Engrossed as Amended by House Amendment "A" (H-729) and Senate Amendment "B" (S-390), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendments "A" (H-729) and "D" (H-763), in non-concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to Adhere.

**Joint Order**

WHEREAS, the Legislature has required that the National School Lunch Program be implemented in all public schools by September of 1974; and

WHEREAS, there are 169 schools with no available food services and many more that lack the necessary facilities or resources for adequate protection of appetizing, nutritious meals at low cost; and

WHEREAS, an improved system of food service to schools is urgently needed which can capitalize on mass production, purchasing and distribution and be available to all regardless of size; and

WHEREAS, relief may be possible through innovative design of a precooked frozen food system for schools which would optimize food quality and costs for new programs as well as provide direction to the future development of the state-wide program; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized and directed to conduct a feasibility study to determine the desirability of establishing a centralized or regionalized frozen food production and distribution center or centers to

provide such foods to all schools through grade 8 on a continuous wholesale basis and to supplement that which is received in donated commodities from the Federal Government; and be it further

ORDERED, that the Bureau of School Management of the Department of Educational and Cultural Services and the Bureau of Purchases of the Department of Finance and Administration be authorized to expend any available funds and to otherwise assist the Council with technical advice and other needed assistance; and be it further

ORDERED, that the Council is authorized to employ professional and clerical assistance within the limits of funds provided; and be it further

ORDERED, that there is allocated from the Legislative Account the sum of \$40,000 to carry out the purposes of this Order. (H. P. 2035)

Comes from the House, Read and Passed.

Which was Read.

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

### Communications

#### STATE OF MAINE

One Hundred and Sixth Legislature  
Committee on Election Laws

March 14, 1974

The Honorable Kenneth P. MacLeod  
President of the Senate  
State House  
Augusta, Maine 04330

Dear President MacLeod:

The Committee on Election Laws is pleased to report that it has completed all business placed before it by the 106th Special Session of the Maine Legislature.

Bills received in Committee	8
Ought to Pass in New Draft	2
Ought to Pass as Amended	1
Leave to Withdraw as Covered	
by Other Legislation	2
Divided Reports	3

8

Respectfully submitted,

Signed:

ELDEN H. SHUTE, JR.  
Chairman

Which was Read and Ordered Placed on File.

#### STATE OF MAINE

House of Representatives  
Augusta, Maine 04330

March 14, 1974

Hon. Harry N. Starbranch  
Secretary of the Senate  
106th Legislature

Dear Mr. Secretary:

The House voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Relating to Dams and Reservoirs, (S. P. 916) (L. D. 2527).

The Speaker appointed the following conferees to the Committee of Conference:

Rep. SOULAS of Bangor  
Rep. KELLEHER of Bangor  
Rep. HUBER of Falmouth

Respectfully,

Signed:

E. LOUISE LINCOLN  
Clerk

House of Representatives

Which was Read and Ordered Placed on File.

#### STATE OF MAINE

House of Representatives  
Augusta, Maine 04330

March 14, 1974

Hon. Harry N. Starbranch  
Secretary of the Senate  
106th Legislature

Dear Mr. Secretary:

Today the House voted to Adhere to its action on the following matter:

"An Act Establishing the Legislative Compensation Commission" (H. P. 2023) (L. D. 2566).

Respectfully,

Signed:

E. LOUISE LINCOLN  
Clerk

House of Representatives

Which was Read and Ordered Placed on File.

#### Committee Reports

##### Senate

##### Divided Report

The Majority of the Committee on Health and Institutional Services on,

Bill, "An Act to Amend Certain Provisions of the Laws Administered by the Department of Health and Welfare." (S. P. 883) (L. D. 2468)

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

Signed:

Senators:

HICHENS of York

GREELEY of Waldo

MINKOWSKY of Androscoggin

Representatives:

DYAR of Strong

LEWIS of Bristol

BERRY of Madison

SOULAS of Bangor

MORIN of Old Orchard Beach

McCORMICK of Union

LaPOINTE of Portland

SANTORO of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title (S. P. 939) (L. D. 2579)

Signed:

Representative:

WHITZELL of Gardiner

Which reports were Read, the Majority Report of the Committee Accepted and the Bill Referred to the 107th Legislature.

Sent down for concurrence.

### Second Readers

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

#### House

Bill, "An Act Relating to the Powers of the Milk Commission." (H. P. 2014) (L. D. 2554)

Bill, "An Act to Create a Task Force to Evaluate the Financing of Transportation Programs in the State of Maine." (H. P. 2034) (L. D. 2571)

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

### House - As Amended

Bill, "An Act Relating to Salary, Expenses and Travel of Members of Legislature." (H. P. 1928) (L. D. 2463)

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

### Senate

Bill, "An Act Establishing the Maine

Public Transit Fund Act." (S. P. 938) (L. D. 2576)

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

Sent down for concurrence.

(See action later in today's session.)

Bill, "An Act to Regulate Sale and Processing of Crawfish." (S. P. 937) (L. D. 2575)

Which was Read a Second Time.

Mr. Graffam of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-400, was Read.

The PRESIDENT: The Senator has the floor.

Mr. GRAFFAM: Mr. President, all this amendment does is decrease the license fee for the dealer and the retailer, deletes the bond issue on it, and clarifies some of the wording in the bill. Thank you.

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.

Sent down for concurrence.

### Reconsidered Matter

On motion by Mr. Richardson of Cumberland, the Senate voted to reconsider its previous action whereby it Passed to be Engrossed Bill, "An Act Establishing the Maine Public Transit Fund Act." (S. P. 938) (L. D. 2576)

On further motion by the same Senator, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

### Orders of the Day

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

Bill, "An Act Relating to Minimum Warranty Standard for Mobile Homes." (H. P. 2019) (L. D. 2562)

Tabled — March 13, 1974 by Senator Joly of Kennebec.

Pending — Passage to be Engrossed.

On motion by Mr. Cox of Penobscot, retabled and Specially Assigned for March 19, 1974, 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 — March 14, 1974 by Senator Berry of Cumberland.

Pending — Consideration.

(In Senate — Passed to be Engrossed as amended by Committee Amendment "A" (S-349) and Senate Amendment "B" (S-366).

(In House — Passed to be Engrossed as amended by Committee Amendment "A" (S-349) and House Amendment "A" (H-741) in non-concurrence.)

Mr. Hichens of York then moved that the Senate Recede and Concur.

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

Mr. BERRY: Mr. President, if this motion were to not prevail, I would move that the Senate recede from its former action whereby the bill was passed to be engrossed, and then I would move for indefinite postponement of House Amendment "A", H-741.

The House Amendment says that some of the buses that the transit authorities were to operate would not have to be painted yellow but would have to have a flashing light. The confusion which would arise from a situation like this appears to negate the purpose of the whole bill.

If we have a transit authority bus which is stopping alongside the street at a regular bus stop with a flashing light, certainly 99 motorists out of 100 would query themselves as to just what that means. It could be an auto wrecker, it could be a public works vehicle, or any number of vehicles that carry flashing lights.

The proposal, as you may recall, was to have all transit buses carrying school children painted yellow and have flashing lights, and as a compromise, it was proposed that the yellow painting be put aside but that the flashing light be installed. It seems to me we still have again this matter of safety of the motoring public, the confusion of the motoring public.

So with this background, I hope that we could take the House Amendment off

and then pass the bill. I hope in that spirit that you would vote against the motion of Senator Hichens, after which I would make my motion.

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

Mr. HICHENS: Mr. President, the transit busses, while they are transporting school children along with their regular passengers, have to be equipped with the lights but they do not have to be operating. It is only when they are transporting school children exclusively that the lights have to be operating and that the signs have to be uncovered.

I drove a school bus, a public transit school bus, operated through a New Hampshire agency for some seven or eight years. I drove it as a school bus with the signs uncovered, with the lights flashing, and then later on drove Navy Yard people. We covered the school bus sign, just dropped a cover down with hinges, we did not use the lights, and it was a transit bus. There is no reason why the City of Portland can't conform to those regulations the same as every other city in New England is doing at the present time.

I am not going to go on with the arguments that I have used previously regarding this school bus bill but, if funded, this law would have been effective at the present time. Last year, as you will recall, we passed the bill, and then it died for lack of funding on the Appropriations Table. So there would be no come-back at all this year from the City of Portland, and they did not give us any opposition last year.

This bus bill, as amended in the other body, gives concession to one city in the State of Maine alone, and although I am against that, I will be willing to go along under the conditions.

The School Committee of Portland has advised me that they have never been approached by the council regarding school bus regulations, and then all of a sudden we had a lobbyist up here trying to convince the legislators that this bus bill was no good. It is a question of cost versus safety. No fatalities have been reported but there have been countless near accidents.

On your desks this morning, you have, along with information that was put there a couple of days ago, some propaganda distributed through the Greater Portland Transit District. The first question says, "Why do sponsors of L.D. 2134 insist on including transit districts when such districts are not included in Federal Guideline Standard No. 17?" I will read you the Federal Guideline Standard from the bill. Under Section 2020, it says: "School busses which are operated by a mass transit authority or operated by a motor carrier holding a certificate of public convenience from the public utilities commission while transporting school children shall comply with all of the requirements of school busses except that they shall be exempted from the vehicle color requirements until September, 1977." It is very explicit what the law does call for.

Then I received a telegram this morning on my desk, which reads, concerning L.D. 2134: "I have in possession a bulletin from American Transit Association out of Washington 'Transit vehicles operated by public or privately owned local transit systems and used for regular common carrier transit service, as well as special school route service, need not be painted national school bus glossy yellow. Vehicles operated on special school routes which are at other times in use for regular common carrier transit service, although they need not be painted yellow, must have Standard No. 17 comply with other requirements.'"

In other words, the bill that the state is considering is in line all the way. This is a matter of safety. If we are going to exempt one community from the State of Maine, at the expense of the safety of all the children within the state. I think we are headed on the wrong course. So I would ask for a roll call when the vote is taken.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President, I have watched with a good deal of interest the processes, which are somewhat convoluted, that this piece of

legislation is taking through this legislature, and I would like to ask the Senator from York, Senator Hichens, a question.

First of all, if it is true that all this bill does in its present form is require that Portland Transit District busses operate flashing lights that they are already equipped for, if that is true, then why this talk about cost and why is there any objection to this legislation? I just don't understand that. And if it is true that they are not going to be required to paint them that bilious yellow color, and if they are not going to be required to add any additional equipment that they don't already have, and are required by law to have, that is, flashers, then where is the cost? What is the problem?

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

Mr. HICHENS: Mr. President and Members of the Senate: I do not know whether the Portland busses are already equipped with flashing red lights or not, but the argument has been that there would be a great cost to equip them. I do not see that it would be such a great cost and, if they use these busses for transportation of school children exclusively, they are mandatory, regardless of how they use them during other parts of the day. So I do not think that this is so much of a matter as they might want to make it out to be.

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

Mr. SPEERS: Mr. President, I would wholeheartedly support the motion of the good Senator from York, Senator Hichens, to recede and concur on this bill. We are talking about safety. We are talking about the safety of school children in the State of Maine. What we are really coming right down to is whether or not we are going to say that the provisions of this bill are good and proper for the safety of small children going to school in the State of Maine, but we will except from those provisions 4,500 school children in the City of Portland.

Now, either these safety provisions are good safety provisions for all of the children of the State of Maine or they are

not good safety provisions for any of them.

The City of Portland has been exempted from having to paint these school busses the nationally recognized yellow color, but there are other cities in New England and throughout the country where the transit systems are utilized as school busses for the children in those cities, and they still have to have the flashing lights and traffic does have to stop in both directions when it is taking on or discharging children. Those cities have not had problems, there are not massive traffic tie-ups, and I see no reason why the City of Portland should not have the same provisions.

I think we all have read with a great degree of horror, disgust, and sympathy for the parents of children who have been struck down and killed by cars passing school busses when they were either taking on or discharging these young children. I think we all know that a young child is very prone to dashing out in front of the school bus if he happens to have to cross the street to get to his home. That same situation can happen on the streets of Portland just as easily as it can happen in a rural area of the state.

I would like just to point out that in the City of Portland many of the children that are right in the city itself walk to and from the schools, but those that ride the transit system and use the transit system as a school bus system are generally in the more outlying areas of the city itself where there may not be police patrols designated for school bus school crossings and there may not always be traffic lights on corners at which they may cross. So I hope the Senate goes along with the motion of the good Senator from York to recede and concur and to apply these safety provisions to the 4,500 school children in the City of Portland as well as to the rest in the State of Maine.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Since I come from Portland, I suppose I ought to say a few words on this. There is a conflict between the City Council and the School

Board in regards to this issue. I am sure they are both acting in good faith. But I think the primary issue is safety, and that is what we are talking about with regulations of this nature. So I think if that is the key issue, I think it is fair to say "What is the record in regard to safety of the Greater Portland Transit District and its predecessor, the Portland Coach Company?"

Now, this morning I was talking with Henry K. Adamson, Jr., the General Manager who has been with that company and its predecessor since 1942, and he represents to me that since that time these transit buses have been transporting school kids, and that their record with these kids, as far as injuries and accidents with these kids, is absolutely unblemished. Well, if that is so, and it is a perfect record for 32 years, how are we going to improve on that? If they are doing a good job now, why hassle them with more regulations? I think it is that simple. So I would urge the Senate to vote against the motion of the Senator from York, Senator Hichens, to recede and concur.

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

Mr. HICHENS: Mr. President, in answer to the statement just made as far as the safety record is concerned, I again relate the fact that I drove a school bus, not only for this transit company for six or seven years, but I drove another school bus for 22 years, and I thank God that I never had any accidents. There were never any injuries nor any fatalities. But I had to comply with the school bus regulations in order to drive that bus, and I was willing to do so for the safety of the youngsters. It just takes one.

In Lincoln this week, I received a telegram, and I guess some of you read it in the paper, where a youngster was killed by a school bus when the driver did not see the youngster run in front of the bus. That could happen in Portland today. There might not only be one; there may be many. I have been told by several people from Portland that there have been many, many near accidents. It only takes one to spoil this whole 32 year record that we have just been told about.



The **PRESIDENT**: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate recede and concur with the House on Bill, "An Act Relating to School Buses." A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate recede and concur with the House on Bill, "An Act Relating to School Buses." A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

**YEAS**: Senators Cox, Fortier, Greeley, Haskell, Henley, Hichens, Kelley, Marcotte, Minkowsky, Morrell, Olfene, Richardson, Sewall, Shute, Speers, Tanous, Wyman, MacLeod.

**NAYS**: Senators Anderson, Berry, Brennan, Clifford, Cummings, Cyr, Danton, Graffam, Joly, Katz, Roberts.

**ABSENT**: Senators Cianchette, Conley, Huber, Schulten.

Mr. Graffam of Cumberland was granted leave to change his vote from "Nay" to "Ye".

A roll call was had. 19 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with four Senators being absent, the motion prevailed.

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

Mr. **HICHENS**: Mr. President, having voted on the prevailing side, I move reconsideration and hope everyone votes against me.

The **PRESIDENT**: The Senator from York, Senator Hichens, now moves that the Senate reconsider its action whereby the Senate voted to Recede and Concur. As many Senators as are in favor of the motion to Recede and Concur will please say "Yes"; those opposed "No".

A viva voice vote being taken, the motion did not prevail.

#### Order

Out of order and under suspension of the rules, on motion by Mr. Katz of Kennebec (By Request):

**WHEREAS**, many members of this body blew \$8.00 last night for a delicious roast beef dinner, attended by Sam Slosberg and other equally undistinguished guests; and

**WHEREAS**, the other body has already, in its usual informal way, passed a sugary Joint Order recognizing Sam's service (?), which it neglected to forward to the Senate; now, therefore, be it

**ORDERED**: The Senate does indeed recognize Sam Slosberg because no one, but no one, looks anything at all like Sam.

We commend him for doing whatever it is that he does. . .

We commend him on doing it so efficiently as to permit him occasional breaks in the day for rest and recreation. . .

We assure him that reports he may hear about the love and affection with which he is held in the Senate are typical examples of distorted reporting which is the scourge of this nation. . .

But, nonetheless, we interrupt the important business of the Senate, and our significant consideration of the earth shaking affairs of this Special Session, to assure Sam that we are aware of and appreciative of his contributions. With deep sincerity we say to friend Sam that we wish you many years of good health — and as the years roll on, may you get what's coming to you.

Which was Read.

The **PRESIDENT**: The Chair will order a division. As many Senators as are in favor of this Order receiving passage will please rise and remain standing until counted. Those opposed?

A division was had and the Order Failed of Passage.

The **PRESIDENT**: The Chair will ask the Sergeant-at-Arms if he will go up and speak to Mr. Slosberg and see if he has the courage to come to the rostrum and, if so, if he will please escort him here.

Thereupon, the Sergeant-at-Arms escorted Mr. Slosberg to the rostrum, amid the applause of the Chamber, where he addressed the Senate as follows:

Mr. SLOSBERG: Thank you very much. The President of the Senate has sent me a little note saying that if I was not kind he would rule me out of order. I would like to point out to him that I am always kind and I would hope to continue to be. I certainly wish the Senate great productivity on all the emergency bills that you are to consider at the special session and that you may adjourn by July 4th.

Thereupon, the Sergeant-at-Arms escorted Mr. Slosberg from the rostrum to the rear of the Chamber, amid the applause of the Senate, the Members rising.

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(Off Record Remarks)

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

Senate Reports — from the Committee on Election Laws — Bill, "An Act Limiting the Amount of Money Spent on Promoting or Opposing Referendum Questions." (S. P. 749) (L. D. 2178) Majority Report—Ought to Pass; Minority Report — Ought not to pass.

Tabled—March 14, 1974 by Senator Shute of Franklin.

Pending—Acceptance of Either Report.

On motion by Mr. Shute of Franklin, the Majority Ought to Pass Report of the Committee was Accepted.

Whereupon, Mr. Katz of Kennebec then moved that the Senate reconsider its action whereby it Accepted the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President, I would object to that motion. The purpose in my moving to accept the Majority Report: I explained the other day that the Committee came out with a report on this bill and it was presented to the Senate in error. It should have been in a new draft. What I propose to do, in order to satisfy the parliamentary procedure, is to accept the Ought to Pass Report of the Committee, ask for a suspension of the rules so the bill may have its second reading, present this amendment which

is, in effect, the new draft that the majority of the Committee approved, and then table it for two days pending further consideration. If that is acceptable to the Senator from Kennebec, I will follow those procedures.

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

Mr. KATZ: Mr. President, I withdraw my motion.

The PRESIDENT: The Senator from Kennebec, Senator Katz, withdraws his motion.

Whereupon, the Bill was Read Once and, on motion by Mr. Shute of Franklin and under suspension of the rules, the Bill was given its Second Reading.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President, a parliamentary inquiry: Are we now at the point for submission of an amendment?

The PRESIDENT: The bill is in the posture for offering an amendment.

Mr. Shute of Franklin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A" Filing No. S-396, was Read.

Thereupon, on further motion by the same Senator, tabled and Specially Assigned for March 19, 1974, pending Adoption of Senate Amendment "A".

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

House Reports — from the Committee on State Government — Bill, "An Act Reorganizing Executive Staff Functions." (H. P. 1902) (L. D. 2410) Report "A" — Ought to Pass in New Draft with New Title of: Bill, "An Act Creating the Office of Executive Management and Providing for the Reorganizing of Executive Staff Functions." (H. P. 2039) (L. D. 2573); Report "B" — Ought Not to Pass; Report "C" — Ought to Pass.

Tabled — March 14, 1974 by Senator Brennan of Cumberland.

Pending — Acceptance of any Report.

The PRESIDENT: The Chair

recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I wonder if the Secretary would read the signatures on the report and the House action on the bill.

The PRESIDENT: The Secretary will read the report and the House action.

The SECRETARY: The Ought to Pass in New Draft with New Title, "Creating the Office of Executive Management and Providing for the Reorganizing of Executive Staff": Farnham of Hampden, Senator Clifford of Androscoggin, Senator Speers of Kennebec, Silverman of Calais, Curtis of Orono, Gahagan of Caribou, Stillings of Berwick, Goodwin of Bath, Najarian of Portland and Bustin of Augusta. The Ought to Pass Report was signed by Representative Cooney. The Ought to Pass Report was signed by Representative Cooney. The Ought Not to Pass Report was signed by Senator Wyman and Representative Crommett. The action of the House was to indefinitely postpone the bill and accompanying papers.

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

Mr. CLIFFORD: Mr. President, I move that the Senate accept the Majority Ought to Pass in New Draft Report.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, moves that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee in non-concurrence.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I oppose that motion. It was my privilege to be on the committee to reorganize state government and consolidate it, which we did over a period of a year two years ago, I think it was. It has hardly had a chance to work and now we are starting one more bureau or department.

It has quite an order. If you will read your L. D., this commission is supposed to investigate and develop ways of saving money in the Bureau of Purchases, Personnel, Improvement Services, State Lottery, Motor Pool, and it goes down through the whole of state government. It seems to me at this late

date, the other body having voted to indefinitely postpone it, it doesn't seem wise to start another department. It has a price tag on it of one director for \$12,500, and he is going to have an assistant. It seems to me we are just starting another department, and I hope we will oppose this motion and then go along and concur with the House in indefinite postponement.

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

Mr. SPEERS: Mr. President, I think an explanation of this particular bill is most certainly in order. The bill was introduced as a result of the recommendation of the Cost Management Survey that the Executive Department of state government be reorganized. The bill that was introduced pursuant to that report or recommendation of the Cost Management Survey created three secretaries within the office of the Governor, and it specified various functions of state government which would report directly to those secretaries who in turn would report to the Governor of the State of Maine.

This arose out of the conclusion of the Cost Management Survey that there were entirely too many individuals reporting to the Governor and, because of the number of individuals reporting directly to the Governor, that the Governor's office was not as efficient as it could otherwise be. This, I am sure, was not meant to be critical of any particular administration but particularly of the governmental set-up within that office. So they recommended that there be three more or less managers, to be called secretaries, of various offices within the Executive Department. And they specified the various functions of state government which would report to those secretaries.

The Committee, upon looking at this bill, found a number of things that were problems with it. We found specific functions that were identified in the bill and these were mixed in with departments or offices that were statutorily created, but a number of other things were mere concepts rather than actual statutory entities. The

Committee did not feel that we had sufficient time in this special session to adequately look at this proposed governmental reorganization, that it really did have very far-reaching effects upon the Executive Branch of government, but we did not feel that it should be rejected out of hand because obviously there were some very great concerns here and an opportunity to more efficiently structure the Executive Department.

Now, I know all of you realize that in the governmental reorganization that has taken place over the past two legislatures the primary means by which this has come about has been to create the shell of a new department and have that department then go to work and make its recommendations to the next legislature or to the next special session as to the necessary statutory changes that would bring about the reorganization. This basic concept is what we have followed in this particular bill. The new draft would create the office of Executive Management and it would provide for two directors, at a total appropriation of \$12,500; not for each one of them, but that would be the total appropriation. Of these two directors, the first one would serve from July of this year to the end of January of next year and would be appointed by the present Governor; and the second director would serve from November of this year, December 1st, to the end of the life of the commission, which is next February, the end of next February, and he would be appointed by the Governor-elect, because it was certainly the intent and the thought of the Committee that the Governor-elect should certainly have some say over how he wishes to organize his department. This office would make its report to the 107th Legislature in regular session as to how it felt the Executive Department should be reorganized.

Now, I know that some of the individuals perhaps in the Cost Management Survey may not be very happy with putting off executive reorganization until next year, but I frankly feel that to pass the original bill that came before this Committee would have been irresponsible on our part. This

is a major governmental reorganization and it should take careful consideration and close examination by the Committee and by the Legislature. In order to do that, we simply must have more time, and could not do an adequate job in the time frame of a special session.

I would urge the acceptance of the Majority Report "A", Ought to Pass in New Draft, so that we can provide for a report to the 107th Legislature on the reorganization of the Executive Department. This is not creating a new department; it is reshuffling responsibilities within the existing office of the Governor.

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

Mr. WYMAN: Mr. President and Members of the Senate: I will speak very briefly on this. Your State Government Committee worked practically a year on this reorganization. Now we propose to reorganize or to change the Executive Department with one man for \$12,500, which presumably is a small sum, but also he may hire an assistant.

Practically all of these departments that we have in the state, I am sure, started with one man and an assistant and they have grown and grown and grown. It just seems to me that to do this properly and the State Government Committee worked on it a year, that we are not doing very much when we ask one man to go in, and maybe with an assistant and another unpaid director, but it still is adding to the cost.

The other body indefinitely postponed this bill, and if we continue and pass it, then we will be in non-concurrence and probably eventually it will die or die on the Appropriations Table. And maybe, as Sam Slosberg said this morning, we will be here until July 4th. I hope you will oppose the motion to accept Report "A".

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I don't think there is anything unique about this body being in non-concurrence with the other body.

I rise in opposition to the position of the good Senator Wyman. This is not

reorganization of the Executive Branch of government. We are not talking about the same thing. That has just been completed. This is reorganization within the Governor's office. It does not touch the departments which were created and the bureaus, but what it attempts to do, or what the final result hoped for is better control and coordination of those departments recently reorganized by the Governor's office.

The good thing about this bill or the appealing part of this bill, to me, is that in this very important area we are going to have input from the present Governor, who has had eight years of experience and knows pretty well the way the Executive Department works, but, since he is not going to be here, the final recommendation is going to come from the Governor-elect, the new Governor. He is going to be the one that will have the authority to make the final recommendations as to the way he wants his control and coordination to work, with the advice of the outgoing Governor. But the final decision, the final decision Mr. President, of course, will be made by the 107th Legislature, but with a recommendation in front of it after nearly a year of study and input from both the outgoing and the incoming Governor. The committee felt this was a good compromise between the original recommendation by the Cost Management Survey to accomplish what they recommended be accomplished in a way that will be practical and pragmatic.

This is a very high priority item in the Cost Management Survey. The Cost Management Survey originally recommended the bill which is Report "C", and I think now they acknowledge that it is not practical that that bill could have got through in this session because there were some problems with it. So I think they do agree now with this compromise recommendation, and I think it will go a long way towards reorganizing the Governor's office to the point where we will have better control and coordination over the whole Executive Branch of government.

Mr. President, I hope you would vote against the motion of the good Senator from Washington, Senator Wyman, and

when the vote is taken I move it be taken by the Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, if it is in order, I now move indefinite postponement of this bill and all accompanying papers.

The PRESIDENT: The motion is in order. The Senator from Washington, Senator Wyman, now moves that this bill and all accompanying papers be indefinitely postponed in concurrence.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: As I see this, what we are voting on today is whether or not we believe in the Maine Management and Cost Survey. And as I understand it, if we vote "No" here, we are supporting the theory and the practice of the Maine Management and Cost Survey. If we vote to indefinitely postpone this bill, as I see it, we are voting against the whole purpose of the Maine Management and Cost Survey. So I would strongly urge you to defeat the motion.

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

Mr. JOLY: Mr. President and Members of the Senate: I rise to object to the remarks made by the Senator from Somerset, Senator Cianchette. When I first read the Maine Management and Cost Survey Report I was very, very pleased with it. I still am. But the whole thing has been boshed down. It took the men a year to make the study and they expected us in a month and a half or so at a special session to come right out and endorse it. We couldn't do that. It would have been irresponsible on our part. I regret that any of the reports of the Longley Report were brought into this special session. None of them should have been. They should have all been turned over to a committee of the legislature to study for the next regular session. I am planning to vote for indefinite postponement on this motion, but I am completely in favor of the aims of the Longley Commission.

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

Mr. SPEERS: Mr. President and Members of the Senate: I too would rise in objection to the remarks of the good Senator from Somerset, Senator Cianchette, and would agree with the remarks by the Senator from Kennebec, Senator Joly. I do not see this vote as an affirmation of the objectives and the amount of work that has been done by the Management and Cost Survey. I plan to vote against the motion to indefinitely postpone because I do agree with the remarks of the Senator from Kennebec, Senator Joly, that this matter and the recommendations of the Cost Management Survey should be carefully studied, should be looked at, should be taken a step further than the actual recommendations, to bring about the implementation of some of those recommendations, to bring about some efficiency in the Governor's office itself. I see a vote on this matter as a vote on whether or not we wish to continue with the reorganization of state government and carry that reorganization into the Executive Department itself, as we have been doing with the Executive Branch of government. But in no way do I see this as an affirmation or rejection of the Longley Commission or the Cost Management Survey.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: Certainly, I guess you couldn't say one area of the recommendations of the Cost Management Survey was to be against the concept. However, I think the point that the good Senator from Somerset, Senator Cianchette, was trying to make was that this is one of the absolute top priorities that the Cost Management Survey has pinpointed as being one of their most important recommendations. It is the only way we are going to get input from the outgoing Governor, who has had experience of eight years in that office, and input from the incoming Governor coordinated together. It is strongly endorsed also by the present Governor as his method of getting some

input, his knowledge and experience of eight years of office, into the reorganization of the Executive Branch. Otherwise, if you wait, you are going to be faced with input only from the new Governor who in the 107th Legislature is going to be an inexperienced Governor. I think this bill is the route to go, and I certainly hope that you would vote against the motion to indefinitely postpone. Thank you.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Washington, Senator Wyman, that Bill, "An Act Reorganizing Executive Staff Functions" and all accompanying papers be indefinitely postponed in concurrence. The Chair will order a division.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: I had understood the Senator from Androscoggin, Senator Clifford, to have requested a roll call. In the event that he did not, I would like to request a roll call. I would also like to urge every one of you to consider very carefully the remarks that the Senator from Androscoggin, Senator Clifford, and Senator Speers of Kennebec made. I think they have very accurately analyzed this thing.

We are being chastised in the press I think quite unfairly in many cases, for the very leisurely pace of this session and the treatment we have accorded to the Maine Management Cost Survey. But to the extent that the criticism is justified, I should think it would be justified if we were now to turn our backs on one of the priority items in the whole Management Cost Survey. This doesn't involve the creation of any new agency or department. It involves simply trying to provide a mechanism by which we can implement or try to implement some of these sensible recommendations to try to do a better job in how we operate state government. I assume we are all committed to that end, we all agree that that is a good objective, and I certainly hope that you would vote against indefinite postponement. And I do request a roll call.

The PRESIDENT: A roll call has been requested. The Chair would inform the

Senator the roll call was requested by the Senator from Androscoggin, Senator Clifford, on his motion to accept the Majority Ought to Pass Report. The subsequent motion made by the Senator from Washington, Senator Wyman, was to indefinitely postpone. In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Washington, Senator Wyman, that Bill, "An Act Reorganizing Executive Staff Functions", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Anderson, Berry, Cox, Graffam, Greeley, Henley, Hichens, Joly, Olfene, Shute, Wyman.

NAYS: Senators Brennan, Cianchette, Clifford, Cummings, Cyr, Danton, Fortier, Haskell, Katz, Kelley, Marcotte, Minkowsky, Morrell, Richardson, Roberts, Sewall, Speers, Tanous, MacLeod.

ABSENT: Senators Conley, Huber, Schulten.

A roll call was had. 11 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with three Senators being absent, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass in New Draft Report of the Committee? A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I would withdraw the roll call.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, withdraws his request for a roll call. Is it now the pleasure of the Senate to accept the Majority Ought to Pass in New Draft Report of the Committee?

Thereupon, the Majority Ought to

Pass in New Draft Report of the Committee was Accepted in non-concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

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

Bill, "An Act to Provide a Maine Homestead Property Tax Exemption Law." (H. P. 1680) (L. D. 2073)

Pending—Consideration.

On motion by Mr. Wyman of Washington, the Senate voted to Adhere.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the eighth tabled and unassigned matter:

JOINT ORDER — Relative to Legislative Council study of the feasibility of utilizing Women's Correctional Center at Skowhegan for purposes other than corrections. (S. P. 936)

Tabled—March 13, 1974 by Senator Berry of Cumberland.

Pending—Passage.

Mr. Hichens of York then moved that the Joint Order be Indefinitely Postponed.

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

Mr. SEWALL: Mr. President and Members of the Senate: I rise to oppose the motion of the good Senator from York, Senator Hichens, relative to this order. It is becoming more and more apparent that funding for the Women's Correctional Center at Skowhegan will not be available pending the disposition of the various budgets before us. We do not carry funds for this institution other than custodial funds.

I am aware that there is tremendous disagreement of opinion as to what should be done with Skowhegan in relation to that facility and the facility down here in Hallowell. However, I think it is only realistic to plan ahead for an institution of this size, and if funds are not available to run Skowhegan in its present use, it would seem only reasonable that the Legislative Council through one of its committees studied the future disposition of this facility. So I

do oppose the motion to indefinitely postpone this order and hope that my motion will prevail.

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

**MR. HICHENS:** Mr. President and Members of the Senate: I was not prepared to debate this issue this morning because I did not think it was going to come off the table so fast. The members of the legislature have been well aware of the manipulations of the department over the last four years to do away with the Women's Correctional Center. The Health and Institutional Services Committee last session and in this session have opposed that transition, and yet the Commissioner has disregarded the intent of the legislature. When last year there was a bill presented to give him the right to change that facility from Skowhegan, we denied that right. During the interim he moved some twelve to fifteen residents down to Stevens, with the proposition that they were being sent down there for educational purposes. He also had much of the equipment moved from Skowhegan to Stevens, with what excuse I do not know. This year there was a bill before the Judiciary Committee to give him the right to move Skowhegan to Stevens and that was taken out of that omnibus bill, and yet the Appropriations Committee has seen fit to withhold funds.

I have sent a letter of request to the Attorney General asking him if this procedure is legal. I have not heard from that request yet. So until we find out whether we can legally withhold funds from an institution which is in existence now, and we have not given the right to terminate that existence, I do not believe that we can go on with this study of the feasibility of some other proposition for the use of that land.

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

**MR. MORRELL:** Mr. President and Members of the Senate: The Appropriations Committee felt very strongly that it was acting prudently in recommending to you the closing of the facility at Skowhegan, particularly in

view of the fact of the very small number of patients or inmates being handled at that institution. We feel that that was our responsibility to recommend to you the kind of action that would result in the consolidation.

Now this particular order is merely a study for how that facility would be used in the future. It seems to me that the recommendations to you are made in good faith after a careful analysis. Certainly there are those who would have different feelings about shutting that down, but this particular order has to do with a study of how that is going to be used in the future, and it seems to me to make entirely good sense.

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

**MR. HICHENS:** Mr. President and Members of the Senate: I hesitate to prolong the debate this morning, but by passage of this order we are just assuming that the correctional institution is going to be closed down. The Health and Institutional Services Committee have given many alternatives as to how this facility can be used in moving the residents from Stevens to Skowhegan. We haven't seen it proved that it is better to move them from Skowhegan to Stevens any more than it is to move them from Stevens to Skowhegan.

We have a wonderful place there. The City of Skowhegan, or town, whatever it may be, has approved keeping the facility, where the Town of Hallowell has gone on record as disapproving the transition from Skowhegan to Stevens. The Stevens facility could be well utilized for state office space and parking area. It is very adjacent to our facilities here. It could also be used as a veterans home, as has been suggested for the Skowhegan area. So I do not feel that we should go along with this order this morning, and again I ask you to indefinitely postpone it.

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

**MR. MORRELL:** Mr. President and Members of the Senate: I also apologize for getting up again. It is true that either institution could probably handle the



assignment to which both of them are now charged. However, the figures we got indicated that to move the Skowhegan facility or assignment to Hallowell would involve about \$150,000. To do the reverse would involve many millions of dollars. It just seemed to me that there was a clear choice here, we made on the basis of dollars and cents, and that is the responsibility of our committee and also it seems to me to be the responsibility of the legislature. Either area could handle it, and it is a question of saving considerable dollars to go this route. It seemed to us that really, in terms of what the department felt was prudent, that we should go the route that has been suggested to you.

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

Mr. HICHENS: Mr. President, I would request a roll call please.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that the Joint Order be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: I have just been trying to analyze this a little more closely, and since the Committee on Health and Institutional Services has done considerable work along these lines, is there any possibility that this could be amended to have members on the Committee on Health and Institutional Services work along with the Legislative Council in making this final determination? Would this be more palatable? This is a question through the Chair to any member of the Appropriations Committee who would desire to answer it.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has

posed a question through the Chair which any member of the Appropriations Committee may answer if he desires.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: My assumption would be that the legislative leadership could assign this to any group or any members of whatever committee they might think appropriate.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that Joint Order, S.P. 936, Relative to Women's Correctional Center at Skowhegan, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Graffam, Hichens, Minkowsky, Wyman.

NAYS: Senators Anderson, Berry, Brennan, Cianchette, Clifford, Cox, Cummings, Cyr, Danton, Fortier, Greeley, Haskell, Henley, Joly, Kelley, Marcotte, Morrell, Olfene, Richardson, Roberts, Sewall, Shute, Speers, Tanous, MacLeod.

ABSENT: Senators Conley, Huber, Katz, Schulten.

A roll call was had. Four Senators having voted in the affirmative, and 25 Senators having voted in the negative, with four Senators being absent, the motion did not prevail.

Thereupon, the Joint Order Received Passage.

Sent down for concurrence.

(Off Record Remarks)

#### Papers From the House

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

#### Enactors

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

An Act Offering Alternative Arrangements for Funding of Students Living on Federal Establishments. (H. P. 2040) (L. D. 2574)

On motion by Mr. Sewall of Penobscot, tabled and Tomorrow Assigned, pending Enactment.

(Off Record Remarks)

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

Mr. KATZ: May I make a parliamentary inquiry? I am aware of the fact that once a matter has been tabled to a time certain it cannot be taken from the table until that time. The matter at hand having occurred just moments ago, and everyone being in their seat, is it possible to suspend the rules to reconsider the tabling motion just made?

The PRESIDENT: The Chair would inform the Senator that if the rules are suspended a parliamentary body can do anything that it wants to.

Whereupon, on motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action whereby An Act Offering Alternative Arrangements for Funding of Students Living on Federal Establishments, was tabled and Tomorrow Assigned, pending Enactment.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Senator Speers from Kennebec brought this issue up yesterday, and we first heard an interesting parliamentary history of this legislation, and then we learned that the purpose of this bill was to provide the state with the necessary flexibility to fill in for any funding problems the Limestone school people might be having in the event that there was a loss of impacted area federal funds or federal funding. I would like to know how much money is involved or can be involved in this funding proposal?

The PRESIDENT: The Senator from Cumberland, Senator Richardson, has posed a question through the Chair which the Senator may answer if he desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and

Members of the Senate: There are no budgetary implications in this bill. The State of Maine obviously has responsibilities to fund education, no matter what. We are trying very hard to force the federal government into a posture of picking up a greater share, and it is our hope that we will save money out of the budget rather than to cost money.

With respect to the urgency of this bill, Mr. President, I mentioned the other day we had 150 emotionally charged people down from Aroostook, from the Limestone area. I did not share their feeling of concern as to the urgency of their getting up at four o'clock in the morning and driving in, but after they met with the Governor, and they met with the Commissioner, and they met with us, we arrived at a mutually agreed upon set of ground rules that to reassure them, so that they could sign contracts with their teachers in a timely manner, that we would enact this legislation this week. Whether it had an emergency enactor on it or not was not significant, but there was a rather nasty situation developing within this small community. We spent some hours trying to accommodate all of the parties, and I regret very much that we have inconvenienced the Senate on a couple of occasions trying to solve what is completely a local situation.

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

Mr. MORRELL: Mr. President and Members of the Senate: Could I address a question through the Chair to Senator Katz? Does this have any implications for any other communities in the State of Maine, other than Limestone?

The PRESIDENT: The Senator from Cumberland, Senator Morrell, has posed another question through the Chair which the Senator from Kennebec may answer if he desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: Because it concerns Class A pupils, theoretically it involves the Brunswick Naval Air Station, I would presume. But the Brunswick Naval Air Station is not at

issue in this specific thing at hand. I am confident that if the people from Brunswick were consulted their interests would be exactly the same as the people from Limestone. And this is a reassurance to any community that has Class A pupils, that the state is standing ready to help financially in the event the feds don't come up with the maximum possible.

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

Mr. SEWALL: Mr. President and Members of the Senate: I wish the good Senator from Kennebec, Senator Katz, would explain the urgency of this item to the extent that it could not lie on the table for over this weekend so that the members of the Senate will have a chance to talk with him and other members of his committee as to the merits of this bill. It is not an emergency bill, so it will take 90 days to take effect and I can't really see that three or four days is going to make that much difference.

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

Mr. KATZ: Mr. President and Members of the Senate: I have kind of had it with the Limestone problem. I have been living with it for eight years, and I am not terribly enthused about getting involved in a problem that I have wrestled with all these years. This bill may have whizzed through here in the last couple of days, but it has been on your desks as part of errors and inconsistencies for at least two weeks. And if there are any misgivings about it, we have had two weeks to ask questions about it. It has just been called to our attention. The only urgency about this bill — and I will speak my piece; I have done my duty to live up to a bargain, and if you want to table it for two weeks that is your privilege, and I really have substantially lost interest, except that after meeting with the Governor and all the rest of us, an agreement was made that inasmuch as the time for collective bargaining between the teachers and school board was at hand, and the administration of the school board said that they couldn't in conscience

negotiate contracts with teachers while the whole question of funding was up in the air, and the 150 teachers and others are very, very nervous, and talks are going on, an agreement was made to enact legislation to create a better climate by the end of this week. That is it, purely and simply, and the matter is in your hands, ladies and gentlemen.

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

Mr. BERRY: Mr. President and Members of the Senate: I never have in any way questioned the ruling of the Chair, but it seems to me, as I recall similar situations in the past — and as friendly as I am to the position of Senator Katz and his problems in Limestone — as a member of the body particularly concerned with parliamentary procedure, it appears to me that we would be establishing a serious precedent here because, regardless of the fact that no one has left the chamber and we were all here when the motion was made, this is not a parliamentary condition of the ruling. There is nothing to prevent a person having left this chamber, and I don't know now whether somebody has left the chamber since the discussion started. But if we were to stick with the point that any specific item tabled to a date certain, that that tabling can be circumvented by a two-thirds vote of the members of the body, I frankly see an excellent opportunity of unfair situations arising which could be used on bills that perhaps aren't so good. I am afraid, regretfully Mr. President, I must ask that perhaps the ruling could be reviewed by the Chair now.

The PRESIDENT: The Chair understands that the Senator from Cumberland, Senator Berry, appeals the ruling of the chair. The question before the Senate now is shall the decision of the Chair stand as the judgment of the Senate? I would say that this matter is debatable. The Senate will be at ease.

(Senate at East)

Called to order by the President.

Mr. Berry of Cumberland then withdraw his appeal from the ruling of the Chair.

On motion by Mr. Katz of Kennebec,

tabled and Tomorrow Assigned, pending  
Enactment.

On motion by Mr. Sewall of Penobscot,  
Adjourned until Monday, March 18,  
1974, at 1:30 o'clock in the afternoon.