

# 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**

Thursday, March 21, 1974

Senate called to order by the President.

Prayer by Mr. Julius Sussman of Augusta:

This is divided into three short sections:

The Goal, by Henry van Dyke.

Not to the swift, the race:

Not to the strong, the fight:

Not to the righteous, perfect grace:

Not to the wise, the light.

But often faltering feet

Come surest to the goal:

And they who wall in darkness meet

The sunrise of the soul.

From the Hebrew Introductory Prayers for the Sabbath:

How lovely are Thy tabernacles, O Lord of hosts!

My soul yearns, yea, even pines for the courts of the Lord;

My heart sings for joy unto the living God.

One thing I have asked of the Lord, that I will seek after:

That I may dwell in the house of the Lord all the days of my life,

To behold the graciousness of the Lord, and to enter His sanctuary.

Teach me Thy way, O Lord,

And lead me in an even path.

With Thee is the fountain of life,

In Thy light do we see light.

The road's been rough the session long

The end is drawing near

Many problems have you solved

Still not all is clear.

Here's to success to your endeavors

As you labor with words and pen

Under fatherhood of God and brotherhood of man

God bless you all - Amen

Reading of the Journal of yesterday.

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

Bill, "An Act Granting Energy Emergency Powers to the Governor." (H. P. 2005) (L. D. 2549)

In the Senate March 11, 1974, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-771), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

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

In the Senate March 7, 1974, Passed to be Engrossed as Amended by Senate Amendment "A" (S-376), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-376) and House Amendment "A" (H-772), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Joint Order**

WHEREAS, the Maine Management and Cost Survey contains many findings and recommendations aimed at improving the institutions through which we govern ourselves; and

WHEREAS, the Legislature initiated this survey with a desire to improve State Government, it was never anticipated the erosion of a decade would be checked at one sitting; and

WHEREAS, implementation of the survey results not considered at this special session are expected to spread out over many years to come; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized and directed to review the several findings and recommendations of the Maine Management and Cost Survey Commission which have not already been implemented, to determine which of those are deserving of further study and possible implementation at the 107th legislature; and be it further

ORDERED, that the Council report the results of such determination and study, including all necessary implementing legislation, at the next regular session of the 107th Legislature. (H. P. 2068)

Comes from the House, Read and Passed.

Which was Read.

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

#### Joint Order

WHEREAS, legislation has been presented pursuant to the Management and Cost Survey to establish performance incentives for managers and assistant managers of state liquor stores; and

WHEREAS, the Governor has recommended that this bill and the concept for performance incentives for state services receive further study before being considered for enactment; and

WHEREAS, the Joint Standing Committee on State Government is currently involved in a study of salaries, hours and other conditions of employment under the Personnel Law as authorized by the Legislative Council; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council is authorized and directed to include in the State Government Committee current study of Personnel Laws, An Act to Establish Pay Scales for Managers and Assistant Managers in State Liquor Stores, House Paper 1859, Legislative Document 2354, as considered at the First Special Session of the One Hundred and Sixth Legislature; and be it further

ORDERED, that the Council shall cause a written report to be made of the findings and recommendations, together with any needed legislation resulting from such study, at the next regular legislative session. (H. P. 2066)

Come from the House, Read and Passed.

Which was Read.

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

STATE OF MAINE  
Office of the Governor  
Augusta, Maine  
04330

March 22, 1974

To The Honorable Members of the Maine Senate:

In accordance with my opening message to the Special Session, I am presenting a special report demonstrating a priority program budget approach and format for

departments selected by the Appropriations Committee.

This report, "An Example of a Program Budget," has been prepared by the State Budget Office and I am pleased to submit it for your information.

Sincerely,  
KENNETH M. CURTIS  
Governor

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: I would call your attention specifically to this document. This is, I say, an historic occasion to see before us in concrete form, written out so that we can understand it and have it explained to us, the priority program base budget. I would commend it seriously to your earnest consideration at your leisure so that you will be familiar with the budgetary process in the future, something that I am sure very few of us, regardless of our exposure, can say about the way the budget has been handled to date.

I think a tremendous amount of credit should be given to Mr. Williams and his assistant, and Bill Siebert, for the effort and work that has gone into this. This represents about three or four years of concentrated effort on the part of everybody concerned in the legislature and in the Executive Department to accomplish this.

The basic concept of the new budget is that all programs will be reviewed annually and established on a priority basis, and justification for every single program in the state's activities must be explained. The implications of this are that perhaps for the first time the Maine State Legislature will have the tools necessary to keep this ever-increasing budget under control. I think what this particular fact is going to be driven home to us very shortly when we see the final details of the financial picture of the state which will be presented by the Chairman of the Appropriations Committee within the next few days.

THE PRESIDENT: Is it now the pleasure of the Senate that this

communication be placed on file?

Thereupon, the Communication and accompanying papers were Ordered Placed on File.

### **Committee Reports**

#### **House**

#### **Ought to Pass in New Draft**

The Committee on Election Laws on, Bill, "An Act Placing Certain Limits on Campaign Donations and Expenditures for Candidates for Political Office and Public Referendum Questions." (H. P. 1823) (L. D. 2308)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Placing Certain Limits on Campaign Donations and Expenditures by Candidates for Political Office" (H. P. 2054) (L. D. 2589)

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-776).

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

The Committee on Natural Resources 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 Ought to Pass in New Draft under New Title: "An Act Relating to the Dredging, Filling or Otherwise Altering of Rivers, Streams and Brooks" (H. P. 2053) (L. D. 2588).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-773) and House Amendment "B" (H-775).

Which report was Read and Accepted in concurrence and the Bill Read Once. House Amendments "A" and "B" were Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### **Divided Report**

Six members of the Committee on Labor on, Bill, "An Act Providing for a Workmen's Compensation Insurance Fund." (H. P. 1811) (L. D. 2292)

Reported in Report "A" that the same be referred to the 107th Legislature.

Signed:

Senator:

HUBER of Knox

Representatives:

GARSOE of Cumberland

BINETTE of Old Town

McNALLY of Ellsworth

FLYNN of South Portland

BROWN of Augusta

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft under Same Title (H. P. 2047) (L. D. 2580)

Signed:

Senator:

KELLEY of Aroostook

Representatives:

HOBBINS of Saco

McHENRY of Madawaska

CHONKO of Topsham

ROLLINS of Dixfield

Two members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass in New Draft under New Title: "An Act to Create a Competitive State Workmen's Compensation Fund" (H. P. 2048) (L. D. 2581)

Signed:

Senator:

TANOUS of Penobscot

Representative:

FARLEY of Biddeford

Comes from the House, Report "B" Read and Accepted and the Bill in New Draft (H. P. 2047) (L. D. 2580) Passed to be Engrossed as Amended by House Amendment "B" (H-770).

Which reports were Read.

On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

#### **Second Readers**

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

#### **House**

Resolve, Permitting the County of Kennebec to Expend Money for Public Ambulance Service. (H. P. 2037) (L. D. 2572)

(On motion by Mr. Anderson of Hancock, temporarily set aside)

Bill, "An Act Amending the Elderly Householders Tax and Rent Refund Act to Improve Benefits." (H. P. 2050) (L. D. 2584)

(On motion by Mr. Wyman of Washington, temporarily set aside.)

Bill, "An Act Relating to Consent to or Surrender and Release for Adoption." (H. P. 2051) (L. D. 2585)

Which were Read a Second Time and, except for the matters set aside, Passed to be engrossed, in concurrence.

The President laid before the Senate the matter temporarily set aside at the request of Mr. Wyman of Washington:

Bill, "An Act Amending the Elderly Householders Tax and Rent Refund Act to Improve Benefits." (H. P. 2050) (L. D. 2584)

Pending — Passage to be Engrossed.

Mr. Wyman of Washington then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-412, was Read.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I have an amendment dealing with this bill, dealing with the very same section. It has been through Sam's office and has been prepared but it hasn't been circulated. So I hope someone would table this until later in today's session, pending the adoption of this amendment.

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

Thereupon, on motion by Mr. Danton of York, tabled until later in today's session, pending Adoption of Senate Amendment "A".

The President laid before the Senate the matter temporarily set aside at the request of Mr. Anderson of Hancock:

Resolve, Permitting the County of Kennebec to Expend Money for Public Ambulance Service. (H. P. 2037) (L. D. 2572)

Pending — Passage to be Engrossed.

Mr. Anderson of Hancock then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A". Filing No. S-415, was Read.

The PRESIDENT: The Senator has the floor.

Mr. ANDERSON: Mr. President and Members of the Senate: I have received six letters from towns in Hancock County urging me to amend the Kennebec County Ambulance Bill to include Hancock County. These letters are all in the same vein and I would just like to read one of them: "We the selectmen of Eastbrook herewith wish to indicate our support and approval of a Bill, L. D. 2081, permitting Kennebec County to spend money for public ambulance service. We ask that this bill be amended to include Hancock County." I feel what is good for the goose is good for the gander, and I urge passage of this amendment.

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

The motion prevailed.

Thereupon, on motion by Mr. Katz of Kennebec, tabled until later in today's session, pending Passage to be Engrossed.

### Senate

Bill, "An Act Relating to Review, Reports and Proposed Amendments of the Maine State Retirement System." (S. P. 944) (L. D. 2590)

(On motion by Mr. Richardson of Cumberland, tabled until later in today's session, pending passage to be Engrossed.)

Bill, An Act to Establish Guidelines for Release of Accused Persons Pending Trial." (S. P. 946) (L. D. 2594)

Bill, "An Act Relating to Supplemental County Budgets." (S. P. 947) (L. D. 2595)

Bill, "An Act Clarifying the Regulation of Roadside Cutting Practices." (S. P. 948) (L. D. 2596)

(On motion by Mr. Richardson of Cumberland, tabled until later in today's session, pending Passage to be Engrossed.)

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

Sent down for concurrence.

**Orders of the Day**

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

Bill, "An Act Relating to Retirement of Justices of the Supreme Judicial and Superior Courts and Judges of the District Court." (S. P. 825) (L. D. 2352)

Tabled—March 1974 by Senator Speers of Kennebec.

Pending—Motion of Senator Berry of Cumberland that the Senate Insist.

(In Senate—Passed to be Engrossed as Amended by Senate Amendment "A" (S-399).)

(In House—Majority Ought to Pass report Read and Accepted, in non-concurrence.)

The PRESIDENT: Is it now the pleasure of the Senate to insist?

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, a parliamentary inquiry: Which motion would prevail, a request that the Senate insist, or a request that the Senate insist and ask for a committee of conference?

The PRESIDENT: The Chair would inform the Senator that the move to insist takes precedence over a move to insist and ask for a committee of conference.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, retabled until later in today's session, pending the motion by that Senator that the Senate Insist.

The President laid before the Senate the second tabled and specially assigned 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)

Tabled—March 20, 1974 by Senator Berry of Cumberland.

Pending—Consideration.

(In Senate—Passed to be Engrossed as Amended by House Amendment "A" (H-753).)

(In House—Bill and accompanying papers, Indefinitely Postponed.)

On motion by Mr. Berry of Cumberland, retabled until later in today's session, pending further Consideration.

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

Bill, "An Act Extending Collective Bargaining Rights to State Employees." (S. P. 817) (L. D. 2314)

Tabled—March 20, 1974 by Senator Katz of Kennebec.

Pending—Adoption of Senate Amendment "B" (S-411).

On motion by Mr. Tanous of Penobscot, retabled until later in today's session, pending Adoption of Senate Amendment "B".

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**(Off Record Remarks)**

On motion by Mr. Berry of Cumberland,

Recessed until the sound of the bell.

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**After Recess**

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Senate called to order by the President.

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

Bill, "An Act Amending the Elderly Householders Tax and Rent Refund Act to Improve Benefits." (H. P. 2050) (L. D. 2584)

Pending—Adoption of Senate Amendment "A".

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

Sent down for concurrence.

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

Resolve, Permitting the County of Kennebec to Expend Money for Public Ambulance Service. (H. P. 2037) (L. D. 2572)

Pending—Passage to be Engrossed.

Mr. Katz of Kennebec then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-418, was Read.

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

Mr. MINKOWSKY: Mr. President,

may I make an inquiry through the Chair to the good Senator from Kennebec, Senator Katz, as to the reason why the emergency clause is being removed?

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

Mr. KATZ: Mr. President, the reason the emergency clause is being removed is to obviate the necessity of a two-thirds vote for enactment.

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

Mr. SPEERS: Mr. President, I really can't believe the good Senator from Androscoggin, Senator Minkowsky, asked that question.

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

The motion prevailed.

The PRESIDENT: Is it now the pleasure of the Senate that this resolve be passed to be engrossed in non-concurrence and sent down for concurrence?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: Before the bill is passed to be engrossed and sent down in non-concurrence, I think additional information has come to light which I believe should be part of the record so that a final and more clear-cut determination could be made when this bill finally comes back. And if I understand correctly, Mr. President, it will go to the House in non-concurrence and be returned here for enactment, is that right?

The PRESIDENT: The Senator is correct.

Mr. MINKOWSKY: M. President and Members of the Senate would like to refer to a report that was given to me last night, what they call the Progress Report No. 1 on the Application of a Planning Methodology to Increase the Effectiveness of the Emergency Medical Transportation System in the State of Maine. This is Section 2, the preliminary report on the greater Augusta area primarily, dated July of 1973. This was prepared by C.H.I. Systems, Inc. of Ann

Arbor, Boston and Columbus, Ohio.

It was interesting to note primarily that this referred to the statistics which apparently the planning agency in the Augusta area obtained from Ace Ambulance Service. I am just going to read excerpts from it just to bring out a few of the highlights of what we discussed yesterday. In the introduction part of the report, it states "The Southern Kennebec Regional Planning Commission, under the direction of John Foster and with the cooperation of Ace Ambulance Service of Hallowell, collected data on all of the emergency and non-emergency calls that Ace Ambulance made during 1972. It is that data which forms the basis for this preliminary analysis. In all, a total of 1,042 emergency calls and 1,151 non-emergency calls were received and documented for this analysis."

On Page 55, Performance of Existing System and Some Alternatives, they have given various statistics to really show the high performance of Ace Ambulance Service in this particular area, and it is interesting to note in what they refer to as their region versus their subregion the time element involved in getting from Hallowell to the various areas of Augusta. I just want to bring this out primarily because they use Ace in Hallowell as the average response time of 9.25 minutes, and if this same service was in Augusta it would be 9.18. If it was in another section of Augusta, and I think located at one of the hospitals, it would be 9.55 minutes. Of course, it only talks in really a fraction of a second in how these people have been effective in handling their job versus if these particular ambulances were based, I think, close to the fire station in Augusta, and I think also they indicated there would be about a 20.9 percent savings if it was directly at the Augusta General Hospital, by 7.32 minutes.

The interesting part that I think I want to get on record is the following, Mr. President: What they refer to as the low demand period, from 7 p.m. to 8 a.m. I think this conforms with some of the remarks made by Senator Speers in reference to the article as placed on your desks, which I refer to as being obsolete, and which was back in 1973 when they

were having a debate with the Department of Labor. Now, approximately 400 calls can be expected to occur during these hours annually. With 4,745 cycle times available, the average calls expected per cycle is .08. The probability of one or fewer occurrences at this average is .997. With one vehicle operating, the expected number of calls annually would be .997. While higher than the expected during the peak period when two vehicles are operating, this number is probably not high enough to justify a second full-time staff vehicle during the low demand period. Instead, back-up from police might be utilized.

Now, we are talking really of quite an expensive proposal insofar as a municipality or towns in the area running an ambulance service of this nature. Here these people have four fully equipped ambulances available to go in this area, and also there is another four fully equipped ambulances located in Lewiston to serve outlying areas in case of an extreme emergency which would be available to Kennebec County.

In here there is no actual cost to the taxpayers of Kennebec County. I just can't understand the reason and logic. If an agency is subsisting very well by taking care of all the hearse work and the removals in Kennebec County, and I think they claim there are about 500 deaths per year, they are subsidizing their own particular business. And here we are saying that there is not that much ambulance work but what that one agency, which is doing a reliable and creditable job, cannot handle it by itself, and now you are attempting to put something in competition against them.

I think really this is the crux of the entire matter, that this is not justified, but I think for the record, for the time being, Mr. President, I just want to get this material on record of how they cooperated with the planning agency here in the Augusta area to the fullest, how their figures compared on a national basis, and I think they really deserve to be commended for the outstanding job that they did in this area for the past six years compared to being criticized and condemned unjustifiably by some people in the unmentionable branch.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be passed to be engrossed?

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

Sent down for concurrence.

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

Bill, "An Act Relating to Review, Reports and Proposed Amendments of the Maine State Retirement System." (S. P. 944) (L. D. 2590)

Pending — Passage to be Engrossed.

On motion by Mr. Richardson of Cumberland, retabled until later in today's session, pending Passage to be Engrossed.

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

Bill, "An Act Clarifying the Regulation of Roadside Cutting Practices." (S. P. 948) (L. D. 2596)

Pending — Passage to be Engrossed.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I tabled this matter earlier this morning because an amendment is being prepared to effectuate the statement of intent that I made yesterday, that is, that we remove that section from the printed L. D. which would broaden the classes of roads covered by this legislation by the present law. The amendment that was drafted, in my judgment, does not do what I asked that it do and, therefore, we are now in the process of having Senate Amendment "B" prepared. I would VERY APPRECIATE IT if some member of the Senate would table this matter until later in today's session.

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

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

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

Bill, "An Act Relating to Retirement of Justices of the Supreme Judicial and Superior Courts and Judges of the District Court." (S. P. 825) (L. D. 2352)

Pending — the motion by that same Senator to Insist.

Thereupon, the Senate voted to Insist.  
Sent down for concurrence.

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

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

Pending — further Consideration.

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Senate voted to Recede from its former action whereby the Bill was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A" Filing No. S-416, was Read.

Thereupon, on further motion by the same Senator, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

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

Bill, "An Act Extending Collective Bargaining Rights to State Employees." (S. P. 817) (L. D. 2314)

Pending — Adoption of Senate Amendment "B".

On motion by Mr. Tanous of Penobscot, retabled and Tomorrow Assigned, Pending Adoption of Senate Amendment "B".

### Reconsidered Matter

On motion by Mr. Greeley of Waldo the Senate voted to reconsider its prior action whereby

Joint Order — Relative to State Government Committee study of the feasibility of extending longevity increase to all classified State

employees, (H. P. 2058) was Indefinitely Postponed.

Thereupon, on motion by Mr. Berry of Cumberland, the Joint Order Received Passage in concurrence.

Out of order and under suspension of the rules, there being no objection, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence, except for the matters being held on request.

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

Mr. KATZ: Mr. President and Members of the Senate: This morning we got a first draft of a bill out of the Committee on Election Laws pertaining to campaigns. I think all of us share the desire here that we pass a law that corrects some campaign abuses. But other than whatever law we pass, it is going to be up to us not only to avoid improprieties but the appearance of improprieties.

One thing that has particularly bugged me over the years is that every two years we get into congressional elections and once every two years, as regularly as can be, I hear from my Congressman, and it is usually the week before election. And it is always a franked message. I see that the Congress has changed the law and now the franking privilege cannot be used by incumbents seeking re-election within 28 days of an election. So I am confident that I will receive no mail from my Congressman within 28 days of election this year.

I have in front of me here an editorial from the Portland Evening Express, dated March 13, with a picture of my Congressman, and written over part of his message to the taxpayers is this communication of politics. Well, I hope as we face the needs of controlling our expenditures we protect the people from the feeling that I have that my money is being used in a Democratic Primary by the messages I get with some regularity from my Congressman during the election year. I hope that all of us assign our best wits to protect the people from abuses at the state level which I identify and disapprove of at the federal level.

On motion by Mr. Sewall of Penobscot, recessed until 3:00 o'clock this afternoon.

### After Recess

Called to order by the President.

The President laid before the Senate the following matter:

Bill, "An Act Relating to Review, Reports and Proposed Amendments of the Maine State Retirement System." (S. P. 944) (L. D. 2590)

Tabled — earlier in today's session by Mr. Richardson of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. RICHARDSON: Mr. President, because the amendment we are all waiting for with bated breath is not as yet prepared, I would appreciate it very much if some one of my distinguished colleagues in this body would table this until the next legislative day.

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

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

The President laid before the Senate the following matter:

Bill, "An Act Clarifying the Regulation of Roadside Cutting Practices." (S. P. 948) (L. D. 2596)

Tabled—Earlier in today's session by Mr. Berry of Cumberland.

Pending—Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-419, was Read.

The PRESIDENT: The Senator has the floor.

Mr. RICHARDSON: Mr. President, Senate Amendment "A", which I was concerned about this morning, is not effecting the purpose that we are anxious to achieve. I have now reviewed it and I believe it does meet the intended end. It removes from the L.D. the proposed expansion in the L.D. of the cutting practices act beyond numbered

highways. This amendment deletes that first section from the legislative document and puts the bill back so that it simply restates existing law. The balance of the bill, as amended, is to clarify the provisions of the law regarding roadside cutting practices. This proposal has the unanimous support of the Committee on Public Lands.

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.

### Papers From the House

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

### Non-concurrent Matter

Bill, "An Act to Provide for a Moratorium on the Issuance of Lobster and Crab Fishing Licenses." (S. P. 942) (L. D. 2587)

In the Senate March 20, 1974, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-782), in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to recede and concur with the House?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I don't believe in all fairness that we can let this little gem go by without a comment. We are all familiar with the problems of the lobster industry and the issue before the courts on the constitutionality of our three year residency requirement, and in order to work out the problem, the document which is before you with the amendment which will be put on, puts a moratorium on lobster and crab fishing licensing. It says that on and after May 15, 1974 only licenses will be issued to license holders of record with the department which were issued in the calendar year ending December 31, 1973 or which were issued in 1974 prior to May 15. I think this is totally unconstitutional, it is an impractical solution to the

problem, and it will be with considerable regret that I shall vote for it. I think it is just a waste of time. One thing this legislature hasn't done is grapple with the lobster problem.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate recede and concur with the House?

Thereupon, the Senate voted to Recede and Concur.

### **Joint Order**

WHEREAS, the Isles of Shoals have long been identified as one of the earliest locations of activity by the white man in North America, serving as a fishing depot even before 1600; and

WHEREAS, these islands assumed major importance during the early permanent settlement of Maine and New Hampshire, becoming the focus for the northern fishing industry and for the production of the finest codfish prepared in the north Atlantic; and

WHEREAS, the Isles of Shoals have thereby assumed a major significance in the history of northern New England, contributing to the area's economy, defense, navigation, and social and political development; and

WHEREAS, these islands also inspired a significant artistic expression during the 19th century, influencing the work of a group of writers, poets and painters, including John Greenleaf Whittier, Nathaniel Hawthorne, Celia Thaxter and Childe Hassam and thereby becoming a cultural monument in the history of American fine arts; and

WHEREAS, the Isles of Shoals have served as the locale for religious discussions and conferences since 1897 and continue to serve this function, thereby gaining significance in the development of theology throughout the world and in improved communication and understanding among various religious societies; and

WHEREAS, these islands have retained their environmental integrity and have therefore been utilized for geological and marine studies since the 1920's, thereby fostering the development of marine biology and the training of numbers of scientists in various disciplines; and

WHEREAS, the Isles of Shoals, having

been intensively utilized by man for nearly 400 years, present a wealth of archaeological remains both ashore and under water and thereby constitute one of the richest marine archaeological sites in northern New England; and

WHEREAS, the former inhabitants of the Isles of Shoals developed distinctive social attitudes, and unique dialect and a rich culture that are important in the history of northern New England; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 106th Legislature take this opportunity to recognize and support the historical uniqueness of the Isles of Shoals and favor the nomination of the Isles of Shoals name for listing on the National Register of Historic Places; and be it further

ORDERED, that a suitable copy of this Order be prepared and forwarded to the Maine Historic Commission as notice of such action. (H. P. 2071)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

### **Joint Order**

WHEREAS, the Maine State Grange, an organization representing the oldest farm-family fraternity in the Nation, is located in the State of Maine with a membership of 25,000 junior and adult members in 325 local Grange units; and

WHEREAS, the Maine State Grange has long given courageous leadership in resolving social, economic and moral issues facing Maine families; and

WHEREAS, the Maine State Grange has faithfully promoted the causes of better agriculture and rural life in our State; and

WHEREAS, the Grange members throughout the State are noted for their dedication to home, church, community, State and Nation; and

WHEREAS, the Maine State Grange is celebrating its 100th Anniversary on April 21, 1974; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature, now assembled in special legislative session,

take this opportunity to recognize and honor this outstanding fraternity for its contribution to the good life in Maine and wish its members continued success as the Maine State Grange enters its second century of service to the citizens of rural and urban Maine; and be it further

ORDERED, that duly attested copies of this Order be transmitted forthwith to the Master of the Maine State Grange and to the Master of the National Grange in token of the sentiments expressed herein. (H. P. 2070)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

### Communications

The Senate of Maine  
Augusta, Maine 04330

March 20, 1974

The Honorable Kenneth P. MacLeod  
President of the Senate  
State House

Augusta, Maine

Dear President MacLeod:

The Committee on Education is pleased to report the following:

Total number of bills this special session being 22, reported out as follows:

1-Ought Not to Pass

4-Leave to Withdraw

8-Ought to Pass

2-Ought to Pass as Amended

6-Ought to Pass in New Draft

1-Divided Report

Sincerely,

(Signed) Bennett D. Katz  
Senate Chairman

Which was Read and Ordered Placed on File.

### Committee Reports

#### House

#### Leave to Withdraw

The Committee on Public Lands on, Bill "An Act Creating the Maine Forest Resources Regulation Act." (H. P. 1953) (L. D. 2500)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

### Ought to Pass

The Committee on Public Utilities on, Bill, "An Act to Incorporate the Vinalhaven-North Haven Water and Electric District." (H. P. 2065) (L. D. 2597)

Reports pursuant to Joint Order (H. P. 203) that the same Ought to Pass.

The Committee on Veterans and Retirement on, Bill, "An Act to Create the Enlisted National Guard Association of the State of Maine." (H. P. 2067) (L. D. 2598)

Reports pursuant to Joint Order (H. P. 2055) that the same Ought to Pass.

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

Which reports were Read and Accepted in concurrence and the Bills Read Once.

Thereupon, under suspension of the rules, the Bills were given their Second Reading and Passed to be Engrossed in concurrence.

### Papers from the House

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

An Act to Increase the Minimum Wage. (H. P. 1801) (L. D. 2321)

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

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

An Act to Increase the Borrowing Capacity of School Administrative District No. 70. (H. P. 2045) (L. D. 2577)

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

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

Mr. CYR: Mr. President and Members of the Senate: I don't know if you noticed in this Supplemental No. 1 that we have today there are eight pages and six of them are "Whereases". I don't know if you have been annoyed like I have on these "Whereases".

particularly lately, but I have a little "Whereas" of my own that I would like to read to you.

WHEREAS, the mountain gave birth to a mouse, and this special session with all its distinguished special assistants so far has only given birth to a lot of "Whereases" and has delayed a lot of "Amendments", especially those of Senator Richardson and Senator Tanous,

WHEREAS, we should fish or cut bait and not load the staff with much of this nonsense,

WHEREAS, most of us are overdue back home; therefore, be it

ORDERED, that the leadership of both Houses take cognizance of the hardships its membership has gone through these last three months and declare that it has discharged its duties faithfully and honorably and call it quits.

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

Mr. BERRY: Mr. President and Members of the Senate: There have been some comments made in the news media about the length of the special session and its productivity, and much of this comment has lost sight of the fact that annual sessions have been something that the legislature has been considering for a number of years.

While the term "Special Session" has been applied to the term we are in at the moment, I think we all realize that this is really a regular annual session that we are in.

In particular, I was intrigued by the change of the news media's philosophy where for years they have been pushing for annual sessions, and now that we have had it ever since the 102nd Legislature, they still call them the special sessions and think we should get out as rapidly as possible. I think that the news media, and particularly the editorial writers, are being hypocritical in their comments. They were ardent advocates for annual sessions, pushed hard for it, and many of us did work hard on the subject, and yet when we are at a special session, in effect at an annual session, they seem to change their tune and say you should get home.

I have gone back through the records, and my interest was aroused by the comment and lead editorial of today's Portland Press Herald, which continues the comments on this subject, talking about the legislature not being able to pass the buck when it comes to the responsibility for the length of this, the longest of all special sessions. It says the whole thing is that the legislature simply bit off more than it could be expected to chew in a special session. Now, you will notice there is nothing about annual sessions in their comment. In the same newspaper, I have gone back a few years — and this will be old hat for some people — for instance, here is the Portland Evening Express, the 1st of February, 1957, an editorial: "Those who are arguing for annual sessions are not talking about something that will impose new burdens on the taxpayers. They are seeking the wisest possible use of the limited number of dollars available for running the state." That is the first push for annual sessions in that paper.

On April 15, 1955, a lead editorial in the Portland Press Herald: "Once again the Maine House of Representatives has grappled with the proposal for annual legislative sessions and once again the House has thrown the proposal for a loss, but only by the narrowest of margins. One of those days the steady pressure of plain logic may convince the majority of us that the legislature should meet annually instead of biennially. The logic goes like this: if the legislature is to meet for a special session almost every off year, why not turn it into a regular session?" And then it talks about Governor Payne, Governor Cross, and Governor Muskie all calling special sessions.

A further editorial from July 7th of 1955, entitled "Annual Sessions a Must: "Even if political blame can be attached to someone every time a special session is called, it settles nothing. The answer is the annual session."

"Senator Curtis Backs a Move for Annual Sessions", February 1, 1957. "Curtis makes a valid point that budgeting process suffers from the inadequate attention inevitable under the biennial system." And the editorial goes on to plug for annual sessions.

Still all the same paper that was critical this morning of us.

The Portland Evening Express of January 13, 1958: "Obviously the time has arrived to change the law to conform with reality. More than a few lawmakers assembling in Augusta today are certain to start thinking more seriously than ever about backing an annual sessions bill in the 99th Legislature."

"Shortening the session", Portland Evening Express lead editorial, September 16, 1965. This is that distinguished statesman, "Committee Chairman Louis Jalbert, Lewiston Representative, is on the right track in again advocating annual sessions. They are inevitable and the sooner they are adopted the better." The same paper again.

The Portland Evening Express, January 29, 1968: "The effectiveness of the special session does invite two conclusions: If the legislators applied themselves to the business of a regular session with the same diligence demonstrated in the special session, the former could be much shorter. Maine should have annual legislative sessions.

The Portland Press Herald, the 25th of January, 1969: I have got to blow my own horn here. "A day or two ago the State Government Committee heard the annual sessions bill introduced by G.O.P. Senator Richard Berry of Cape Elizabeth. In addition to the usual arguments presented, the Senator felt that yearly sessions would allow the legislature to keep a closer eye on programs now instituted without our knowledge." Once again, the same paper pushing for annual sessions.

The 26th of December, 1969: "Every time the legislature convenes in special session it draws one more line under the need for special sessions."

I don't need to go on. You have seen columnists in the same paper talking more about the special session being a joke, that annual sessions are what we are up against. I think that we are consistent and that we are doing a good job. To buttress this argument, I would like to draw your attention to a few statistics. The special session of the 105th Legislature enjoyed 154 bills — I regret very much that the Assistant

Floor Leader from Portland, the Junior Senator, has to find it necessary to leave these remarks, but I trust he will read them in the record. 154 items were treated at the special session of the 105th Legislature, and that session lasted 34 days. There were 445 bills and articles treated at this special session. We have already gone 55 days, so if we say 60 we have established a very good record. We are about 1 $\frac{3}{4}$  times more efficient at this session than we were two years ago. I would point out to you the thickness of the bills. When some of us first came up here, this represented the entire L. D. documents for a regular session.

So let's face the facts everybody. We are in annual sessions and we are performing as if we were in annual sessions. Let's forget special sessions. We are doing a good job, and don't let anybody else tell you differently.

### Orders

Out of order and under suspension of the rules,

On motion by Mr. Sewall of Penobscot, WHEREAS, citizens of Maine expect State Government services to be delivered at realistic cost within reasonable levels of taxation and with accountability of and responsibility by the various state agencies; and

WHEREAS, it is the belief of the Legislature that efficiencies and economy may well be realized in the preparation of more comprehensive and effective budgets; and

WHEREAS, the Maine Management and Cost Survey has noted the need for improvements in the state budgetary procedures; and

WHEREAS, the Joint Committee on Appropriations and Financial Affairs has reviewed and evaluated a program-oriented budget proposal as endorsed in concept by the 106th Legislature in regular session; now, therefore, be it

ORDERED, the House concurring, that to realize the mandate of this Legislature and support the recommendations of the Maine Management and Cost Survey, a program-oriented budget be authorized and developed for presentation to the next Legislature to provide for comprehensive review and evaluation of

state programs and priorities; and that the State Budget Officer be respectfully directed to proceed forthwith with implementation of the procedures and systems necessary to provide the next Governor-elect and the 107th Legislature with a budget consistent with a broad interpretation of statutory provisions and the foregoing concept of a priority program budget; and be it further

ORDERED, that the Department of Finance and Administration and the State Personnel Board are directed to provide all possible assistance and support; and that all departments and agencies of State Government and the University of Maine are directed to fully cooperate with said State Budget Office, the Legislative Finance Office and the Committee on Appropriations and Financial Affairs to support the implementation of this concept. (S. P. 949)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. SEWALL: Mr. President and Members of the Senate: I would like to call the Senate's attention this afternoon to the budget document which was on your desks this morning, which is an example of a program budget or the so-called priority program budget system.

The Appropriations Committee requested that the Department of Finance and Administration prepare the budgets of two operating departments, i.e., the Department of Agriculture which is an old department, I guess the oldest department in state government, as well as the newly established Department of Conservation Budget, in the format of priority program budgeting.

The Appropriations Committee felt, and I believe the members of the Senate will feel if they take the opportunity to peruse this document, that this will really give the legislature a much firmer grip on programs and expenditures of state government, because this document very clearly isolates the multitude of programs which are funded by the State of Maine. It is prepared in, I believe, very easily digested format and can be adapted to computerization. I do

hope that the members of this Senate will, sometime after we have adjourned, during the intervening months between now and the next regular session, look at this document, because we are embarking on a new system of accountability, a new system of examining programs, and this is, I think, the nub of cost of state expenditures. It is a very significant step forward and I believe one that will be all to the good. And the benefits, I am sure, will inure to the taxpayers of the state.

The Order which I have presented reflects this budget program, and while I realize most orders are dry and this is not much peppier than the others, nevertheless, it does have far reaching implications in this area of finance, taxation, appropriations, and ultimately expenditures.

The last paragraph of the order indicates that all departments of state government, as well as the University of Maine, are directed to fully cooperate with the State Budget Officer, Legislative Finance Office, and the Committee on Appropriations and Financial Affairs, to support the implementation of this concept of program priority budgeting.

I would point out, in light of the controversy surrounding the University of Maine and its budget processes that this order, together with this program, should isolate, for all those who are interested, the various programs which are carried on at the University of Maine in its many campuses and its many functions. I would very much hope, Mr. President and Members of the Senate, that this order, together with this program, would put the current unrest concerning the University of Maine finances to rest for the time being. Thank you, Mr. President.

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

Thereupon, the Joint Order received passage.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,  
Adjourned until 9:00 o'clock tomorrow morning.